

# **Franet National contribution to the Fundamental Rights Report 2022**

**SWEDEN**

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## Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p><b>Establishment of an Institute for Human Rights</b></p> <p>In June 2021, the Swedish parliament voted to approve a <a href="#">bill on the establishment of an Institute for Human Rights</a>. In accordance with the bill, the <a href="#">Act on the Institute for Human Rights</a> was proposed. The Institute was established on 1 January 2022, its overall objective being to promote the safeguarding of human rights at the national level.</p>
EU Charter of Fundamental Rights	<p><b>Focal point appointed</b></p> <p>The Ministry of Employment, Division of Discrimination Issues, Human Rights and Child Rights, has appointed a focal point for the EU Charter of Fundamental Rights (September).</p>
Equality and non-discrimination	<p><b>Action plan for the equal rights and opportunities of LGBTQI people</b></p> <p>In January 2021, the government published an <a href="#">action plan</a> containing concrete measures to strengthen the equal rights and opportunities of LGBTQI people up to 2023. It also includes strategic initiatives to ensure that the efforts continue in the long term.</p>
Racism, xenophobia & Roma integration	<p><b>Truth Commission for Sami and Sweden's involvement in the transatlantic trade and enslavement</b></p> <p>There have been two related policy highlights regarding racism in Sweden during the past year: the Government has decided 1) to establish a <a href="#">Truth Commission for the Sami</a>; and 2) to <a href="#">increase public awareness of Sweden's involvement in the transatlantic trade and enslavement</a>. Both these developments are promising steps towards full recognition by Sweden and other EU Member States of the systemic racism, injustices and unequal distribution of rights that were established by European colonialism and measures to address it.</p>
Asylum & migration	<p><b>New Aliens Act</b></p> <p>The most important legislative highlight in the area of Swedish asylum and migration law is the adoption of <a href="#">new provisions in the Aliens Act</a>. In this version of the Aliens, Act most of the temporary restrictions adopted during the 2015 refugee "crisis" have been made permanent. The most fundamental change to the law is that <a href="#">residence is given on a temporary</a> rather than permanent basis. This applies to all applicants, except for quota refugees.</p>
Data protection and digital society	<p><b>Foreign Direct Investment, Sensitive Personal Data, Emerging Technologies and Security</b></p> <p>On 1 November 2021, in an <a href="#">official report</a>, the Swedish government proposed to introduce a screening mechanism for foreign direct investment in 2023. Amongst foreign investors' activities that will be subject to screening, the government proposes to cover those activities whose principal purpose is the processing of sensitive personal data or</p>

	location data, as well as activities related to emerging technologies and other protected strategic technologies.
Rights of the child	<p><b>Legislative changes relating to children suspected of crimes</b></p> <p>In April 2021, the Swedish Parliament voted to approve a number of <a href="#">legislative amendments</a> in order to increase legal certainty and ensure the application of the child rights perspective for children suspected of crimes. The changes include an upper time limit of 3 months for continuous period of detention and the right to stay with another person for at least 4 hours every day for persons under the age of 18 held in remand prisons.</p>
Access to justice, including victims of crime	<p><b>A new criminal offence: violation of a child’s integrity</b></p> <p>In the context of access to justice, the most important legislative highlight is the new offence of <a href="#">violation of a child’s integrity</a>. This expands children’s right to redress when they are not the direct victim of domestic violence by making it criminal to subject children even to witnessing domestic violence. Furthermore, as children may become plaintiffs because they have witnessed domestic violence, they also have increased rights to economic compensation.</p>
Convention on the Rights of Persons with Disability	<p><b>An Independent National Mechanism</b></p> <p>Under the <a href="#">Act on the Human Rights Institute</a>, the new Institute for Human Rights is tasked with performing the functions of an independent national mechanism in accordance with Article 33(2) of the Convention on the Rights of Persons with Disabilities.</p>

# Chapter 1. Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

### LGBTI people

In January 2021, the Swedish government published an action plan for the equal rights and opportunities of LGBTQI people.<sup>1</sup> The action plan supplemented the 2013 government strategy for equal rights and opportunities, regardless of sexual orientation, gender identity or gender expression.<sup>2</sup> The government has identified eight focus areas<sup>3</sup> and appointed 11 strategic authorities that have special responsibility for integrating an LGBTQI perspective into relevant parts of its operations.

The action plan contains concrete measures to strengthen the rights and opportunities of LGBTQI people until 2023, as well as strategic initiatives to ensure that the efforts continue in the long term. Among the measures included in the action plan are a number of focus areas that, among other things, aim to combat discrimination, violence and other violations, increase knowledge in working life and more generally about the situation and mental health of young LGBTQI people, and focus particularly on suicide prevention efforts.<sup>4</sup> The action plan also includes measures to increase knowledge about the situation and needs of intersex people, both in healthcare and in society at large.<sup>5</sup>

In the action plan, particular attention is given to young LGBTQI people, acknowledging their vulnerability in the school environment. Work is now being intensified to provide a safer school environment for young LGBTQI people. The National Agency for Education (*Skolverket*) and the Swedish Agency for Youth and

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<sup>1</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021), The Action plan for equal rights and opportunities for LGBTQI people ([Handlingsplan för hbtqi-personers lika rättigheter och möjligheter](#)), 21 January 2021.

<sup>2</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2013), A strategy for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression ([En strategi för lika rättigheter och möjligheter oavsett sexuell läggning, könsidentitet eller könsuttryck](#)).

<sup>3</sup> Focus areas: Violence, discrimination and other violations; Young LGBT people (now young LGBTQI people); Health, care and social services; Private and family life; The cultural area; Civil society; Working life; Older LGBTQI people. Source: Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021), The Action plan for equal rights and opportunities for LGBTQI people ([Handlingsplan för hbtqi-personers lika rättigheter och möjligheter](#)), 21 January 2021, p.8.

<sup>4</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021), '[Government strengthens work for the equal rights and opportunities of LGBTQI people](#)', press release, 25 January 2021.

<sup>5</sup> Ibid.

Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) will continue their work on equal rights and to create a more inclusive school environment for young LGBTIQ people. The Ombudsman for Children (*Barnombudsmannen*) in Sweden will investigate the needs for further development and the efforts required to make school a safer and more inclusive place for young transgender and non-binary people.<sup>6</sup>

Additionally, at the beginning of 2021, the Swedish Agency for Public Management (*Statskontoret*) was commissioned to analyze and propose a long-term sustainable organization to coordinate and follow up the authorities' work on LGBTIQ people's equal rights and opportunities. The Swedish Agency for Public Management submitted its report on 16 September 2021,<sup>7</sup> outlining the need for supporting, coordinating and following up the LGBTIQ strategic authorities' work in implementing the government's strategy and action plan. One of the issues to be identified was the fact that the relevant authorities report their work separately, there being no overall picture of the work carried out and its results. This makes it difficult for the government to follow and direct work to support the equal rights and opportunities of LGBTIQ people in an appropriate and effective manner.

In his speech on 14 September 2021, the Prime Minister reaffirmed the government desire for a stricter Discrimination Act that provides more comprehensive protection against discrimination. The Prime Minister stated that, by the end of this electoral period, it should be possible for the parliament to adopt new modern legislation concerning gender recognition.<sup>8</sup>

In the 2021 Report on the National Implementation of the European Semester (Sweden's National Reform Programme 2021), the Swedish government acknowledged that the ongoing pandemic has worsened the situation of women, children and LGBTIQ people, who have been subjected to domestic violence and honour-related violence and oppression.<sup>9</sup> To increase the support for victims, a reinforcement is proposed in the government's grant to civil society.<sup>10</sup>

For example, an Ordinance on state subsidies for initiatives that promote meeting places for young LGBTIQ people was issued on 24 March 2021.<sup>11</sup> This regulation

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<sup>6</sup> Ibid.

<sup>7</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*) (2021), 'The authorities' work for the equal rights and opportunities of LGBTIQ people - support, coordination and follow-up' ([Myndigheternas arbete för hbtqi-personers lika rättigheter och möjligheter – stöd, samordning och uppföljning](#)), report, 16 September 2021.

<sup>8</sup> Sweden, Government Office (*Regeringskansliet*) (2021), '[Statement of Government Policy](#)', 14 September 2021, p.2(14).

<sup>9</sup> Sweden, Government Office (*Regeringskansliet*) (2021), '[Sweden's National Reform Programme 2021: Report on the national implementation of the European Semester](#)', 28 May 2021, p.11(88).

<sup>10</sup> Ibid.

<sup>11</sup> Sweden, Ordinance (2021: 227) on state subsidies for initiatives that promote meeting places for young LGBTIQ people ([Förordning \(2021:227\) om statsbidrag för insatser som främjar mötesplatser för unga hbtqi-personer](#)), 24 March 2021.

contains provisions on state subsidies aimed at providing support to civil society for initiatives that promote meeting places for young homosexuals, bisexuals, transgender people, queers and intersex people (LGBTQI people). In this regulation, meeting places for young LGBTQI people are defined as physical or digital places mainly aimed at LGBTQI people under the age of twenty-five years.<sup>12</sup>

## **EU citizens**

In Sweden, nationality (i.e. citizenship) is not explicitly mentioned as a protected ground in national anti-discrimination law.<sup>13</sup> In 2021 no new legal or policy developments could be found with regard to discrimination against EU citizens because of their nationality.

For several years an issue has been reported in EU citizens and their family members who have a right to reside in Sweden obtaining a personal number or an ID card.

A personal number is a unique eight-digit number issued by the Swedish Tax Agency (*Skatteverket*) under the Public Registry Act, which is used for identification purposes.<sup>14</sup> A person can only be registered for a personal number if they have a residence permit or other right to stay, or if there are other strong reasons.<sup>15</sup>

One of the reports on this issue describes it as follows:

The problem is that the Swedish Tax Authority have in several instances made an "independent" assessment of whether or not a person has a right to stay, meaning that an EU citizen may have to prove their right of stay to two separate authorities: the Migration Agency, in order to obtain a residence card and the Swedish Tax Authority, in order to obtain a personal number and registration in the population registry.

The Swedish Tax Authority is known to apply very strictly and un-flexibly the criteria under Article 7 of the Directive 2004/38/EC<sup>16</sup> and accepts e.g.

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<sup>12</sup> Ibid, 13 §.

<sup>13</sup> Lappalainen, P, European Commission Directorate General for Justice and Consumers (2021), '[Sweden Country Report: Transposition and Implementation at national level of Council Directives 2000/43 and 2000/78](#)', Luxembourg, European Commission, p.50.

<sup>14</sup> Sweden, Population Registration Act ([Folkbokföringslag \(1991:481\)](#)), 30 May 1991.

<sup>15</sup> Ibid. Section 18 and Section 4 paragraph 1.

<sup>16</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004.

only the EU standard S1 form<sup>17</sup> as proof of public health insurance.<sup>18</sup> If an EU citizen cannot produce the S1 form, they will not be registered as living in Sweden and will not be given a personal number. This requirement to hold a S1 form has been considered a major obstacle to free movement for several years.<sup>19 20</sup>

It was not even possible to identify reported or documented recurrent discriminatory restrictions on free movement or residence rights on grounds of nationality. The mentioned above practice presents a challenge to a number of EU citizens and members of their families.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people**

### **LGBTI people**

The study "*Country-level structural stigma, identity concealment, and day-to-day discrimination as determinants of transgender people's life satisfaction*"<sup>21</sup> by Richard Bränström<sup>22</sup> and John E Pachankis<sup>23</sup> was published in September 2021. Its aim was to examine the association between structural stigma and transgender people's life satisfaction across 28 countries (including Sweden).

The authors describe the purpose of their study as follows:

Discriminatory laws, policies, and population attitudes, surrounding transgender people vary greatly across countries, from equal protection under the law and full acceptance to lack of legal recognition and open bias. The consequences of this substantial between-country variation on transgender people's health and well-being is poorly understood.

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<sup>17</sup> The S1 form is a European certificate of entitlement to healthcare for persons who do not live in the country where they are insured. Source: EU official website, [Standard forms for social security rights](#).

<sup>18</sup> Swedish Tax Authority (Skatteverket) website, 'You move with your family and have to live on your assets (own funds)' ([Du flyttar med din familj och ska leva på dina tillgångar \(egna medel\)](#)).

<sup>19</sup> Sweden, Population Registration Act ([Folkbokföringslag \(1991:481\)](#)), 30 May 1991, section 18 and Section 4 paragraph 1.

<sup>20</sup> European Parliament (2016), [Obstacles to the right of free movement and residence for EU citizens and their families: Country report for Sweden](#), June 2016.

<sup>21</sup> Bränström, R., Pachankis, J.E. [Country-level structural stigma, identity concealment, and day-to-day discrimination as determinants of transgender people's life satisfaction](#). *Soc Psychiatry Psychiatr Epidemiol* 56, 1537–1545 (2021).

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<sup>23</sup> Department of Social and Behavioral Sciences, Yale School of Public Health, New Haven, CT, USA



Furthermore, the authors were using data from transgender participants (n = 6771) in the 2012 EU-LGBT-survey<sup>24</sup> regarding identity concealment, day-to-day discrimination, and life satisfaction. Structural stigma was measured using publicly available data regarding each country's discriminatory laws, policies, and population attitudes towards transgender people.<sup>25</sup>

The study sample is described as follows:

This study uses data from the European Union Lesbian, Gay, Bisexual, and Transgender (EU-LGBT) survey,<sup>26</sup> which surveyed the treatment of and wellbeing of lesbian, gay, bisexual, and transgender (LGBT) individuals in 28 European countries using a web-based survey between April and July 2012. The sample included individuals 18 years of age or older who identified as LGBT and lived in one of the 28-member states of the European Union. Participants were recruited via internet advertisements posted on over 400 local, national, and international LGBT websites and via national LGBT organizations. The survey was completed by a total of 93,079 participants, 6771 (7.3%) of whom self-identified as transgender. The survey development and methods have been described in detail elsewhere.<sup>27</sup>

The authors present results of the study as follows:

Results of the study showed that country-level structural stigma was associated with lower life satisfaction, an association largely explained by higher levels of identity concealment in higher-structural-stigma countries. Yet identity concealment was also associated with lower day-to-day discrimination and therefore protected against even lower life satisfaction.

In conclusion, the authors emphasize the importance of changing discriminatory legislation and negative population attitudes to improve transgender people's life satisfaction, and they also highlight targets for intervention at the interpersonal and individual levels.<sup>28</sup>

A doctoral thesis, "*Intimate Partner Violence and Help-Seeking in Lesbian and Queer Relationships: Challenging Recognition*", by Nicole Ovesen<sup>29</sup> was published in 2021. Its aim was to examine the help-seeking behaviour of lesbian and queer victim-survivors of intimate partner violence (IPV) in Sweden. The research was conducted via qualitative interviews with 25 individuals who experience intimate

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<sup>24</sup> European Union Agency for Fundamental Rights (2013), [European Union lesbian, gay, bisexual and transgender survey: Results at a glance](#), 2013.

<sup>25</sup> Ibid.

<sup>26</sup> European Union Agency for Fundamental Rights (2014) [European Union lesbian, gay, bisexual and transgender survey: Main Results](#), 2014.

<sup>27</sup> Ibid.

<sup>28</sup> [Abstract](#) in Bränström, R., Pachankis, J.E. [Country-level structural stigma, identity concealment, and day-to-day discrimination as determinants of transgender people's life satisfaction](#). *Soc Psychiatry Psychiatr Epidemiol* 56, 1537–1545 (2021).

<sup>29</sup> Ovesen N. [Intimate Partner Violence and Help-Seeking in Lesbian and Queer Relationships: Challenging Recognition](#) [Internet] [PhD dissertation]. [Uppsala]: Acta Universitatis Upsaliensis; 2021. (Uppsala Interdisciplinary Gender Studies).

partner violence. The thesis examined how the interviewees made sense of the experiences of IPV, where they sought help, and how they perceived the support they received. The findings of the thesis show that many of the interviewees struggled to identify themselves as victims of IPV, as their experiences did not fit with public stories of violence, which frame IPV as a heterosexual phenomenon and tend to emphasize physical violence. Many interviewees initially sought support for other reasons than IPV. This indirect help-seeking suggests that help-providers need to be able to recognize potential victims. Failed help-seeking encounters caused by institutionalized heteronormative values were often characterized by inadvertent misrecognition. This included ignoring or minimizing signs of abuse, leading to failed interventions or their absence.<sup>30</sup>

In 2021, the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (*Riksförbundet för homosexuellas, bisexuellas, transpersoners, queeras och intersexpersoners rättigheter, RFSL*) collected stories about sexual abuse within the LGBTQI community in order to create an anthology published by the RFSL. The RFSL believes that violence and abuse experienced by LGBTQI people are too often ignored in wider discussions around sexual abuse and violence. They therefore hope that this project will initiate conversations and open up spaces in which LGBTQI people can share their stories.<sup>31</sup>

## **EU citizens**

No relevant studies found.

## **Chapter 2. Racism, xenophobia and related intolerance**

### **2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime**

#### **The Equality Ombudsman**

The 2021 report of the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*), Statistik 2015-2020 (report 2021:1), showing statistics on reports, tips and

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<sup>30</sup> Ibid.

<sup>31</sup> Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Rights (RFSL) (2021), '[RFSL works on an anthology about sexual abuse](#)', 20 April 2021.

complaints received by the Equality Ombudsman in the years 2015–2020, shows that most reports and complaints (40%) are about ethnic discrimination.<sup>32</sup>

In October 2021 the Equality Ombudsman was tasked by the Swedish government (*regeringsuppdrag*) with increasing knowledge about the occurrence of discrimination related to religion and other beliefs and on how this discrimination may be intertwined with ethnic discrimination. Part of the assignment focuses on increasing knowledge of how this discrimination manifests itself and affects people's lives and life opportunities. A particular focus will be placed on discrimination against Jews and Muslims.

More specifically, the Ombudsman will compile and analyse complaints on discrimination related to religion and other beliefs with a focus on the possible connections between religious and ethnic discrimination. The Ombudsman will also compile knowledge on the challenges and obstacles people face when they practise their religion or in other ways make their religion or other beliefs visible to others, for example, by wearing clothes that are associated with a specific religion or belief. This knowledge will be compiled in cooperation with civil-society organisations, the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) and the Swedish Agency for Support for Faith Communities (*Myndigheten för stöd till Trossamfund*).<sup>33</sup>

### **The Swedish National Council for Crime Prevention (BRÅ)**

In 2021-22 the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) was commissioned by the government to produce an in-depth study of Afrophobic hate crimes. Racism or xenophobia continues to be the most common motive for hate crimes, accounting for 70% of reported hate crimes in 2018. Among racist hate crimes, Afrophobic hate crimes are the most common.<sup>34</sup> Since 2014 there has been an uptick in reported hate crimes with racist motives. During the most recent year for which statistics on hate crime were collected, 2018, 69% of all reported hate crimes had racist motives. This does not include antisemitic (4%) and Islamophobic (8%) hate

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<sup>32</sup> The Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) (2021) Statistics on reports, tips and complaints received by DO 2015–2020 ([Statistik över anmälningar, tips och klagomål som har inkommit till DO 2015–2020](#)).

<sup>33</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021), Assignment to the Equality Ombudsman to develop knowledge about discrimination related to religion or other belief ([Uppdrag till Diskrimineringsombudsmannen att utveckla kunskap om diskriminering som har samband med religion eller annan trosuppfattning](#)), government decision, 20 October 2021.

<sup>34</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2020) Brå is commissioned to study Afrophobic hate crimes ([Brå får i uppdrag att studera afrofobiska hatbrott](#)), press release, 17 December 2020. These are the latest statistics on afrophobic hate crimes from the Swedish National Council for Crime Prevention (BRÅ), cf. <https://bra.se/bra-in-english/home/crime-and-statistics/hate-crime.html> [accessed 12 November 2021].

crimes. Of all forms of hate crimes, Afrophobic hate crimes (13%) stand out as the most prevalent.<sup>35</sup>

In March 2021, BRÅ published a report on Islamophobic hate crimes. The report is based on all 498 reports of Islamophobic hate crimes that BRÅ has gathered since it began collecting statistics on Islamophobic hate crimes in 2016. Hate crime statistics are collected every two years which in this case means that there were 219 Islamophobic hate crimes from 2016 to 2017, and 279 Islamophobic hate crimes from 2018 to 2019.<sup>36</sup>

The main conclusion of the study is that Islamophobic hate crimes take many forms and are not restricted to any particular type of place, time or person. Among the police reports examined for the study, threats and molestation represent the largest category of crime, followed by agitation against a population group, defamation, violent offences and graffiti. The conclusion drawn on the basis of these findings is that Islamophobic hate crime, other forms of abusive behaviour, and negative attitudes and prejudice against Muslims can affect both Muslims' daily lives and the condition of their lives in general.<sup>37</sup>

In its annual report for 2021, "Processed Hate Crimes" (report 2021:1), BRÅ reports that racist and xenophobic hate crimes are the most common forms of hate crimes. Of the categories Afrophobic, Antiroma, Antisemitic, Islamophobic, Christianphobic and Antireligious hate crimes, as well as hate crimes on grounds of sexuality and Transphobic hate crimes, it is Afrophobic hate crimes that are the most prevalent.<sup>38</sup>

## **County Administrative Boards of Sweden**

In 2021 the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) published two reports on racism and 'ethnic discrimination' in employment.

"The Significance of Skin Colour in Your Workplace" provides guidance to employers, trade union representatives and employees in the work place against discrimination in the workplace that is based on skin colour. The text provides an introduction to the subject of highlighting common forms of resistance that can be met along the way in acting against skin colour-based discrimination in the workplace.<sup>39</sup>

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<sup>35</sup> The Swedish National Council for Crime Prevention (BRÅ) (2021) [Processed Hate Crimes](#), report 2021:1.

<sup>36</sup> The Swedish National Council for Crime Prevention (BRÅ) (2021) Islamophobic Hate Crimes ([Islamofobiska hatbrott](#)), report 2021:3, p. 18.

<sup>37</sup> The Swedish National Council for Crime Prevention (BRÅ) (2021) [Islamophobic Hate Crimes](#), report 2021:3.

<sup>38</sup> The Swedish National Council for Crime Prevention (BRÅ) (2021) [Processed Hate Crimes](#), report 2021:1.

<sup>39</sup> Wolgast, M. and Wolgast S. (2021) [Skin Colour's Significance in Your Workplace](#), County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*).

The report "Vita privilegier och diskriminering: processer som vidmakthåller rasifierade ojämlikheter på arbetsmarknaden" [White privileges and discrimination: processes that perpetuate racial inequalities in the labor market] is a comprehensive study of the mechanisms that underpin the occurrence of racism in employment contexts. The study was co-authored by Drs Martin Wolgast and Sima Nourali Wolgast of the Department of Psychology, Lund University. It provides four sub-studies: a review of international and domestic research on the subject; a study of racialized processes in employment based on a quantitative survey; an analysis of recruitment statistics from Statistics Sweden; and a qualitative thematic analysis of focus-group discussions on the topic.<sup>40</sup> The full study shows that discrimination on the grounds of skin colour is more common in organizations where employees are hired through their own networks and where the ability to "fit in" is emphasized. In addition, there is significant resistance in many workplaces to working actively against discrimination. The study focuses on how racialized differences arise and are reproduced, despite the fact that a majority of individuals distance themselves from racism and discrimination.<sup>41</sup>

### **Forum for Living History**

In the autumn of 2021, the government agency, Forum for Living History (*Forum för levande historia*), published a report on "Erfarenheter av rasism i kontakt med svenska myndigheter och andra offentliga verksamheter: en kunskapsöversikt [Experiences of racism in contact with Swedish government agencies and other public authorities: an overview of knowledge]. The knowledge overview provides an overall picture of scientific articles, books, book chapters and reports published between January 2016 and May 2021. The survey is part of the work carried out within the framework of the government's national plan against racism, similar forms of hostility and hate crime. It shows that racism is experienced in people's contacts with Swedish government agencies and other public authorities, but also that, because of a lack of empirical research and also of comparative studies, knowledge is lacking about how racism affects different groups and how this has changed over time.<sup>42</sup> The report is based on a literature review covering 523 scientific articles, books, book chapters, and reports published between January 2016 and May 2021. Studies were selected on three levels: an overarching level (A) with all identified studies of racism in Sweden; a general level (B) concerning racism in public institutions; and a specific level (C) focused on people's experiences of racism in contact with these institutions. The overarching picture

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<sup>40</sup> Wolgast M. and Wolgast, S. (2021) [Vita privilegier och diskriminering](#), report 2021:3, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*).

<sup>41</sup> County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2021) New Study: Opposition to anti-discrimination work in the workplace ([Ny studie: Motstånd mot antidiskrimineringsarbete på arbetsplatser](#)), press release, 29 October 2021.

<sup>42</sup> Lundström, M. and Höjer, F.W. (2021) Experiences of racism in contact with Swedish Public Institutions: A knowledge overview Forum for Living History ([Erfarenheter av rasism i kontakt med svenska myndigheter och andra offentliga verksamheter – en kunskapsöversikt](#)), Forum for Living History (*Forum för levande historia*).

that emerges from this state-of-the-art survey is that racism in contemporary Sweden recurs at different areas and societal levels. Selection level B consists of 195 studies of racism in public institutions. They focus primarily on Swedish school and day-care services (21%), the government and parliament (13%), and the police (12%). Taken together, they indicate that racism is present in public institutions in Sweden today. Selection level C consists of 16 studies documenting people's direct experiences of racism. These experiences include racial profiling, harassment, and physical violence in contact with the police. The studies also document experiences of suspicion and neglect in contact with the social services, as well as evidence of racist stereotyping in residential care homes. In both higher education and health-care as well, the studies document experiences of stereotyping and exclusion. The literature review concludes that racism in Sweden continues to be present in public institutions, yet knowledge about this is still incomplete. Most institutions have not been examined at all, and there is a lack of comparative and longitudinal studies, meta-analyses, international comparisons, and analyses of how racism interacts with other power asymmetries in Swedish society. In conclusion, documenting evidence about racism in public institutions remains a vast research field that is largely unexplored.<sup>43</sup>

The Forum for Living History has also been tasked by the government to increase knowledge about Sweden's participation in the transatlantic trade and the enslavement of Africans and people of African descent. The government has commissioned the Forum for Living History to implement initiatives to increase knowledge about Sweden's participation in enslavement and the transatlantic trade. The assignment includes producing and disseminating educational materials primarily aimed at students in compulsory school, upper secondary school and municipal adult education, as well as participants in folk high schools. Within the framework of the assignment, the Forum for Living History is tasked with making visible Sweden's historical heritage as a participant in the transatlantic trade and the enslavement of Africans and people of African descent. Behind the assignment is a recognition by the government that the enslavement of Africans and people of African descent throughout history and the transatlantic trade, as well as enslavement and trafficking in general, may affect the prevalence of racism against people of African descent worldwide. Making this history visible can therefore contribute to the work of preventing and counteracting Afrophobia today. In carrying out the assignment, the Forum for Living History is responsible for gathering knowledge and experiences from the National Agency for Education (*Skolverket*) and consulting with civil-society organizations and relevant

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<sup>43</sup> Lundström, M. and Höjer, F.W. (2021) Experiences of racism in contact with Swedish Public Institutions: A knowledge overview Forum for Living History ([Erfarenheter av rasism i kontakt med svenska myndigheter och andra offentliga verksamheter – en kunskapsöversikt](#)), Forum for Living History (*Forum för levande historia*).



researchers. The Forum for Living History has been asked to submit a report on its work to the Ministry of Labour no later than 1 March 2023.<sup>44</sup>

### **Statistics Sweden to examine people's living conditions linked to racism**

The government has instructed Statistics Sweden (*Statistiska centralbyrån, SCB*) to produce a report showing the living conditions in economic terms of people who are at particular risk of being exposed to racism. The report will increase knowledge about such living conditions for people with a non-European background who have lived in Sweden for a long time and assess how their living conditions may differ from those of people with a Swedish background.

People in Sweden who have a non-European background are at a particular risk of being exposed to racism and discrimination on ethnic or religious grounds. In light of previous studies and testimonies, it is reasonable to assume that racism and discrimination can affect people's living conditions as well. The purpose of the report is to increase knowledge about whether people who are at a particular risk of being exposed to racism have poorer living conditions than the rest of the population in a way that cannot be attributed to any differences in education, age, length of stay in Sweden and the like. The report must also provide knowledge of any differences in relation to gender.

The report will be based on already existing data. The statistical analyses in the report will only be able to identify any unexplained differences, not explain what they are due to. Explanations for such differences require a different type of analysis and method. The report must be submitted to the government no later than 29 April 2022.<sup>45</sup>

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

### **Developments relating to the application of the Framework Decision on Racism and Xenophobia**

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<sup>44</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) Assignment to the Forum for Living History to increase knowledge about Sweden's participation in the transatlantic slave trade and slavery ([Uppdrag till Forum för levande historia att öka kunskapen om Sveriges deltagande i den transatlantiska slavhandeln och slaveriet](#)), government assignment, 13 October 2021.

<sup>45</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2021) Statistics Sweden shall examine people's living conditions linked to the work against racism ([SCB ska undersöka människors livsvillkor kopplat till arbetet mot rasism](#)), government assignment, 3 November 2021.

Sweden has received a formal notice from the European Commission for not transposing fully the Framework Decision on Racism and Xenophobia:

The Swedish legislation incorrectly transposes hate speech inciting to violence and fails to criminalise hate speech when addressed to individual members of a group defined by reference to race, colour, religion, descent or national or ethnic origin. In addition, Finland and Sweden fail to criminalise the specific forms of hate speech, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust.<sup>46</sup>

The government considers Swedish law to be in line with the EU Framework Decision on Racism and Xenophobia. However, the government accepts there are reasons to consider clarifying Swedish legislation regarding acts of publicly condoning, denying or grossly trivialising e.g. the Holocaust and other serious crimes mentioned in the Framework Decision. This involves considerations regarding e.g. freedom of expression. Accordingly an all-party committee has been appointed to consider whether such criminalization should be introduced and precisely what should be criminalized. Since 21 October 2021 it has decided to establish a Parliamentary committee to investigate the possibility of criminalising denials of the Holocaust and other crimes against humanity.<sup>47</sup>

### **Government assignment to develop methods that can counteract racism online among children and young people**

The Swedish Media Council (*Statens medieråd*) has been tasked with identifying and compiling methods for combating racism, similar forms of hostility and hate crimes online among children and young people. Based on existing research and other studies, and taking into account current legislation, the Council is tasked with identifying methods to counteract the existence of such expressions online, for example, based on the different roles that children and young people may have in cyberbullying situations. The Council will compile and nationally disseminate methods that have been shown to have a positive effect in protecting children and young people from exposure to racism, similar forms of hostility and hate crimes online. In carrying out the assignment, the Swedish Media Council must also pay special attention to the usefulness of methods used in the target group's own activities. The Council must also take gender equality into account in implementing its mission.

According to the Swedish Media Council, young people's use of social media has increased sharply in recent years. Increased exposure in social media can also bring with it the increased risk of being exposed to threats and hatred on social

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<sup>46</sup> European Commission (2021) [February 2021 Infringement Package: Key decisions](#), Brussels, 18 February 2021.

<sup>47</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021) Criminalization of denial of the Holocaust and of certain other crimes, ([Kriminalisering av förnekande av Förintelsen och av vissa andra brott](#)), government directive to the Swedish Parliament 2021: 87, 21 October 2021.



media. In surveys, the State Media Council's studies also show that the number of young people who have reported threats and hatred to social media services increased between 2016 and 2018, and that reports that explicitly concerned racism almost doubled between 2016 and 2018. At the same time, it appears that there is a lack of knowledge and analysis of which methods have the best positive effects in counteracting and reducing incidences of racism and similar forms of online hostility towards and between children and young people.<sup>48</sup>

### **Government assignment to the Ombudsman for Children**

The Swedish government has requested the Ombudsman for Children (*Barnombudsmannen*), on the basis of the UN Convention on the Rights of the Child, to produce and compile information on the exposure of children and young people to racism. The assignment includes a survey of children's and young people's exposure to racism as defined by the national plan against racism, similar forms of hostility and hate crimes. Furthermore, the Children's Ombudsman must map current research and relevant studies in the field, including statistics on reports of e.g. discrimination on the grounds of ethnicity and religion. In carrying out the assignment, the Ombudsman for Children must consult children and young people, as well as relevant civil-society actors.<sup>49</sup>

### **Efforts against antisemitism and increased security**

The government has adopted a number of measures to combat antisemitism and increase security that have already been implemented and are ongoing. These measures are being carried out by the government and by its agencies on behalf of the government.

Several of these measures are being implemented within the context of the national plan against racism, similar forms of hostility and hate crimes, which the government adopted in 2016. The plan represents a concerted approach to these efforts and comprises strategies and measures to prevent and combat antisemitism and other forms of racism through improved coordination and monitoring, more education and research, increased support to civil society and deepened dialogue with it, the strengthening of preventive measures online and a more active judicial system.

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<sup>48</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) and Ministry of Culture (*Kulturdepartementet*) (2021) Assignment to develop methods that can counteract racism online among children and young people ([Uppdrag att ta fram metoder som kan motverka rasism på nätet bland barn och unga](#)) government assignment, 30 April 2021.

<sup>49</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2020) Assignment to develop knowledge about children and young people's exposure to racism ([Uppdrag att ta fram kunskap om barns och ungas utsatthet för rasism](#)), government assignment, 10 November 2020.

Among the many measures is the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism, which the Swedish government hosted on 13 October 2021. The Forum focused on Holocaust remembrance, Holocaust education, antisemitism in social media, and measures against antisemitism, antigypsyism and other forms of racism. Heads of states and governments from approximately fifty countries, Jewish organisations and experts, researchers and other civil-society representatives were invited to take part in the Forum.<sup>50</sup>

Ahead of the “Remember—ReAct: Malmö International Forum on Holocaust Remembrance and Combating Anti-Semitism”, the Swedish government presented a packet of commitments to the remembrance of the Holocaust and combating antisemitism. This included a new museum to preserve and pass on the memory of the Holocaust, an educational initiative to prevent anti-Semitism and other forms of racism, and an initiative to strengthen research on the Holocaust.

The Swedish Museum of the Holocaust will be established by 1 July 2022. For educational purposes, the National Agency for Education (*Skolverket*) will be given resources and an assignment to work in collaboration with the Forum for Living History with democracy-strengthening initiatives in schools, public education and other forms of education for adults. The Swedish Research Council (*Vetenskapsrådet*) has previously been commissioned to conduct a survey of Swedish research on the Holocaust and antisemitism, which also includes research on genocide, persecution, imprisonment and the killing of other vulnerable groups in connection with the Holocaust, including Roma and antigypsyism. The assignment includes submitting recommendations to the government on continued efforts to strengthen the research field in Sweden.

Furthermore, the government intends to appoint an inquiry with the task of developing proposals for a strategy for strengthening Jewish life in Sweden. The work will be done in consultation with the Jewish minority. The Inquiry is intended to be appointed in 2022. For this purpose, a language centre for Yiddish and Romani chib will be set up.<sup>51</sup>

Among the conclusions of the international Forum in Malmö was a new Parliamentary Committee Directive, issued by the government of Sweden, on the

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<sup>50</sup> Sweden (2021) [Measures to combat antisemitism and increase security](#), government policy, 24 August 2021.

<sup>51</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2021) Malmö Forum: Sweden's commitments to commemorate the Holocaust and the fight against anti-Semitism, anti-Gypsyism and other forms of racism ([Malmöforumet: Sveriges åtaganden för hågkomst av Förintelsen och bekämpande av antisemitism, antiziganism och andra former av racism](#)), 13 September 2021.

possible criminalization of denial of the Holocaust and other similar crimes. The directive is for the parliament to establish a new committee to decide whether a special criminal liability at law should be introduced for the public denial or denigration of genocide, crimes against humanity and war crimes, including the Holocaust. The conclusion of the assignment must be reported to the government no later than 20 April 2023.<sup>52</sup>

### **Continued implementation of the National Action Plan Against Racism**

The Swedish government has continued to support and implement efforts against racism, xenophobia, homophobia and similar forms of intolerance within framework of the National Plan against racism, similar forms of hostility and hate crimes.<sup>53</sup> In 2021, the government supported the following efforts towards this end:<sup>54</sup>

- The government agency, Forum for Living History (*Forum för levande historia*), has been tasked with coordinating and following up the National Plan against racism, similar forms of hostility and hate crimes. The Agency has also been tasked to continue its education and knowledge-raising initiatives about various forms of racism and intolerance, both in history and today, for school staff and members of other relevant professions.<sup>55</sup>
- The Swedish Media Council (*Statens medieråd*) has been tasked with identifying and compiling methods for combating racism, similar forms of hostility and hate crimes online among children and young people. The assignment includes developing initiatives that increase knowledge and awareness of racism and similar forms of hostility in digital environments among children and young people.<sup>56</sup>
- The government has instructed the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) to increase knowledge about the prevalence of discrimination related to religion or other beliefs and how it interacts with discrimination related to ethnicity. The assignment also

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<sup>52</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021) Criminalization of denial of the Holocaust and of certain other crimes ([Kriminalisering av förnekande av Förintelsen och av vissa andra brott](#)), government directive to the Swedish Parliament 2021:87, 21 October 2021.

<sup>53</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) Mission to continue to fight hate crimes and crimes that threaten democracy ([Uppdrag att fortsatt bekämpa hatbrott och brott som hotar demokratin](#)), government assignment, 5 November 2021.

<sup>54</sup> Sweden, government of Sweden, Collective action against racism and hate crimes ([Samlat grepp mot rasism och hatbrott](#)), collection of government policies to combat racism.

<sup>55</sup> A collection of government assignments to the Forum for Living History for the national plan against racism, see Forum for Living History, [official website](#).

<sup>56</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) Assignment to develop methods that can counteract racism online among children and young people ([Uppdrag att ta fram metoder som kan motverka rasism på nätet bland barn och unga](#)), 30 April 2021.

includes increasing knowledge about how such discrimination manifests itself and affects people's living conditions and life opportunities. Within the framework of the assignment, discrimination against Jews and Muslims must be highlighted in particular.<sup>57</sup> For the purpose of further implementation of the National Action Plan against racism, in 2021 the Forum for Living History was also tasked with mapping knowledge of people's experiences of racism in their contacts with Swedish state agencies and other authorities at the national, regional and local levels (see also previous section). The mapping includes an analysis of the currently available knowledge and research on the subject, including identifying possible gaps.<sup>58</sup>

- The Swedish government has decided to give the Swedish Defense Research Agency (*Totalförsvarets forskningsinstitut*) the task of mapping the prevalence of various forms of racism in digital environments.<sup>59</sup> The assignment includes measuring the prevalence of racism in digital environments and analysing how it is expressed in various digital environments related to Sweden, including in the form of code words, images, etc. Based on what is stated in the National Plan against racism, similar forms of hostility and hate crimes, the Agency must specifically examine the prevalence of antisemitism, antigypsyism, Afrophobia, Islamophobia and racism against Sami. In the work, the gender-equality and child-rights perspectives must be taken into account. The Agency must report the assignment to the Ministry of Labour, with a copy to the Forum for Living History, no later than 1 November 2022.<sup>60</sup>
- The government has requested that, during 2021 and until 1 March 2022, the County Administrative Boards of Sweden (*Länsstyrelserna*) develop actions to counter racism in employment. The assignment includes: increasing awareness among employees about norms and perceptions that may lead to discrimination on grounds of skin colour; producing more knowledge (primarily for the county administrative boards) about the role in the labour market of afrophobia and other forms of prejudice on the

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<sup>57</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) DO should increase knowledge about discrimination linked to religion ([DO ska öka kunskapen om diskriminering kopplat till religion](#)), government assignment, 20 October 2021.

<sup>58</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2020) Assignment to carry out a survey of knowledge within the framework of the plan against racism, similar forms of hostility and hate crimes ([Uppdrag att genomföra en kartläggning av kunskap inom ramen för planen mot rasism, liknande former av fientlighet och hatbrott](#)), government assignment, 2 July 2020.

<sup>59</sup> Ministry of Employment, (*Arbetsmarknadsdepartementet*) (2021) Racism on the internet must be mapped ([Rasism på internet ska kartläggas](#)), press release, 23 September 2021.

<sup>60</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) Assignment to the Swedish Defense Research Agency to map the prevalence of various forms of racism in digital environments ([Uppdrag till Totalförsvarets forskningsinstitut att kartlägga förekomsten av olika former av rasism i digitala miljöer](#)), government assignment, 14 October 2021.

basis of skin color; and developing proposals for further measures to combat discrimination on the basis of skin colour in Sweden's labour market. The mission is to make restrictive norms about skin colour visible and must help remove obstacles for Afro-Swedes and other people at risk of being subjected to racism in their ability to access to equal rights in the labour market.<sup>61</sup>

- In its 2020 budget for 2021, the government provided the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) with 14 320 000 SEK to support activities that counteract racism and similar forms of intolerance.
- The County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) received 1 000 000 SEK for its continued efforts against racism in employment (see section 1.1 above).<sup>62</sup>

## **A Sami Truth Commission**

The Swedish government has decided to establish a truth commission to map and examine policies pursued towards the Sami from a historical perspective and its consequences for the Sami people. The Commission will make visible and disseminate knowledge of the Sami experience and the conclusions of the Commission, including submitting proposals for measures that contribute to rectification for the Sami and that promote reconciliation. The Sami Truth Commission has three aims: (i) to map and examine the policies pursued against the Sami in history and the actions of the relevant actors in the implementation of those policies; (ii) to disseminate knowledge about and increase the general public understanding of the history of the Sami, showing how historical injustices affect the Sami's current conditions, and to work to ensure that this knowledge is passed on to future generations; and (iii) to submit proposals for measures that contribute to rectification for the Sami and that promote reconciliation and a vibrant Sami community. The assignment must be finalized by no later than 1 December 2025.<sup>63</sup>

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<sup>61</sup> Sweden, the Ministry of Employment (*Arbetsmarknadsdepartementet*) (2020) Assignment to develop the county administrative boards' work against labour market racism ([Uppdrag att utveckla länsstyrelsernas arbete mot rasism på arbetsmarknaden](#)), 2 July 2020.

<sup>62</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), Letter of approval for the financial year 2020 regarding appropriations 2: 2 Measures against discrimination and racism, etc. ([Regleringsbrev för budgetåret 2020 avseende anslag 2:2 Åtgärder mot diskriminering och rasism m.m.](#)), government decision, 5 November 2020.

<sup>63</sup> Sweden, Ministry of Culture (*Kulturdepartementet*), Truth Commission for the Sami ([Sanningskommission för det samiska folket](#)), government decision, 3 November 2021.

## **Forum for Living History to increase knowledge about Sweden's participation in the transatlantic trade and trafficking in enslaved Africans**

The Swedish government has commissioned the Forum for Living History to implement initiatives to increase knowledge about Sweden's participation in the transatlantic slave trade and trafficking in enslaved Africans. The assignment includes producing and disseminating educational materials primarily aimed at students in compulsory school, upper secondary school and municipal adult education, as well as participants in folk high schools. Within the framework of the assignment, the Forum for Living History is tasked with making visible Sweden's historical heritage as a participant in slavery and the transatlantic trade and in the trafficking in enslaved Africans.

The government has suggested that the enslavement of people from Africa throughout history and the transatlantic trade as a whole may affect the prevalence of racism against people of African descent worldwide. Making this history visible can therefore be a contribution to the work of preventing and counteracting Afrophobia today. The Forum for Living History must submit a final report on the work to the Ministry of Labour no later than 1 March 2023.<sup>64</sup>

### **On prohibiting racist organizations**

The government and parliament are currently (2021-11-16) considering a state report from the ad hoc Parliamentary Committee on the Prohibition of Racist Organizations (*Kommittén om förbud mot rasistiska organisationer*). The report was released on 4 May 2021.<sup>65</sup> The Committee was tasked with considering a ban on racist organizations that might consist in criminalizing participation in such organizations and a new criminal law. It might also extend to banning such organizations in themselves, which will mean additional new legislation.<sup>66</sup> The government assignment must be completed and reported on no later than 30 April 2021.<sup>67</sup>

### **The Equality Ombudsman wins a case of ethnic discrimination**

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<sup>64</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2021) Assignment to Forum for Living History to increase knowledge about Sweden's participation in the transatlantic trade and trafficking in enslaved Africans ([Uppdrag till Forum för levande historia att öka kunskapen om Sveriges deltagande i den transatlantiska slavhandeln och slaveriet](#)) press release, 13 October 2021.

<sup>65</sup> Sweden, The Parliamentary Committee on the banning of racist organizations (*Kommittén om förbud mot rasistiska organisationer*) (2021) A ban on racist organizations ([Ett förbud mot rasistiska organisationer](#)), State public investigation SOU 2021:27, Stockholm.

<sup>66</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021) A ban on racist organizations SOU 2021: 27 ([Ett förbud mot rasistiska organisationer](#)), 4 May 2021.

<sup>67</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2020) Additional directive to the Committee on the Prohibition of Racist Organizations, ([Tilläggsdirektiv till Kommittén om förbud mot rasistiska organisationer, Ju 2019:02](#)), 17 December 2020.



The Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) secured a win in an important case concerning discrimination in health care in May 2021. The ruling followed a six-day trial in what was at that date the largest discrimination case ever in Sweden. In a ruling delivered on May 26th, the District Court of Gothenburg (*Göteborgs tingsrätt*) held that a regional health-care provider had discriminated against a Muslim man of African origin for reasons related to his ethnic origin. The discrimination occurred when the man (himself a medical doctor) suddenly collapsed in his home as a result of what was later to be determined to be a haemorrhage of the brain. An ambulance was called to the site. However, the responsible ambulance nurse did not consider the man to be in critical need of emergency care. Instead, and as it appears from the nurses' notes in the journal, the nurse determined the man to be awake and alert, and that he was only "faking unconsciousness". In the journal, the nurse also noted "cultural fainting?". Since the man's symptoms were not taken seriously, he was given a low priority in the emergency room and had to wait 90 minutes to be examined by a doctor. The man sustained serious brain injuries, never recovered, and eventually died some months later. In its ruling, the Court determined the discrimination to be of a serious nature, and awarded the man's estate roughly 8 000 EUR in compensation. The Court also determined that the man's widow, herself black and Muslim, had been discriminated against by the ambulance crew (they demonstrably did not listen to the critical information she provided on her husbands' condition). The widow was awarded roughly 3 000 EUR. The Ombudsman received full compensation for its litigation costs (roughly 110 000 EUR). The costs of the health-care provider amounted to roughly 250 000 EUR. The ruling is not final and has been appealed.<sup>68</sup>

## Chapter 3. Roma equality and inclusion

### 3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Strategi för Romska inkludering (2012-2032)
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<sup>68</sup> The Swedish Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) (2021) The Västra Götaland region downgraded acute illness ([Västra Götalandsregionen nedprioriterade akut sjukdomstillstånd](#)), court ruling, 26 May 2021.

Please add a hyperlink if the strategy is publicly available.	<a href="https://www.regeringen.se/regeringens-politik/regeringens-strategi-for-romsk-inkludering/">https://www.regeringen.se/regeringens-politik/regeringens-strategi-for-romsk-inkludering/</a>
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes, the evaluation of the strategy is ongoing. The latest report was issued by the Ministry of Culture on 21 November 2021. <sup>69</sup>
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	No (as the Swedish Strategy was developed in 2012).
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes  The strategy was based on the report prepared by the Delegation for Roma Affairs ' <a href="#">The Rights of Roma - a strategy for Roma in Sweden</a> ' which included a reference group of Roma civil-society organisations.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes  The Equality Ombudsman ( <i>Diskrimineringsombudsmannen, DO</i> ) was consulted in the strategy development and given the task of ensuring a human rights-based approach in its implementation, given that one of the main human rights issues that the Roma face is discrimination. Counteracting discrimination against Roma and promoting equal rights and opportunities was, according to the government's assessment in 2012, a long-term focus for the Equality Ombudsman. <sup>70</sup>
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	No (as the Swedish strategy was developed in 2012).

Sweden has its own twenty-year strategy for the inclusion of the Roma, '*Strategi för Romsk inkludering (2012-2032)*', which covers the timespan of the EU Roma strategic framework for 2020-2030. The Swedish government welcomes the new EU Roma strategy, especially its increased ambition and the concrete actions it outlines in comparison to previous strategies. The fact that the framework has a

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<sup>69</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2021) Report on the European Framework for Roma Equality, inclusion and participation 2020-2030 ([Rapport avseende Europeiskt ramverk om romers jämlikhet, inkludering och delaktighet 2020-2030](#)), 21 October 2021.

<sup>70</sup> The Delegation for Roma Issues, the Government's Official Investigations (2010), [Report of the Delegation for Roma Affairs](#), SOU 2010:55.



clear focus on Roma participation is highlighted as positive and is a cornerstone of Sweden's strategy for the inclusion of the Roma.<sup>71</sup>

In its report of 12 October 2021 on the EU framework, the Swedish government writes that the announcement by the European Commission that EU Member States must adopt national strategies no later than September 2021 has no budgetary consequences for Sweden, as its Strategy for the inclusion of the Roma is largely in line with the new framework and that any change due to the new framework is not relevant. The Swedish government is of the opinion that no revision to its original strategy is necessary regarding anti-Roma discrimination and states that the government's Roma reference group consisting of civil-society representatives shares the assessment, but it also points out that strong efforts are needed to counter anti-Gypsyism and discrimination. Nor are any revisions deemed necessary with respect to any of the other aspects of the EU framework, including ensuring effective equal access to quality and inclusive mainstream education. The report further states that Sweden's strategy is based on its commitments to universal human rights. Furthermore, although Roma who suffer from social and economic exclusion and discrimination are its primary target group, vulnerable EU citizens do not belong to its target group, as they are not permanently resident in Sweden. For this group the government works instead, among other things, to influence the Roma's living conditions in their home countries in order to achieve long-term difference and sustainability.<sup>72</sup>

In March 2021, the government commissioned the State Historical Museums (*Statens historiska museer*) to submit proposals for how the new Swedish Museum on the Holocaust (*Sveriges museum om Förintelsen*) should be established as part of the Museum's existing operations. The Museum will include the Holocaust of the Roma and be located in Stockholm. It will open its doors in July 2022.<sup>73</sup>

The government has proposed that a budget be made available to develop an action plan for the preservation of national minority languages and set up language centers for these languages, including Romani Chib. The language center for Romani Chib is one of the pledges Sweden presented at the international

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<sup>71</sup> Sweden, Department of Culture (*Kulturdepartementet*) (2021), [The Roma's Difficult Situation in EU Countries During the Pandemic \(Romernas svåra situation i EU-länder under pandemin\)](#), response by Minister Märta Stenevi to written question, ku2021/00413.

<sup>72</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2021) Report on the European Framework for Roma Equality, inclusion and participation 2020-2030 ([Rapport avseende Europeiskt ramverk om romers jämlikhet, inkludering och delaktighet 2020-2030](#)), 21 October 2021.

<sup>73</sup> Sweden, Department of Culture (*Kulturdepartementet*) (2021), Assignment to the State Historical Museums to establish the Swedish Museum on the Holocaust ([Uppdrag till Statens historiska museer att inrätta Sveriges museum om Förintelsen](#)), press release, 18 March 2021.

conference on the Commemoration of the Holocaust, held in Malmö on 12 and 13 October 2021.<sup>74</sup>

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion**

#### **Report on the national strategy for Roma inclusion**

In April 2021, the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*), which is coordinating the work on implementing the national strategy, submitted its annual report for 2020 in response to the government tasking the Board with coordinating and following up initiatives within the national strategy for Roma inclusion. The report states that the national strategy has been ongoing for nine years, and still has eleven years to go until the goal is supposed to be reached. The COVID-19 pandemic has negatively affected activities by local authorities with regard to implementing the strategy because many activities have had to be cancelled or postponed. Roma civil-society organisations have expressed a worry that the work in implementing the strategy is weakening and starting to lose direction. Furthermore, Roma organizations have pointed out that large shares of state subsidies allocated to minority policy are reserved for other minority groups than Roma and that state subsidies also need to be added to support the Roma. Municipalities that have not received state subsidies tend not to work on inclusion of the Roma, there being a lack of activities for Roma inclusion in almost 90% of the country municipalities according to the report.

The report recommends that the government reviews the national strategy for Roma inclusion in order to identify long-term interventions to ensure Roma rights.<sup>75</sup>

#### **Continued assignment for coordinating and following up the national strategy for inclusion of the Roma**

The government has mandated the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) with the task of coordinating, following up and carrying out initiatives within the framework of the strategy of Roma inclusion during 2020-2023. The assignment includes carrying out activities to increase knowledge of

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<sup>74</sup> Swedish Parliament (*Riksdagen*) (2021) Expenditure area 1: the national board ([Utgiftsområde 1 – Rikets styrelse](#)). Parliamentary bill 2021/22:1 (*Prop. 2021/22:1*).

<sup>75</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2021), Report on assignments to coordinate, follow up and implement initiatives within framework strategy for Roma inclusion ([Redovisning av uppdrag att samordna, följa upp och genomföra insatser inom ramen för strategin för romsk inkludering](#)).

Roma history, the current living situation of the Roma and their situation as a national minority, for example, by distributing educational materials.

### **Survey of young Roma experiences of security and access to their rights**

The County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) has carried out a survey on the experiences of young Roma with regard to security and access to their rights. The survey shows that it is common for young Roma to be exposed to antigypsyism in the form of harassment and discrimination on the grounds of their Roma identity. It also suggests that schools have not succeeded in their mission to prevent and counteract antigypsyism, nor in imparting knowledge of the rights, history, culture and national rights of the Roma and their language.<sup>76</sup>

### **Increase in budget suggested for 2022**

The government has proposed to increase the budget for implementing the national strategy for the inclusion of the Roma, starting in 2022. According to the proposal, the budget may be used for development work and coordination in promoting the rights and living conditions of the Roma national minority. The grant can also be used for education and labour market measures to support the Roma national minority.

In order to implement the national strategy on Roma inclusion, in its 2022 budget the government has assigned an increase of 14 million SEK for 2022 and 18.5 million SEK for each of 2023 and 2024. Of this budget increase, 8 million SEK will be permanent. The government further suggests that 15.5 million SEK be dedicated to measures for the national Roma minority for 2022, increasing to 20 million SEK for 2023 and 2024.<sup>77</sup>

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<sup>76</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2021), Proud but often unsafe - A survey of young Roma experiences of security and access to their rights ([Stolt men ofta otrygg – En undersökning om romers upplevelser av trygghet och tillgång till sina rättigheter](#)), Facts 2021:12 (*Fakta 2021:12*).

<sup>77</sup> Swedish Parliament (*Riksdagen*) (2021) Expenditure area 1: the national board ([Utgiftsområde 1 – Rikets styrelse](#)), Parliamentary bill 2021/22:1 (*Prop. 2021/22:1*).

## Chapter 4. Asylum, visas, migration, borders and integration

### 4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Sweden	192 Revoked <sup>78</sup>  1157 <sup>79</sup> Cessations total (undifferentiated) <sup>80</sup>	Further inquiries made to the Migration Agency.  Rejected applications for extension (differentiated numbers requested).	118 Revoked <sup>81</sup>  1157 Cessations total (undifferentiated)	Further inquiries made to the Migration Agency.  Rejected applications for extension (differentiated numbers requested).

<sup>78</sup> Data collected from correspondence with the Swedish Migration Agency (*Migrationsverket*), 12 October 2021.

<sup>79</sup> Cessation refers to any extension of protection that was not granted due to the expiration of the previous period of protection. Revocation refers to a protection status that was revoked before the protection period expired.

<sup>80</sup> The Swedish Migration Agency denied requests to differentiate data on cessation between refugee status and subsidiary protection, stating that it would take too much time to differentiate between such data, thus disrupting the Agency's work, 19 October 2021.

<sup>81</sup> Data collected from correspondence with the Swedish Migration Agency (*Migrationsverket*), 12 October 2021.

## 4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Sweden	Lag 1986:765, med instruktion för Riksdagens ombudsmän, 5 a §  Law (1986: 765) with instructions for the ombudsmen of the Parliament	Parliamentary Ombudsman (Opcat-unit) ( <i>Justitieombud sman</i> )  Though a possibility remains to lodge complaints with the Chancellor of Justice ( <i>Justitiekansler n</i> ), who also has an oversight role in relation to	Yes, but under a subdivision (Opcat)	<a href="https://www.jo.se/en/">https://www.jo.se/en/</a>	No reported monitoring operation by Opcat in 2021.  Last reported monitoring operation in 2020. <sup>82</sup>  Though there was a CPT visit on January 18-29 2021 which	No

<sup>82</sup> Opcat (2020), [Inspection report on Migration Agency's detention center in Märsta](#), 11 June 2020.

		government authorities.			produced a report. <sup>83</sup>	

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<sup>83</sup> CPT (2021), [Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#), 9 September 2021.

## Chapter 5. Information society, privacy and data protection

### 5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

#### Cybersecurity

On 9 June 2021, the Swedish Parliament (*Riksdag*) passed a government bill (2021:553) with supplementary provisions to the EU Cyber Security Act<sup>84</sup> and decided that a national Act containing supplementary provisions to the EU Cybersecurity Act will enter into force on 28 June 2021. In connection with the Act entering into force, the government has designated the Swedish Defence Materiel Administration (*Försvarets materielverk*) as the national authority for cybersecurity certification in relation to tasks ensuing from the European cybersecurity certification framework, i.e. the EU Cybersecurity Act and the implementing regulations to be issued with the support of the Cybersecurity Act.<sup>85</sup>

In July 2021, the Swedish Government Official Report (*SOU, Statens Offentliga Utredningar*) "Sweden's security: need for stronger protection for network and information systems" (*Sveriges Säkerhet: behov av starkare behov av starkare skydd för nätverks och informationssystem, SOU 2021:63*)<sup>86</sup> was submitted to the government. It describes the level of information and cyber security in all authorities. The report also contains proposals aimed at increasing the security of network and information systems in security-sensitive activities.<sup>87</sup> The Cyber Security Inquiry has been completed, concerning adaptations due to the EU Cyber Security Act (Directive 2020:57).

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<sup>84</sup> Sweden (2021), Law (2021: 553) with supplementary provisions to the EU Cyber Security Act ([Lag \(2021:553\) med kompletterande bestämmelser till EU:s cybersäkerhetsakt](#)), 10 June 2021.

<sup>85</sup> Sweden, Swedish Government Official Reports (*Statens Offentliga Utredningar*) (2021), Sweden's Security: need for stronger need for stronger protection for networks and information systems ([Sveriges Sakerhet: behov av starkare behov av starkare skydd för nätverks och informationssystem \(SOU 2021 63\)](#)), July 2021, p.34.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

## Online terrorist content

The EU has adopted a regulation concerning measures to counter the dissemination of terrorist content on the internet (Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online). The Regulation contains several new features. These include a possibility for competent authorities in the Member States to issue removal orders to hosting service providers.<sup>88</sup> There are also other tasks resulting from the Regulation.

Swedish Government Official Report (*SOU, Statens Offentliga Utredningar*) "EU regulation on terrorist content on the internet: the question of competent authority" (*EU:s förordning om terrorism-innehåll på internet – frågan om behörig myndighet, SOU 2021:76*) was prepared to determine whether the Swedish Police Authority (*Polismyndigheten*) or the Swedish Security Service (*Säkerhetspolisen, SÄPO*) should be designated the competent authority in Sweden. It must also make proposals concerning the penalties to be imposed in the case of infringements of the Regulation and otherwise submit the necessary legislative proposals. Regarding the first part of the remit, the Inquiry has found that there are arguments both for and against designating either agency as the competent authority in Sweden. However, the Inquiry considers that on balance there are more arguments indicating that the Swedish Police Authority is more suitable for the task. It therefore proposes that the government designate the Swedish Police Authority as the competent authority under the Regulation. A report on the Inquiry's remaining tasks will be presented in 2022.<sup>89</sup>

## Foreign Direct Investments, Sensitive Personal Data, Emerging Technologies and Security

In 2019 the government decided to initiate a special investigation to propose a system for the screening of foreign direct investments (FDIs) in areas worthy of protection. The final report was issued in 2021: "Screening of Foreign Direct

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<sup>88</sup> Sweden, Swedish Government Official Reports (*Statens Offentliga Utredningar*) (2021), State public investigations from the Ministry of Justice EU regulation on terrorist content on the Internet - the question of competent authority ([EU:s förordning om terrorism-innehåll på internet – frågan om behörig myndighet \(SOU 2021:76\)](#)), 1 October 2021, p.9.

<sup>89</sup> Ibid. p.10



Investments” (*Granskning av utländska direktinvesteringar, SOU 2021:87*). The report concludes that a Swedish mechanism for screening FDI in protected areas should be designed.

The report identifies types of undertaking and activities to be covered by the screening mechanism, among which activities whose principal purpose is the processing of sensitive personal data or location data, as well as activities related to emerging technologies and other strategic protected technologies. The report suggests that the regulatory framework should enter into force on 1 January 2023. If adopted, investments in the above activity that are considered harmful shall not be allowed, in order to protect Sweden’s security interests.<sup>90</sup>

On 1 January 2021, the Swedish Data Protection Authority (DPA) changed its name to the Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten, IMY*).

## 5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Fact memorandum ( <i>Faktapromemoria</i> )	Fact memorandum 2020/21:FPM109, Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ), from 26 May 2021, elaborates on government support in developing regulations for AI. The government supports the focus on developing regulations that increase	Yes  The right to privacy, freedom of expression, non-discrimination and equality, personal integrity, and	Sweden, Government Office ( <i>Regeringskansliet</i> ), Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) (2021), Faktapromemoria 2020/21:FPM109:

<sup>90</sup> Sweden, Swedish Government Official Reports (Statens Offentliga Utredningar) (2021), Examination of foreign direct investment ([Granskning av utländska direktinvesteringar \(SOU 2021:87\)](#), 1 November 2021.

		<p>transparency, clarify responsibilities, clarify which areas of use are to be prohibited, and enable supervision and compliance.</p> <p>The government also notes that the regulations need to be proportionate to the purposes set out in the principal of technology neutrality and not be too detailed or administratively burdensome.</p> <p>The government welcomes the fact that the proposal is based on human rights, including the rights to privacy, freedom of expression, non-discrimination and equality, as well as personal integrity and the protection of natural persons in questions over the processing of personal data and information and cyber security.</p>	<p>protection of natural persons in questions concerning the processing of personal data and information and cyber security.</p> <p>In relation to new AI regulations, the government of Sweden particularly draws attention to the importance of enabling individual control and transparency of the data available about the individual. Such control is needed to increase citizens' confidence in the new technologies and in how data is used in the context of AI, as well as to ensure that individuals' rights are respected. To ensure the possibility of supervision and to combat human rights violations, including discrimination, or other negative outcomes, the</p>	<p>Regulation on artificial intelligence  <a href="#">(Faktapromemoria 2020/21:FPM109: Förordning om artificiell intelligens)</a>,  26 May 2021.</p>
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			government agrees that it is important to be transparent and open when using AI systems.	
Various sectors/ authorities, organizations, municipalities and other stakeholders	Consultation papers ( <i>remiss</i> )	<p>More than 130 organizations, (governmental, non-governmental, private sector) have submitted their position papers with regard to the Draft AI Regulation.</p> <p>Before the government takes a position on a proposal, it is sent for consultation to the relevant authorities, organizations, municipalities and other stakeholders. The government wants to know what those affected think and what support the proposal has.</p>	Many organizations have mentioned a number of human rights concerns. While it is hard to mention all of them, the summary position regarding human rights at stakes is set out in the document " <a href="#">National Approach to Artificial Intelligence</a> ", which clearly states that the regulatory framework for AI should be balanced with the fundamental needs for privacy, ethics, trust and social protection.	Sweden, Government Office ( <i>Regeringskansliet</i> ), Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) (2021), Referral of the European Commission's proposal for a regulation on harmonized rules for artificial intelligence ( <a href="#">Remiss av Europeiska kommissionens förslag till förordning om harmoniserade regler för artificiell intelligens: Diarienummer: I2021/01304</a> ), 2021.
Government /Swedish eHealth Agency	Report	The Swedish eHealth Agency ( <i>e-Hälsomyndigheten</i> ) is responsible for the web service providing COVID-19 vaccination certificates ( <i>Covidbevis</i> ). The Agency prepared a report in March 2021, outlining its work to create the conditions for an	Yes  Right to privacy	Sweden, Swedish eHealth Agency ( <i>eHälsomyndigheten</i> ) (2021), Swedish participation and coordination concerning the European Commission

		<p>internationally valid vaccination certificate for COVID-19.</p> <p>Chapter 4.2.3 is dedicated to “Information security and integrity”, where the authority emphasizes the importance of privacy protection and information security in the discussions. It is pointed out that the secure handling of personal information such as information in digital vaccination certificates requires a well-structured and systematic information security work.</p> <p>Important areas to deal with are control of who should have access, who had access or who needs access to the information.</p>		<p>work with vaccination certificates for COVID-19. Feedback according to government assignments S2021 / 01107 ( <a href="#">Svenskt deltagande och samordning rörande Europeiska kommissionens arbete med vaccinationsintyg för covid-19 Återrapportering enligt regeringsuppdrag S2021/01107</a>), 5 March 2021.</p>
Government	Government decision	<p>Agreement on digital COVID certificates between the state and Sweden's Municipalities and Regions.</p> <p>In the spring, the government issued several assignments to the Swedish eHealth Agency (<i>e-Hälsomyndigheten</i>), the Swedish Public Health Agency (<i>Folkhälsomyndigheten</i>) and the Agency for Digital Government (<i>Myndigheten för digital förvaltning</i>). The assignments</p>	<p>Inclusion</p> <p>Particular attention was given to providing certificates not only to vaccinated persons, but also to those who have negative test results or who have recovered from COVID-19, and to people without</p>	<p>Sweden, Ministry of Health and Social Affairs (<i>Socialdepartementet</i>) (2021), Authorization to sign supplementary agreement on digital COVID certificates between the state and Sweden's Municipalities and Regions (<a href="#">Bemyndigande att underteckna</a></p>

		<p>included ensuring that a digital infrastructure is being developed that supports the issuance of all types of evidence require. Sweden must meet the requirements of EU regulations (I2021 / 01336, S2021 / 03695, S2021 / 03696).</p> <p>The goal was for the digital vaccination certificates to be offered to the population from July 1, 2021. Particular attention was given to ensuring that the digital COVID-19 certificate can also include information on negative test results and recovery from COVID-19, and that people without Swedish e-identification must be able to have a certificate issued.</p> <p>For this purpose, cooperation with private actors, municipalities and regions has been emphasized.</p>	<p>Swedish e-identification.</p>	<p><a href="#"><u>tilläggsöverenskommelse om digitala covidbevis mellan staten och Sveriges Kommuner och Regioner</u></a>, 1 July 2021.</p>
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## Chapter 6. Rights of the child

### 6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p><b>Government assignment to the Swedish Schools Inspectorate</b></p> <p>In March 2021, the government assigned the Swedish Schools Inspectorate (<i>Skolinspektionen</i>) to examine the consequences of distance learning for students' conditions for achieving the educational objectives and for students' health. The Swedish Schools Inspectorate must specifically examine the conditions for those students who have found it difficult to make use of distance learning.<sup>91</sup></p> <p>A final report on the assignment was published on 1 December 2021. According to the report, a large part of the school's mission worked well despite the transition to distance learning. An important result that applies regardless of the type of schooling is that the consequences of distance learning are dependent on the following factors:</p> <ul style="list-style-type: none"><li>- The scope of distance learning. Students who had only short and few periods of distance learning seem to have been less affected compared with students who had distance learning almost exclusively;</li><li>- The school's preparedness for using digital tools in the transition to distance learning;</li><li>- The quality of the distance learning;</li><li>- The extent to which students have been compensated for missing assignments or for teaching that could not be carried out of sufficient good quality.</li></ul> <p>The report highlights two key findings. Students' conditions for achieving educational objectives have deteriorated. For the majority of the students who have received a larger amount of distance learning, the situation has meant a decline in the quality of their conditions for learning and knowledge development. In addition, distance learning has negatively affected the health of many students both mentally and physically. Stress, loneliness and unhealthy lifestyles were common during distance learning. The work</p>
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<sup>91</sup> Sweden, Swedish Schools Inspectorate (*Skolinspektionen*), official website, [government assignment \(Regeringsuppdrag\)](#).

on students' health (*Elevhälsans*) has mainly been reactive and focused on measures targeting individual students.<sup>92</sup>

### **Annual report for 2021 by the Ombudsman for Children**

In March 2021, the Ombudsman for Children (*Barnombudsmannen*) issued its annual report for 2021 focusing on children's rights in social crises. The report examined the shortcomings in children's rights that were known even before the COVID-19 pandemic, as well as shortcomings that were highlighted or accentuated during the crisis. The report names three areas where children's rights have to a large extent been affected by COVID-19. The Ombudsman suggest concrete proposals for how Sweden should ensure compliance with the Convention on the Rights of the Child during a crisis in these three areas:<sup>93</sup>

- Ensure children's participation in Sweden's crisis preparedness;
- Ensure children's right to education during a crisis;
- Ensure children's right to health and leisure.

### **Report by the Ombudsman for Children on the effects of COVID-19 on children**

In June 2021, the Ombudsman for Children issued a report on the effects of COVID-19 on children in Sweden, having been tasked by the government to write such a report in June 2020.<sup>94</sup>

The report concludes that the COVID-19 pandemic has had many negative effects on the realization of children's rights, including the rights to life, development and the highest attainable standard of health. Furthermore the report states that the pandemic has negatively affected children who were already in vulnerable situations before the pandemic and before measures to protect against the virus were introduced. It strongly recommends that further regular reporting and investigations continue to be carried out as the pandemic evolves, especially as the effects on children in situations of vulnerability had not become entirely clear by the time the report was written. The report highlights a number of conclusions, including the following:

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<sup>92</sup> Sweden, Swedish Schools Inspectorate (*Skolinspektionen*), The distance education's consequences, final report ([Fjärr- och distansundervisningens konsekvenser, slutrapport](#)) 1 December 2021.

<sup>93</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2021), Annual Report 2021, Not everyone takes responsibility ([Årsrapport 2021, Alla tar ju inte ansvar](#)), 31 March 2021.

<sup>94</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2021), COVID-19 pandemic consequences for children ([COVID-19 pandemins konsekvenser för barn](#)), 30 June 2021.

There has been an awareness of the need to weigh the consequences for children and the best interests of the child in relation to several national decisions taken during the pandemic. One such decision is to keep schools open to a comparatively greater extent. None the less, the pandemic itself and the decisions made have had a major impact on children, in particular on children who were already in vulnerable situations before the outbreak of COVID-19.

A particular challenge during the pandemic has been to ensure that every child's rights are met without discrimination of any kind, in accordance with Article 2 of the Convention on the Rights of the Child. The report highlights a number of factors, including place of residence, socio-economic factors, age, and disability, that have affected children during the pandemic.

There is a need to identify children who have long-term symptoms of COVID-19; children who have relatives who have become seriously ill; children with disabilities; children with parents who have been deprived of their liberty; and children who live in circumstances of economic vulnerability.

Special investigations need to be made regarding children in community care, including whether these children's rights to protection against violence, abuse, neglect and sexual exploitation have been negatively affected during the pandemic.

In order to minimise the negative consequences for children during a social crisis, it is crucial to analyse measures from a child rights perspective (including the best interests of the child) in accordance with Articles 3 and 4 of the Convention on the Rights of the Child before decisions are taken.<sup>95</sup>

### **Increased government funding**

In its budget for 2022-2024 the government has proposed that a grant of 20 million SEK per year be dedicated to civil-society organisations working with children's rights and children in vulnerable situations.

Furthermore, the Ministry of Health and Social Affairs (*Socialdepartementet*) has proposed a temporary increase in the housing allowance for families with children, as an

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<sup>95</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2021), COVID-19 pandemic consequences for children ([COVID-19 pandemins konsekvenser för barn](#)), 30 June 2021, p. 4.



additional support in the context of the economic difficulties resulting from COVID-19. This is a continuation of the increased allowance that was distributed in the last 6 months of 2020.<sup>96</sup>

In April 2021, the National Board of Health and Welfare (*Socialstyrelsen*) was commissioned to administer and distribute funds and follow up the initiative to provide free and COVID-safe holiday activities for children and young persons.

### **Distance inspections by the Swedish Schools Inspectorate**

In September 2021, the Swedish Schools Inspectorate published a report on how compulsory and upper secondary schools are working to prevent the negative consequences of distance learning and whether they have implemented preventive and health-promoting initiatives. The overall picture is that many schools have conducted broad and systematic efforts to map their students' health situations. In brief, the report comes to the following conclusions:

- Students' needs are identified through signals from individual students;
- Preventive and health-promoting measures have been cancelled;
- The Student Health unit (*Elevhälsan*) has not been able to carry out its regular work in some schools;
- Most teachers display great care for their students, but there is no common health strategy.<sup>97</sup>

### **Government subsidy to certain non-profit organisations due to the situation resulting from COVID-19**

A government subsidy has been introduced to support certain non-profit organisations that, due to the outbreak of COVID-19, need to adapt or strengthen their support activities to meet increased or changed needs because of the outbreak of COVID-19 in the following areas:

- Children in vulnerable situations;
- Women, children and LGBTQI persons subjected to violence;

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<sup>96</sup> Sweden, Ministry of Finance (*Finansdepartementet*), Amendments to the Budget Bill for 2021 ([Vårändringsbudget för 2021](#)), government bill, Prop. 2020/21:99, 8 April 2021.

<sup>97</sup> Sweden, Swedish Schools Inspectorate (*Skolinspektionen*), Student health's (*Elevhälsans*) work when education is conducted at a distance ([Elevhälsans arbete när undervisningen bedrivs på distans](#)), 13 September 2021.

	<ul style="list-style-type: none"> <li>- Domestic violence;</li> <li>- Honour-related violence and oppression.<sup>98</sup></li> </ul> <p><b>Report on child poverty by Save the Children Sweden</b></p> <p>In December 2021, Save the Children Sweden published its annual report on child poverty in Sweden. According to Save the Children’s measurements of child poverty in Sweden, child poverty decreased marginally in 2019. In 2019, 9.2% of children, i.e. 196,000 children, qualified as living in a financial vulnerable situation.<sup>99</sup></p> <p><b>Convention on the Rights of the Child prevented foreclosure of residential property</b></p> <p>In December 2021, the Swedish Supreme Court revoked the foreclosure of a residential property, making reference to the Convention on the Rights of the Child in its judgement. The Swedish Enforcement Authority (<i>Kronofogdemyndigheten</i>) had seized a property in payment of debts. The debtor lived on the property with her six children. Some of the children had special needs. There were great difficulties for the family in finding another suitable home. According to the law, a residential property may be foreclosed only if this is justifiable. According to the Supreme Court, it must be determined that any foreclosure of property is compatible with the rights a child has under the Convention on the Rights of the Child. The Supreme Court weighed the childrens's own interest in having their home protected against the creditor's financial interest. In the current case, the Court found that a foreclosure of the residential property could not be considered justified.<sup>100</sup></p>
Measures to protect children from violence	<p><b>National strategy for preventing and combating violence against children</b></p> <p>In April 2021, the government appointed a special inquirer to develop a national strategy to prevent and fight violence against children.<sup>101</sup> The special inquirer must submit a proposal for a national strategy for the prevention and combating of violence against children, including honour-related violence and oppression.</p>

<sup>98</sup> Sweden, Ordinance (2021: 133) on State Subsidies to Certain Non-profit Organizations due to the outbreak of COVID-19 ([Förordning \(2021:133\) om statsbidrag till vissa ideella organisationer med anledning av utbrottet av covid-19](#)), 26 February 2021.

<sup>99</sup> Save the Children Sweden, Child poverty in Sweden, annual report 2021 ([Barnfattigdom i Sverige, Årsrapport 2021](#)), 7 December 2021.

<sup>100</sup> Sweden, Supreme Court (*Högsta domstolen*), Stockholm, [Ö 4545-21](#), 15 December 2021.

<sup>101</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) Committee Directive (*kommitéedirektiv*) National strategy for preventing and combating violence against children ([Nationell strategi för att förebygga och bekämpa våld mot barn](#)), 29 April 2021.

### **Joint assignment to prevent and combat female genital mutilation**

In May 2021, the government decided on a joint government assignment tasking a number of government agencies with implementing measures to prevent and combat female genital mutilation.<sup>102</sup>

### **Assignment to produce and disseminate a knowledge base with a focus on honour-related violence**

In July 2021, the government assigned the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) to produce and disseminate a knowledge base with a focus on honour-related violence and oppression and on violence prevention work aimed at youth and leisure leaders and other professionals who work with young people's leisure activities outside the school system.<sup>103</sup>

### **Special Inquiry to review the Parental Code**

In September 2021, the government launched an inquiry to improve children's protection from violent parents and to increase safety and security for children in foster care.<sup>104</sup> The special inquirer is to review the rules in the Parental Code (*Föräldrabalken*). The aim is to create continuity, stability and safety for children placed in foster care and children who have experienced violence from close relatives.

### **Audit report from the Swedish National Audit Office**

In October 2021, the Swedish National Audit Office (*Riksrevisionen*) published a report on whether the Swedish police and prosecutors are working effectively to counteract and handle the internet-related sexual abuse of children.<sup>105</sup> The review reveals a number of internal shortcomings,

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<sup>102</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) Assignment to to prevent and combat female genital mutilation ([Uppdrag att förebygga och bekämpa könsstympning av flickor och kvinnor](#)), government assignment, 29 April 2021.

<sup>103</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) Assignment to produce and disseminate a knowledge base with focus on honor-related violence and oppression and on violence prevention work ([Uppdrag att ta fram och sprida kunskapsunderlag med fokus på hedersrelaterat våld och förtryck och på våldsförebyggande arbete](#)), government assignment, 3 July 2021.

<sup>104</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), Committee Directive (*kommitéedirektiv*), The importance of safety and continuity for children in vulnerable situations - a review of the regulations in the Parental Code ([Vikten av trygghet och kontinuitet för barn i utsatta situationer – en översyn av reglerna i föräldrabalken](#)), 16 September 2021.

<sup>105</sup> Sweden, Swedish National Audit Office (*Riksrevisionen*) (2021), Internet-related sexual abuses against children - major challenges for police and prosecutors ([Internetrelaterade sexuella övergrepp mot barn – stora utmaningar för polis och åklagare](#)), 12 October 2021.

including major difficulties in obtaining sufficient support from the police's IT and HR departments.

### **New assessment support material for social services in the work against honour-related violence**

In November 2021, the National Board of Health and Welfare (*Socialstyrelsen*) published new assessment support materials for the social services. The assessment support materials will provide practical support to the profession's work with honour-related violence. The assessment support materials, which consist of a manual and a questionnaire, is aimed at professionals working with children who are or may be exposed to honour-related violence.<sup>106</sup>

### **Initiatives by Civil Society Organisations**

In March 2021, the organisation Children's Rights in Society (*Barnets Rätt i Samhället, BRIS*) announced that it was opening its helpline for children and young persons 24 hours a day. This means that children can always receive professional support via chats or by telephone.<sup>107</sup> During the summer holidays, Children's Rights in Society had almost 7,500 conversations with children, an increase of 30% compared to 2020. This is the first year that children have been able to contact Children's Rights in Society regardless of the time of day. BRIS states that the high demand is due to the COVID-19 pandemic and the fact that the helpline is open 24 hours a day.<sup>108</sup>

In September 2021, the child rights organisation ECPAT, which combats the sexual exploitation of children, opened a specific support line for parents. The parental support line will function as support and assistance in all matters relating to combating the sexual abuse and sexual exploitation of children, online or offline.<sup>109</sup>

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<sup>106</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*), Assessment of honor-related violence and oppression as well as violence in close relationships - Support for social services and health care ([Bedömning av hedersrelaterat våld och förtryck samt våld i nära relationer - Stöd till socialtjänst och hälso- och sjukvård](#)), November 2021.

<sup>107</sup> Sweden Children's Rights in Society (*Barnets Rätt i Samhället, BRIS*), official website, [BRIS support opens 24 hours a day \(BRIS stöd öppnar dygnet runt\)](#).

<sup>108</sup> Sweden Children's Rights in Society (*Barnets Rätt i Samhället, BRIS*), official website, [More calls than ever to BRIS during the summer \(Fler samtal än någonsin till BRIS under sommaren\)](#).

<sup>109</sup> Sweden, ECPAT Sweden, official website, [ECPAT launches parental support line \(ECPAT startar stödlinje för föräldrar\)](#).

## 6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p><b>Amendments as a result of EU Directive 2016/800</b></p> <p>There have been no further legislative changes since the amendments that entered into force in June 2019.</p> <p><b>Legislative changes to increase legal certainty and secure the application of child rights perspective for children suspected of crimes</b></p> <p>In April 2021 the Swedish Parliament (<i>Riksdagen</i>) voted to approve a number of legislative amendments in order to increase legal certainty and secure the application of the child rights perspective in cases of children suspected of a crime.<sup>110</sup> The following amendments were made:</p> <ul style="list-style-type: none"><li>- A suspect who is under the age of 18 and who has been arrested may be detained in police custody only if absolutely necessary.<sup>111</sup></li><li>- A suspect who is under the age of 18 may only be detained if there are special reasons to do so.<sup>112</sup></li><li>- A suspect may be detained for a continuous period of not more than nine months. If there are special reasons, the court may, at the request of the prosecutor, decide that this period may be extended.<sup>113</sup> Persons under the age of 18 cannot be detained for a continuous period of more than three months.<sup>114</sup></li><li>- A suspect who is under 18 and held on remand should have the right to stay with staff or another person for at least 4 hours every day in order to reduce isolation.<sup>115</sup></li></ul> <p>These changes entered into force 1 July 2021.</p>
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<sup>110</sup> Sweden, Swedish Parliament (*Riksdagen*), More efficient handling of arrests and reduced isolation ([Effektivare hantering av häktningar och minskad isolering](#)), Report of the Committee on Justice (*Justitieutskottets betänkande 2020/21: JuU43*).

<sup>111</sup> Sweden, Act with special provisions on young offenders ([Lag \[1964:167\] med särskilda bestämmelser om unga lagöverträdare](#)), 20 March 1964, section 6a.

<sup>112</sup> Sweden, Act with special provisions on young offenders ([Lag \[1964:167\] med särskilda bestämmelser om unga lagöverträdare](#)), 20 March 1964, section 23.

<sup>113</sup> Sweden, Code of Judicial Procedure ([Rättegångsbalken \[1942:740\]](#)), 18 July 1942, chapter 24, section 4a.

<sup>114</sup> Sweden, Act with special provisions on young offenders ([Lag \[1964:167\] med särskilda bestämmelser om unga lagöverträdare](#)), 20 March 1964, section 23a. In its consultation response, the Ombudsman for Children criticised the time limit of three months, arguing that the time limit for children should instead be set at 30 days, in accordance with the UN Committee on the Rights of the Child's general comment 24; see Sweden, Ombudsman for Children (*Barnombudsmannen*), Consultation Response BO 2020-0386 ([Remissvar BO 2020-0386](#)), 29 January 2021.

<sup>115</sup> Sweden, Remand Prisons Act ([Häkteslag \[2010:611\]](#)), 6 June 2010, chapter 2, section 5a.

### **Public inquiry report on enhanced protection against sexual abuse**

In June 2021, the results of a public inquiry on enhanced protection against sexual abuse were presented in a report. The Inquiry proposes, among other things, that the penalty scale for most sexual crimes should be increased.<sup>116</sup> The Inquiry proposes that the provisions on rape and sexual assault and corresponding crimes against children should be extended in order to strengthen children's protection against serious sexual offenses committed from a distance, for example, over the Internet.

The Inquiry has also analyzed the provision on the use of children for sexual posing. It is proposed that the provision be extended so that instances where the perpetrator who placed a child in a situation that involves sexual posing and then exploits the situation will be convicted of the crime (use of children for sexual posing) even if the victim for some reason (e.g. sleep or intoxication) has remained passive.

The Inquiry further proposes that new penal provisions on the sexual harassment of children, aggravated sexual harassment and the aggravated sexual harassment of children be introduced and that the penalty scales for several sexual offenses be increased. Among other things, it is proposed that the minimum sentence for rape and rape of a child be increased from two years' imprisonment to three years' imprisonment and that the minimum sentence for the purchase of sexual services be increased from a fine to imprisonment. It is proposed that this amendment to the law enters into force on 1 January 2023.

### **Special representatives for children during the preliminary investigation and in the subsequent trial**

In July 2021, the law on special representatives for children was amended. The allocation of a person to be the child's special representative has been extended to include measures relating to the enforcement of damages and the application for criminal damages.<sup>117</sup>

### **New criminal offence (*Barnfridsbrott*)**

In July 2021, a new criminal offence was added to the Penal Code (*Brottsbalken*) concerning children who witness criminal acts such as domestic violence and sexual

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<sup>116</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), Enhanced protection against sexual abuse ([Ett förstärkt skydd mot sexuella kränkningar](#)), SOU 2021:43, 1 June 2021.

<sup>117</sup> Sweden, Law on special representatives for children ([Lag \(1999:997\) om särskild företrädare för barn](#)), 2 December 1999, section 3.

	offences. <sup>118</sup> To witness a criminal offence is seen as a violation of a child's integrity ( <i>barnfridsbrott</i> ). A child who has been a victim of this new criminal offence has the right to file for criminal damages and the right to a special representative.
Policy developments	<b>New working methods and routines for the Police Authority</b> For the Swedish Police Authority ( <i>Polismyndigheten</i> ), the new criminal offence of violation of a child's integrity ( <i>barnfridsbrott</i> ) implies several changes to their working methods and routines. The Police Authority predicts that more child interrogations will need to be carried out and that the amount of documentation will increase. <sup>119</sup>
Other measures or initiatives	Nothing to report.

## Chapter 7. Access to justice

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

Sweden does not have a specific legal framework for transposing the EU's Victims' Rights Directive into national law, but there are several domestic laws that guarantee the rights of victims of crime. It is primarily developments in this legislation and the creation of a new criminal offence regarding child witnesses of crime that could be said to advance the goals of the directive and the EU's strategy for Victims' Rights 2020-2025.

#### New Legislation

On 31 May 2021 an amendment to the criminal code regulating preliminary investigations made additional information on crimes related to the misuse of personal information, and the possibility of receiving advice on the prevention of the said crimes, a part of conducting preliminary investigations.<sup>120</sup> This is intended to have the effect of increasing protection from and knowledge of cyber-crime and other identity-related crimes.

<sup>118</sup> Sweden, Penal Code ([Brottsbalken 1962:700](#)), 21 December 1962, chapter 4, section 3.

<sup>119</sup> See the Swedish Police Authority's (*Polismyndighetens*) official website, [New law strengthens children's position \(Ny lag stärker barnens ställning\)](#).

<sup>120</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [SFS 2021:278](#), 9 April 2021.



In July 2021 an amendment to the law on the appointment of special representatives for children came into force.<sup>121</sup> The role of such special representatives has been increased to make them additionally responsible for the child's rights during measures concerning the enforcement of damages and applications for criminal damages.<sup>122</sup> Previously the representative was only responsible for the child during the preliminary investigation and the subsequent trial.

### **Violation of a child's integrity (*Barnfridsbrott*)**

On 1 July 2021 a new criminal offence was introduced to the criminal code, the violation of a child's integrity.<sup>123</sup> If a child is a witness to a criminal act perpetrated by or to a parent, guardian or close relative, such as violent or sexual crimes, the perpetrator can be given a prison sentence of up to two years. With particularly serious crimes the sentence shall be no less than nine months and no more than four years. Furthermore, children now have the right to file for criminal damages through the law. As mentioned in the previous section, this has expanded the role special representatives play in representing a child's interests.

This new criminal offence is an explicit part of Sweden's work to bring domestic law into closer compliance with the Convention on the Rights of the Child.<sup>124</sup> To this end, the legislation fundamentally changes a child's right to redress, making children plaintiffs in cases where they have witnessed domestic violence.<sup>125</sup> Previously they were not treated as plaintiffs because the domestic violence was not directed at them, and they could only receive a smaller amount of compensation.

The legislation has been in effect for less than a year, and a comprehensive impact analysis of the law concerning the violation of a child's integrity has yet to materialize.

## **7.2 Measures addressing violence against women**

The current government has made it a significant part of its legislative and political agenda to tackle "men's violence against women". However, though this initiative has significant political support, the bills proposed in its name have yet to become

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<sup>121</sup> Sweden, Swedish parliament (*Riksdagen*) (2021) [SFS 2021:398](#), 28 May 2021.

<sup>122</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [SFS 2021:398](#), 28 May 2021.

<sup>123</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [Prop. 2020/21:170 Children who witness crime](#), 1 April 2021.

<sup>124</sup> Sweden, Swedish Prosecution Authority (*Åklagarmyndigheten*) (2021), [Factsheet – violation of a child's integrity](#), 1 July 2021.

<sup>125</sup> Sweden, Swedish Prosecution Authority (*Åklagarmyndigheten*) (2021), [Violation of a child's integrity – a new crime by the 1<sup>st</sup> of July](#), 1 July 2021.



law, and measures designed to support bills providing for a budgetary allocation have yet to be approved. The one exception to the lack of budget allocations was the government's allocation to the Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*). Specifically, the authority was tasked with continuing its development and dissemination of working methods to municipalities regarding violence in close relationships and honour-related violence due to the COVID-19 pandemic.<sup>126</sup> The government reasoned that, even though restrictions were being lifted, the threat of violence against women was likely to remain in a heightened state, leading to it continuing to support its efforts through the Gender Equality Agency.

However, preliminary statistical measurements of violence against women<sup>127</sup> all indicate a slight reduction in violence in 2021 compared to 2020. So far this year, self-reported cases of women being the victims of sexual crimes have gone down by 1.7%, assault down by 0.5%, aggravated assault down by 0.2%, unlawful threats down by 0.8%, and harassment down by 0.7%. Similarly, women reported reduced feelings of insecurity in 2021 compared to 2020.<sup>128</sup> Last year (2021) women's feelings of insecurity when out at night in their own neighbourhood have gone down by 2%, feelings of insecurity leading to their taking another method of transportation down by 1%, and feelings of insecurity leading to their avoiding a certain activity were down by 1%.

## **New Legislation**

At the end of May 2021 an amendment to the criminal code regulating preliminary investigations made it possible for plaintiffs in cases regarding female genital mutilation to ask for an interrogator of a specific sex during interrogations if they so choose.<sup>129</sup>

## **New Bills**

In March 2021 the government submitted a bill entitled "The prevention of violence in intimate relationships" (*Förebyggande av våld i nära relationer*) to parliament.<sup>130</sup> This bill proposes several changes to the existing law. The first of these is that the responsibility of the social welfare board (*Socialnämnden*) should

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<sup>126</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021), Assignment to the Gender Equality Agency to continue to develop and disseminate working methods to municipalities about violence in close relationships and honour-related violence and repression due to COVID-19 pandemic ([Uppdrag till Jämställdhetsmyndigheten att fortsätta utveckla och sprida arbets sätt till kommuner om våld i nära relationer och hedersrelaterat våld och förtryck med anledning av covid-19- pandemin](#)), 11 June 2021.

<sup>127</sup> Sweden, Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) (2021), [National Survey on Criminal and Societal Safety 2020-2021](#), 12 October 2021.

<sup>128</sup> Sweden, Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) (2021), [National Survey on Criminal and Societal Safety 2020-2021](#), 12 October 2021.

<sup>129</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [SFS 2021:278](#), 9 April 2021.

<sup>130</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [Prop. 2020/21:163 The prevention of violence in close relationships](#), 24 March 2021.

include the rehabilitation of those who have committed violence or other crimes in intimate relationships. Other changes are made to the health-care act and also deal with patient-doctor confidentiality specifically in the case of children who have been exposed to, or have witnessed, violence and other violations. These children should be treated with special care, including but not limited to information on their rights, advice and special support. Finally, changes are proposed to the non-disclosure provision, making it possible for health-care or social-service actors to give information about patients and clients to the police in order to prevent serious instances of violent or sexual crimes in intimate relationships.

In July of 2021 the government submitted a bill entitled "A tightening of punishment for violence and other violations in intimate relationships" (*Skärpta straff för våld och andra kränkningar i nära relationer*) to parliament.<sup>131</sup> This bill proposed to increase the minimum prison sentence in cases of violence or serious violations of a woman's integrity in an intimate relationship from nine months to one year. Additionally, it proposed tightening the regulations on restraining orders by removing simple fines from the scale of punishments, thereby making a custodial sentence the minimum punishment for violating a restraining order. Furthermore, it makes it possible to prescribe electronic surveillance to maintain a restraining order, without the previous caveat that the restraining order must have been violated before such surveillance can be imposed.

### **Budget proposals**

In September 2021 the government suggested several new budget lines in the budget for 2022 to target men's violence against women. These have not yet been approved by parliament, but in certain cases they represent a concrete step towards addressing violence against women.<sup>132</sup>

With the focus on preventing men from committing violence or other violations in intimate relationships, the government has suggested creating permanent resources to efforts to combat men's violence against women. The government argues that current efforts have been significantly restricted by the temporary nature of the funding granted to different actors engaged in preventing men's violence against women, and that working with these issues requires longer-term solutions.

The government is also interested in making permanent the state's subsidies for various local women's and girls' emergency hotlines, as well as the national "Kvinnofridslinjen" and "Preventell" hotlines. The local and Kvinnofridslinjen emergency hotlines offer support and advice to children, young girls, and women

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<sup>131</sup> Sweden, Swedish parliament (*Riksdagen*) (2021), [Prop. 2020/21:217 Tightened sanctions for violence and other violations in close relationships](#), 22 July 2021.

<sup>132</sup> Sweden, Swedish Government Offices (2021), [Extensive budget investments to prevent and combat men's violence against women](#), 13 September 2021.

who are the victims of all forms of violence in intimate relationships. "Preventell" is a hotline to support and prevent those who are worried that they may commit some form of sexual violence.

A small budget line has been proposed in the 2022 budget to pay for the appointment of expert groups to strengthen municipal efforts in providing housing for abused women and children. While this system currently functions, the government is concerned that not all municipalities are providing equal housing for abused women and children.

Also proposed for the government's 2022 budget are increased resources for the Swedish Prison and Probation Service (*Kriminalvården*), the Swedish authority for the care of juvenile delinquents (*Statens institutionsstyrelse*), and health and medical care to pay for the extra work incurred by the new legal provisions suggested by the government detailed earlier in this chapter.

## **Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities**

### **8.1 CRPD policy & legal developments**

#### **Accessibility and understandability of public information about COVID-19 for persons with disabilities**

In January 2021, the Swedish Agency for Accessible Media (*Myndigheten för tillgängliga medier, MTM*) published a report on whether public information about COVID-19 has proved accessible and understandable to persons with disabilities. The report reveals that key actors in crisis information lacked routines for the production of available information at the beginning of the COVID-19 pandemic and that it has been difficult to obtain individual help with information during the pandemic.<sup>133</sup> In addition, the Swedish Post and Telecoms Authority (*Post- och telestyrelsen, PTS*), in a report from January 2021, analysed the situation for persons with disabilities in light of the digital changes that were made following the outbreak of COVID-19. The Swedish Post and Telecoms Authority reports that Swedish efforts to promote digital participation are committed but fragmented.

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<sup>133</sup> Sweden, Swedish Agency for Accessible Media, (*Myndigheten för tillgängliga medier*) (2021) Public information during the corona pandemic - for everyone? ([Samhällsinformation under coronapandemin – för alla?](#)), January 2021. The report is conducted by Begripsam AB.

The Agency believes that the experience of the pandemic shows with great clarity that now is the time to take the next step to ensure universal participation.<sup>134</sup>

### **Study of a gender equal-labour market establishment, with a focus on women with disabilities**

In January 2021, the Commission on equal living incomes (*Kommissionen för jämställda livsinkomster*)<sup>135</sup> published a report on the Swedish Public Employment Service's (*Arbetsförmedlingen*) work on the establishment of gender-equal labour markets, with a focus on women with disabilities. Among other things, the report identifies how women, in particular newly-arrived women and women with disabilities, are given less adequate support than men in their efforts to find a job. Furthermore, women with disabilities receive less adequate support than men with disabilities. Men are overrepresented in all types of wage support for persons with disabilities.<sup>136</sup>

### **Lower proportion infected with COVID-19, but higher proportion of deaths among persons with disabilities**

In March 2021, the National Board of Health and Welfare (*Socialstyrelsen*), reported that the spread of COVID-19 seems to have been somewhat lower among persons with disabilities who have support from the social services compared to the rest of the population. At the same time, many of these individuals belong to one or more risk groups, especially persons with Down's syndrome. This is probably one of the contributing reasons why the proportion of deaths with COVID-19 is about twice as high among persons with disabilities than in the rest of the population. Another contributing factor may be difficulties in communicating symptoms, such as fever, difficulties in breathing and loss of smell and taste.<sup>137</sup>

### **Need to strengthen the competence of staff working in housing according to the Act on support and services for certain persons with disabilities (LSS)**

In March 2021, The National Board of Health and Welfare (*Socialstyrelsen*) submitted a report to the government on the competence of staff working in housing under the Act on support and service for persons with certain impairments

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<sup>134</sup> Sweden, The Swedish Post and Telecom Authority (*Post- och telestyrelsen, PTS*) (2021) Digital adjustments as a result of COVID-19 ([Digital omställning till följd av covid-19](#)) January 2021.

<sup>135</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2020) Commission on equal living incomes ([En kommission för jämställda livsinkomster](#)), 5 March 2020.

<sup>136</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2021) The Swedish Public Employment Service's work with a gender equal labour market establishment - analysis and assessment of possible measures ([Arbetsförmedlingens arbete med jämställd arbetsmarknadsetablering – analys och bedömning av möjliga åtgärder](#)), 25 January 2021, p.p. 2-3.

<sup>137</sup> Sweden, National Board of Health and Welfare (2021) Measures and support for persons with disabilities – Status report 2021 ([Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2021](#)), March 2021.

(*Lag om stöd och service till vissa funktionshindrade, LSS*).<sup>138</sup> The report states that there is a need for a long-term approach and sustainability in accessing training and competence development for staff working in housing according to LSS, therefore different types of measures are needed in both the short and long terms. The National Board of Health and Welfare assess that there is a need to strengthen the competence on intellectual impairments and autism.<sup>139</sup> In their budget bill for 2022, the government outlined its intention to issue a government assignment to investigate the possibilities for a national competence center for knowledge about intellectual impairment and autism.<sup>140</sup>

### **The number of complaints to the Equality Ombudsman on the discrimination ground disability continued to increase**

In March 2021, the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) submitted a statistical report on reports, tips and complaints received by the Equality Ombudsman from 2015 to 2020.<sup>141</sup> Disability is the second most common ground for discrimination in complaints to the Equality Ombudsman. 32% of the reports, tips and complaints were about discrimination related to disability. In 2020, complaints about inadequate accessibility most frequently concerned education (44%), goods and services (21%) and working life (11%).<sup>142</sup> Over the period 2015–2020, the number of such complaints about education and working life has increased, while the number of complaints about goods and services has decreased slightly.

### **Annual report on measures targeted to persons with disabilities in 2020**

In March 2021, the National Board of Health and Welfare (*Socialstyrelsen*) published its annual report, presenting the state and development of initiatives and support for persons with disabilities. The report states that the number of decisions and of measures directed at persons with disabilities continues to increase. However, the rate of increase is not as high as before. Access to support and services for persons with disabilities is a challenge that depends on several

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<sup>138</sup> Sweden, Act on support and service to certain persons with disabilities ([Lag \[1993:387\] om stöd och service till vissa funktionshindrade, LSS](#)), 27 May 1993.

<sup>139</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2021) Competence in LSS housing ([Kompetens i LSS-boenden](#)), 16 November 2020.

<sup>140</sup> Sweden, Ministry of Finance (Finansdepartementet), Budget Bill for 2022 2021/22:1 ([Budgetpropositionen för 2021 2021/22:1](#)), government bill, 16 September 2021, expenditure area 9, p. 167.

<sup>141</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) (2021), Statistics 2015–2020 ([Statistik 2015–2020](#)), Report 2021:1, March 2021. The Equality Ombudsman emphasises the importance of considering the following three issues when reading the report: “Many cases of discrimination do not come to the attention of the DO. The events described in complaints about perceived discrimination do not always constitute discrimination in the legal sense as set out in the Discrimination Act. Changes in the number of complaints received over time may be explained by factors other than changes in the incidence of discrimination, for example, due to changes in the way the DO registers the complaints.”

<sup>142</sup> Inadequate accessibility is not pertinent to any of the grounds of discrimination other than disability.

factors. Due to long implementation and investigation periods, persons with disabilities may have to wait a long time to receive the support they are entitled to, sometimes several years.<sup>143</sup>

### **Public inquiry report on additional costs in housing with special service according to LSS**

In March 2021, a public inquiry on the additional costs for persons with disabilities living in housing with special services according to LSS was submitted to the government. The task of the Inquiry was to review the regulations and clarify the legal position for housing with special services for adults according to LSS. The Inquiry emphasises that an adult who has a disability and who lives in a home with special services according to LSS should not have to pay more for their home than other persons.<sup>144</sup>

### **Consequences following the COVID-19 pandemic for children and young persons with disabilities**

Following a government assignment, in April 2021 the Swedish Agency for Participation (*Myndigheten för delaktighet*) presented a report on the consequences of COVID-19 for children and young persons with disabilities.<sup>145</sup> The pandemic has to a larger extent and in specific ways affected the living situations of these children and young persons. The consequences to a large extent derive from decisions and general advice that indirectly affects children and young persons with disabilities.

- Poorer health. The lack of leisure activities and of social interaction with others are consequences of the pandemic that children and young persons with disabilities perceived to be one of the most stressful. This in turn leads to high levels of anxiety and stress.
- Lack of education and distance learning. Many students with disabilities have had extensive difficulties with distance learning. However, the report shows both obstacles and opportunities for working with digital tools.
- Access to health care and increased digitalisation. Access to health care and support services for children and young persons with disabilities and their families has been limited during the pandemic. In addition, digitalisation risks making it more difficult for individuals with poor access to digital tools.

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<sup>143</sup> Sweden, National Board of Health and Welfare (2021) Measures and support for persons with disabilities – Status report 2021 ([Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2021](#)), March 2021.

<sup>144</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Living on (un) equal terms - additional costs in housing with special services for adults according to LSS ([Boende på \(o\)lika villkor – merkostnader i bostad med särskild service för vuxna enligt LSS, SOU 2021:14](#)), government official report, 22 March 2021.

<sup>145</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Children and Young Persons in the middle of a pandemic - consequences of COVID-19 for children and young persons with disabilities ([Barn och Unga mitt i en pandemi – konsekvenser av coronapandemin för barn och unga med funktionsnedsättning](#)), March 2021.

Parents with cognitive disabilities are one group who are at risk of being affected by changes in this area.

- Insecure home conditions. A failure to provide support, severe restrictions on one's ability to use one's own social safety net for help and relief, together with self-chosen isolation, are factors that make home conditions more insecure for many children and young persons with disabilities.

Possible long-term consequences include increased and even more unequally distributed ill health among children and young persons with disabilities and an educational debt with major challenges. To counteract the consequences of the pandemic, the Agency for Participation suggests the following measures be adopted in dealing with children with disabilities:

- Improving children's and young person's right to information
- Increase awareness of children and young persons who are most at risk of being negatively affected
- Prevent and manage mental illness
- Manage the education debt
- Long-term follow-up.

### **Swedish Agency for Participation's annual follow-up reports on Sweden's disability policy**

In April 2021, the Swedish Agency for Participation (*Myndigheten för delaktighet*) presented its annual follow-up report on Sweden's disability policy. The follow-up for 2020 is divided into two sub-reports. The first sub-report covers the impact of COVID-19 on society in general and on persons with disabilities in particular, including a description of how COVID-19 has affected the living conditions of persons with disabilities and how the pandemic has affected the state authorities, regions and municipalities. The second sub-report follows up on the goals and direction of Sweden's disability policy. The Agency reports on four areas for implementing the disability policy:

- the principle of universal design;
- existing shortcomings in accessibility;
- individual support and solutions for the individual's independence;
- preventing and counteracting discrimination.

These conclusions are based on responses to surveys from government agencies, regions and municipalities. This year's report is largely characterised by the ongoing COVID-19 pandemic. The follow-up shows that the pandemic has consequences for persons with disabilities, which limit the opportunities to achieve the objectives of equality and participation.

The first sub-report reveals that, during COVID-19, it has become more difficult for the state authorities, regions and municipalities to take responsibility for increasing accessibility and inclusion in society for persons with disabilities. The



report highlights five critical areas: a need for specific individual initiatives, increased distance from the labour market, accelerated digitalisation, the risk of poorer study results, and major effects on health-care and support services. When actors have been forced to make major adjustments and change priorities within a short time, the risk increases that the needs of and initiatives for persons with disabilities will be downgraded. Persons in need of specific support have also been affected more negatively than others by COVID-19. Furthermore, the risks of loneliness, mental illness and being exposed to domestic violence have increased due to physical distancing and cancelled or restricted activities. Even before COVID-19, persons with disabilities experienced more extensive loneliness and lacked family and close friends compared to the rest of the population. COVID-19 has exacerbated this. The Swedish Agency for Participation emphasises in its report that there is a need for specific initiatives to mitigate the long-term effects of COVID-19 for persons with disabilities.<sup>146</sup>

The second sub-report reveals that many authorities, regions and municipalities are making efforts to increase accessibility for persons with disabilities. This covers websites and e-services, as well as physical premises. The Agency also reports on the need for improvements in the areas of accessibility and inclusion, e.g. with regard to clarity in policy documents and action plans. It is also suggested that agencies, regions and municipalities include requirements for accessibility in procurement to increase accessibility through the principle of universal design. The Agency also highlights the increased number of reports to the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) concerning the lack of accessibility.

In sum, the Agency emphasises that there are still significant differences between persons with disabilities and the rest of the population in terms of living conditions. Many persons with disabilities, both women and men, as well as girls and boys, cannot participate in society on equal terms with the rest of the population. This is evident from the measurement of living conditions in the Agency's reporting in the areas of participation in the labour market and unemployment, level of education, personal economy, self-rated health, outdoor life, sports and culture, electoral participation and the proportion of persons with disabilities who uses services on the internet. The follow-up also shows that there are significant differences within the group of persons with disabilities, e.g. in terms of factors such as type of disability, gender, age, domestic and foreign born or where in the country the person lives. Women and girls with disabilities generally have poorer

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<sup>146</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Follow-up of the disability politics 2020 – Part I, The impact of the COVID-19 on society and persons with disabilities ([Uppföljning av funktionshinderspolitiken 2020 – del I, Coronapandemins påverkan på samhället och personer med funktionsnedsättning](#)), 4 March 2021.



conditions and experience greater difficulties in participating in society than boys and men with disabilities.<sup>147</sup>

### **Swedish Agency for Participation's annual follow-up on authorities, regions and municipalities' work with accessibility and inclusion for persons with disabilities**

This year's follow-up shows, among other things, that most government agencies are working to ensure that they have accessible recruitment procedures. Several government agencies are aware of their responsibility to work to achieve equality in living conditions and participation in society for persons with disabilities. The follow-up shows that 25% of authorities are to a large extent aware of the national disability policy objective and its focus.<sup>148</sup> Furthermore, the follow-up shows, among other things, that all responding regions are working to obtain knowledge from people with disabilities about obstacles to their participation.<sup>149</sup> 34% of the responding municipalities state that they are aware of the CRPD, and 64% that certain officials at the municipal management level are aware of the Convention and its contents.<sup>150</sup>

### **Public inquiry report on the implementation of Directive 2019/882 regarding accessibility requirements for products and services**

In May 2021, a public inquiry presented its proposals for how Directive (EU) 2019/882 of the European Parliament and the Council of 17 April 2019 on the accessibility requirements for products and services should be implemented in Sweden. The report includes an analysis of how Swedish law relates to the Directive and necessary legislative proposals. More specifically, the Inquiry's assessment is that:<sup>151</sup>

- The European Accessibility Act is best implemented through a new single Act on the accessibility of products and services and should be regulated as close to the implementation level as possible. The overarching Act should only contain general provisions and provisions imposing obligations on the economic actors. Through ordinances the government can regulate various procedures to be implemented at the government authority level. It should

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<sup>147</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Follow-up of the disability politics 2020 – Part II, The impact of the COVID-19 on society and persons with disabilities ([Uppföljning av funktionshinderspolitiken 2020 – del II, Statistics on conditions and living conditions for persons with disabilities](#)), 4 March 2021.

<sup>148</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Follow-up on government agencies 2020 ([Uppföljning av myndigheter 2020](#)), 2021.

<sup>149</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Follow-up on regions 2020 ([Uppföljning av regioner 2020](#)), 2021.

<sup>150</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2021) Follow-up on municipalities 2020 ([Uppföljning av kommuner 2020](#)), 2021.

<sup>151</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), The accessibility directive ([Tillgänglighetsdirektivet, SOU 2021:44](#)), government official report, 31 May 2021, pp 44-45.

be left to the authorities concerned to issue regulations specifying exactly what products and services will be covered and what requirements will apply.

- E-books may be covered by either the Freedom of the Press Act or the Fundamental Law on Freedom of Expression.<sup>152</sup> Services that provide access to audiovisual media services will be covered to a considerable extent by the Fundamental Law on Freedom of Expression.<sup>153</sup>

The Inquiry proposes that the task of supervising the accessibility requirements should be divided between a number of authorities, including:

- The Swedish Press and Broadcasting Authority (*Myndigheten för press, radio och tv*), which should supervise accessibility requirements regarding audiovisual media services.
- The Swedish Agency for Accessible Media (*Myndigheten för tillgängliga medier*), which should supervise accessibility requirements for e-books and dedicated software.
- The Swedish Consumer Agency (*Konsumentverket*) and the Swedish Transport Agency (*Transportstyrelsen*), which should have supervisory responsibility for information on the accessibility of vehicles, the surrounding infrastructure and the built environment, as well as about assistance for persons with disabilities. They should also have supervisory responsibility for information about smart ticketing, real-time travel information for passengers and additional service information.<sup>154</sup>

The requirements should apply to products placed on the market after 28 June 2025 and to services supplied on the market after that date. In certain cases a later date for entry of a product into force should apply to services, but no later than 28 June 2030.<sup>155</sup>

## **Public inquiry report on cohesive, good and nearby care for children and young persons**

In May 2021, a public inquiry proposed initiatives to enhance equal care, including preventive and health-promoting initiatives for children and young persons throughout the country. The public Inquiry's report also set out six steps for better support to children and young persons with mental health issues:

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<sup>152</sup> Making requirements concerning the accessibility of e-books may conflict with the provisions on freedom of establishment under the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

<sup>153</sup> Setting accessibility requirements for them may involve a conflict with the constitutional freedom of establishment.

<sup>154</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), The accessibility directive ([Tillgänglighetsdirektivet, SOU 2021:44](#)), government official report, 31 May 2021, p 42.

<sup>155</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), The accessibility directive ([Tillgänglighetsdirektivet, SOU 2021:44](#)), government official report, 31 May 2021, p 46.

1. Introduce a broader approach to mental health. The whole of society has a responsibility for mental health. Preschool and school are important actors in reducing the risk of children and young persons developing mental health issues.
2. Make child and adolescent health care more cohesive. Health care that works on the basis of the overall health-care programme can identify and help children and young persons with mental health issues at an early stage.
3. Primary care should be given a clearer responsibility regarding mental health issues. Those who are having problems with mental health should be able to turn to the primary care as the first instance.
4. Competence and resources in primary care should be strengthened in order to be able to accept children and young persons with mental health issues and their families.
5. Specialized care should be close at hand and accessible. Specialised care should support primary care and student health, as well as help determine who can receive help from primary care and who needs specialised care.
6. Specialised care facilities, social services, and preschool and school authorities need to collaborate to help children and young persons with long-term and extensive needs.<sup>156</sup>

The Inquiry also finds that the ongoing transition in health care to the provisions of good care that is close at hand needs to be supplemented and strengthened on the basis of the child's rights under the Convention on the Rights of the Child. This applies to the national, regional and local levels.

The Inquiry points out further that children and young persons have been affected in several ways by the social changes caused by the outbreak of COVID-19. In Sweden, many children and young persons have experienced increased vulnerability in the home and a deterioration in their mental health during the crisis. The most exposed children and young persons are those who were already in a vulnerable situation or had mental health issues before the crisis.

### **Public inquiry report on possibilities to strengthen the right to personal assistance**

In May 2021, a public inquiry presented its proposals to strengthen the right to personal assistance.<sup>157</sup> The report reviewed certain issues regarding personal assistance under LSS.<sup>158</sup> The overall objective of the Inquiry's report is to

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<sup>156</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Start with the kids! Cohesive good and close care for children and young persons ([Börja med barnen! Sammanhållen god och nära vård för barn och unga, SOU 2021:34](#)), government official report, 4 May 2021.

<sup>157</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Strengthened right to personal assistance - Increased legal certainty for children, more basic needs and safer health care interventions ([Stärkt rätt till personlig assistans - Ökad rättssäkerhet för barn, fler grundläggande behov och tryggare sjukvårdande insatser, SOU 2021:37](#)), government official report, 26 May 2021.

<sup>158</sup> Sweden, Act on support and service to certain persons with disabilities ([Lag \[1993:387\] om stöd och service till vissa funktionshindrade, LSS](#)), 27 May 1993.

strengthen personal assistance for children, provide personal assistance users with strengthened support when they need medical care, and strengthen the right to personal assistance for certain needs that are of considerable importance for the opportunity to participate in society and to live on same terms as others. The proposals in the report aim to create continuity and predictability in personal assistance and to increase assistance.

At the moment, children are entitled to personal assistance on the same basis as adults. However, on average children are granted fewer assistance hours. One of the reasons for this is that, when assessing children's need for assistance, the care that a guardian must normally provide under the Parental Code (*Föräldrabalk*),<sup>159</sup> the so-called parental responsibility (*föräldra-ansvar*), must be taken into account. The Inquiry shows that there are significant problems surrounding legal certainty with regard to how the principle of parental responsibility is applied in relation to personal assistance and financial support for assistance.

The Inquiry proposes three steps to strengthening personal assistance for children:

- If the child has needs that go beyond what parents normally take responsibility for, no parental deduction should be made. This means that the new basic need for continuous support caused by long-term medical problems where a lack of support constitutes a serious risk to life or health must be excluded from the deductions.
- It is proposed that deductions for parental responsibility be standardized. The deduction should be called "parental deduction" (*föräldra-avdrag*). The need for help that remains after the deduction must be used as a basis for assessing the right to personal assistance.
- The Inquiry also proposes that children can be granted municipally funded personal assistance even when the requirement for help with basic needs is modest. This possibility should be available if personal assistance is an appropriate alternative and is considered to be in accordance with the best interests of the child.

### **Proposal to allocate funds to strengthen the right to assistance**

In the budget for 2022, the government intends to generate proposals to strengthen the right to assistance. The reform will be based on the proposals in the public inquiry's report on the possibilities of strengthening the right to personal assistance mentioned above.<sup>160</sup> As the proposals in the Inquiry are now being

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<sup>159</sup> Sweden, Parental Code ([Föräldrabalk \[1949:381\]](#)), 10 June 1949.

<sup>160</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Strengthened right to personal assistance - Increased legal certainty for children, more basic needs and safer health care interventions ([Stärkt rätt till personlig assistans - Ökad rättssäkerhet för barn, fler grundläggande behov och tryggare sjukvårdande insatser, SOU 2021:37](#)), government official report, 26 May 2021.

implemented, the government emphasises that the original intentions behind LSS will be affirmed.<sup>161</sup>

This means that more children will be entitled to personal assistance as a consequence of reducing the so-called parental responsibility and increasing the legal certainty concerning how parental responsibility is applied in relation to personal assistance and assistance benefits. The Inquiry estimates that an additional 2,000 persons, including about 800 children, will be entitled to assistance as a result of these reforms. The Swedish Social Insurance Agency (*Försäkringskassan*) will receive increased funding to handle the increase in the number of cases.<sup>162</sup>

### **Proposal to allocate funds to strengthen the economy for persons using the sickness and activity benefit system**

In the budget for 2022, the government proposes to increase the guarantee level in sickness and activity benefits from 1 January 2022.<sup>163</sup> In addition, it is proposed to increase the housing supplement for persons in receipt of sickness and activity benefits. The government considers that the economic security for persons in receipt of sickness or activity benefits needs to be strengthened since this group has lagged behind economically and often has to live with low financial resources.<sup>164</sup>

### **Government assignment to evaluate the Act on housing adaptation allowances**

In August 2021, the government tasked the National Board of Housing, Building and Planning (*Boverket*) to evaluate the Housing Adaptation Allowance Act (*Lagen om Bostadsanpassningsbidrag*)<sup>165</sup> and analyse how the Act has affected the development of the housing adaptation allowance. If the National Board of Housing, Building and Planning finds obstacles to persons with disabilities accessing the necessary adaptations in their homes, the authority must submit

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<sup>161</sup> Initiatives under the LSS should promote equality in living conditions and full participation in society for persons with disabilities. The main objective should be that the individual is given the opportunity to live like others.

<sup>162</sup> Sweden, Ministry of Finance (Finansdepartementet), Budget Bill for 2022 2021/22:1 ([Budgetpropositionen för 2021 2021/22:1](#)), government bill, 16 September 2021, expenditure area 9, p. 174.

<sup>163</sup> Activity compensation and sickness compensation are two benefits for those who have a reduced ability to work. Person with disabilities between the ages of 19 and 29 can receive activity compensation based on certain criteria. Persons with disabilities between the ages of 19 and 64 can receive sickness compensation if they are not able to work.

<sup>164</sup> Sweden, Ministry of Finance (Finansdepartementet), Budget Bill for 2022 2021/22:1 ([Budgetpropositionen för 2021 2021/22:1](#)), government bill, 16 September 2021, expenditure area 10, p. 37.

<sup>165</sup> Sweden, Act on Housing Adaptation Allowances ([Lagen om bostadsanpassningsbidrag \[2018:222\]](#)), 19 April 2018.

proposals for measures to remedy this. The proposals may include amendments to the Housing Adaptation Allowance Act.<sup>166</sup>

### **Consequences of the COVID-19 pandemic for persons receiving support in accordance with the Act on support and services for certain persons with disabilities (LSS)**

In August 2021, the National Board of Health and Welfare (*Socialstyrelsen*) presented its final report on how COVID-19 has affected the opportunities for persons with disabilities to gain access to and participate in activities falling under LSS.<sup>167</sup> The report reveals that COVID-19 has had extensive consequences for obtaining support under LSS.

In 2020, 80% of Sweden's municipalities and districts implemented changes in relation to LSS activities as a result of COVID-19. The National Board of Health and Welfare emphasises that the changes must be seen in the light of the fact that many persons receiving support and service in accordance with LSS belong to a risk group.

Persons participating in so called "daily activities" (*daglig verksamhet*) are those who have been affected the most by COVID-19. About a third of municipalities cancelled daily activities altogether, which presented just over 17,200 persons with decisions regarding their daily activities. An equally high proportion of municipalities and districts reduced the scope of daily activities.

Persons living in housing with special services for adults in accordance with LSS have also been considerably affected by COVID-19. Residents' opportunities for self-determination (*självbestämmande*) and participation, and their opportunities to choose activities, have also been affected. It has been reported that visit bans have been imposed on housing with special services in accordance with LSS, despite the fact that this has not been legally approved.

Persons with personal assistance have been affected in various ways during the pandemic. For instance, when assistance users' daily activities have been cancelled, they have needed increased assistance at home. In addition, the National Board of Health and Welfare reports that in some cases the provision of assistance has been reduced in scope, due, for instance, to increased sick-leave among personal assistants.

The scope of the social services' support to children and young persons with disabilities has also been affected, but to a limited extent. However, a few

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<sup>166</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), (2021) Assignment for housing adaptation allowances ([Uppdrag om bostadsanpassningsbidrag](#)), government assignment, 26 August 2021.

<sup>167</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2021) COVID-19's consequences for persons with support and services according to LSS ([Covid-19:s konsekvenser för personer med insatser enligt LSS](#)), August 2021.



municipalities state that initiatives such as relief services (*avlösarservice*), housing for children and short-term supervision (*korttidstillsyn*) in accordance with LSS have been cancelled altogether. Although these withdrawals have only affected a few children and young persons with disabilities, the consequences for those affected have in all probability been severe.

However, most municipalities and districts that have cancelled or reduced the scope of LSS initiatives seem to have offered other alternatives, including outdoor activities and digitized daily activities. However, these alternative activities only replace certain LSS initiatives, such as daily activities.

The National Board of Health and Welfare finds that different municipalities have had different conditions for dealing with the spread of infection from disability activities. The report underlines a number of challenges, among which is the fact that not all municipalities had developed continuity plans and crisis plans. A continuity plan contains information that tells staff what to do in the event of, for example, a disruption in activities or a crisis, such as the COVID-19 pandemic. Many assistance providers seem to lack similar plans. In addition, not all municipalities and districts made initial contact with all users who were affected by the changes, nor did they follow up the effects of the changes with users over time.

### **Government assignment regarding statistics on living conditions for persons with disabilities**

In September 2021, the government tasked Statistics Sweden (*Statistiska Centralbyrån, SCB*) with producing and presenting statistics on living conditions for persons with disabilities. The objective is to create a register of the applicable population that can be used as a background variable when reporting other statistics. The final report should include proposals for a register variable and set out how register-based work should be conducted in the future. The first sub-report is to be submitted on 31 May 2022.<sup>168</sup>

### **Special inquirer to analyse and propose how personal assistance should be organised under the principle of state-led responsibility**

In September 2021, the government assigned a special inquirer to assess how personal assistance in accordance with LSS and assistance benefits in accordance with the Social Insurance Code (*Socialförsäkringsbalk*)<sup>169</sup> should be organised under the principle of state-led responsibility (*statligt huvudmannaskap*). The aim

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<sup>168</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), (2021) Assignment regarding statistics on living conditions for people with disabilities ([Uppdrag angående statistik om levnadsförhållanden för personer med funktionsnedsättning](#)), government assignment, 2 September 2021.

<sup>169</sup> Sweden, Social Insurance Code ([Socialförsäkringsbalk \[2010:110\]](#)), chap 51, section 5 & 6, chap 106, section 1, 25 a, 1 July 2020.

of the proposal is an effective regulation that creates long-term and stable conditions for a service of good quality that is characterised by a high level of legal certainty and opportunities for follow-up and control.

Further, the special inquirer was asked to assess the potential changes required to LSS, the Social Services Act (*Socialtjänstlag*)<sup>170</sup> and the Social Insurance Code.<sup>171</sup> The special inquirer should also submit proposals on how the transfer and adaptations of municipal decisions on personal assistance to state level can be implemented. Persons who have already received a decision on personal assistance in accordance with LSS (municipal support) will retain their right to personal assistance when the responsibility is transferred to the state.<sup>172</sup>

### **New national strategy for systematic follow-up of the disability policy from 2021 to 2031**

In September 2021, the government presented a new national strategy for systematically following up the national objective for a disability policy from 2021 to 2031.<sup>173</sup> The aim of the strategy is linked to the government's desire to clarify the importance of each sector in society taking responsibility for its own part of the disability policy, with a specific emphasis on following up its national objective.<sup>174</sup> More specifically, the strategy outlines a number of government agencies that will be asked to conduct a systematic follow-up of the disability policy within their respective areas of responsibility.<sup>175</sup> The Swedish Agency for Participation (*Myndigheten för delaktighet*) will support the different agencies in implementing the strategy.<sup>176</sup>

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<sup>170</sup> Sweden, Social Services Act ([Socialtjänstlag \[2001:453\]](#)), 7 June 2001.

<sup>171</sup> Sweden, Social Insurance Code ([Socialförsäkringsbalk \[2010:110\]](#)), chap 51, section 5 & 6, chap 106, section 1, 25 a, 1 July 2020.

<sup>172</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Committee Directive (*kommitéedirektiv*), state-led responsibility for personal assistance ([Statligt huvudmannaskap för personlig assistans](#)), 23 September 2021.

<sup>173</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Strategy for systematic follow-up of disability policy during 2021–2031 ([Strategi för systematisk uppföljning av funktionshinderspolitiken under 2021–2031](#)), government assignment, 23 September 2021.

<sup>174</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), National objective and orientation for disability policy, 2016, 2016/17:188 ([Nationellt mål och inriktning för funktionshinderspolitiken 2016, 2016/17:188](#)), government bill, 11 May 2017.

<sup>175</sup> 28 authorities will have a clear follow-up responsibility – for a complete list of the different government agencies see; Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Strategy for systematic follow-up of disability policy during 2021–2031 ([Strategi för systematisk uppföljning av funktionshinderspolitiken under 2021–2031](#)), government assignment, 23 September 2021.

<sup>176</sup> For more information on the Swedish Agency for Participation's assignment, see the section below.



During the follow up, the authorities must submit a report based on the four areas for implementing the disability policy:<sup>177</sup>

- the principle of universal design;
- existing shortcomings in accessibility;
- individual support and solutions regarding individual's independence;
- preventing and counteracting discrimination.

Account should also be taken of the measures that have been introduced in connection with the national objective that contribute to increasing gender equality. In addition, the child rights perspective must be taken into account.

### **Government assignment to provide support to certain agencies regarding the following up of disability policy**

In September 2021, the government tasked the Swedish Agency for Participation (*Myndigheten för delaktighet*) with supporting government agencies that are affected by the government's decision to introduce a new "Strategy for systematic follow-up of the disability policy 2021–2031" (*Strategi för systematisk uppföljning av funktionshinderspolitiken under 2021–2031*). For the duration of the assignment, the Agency must support and guide the relevant authorities in following up the national objective of the disability policy and suggesting how the authorities' should report on the policy's implementation.<sup>178</sup> In some cases, the support may involve assisting the authorities to come up with appropriate measures to implement the national objective within their own area of responsibility. In other cases, it may be a matter of producing statistics or other assessment criteria to shed light on the situation of persons with disabilities in a certain area. The authorities' reports will then form the basis of, among other things, the government's report in the budget bill on progress towards the national goal of the disability policy.

### **Government assignment for knowledge support regarding personal assistance benefits**

In October 2021, the government tasked the Swedish Social Insurance Agency (*Försäkringskassan*) with introducing knowledge support for desk officers handling personal assistance benefit claims. The objective is to give desk officers guidance and support in documenting needs and in making the needs assessment more

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<sup>177</sup> The national objective for disability policy 2021 – 2031 is based on the CRPD; see Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Strategy for systematic follow-up of disability policy during 2021–2031 ([Strategi för systematisk uppföljning av funktionshinderspolitiken under 2021–2031](#)), government assignment, 23 September 2021, p. 5.

<sup>178</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), assignment to provide support in the follow-up of disability policy ([Uppdrag att ge stöd vid uppföljning av funktionshinderspolitiken](#)), government decision, 23 September 2021.

understandable for the individual claimant. The Agency is to submit a report on the assignment to the government no later than 30 June 2022.<sup>179</sup>

### **Government assignment to examine knowledge gaps regarding exposure to violence among persons with disabilities**

In October 2021, the government tasked the Swedish Agency for Participation (*Myndigheten för delaktighet*) with compiling knowledge from research and surveys on exposure to violence among persons with disabilities and to identify knowledge gaps for future studies. The Agency is to submit a report on the assignment to the government no later than 31 January 2023.<sup>180</sup>

### **The County Administrative Boards support to regions and municipalities in implementing the national disability policy**

The County Administrative Boards (*Länsstyrelserna*) have been tasked by the government with supporting regions and municipalities in their implementation of local disability-policy strategies and plans in collaboration with the Swedish Agency for Participation (*Myndigheten för delaktighet*).<sup>181</sup> Support to the regions and municipalities differs between counties, depending on the available resources. During 2021, the County Administrative Board of Västra Götaland (*Länsstyrelsen Västra Götaland*) has, among other things, held a number of conferences focusing on children with disabilities, men's violence against women with disabilities, promoting an accessible and inclusive culture, and leisure activities. Furthermore, the County Administrative Board regularly provides basic training on the CRPD and how it can be implemented in regions and municipalities.<sup>182</sup>

### **National gathering: International Day of Persons with Disabilities 2021**

On 1-2 December 2021, the County Administrative Boards (*Länsstyrelserna*) and the Swedish Agency for Participation (*Myndigheten för delaktighet*) arranged a digital national gathering in order to highlight the International Day of Persons with Disabilities. The meeting focused on implementation of Sweden's disability policy at the regional and municipal levels and covered the following five areas:

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<sup>179</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Assignment for knowledge support regarding the assistance compensation ([Uppdrag om kunskapsstöd gällande assistansersättningen](#)), government decision, 28 October 2021.

<sup>180</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), Assignment to examine relevant actors' knowledge of exposure to violence among persons with disabilities and propose measures ([Uppdrag att inventera relevanta aktörers kunskap om våldsutsatthet bland personer med funktionsnedsättning och föreslå åtgärder](#)), government decision, 28 October 2021.

<sup>181</sup> Sweden, Ministry of Finance (*Finansdepartementet*) Appropriation directions for the fiscal year 2021 regarding the County Administrative Boards (*Regleringsbrev för budgetåret 2021 avseende Länsstyrelserna*), 12 December 2020.

<sup>182</sup> See the County Administrative Board of Västra Götaland's (*Länsstyrelsen Västra Götaland*) official website, Basic education in the UN Convention on the Rights of Persons with Disabilities ([Grundutbildning i FN:s Konvention om rättigheter för personer med funktionsnedsättning](#)).

- Management and governance of the disability policy;
- Democracy and influence;
- Effects and lessons learned from the pandemic;
- Procurement as a tool for accessibility and universal design;
- Disability policy and integration.<sup>183</sup>

## **A review of the reforms to support for persons with disabilities**

In December 2021, the Swedish Social Insurance Inspectorate (*Inspektionen för socialförsäkringen, ISF*) published a report on the reforms of support for persons with disabilities. The report focuses on the reform of a care allowance (*omvårdnadsbidrag*) for parents whose children have particular needs for care and supervision due to impairment and disability. The allowance is a financial benefit that can be granted to parents who meet the needs of children with disabilities in a way that goes beyond what is included in the concept of “normal” parental responsibility. The report highlights that it is unclear what can be considered “normal” parental responsibilities for children at different ages. As the concept of normal parental responsibility is an important part of the Swedish Social Insurance Agency's (*Försäkringskassans*) assessment of the right to an allowance, this lack of clarity may lead to similar situations being assessed in different ways. The Swedish Social Insurance Inspectorate believes that this is problematic when it comes to ensuring legal certainty.<sup>184</sup>

## **Other initiatives**

To highlight the experiences of the COVID-19 pandemic for children and young persons with disabilities, the Agency for Participation (*Myndigheten för delaktighet*) has produced three short films about school, leisure activities and how children feel during the pandemic. The films are available on the Agency's website.<sup>185</sup>

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<sup>183</sup> See the County Administrative Board of Västernorrland's (*Länsstyrelsen Västernorrland*) official website, National gathering: International Disability Day 2021 ([Nationell samling: Internationella funktionshindersdagen 2021](#)).

<sup>184</sup> Sweden, Swedish Social Insurance Inspectorate (*Inspektionen för socialförsäkringen, ISF*) ([Från vårdbidrag till omvårdnadsbidrag](#)), 14 December 2021.

<sup>185</sup> See the Swedish Agency for Participation's (*Myndigheten för delaktighet*) official website, Children with disabilities - in the middle of a pandemic ([Barn med funktionsnedsättning - mitt i en pandemi](#)).

The Swedish Association of Local Authorities and Regions (SALAR) (*Sveriges Kommuner och Regioner, SKR*) has developed a checklist to prevent the spread of COVID-19 in housing with special service in accordance with LSS.<sup>186</sup>

The National Board of Health and Welfare (*Socialstyrelsen*) has developed web-based training for basic hygiene routines that is specifically aimed at staff involved in caring for older persons and persons with a disability.<sup>187</sup>

To highlight the International Day of Persons with Disabilities, on 3 December the Swedish Disability Rights Federation (*Funktionsrätt Sverige*) conducted a webinar. The webinar followed up the report "Respect for Rights" (*Respekt för rättigheter*)<sup>188</sup> and focused on the implementation of the CRPD in Sweden.<sup>189</sup>

## 8.2 CRPD monitoring at national level

### Establishment of an Institute for Human Rights

In March 2021, the government put forward a bill to the Swedish Parliament to establish an Institute for Human Rights (*Institut för mänskliga rättigheter*).<sup>190</sup> The overall objective of the Institute for Human Rights will be to promote the safeguarding of human rights at the national level. In June 2021, the Swedish Parliament voted to approve the bill,<sup>191</sup> which proposes an Act on an Institute for Human Rights (*Lag om Institutet för mänskliga rättigheter*). The Act entered into force on 1 October 2021 in respect of the regulations governing the Institute's Board and the nomination of Board members. The other provisions entered into force on 1 January 2022, when the Institute for Human Rights was established. The government has allocated 50 million SEK yearly in support of the Institute.<sup>192</sup>

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<sup>186</sup> Sweden, Swedish Association of Local Authorities and Regions (SALAR) (*Sveriges Kommuner och Regioner, SKR*), Checklist: preventing the spread of COVID-19 in housing with special service according to LSS ([Checklista: Förhindra smittspridning av covid-19 på LSS-bostäder](#)).

<sup>187</sup> See the National Board of Health and Welfare's (*Socialstyrelsen*) official website, Basic hygiene routines in health and care ([Basala hygienrutiner i vård och omsorg](#)).

<sup>188</sup> Swedish Disability Rights Federation (*Funktionsrätt Sverige*) (2019) Respect for Rights ([Respekt för rättigheter](#)).

<sup>189</sup> See the Swedish Disability Rights Federation's (*Funktionsrätt Sverige*) website, Webinar: How is the work with Respect for rights going - and what needs to be done now? ([Webbinarium: Hur går arbetet med Respekt för rättigheter – och vad behöver göras nu?](#)).

<sup>190</sup> Sweden, Ministry of Employment (Arbetsmarknadsdepartementet), 2020/21:134 Institute for Human Rights (*Institut för mänskliga rättigheter*), government bill, 18 March 2021.

<sup>191</sup> Sweden, Swedish Parliament (*Riksdagen*), An institute for Human Rights ([Ett institut för mänskliga rättigheter](#)), Report of the Committee on the Constitution (*Konstitutionsutskottets betänkande 2020/21:KU33*), 3 June 2021.

<sup>192</sup> Sweden, Ministry of Employment (Arbetsmarknadsdepartementet), 2020/21:134 Institute for Human Rights (*Institut för mänskliga rättigheter*), government bill, 18 March 2021, page 58.

In April 2021, the government appointed an Inquiry Chair to prepare for and carry out the formation of the new Agency. The Inquiry Chair will propose and take all necessary measures to establish the Institute of Human Rights by 1 January 2022. Among other things, the Inquiry Chair will present proposals for directions regarding appropriation and appoint some of the Institute's staff. The final report is to be delivered by 31 December 2021.<sup>193</sup>

The Institute for Human Rights was established as a new government agency<sup>194</sup> and is led by a Board.<sup>195</sup> The new Act on an Institute for Human Rights regulates its activities. The importance of the new Institute's independence has been emphasized by many actors, including those representing civil society.<sup>196</sup> The government argues that, by regulating the Institute for Human Rights through a new law, no government will be able to control the Institute's tasks or work to the extent that normally applies to government agencies. The government considers that this regulation will create long-term continuity for the institution and strengthen its ability to perform its tasks in an independent manner.<sup>197</sup> However, the members of the Institute's Board will be appointed by the government.<sup>198</sup>

The Institute for Human Rights will set up an independent mechanism to promote, protect and monitor implementation of the CRPD.<sup>199</sup> Under the Act for an Institute for Human Rights, the Institute must perform the functions of an independent national mechanism in accordance with Article 33(2) of the CRPD.<sup>200</sup> Subject to the requirements contained in Article 33(3) of the CRPD and Article 10 of Act on the Human Rights Institute regarding who may participate in the Institute's Council, the Institute itself will decide how best to fulfil the tasks assigned to it as

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<sup>193</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), Committee Directive (*kommitéedirektiv*), Establishment of an Institute for Human Rights ([Inrättande av ett Institut för mänskliga rättigheter](#)) 1 April 2021.

<sup>194</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights ([Institut för mänskliga rättigheter](#)), government bill, 18 March 2021, page 20.

<sup>195</sup> Section 5.

<sup>196</sup> See for instance, Sweden, Swedish Disability Rights Federation (*Funktionsrätt Sverige*) (2021) Swedish Disability Rights Federation's contribution to the inquiry on the establishment of an institute for human rights ([Funktionsrätt Sveriges medskick till utredningen för inrättandet av ett institut för mänskliga rättigheter](#)), 1 July 2021.

<sup>197</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights ([Institut för mänskliga rättigheter](#)), government bill, 18 March 2021, page 22.

<sup>198</sup> Sweden, Act on the Institute for Human Rights ([Lag om Institutet för mänskliga rättigheter \(2021:642\)](#)), 22 June 2021, section 1, paragraph 5.

<sup>199</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights ([Institut för mänskliga rättigheter](#)), government bill, 18 March 2021, page 17 and 25.

<sup>200</sup> Sweden, Act on the Institute for Human Rights ([Lag om Institutet för mänskliga rättigheter \(2021:642\)](#)), 22 June 2021, section 1, paragraph 2.

an independent national mechanism.<sup>201</sup> The Institute will not try individual complaints concerning human rights.<sup>202</sup>

The government stresses that the Institute for Human Rights should not take over tasks from other agencies or work on the same tasks. The intention is that the Institute should instead supplement and strengthen the work performed by other authorities, such as the Swedish Agency for Participation (*Myndigheten för delaktighet*). The government emphasizes that a prerequisite for the Institute's work with CRPD to be successful is that it is conducted in close collaboration with the Swedish Agency for Participation. In this way, the Institute will be able to further highlight and draw attention to issues concerning the rights of persons with disabilities.<sup>203</sup> However, representatives from civil society have emphasized that the new Institute should also be able to monitor the work of other government agencies, including the Swedish Agency for Participation itself.<sup>204</sup>

According to the Act for an Institute for Human Rights, the Institute's board should have members with expertise in the field of human rights and experience of qualified work in, among other areas, civil society.<sup>205</sup> Furthermore, the Institute must have a Council. The Council shall provide advice and support by providing the Institute with knowledge of and experience from the work of civil society and other actors in the area of human rights. The Council should have a broad composition and consist of at least ten members. Organizations representing persons with disabilities must also be represented.<sup>206</sup>

In October 2021, the government announced the Institute's Board members,<sup>207</sup> whose appointment starts in 1 January 2022. It is the Board's task to appoint a Director as head of the Institute.

### **The Swedish Agency for Participation's task to follow up the national disability policy on an annual basis**

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<sup>201</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights (*Institut för mänskliga rättigheter*), government bill, 18 March 2021, page 59.

<sup>202</sup> Sweden, Act on the Human Rights Institute (*Lag om Institutet för mänskliga rättigheter (2021:642)*), 22 June 2021, section 2, paragraph 3.

<sup>203</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights (*Institut för mänskliga rättigheter*), government bill, 18 March 2021, page 57.

<sup>204</sup> Sweden, Swedish Disability Rights Federation (*Funktionsrätt Sverige*) (2021) Swedish Disability Rights Federation's contribution to the inquiry on the establishment of an institute for human rights (*Funktionsrätt Sveriges medskick till utredningen för inrättandet av ett institut för mänskliga rättigheter*), 1 July 2021.

<sup>205</sup> Sweden, Act on the Institute for Human Rights (*Lag om Institutet för mänskliga rättigheter (2021:642)*), 22 June 2021, section 5 and 8.

<sup>206</sup> Sweden, Act on the Institute for Human Rights (*Lag om Institutet för mänskliga rättigheter (2021:642)*), 22 June 2021, section 10.

<sup>207</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), Board of the Institute for Human Rights appointed (*Styrelsen för Institutet för mänskliga rättigheter utsedd*), press release, 28 October 2021.



Until the establishment of the new Institute for Human Rights in January 2022, there is no overall structure in place to monitor the CRPD.<sup>208</sup> However, the Swedish Agency for Participation has been tasked by the government with conducting annual follow-ups on progress with the national disability policy. As mentioned in Chapter 1 above, the follow-up for 2020 was divided into two sub-reports. The first report provided an overview of how the ongoing COVID-19 pandemic has affected the state, regional and municipal authorities and described how the pandemic has affected the living situation of persons with disabilities. The second sub-report contained a follow-up of the objective and of progress with the national disability policy.<sup>209</sup>

### **The Swedish Agency for Participation's task to follow up on authorities', regions' and municipalities' work with accessibility and inclusion for persons with disabilities on an annual basis**

In addition, the Swedish Agency for Participation is also responsible for reporting annually on the work of government agencies, regions and municipalities' on accessibility for and the inclusion of persons with disabilities. This monitoring task is outlined in the government's instructions to the Agency. The Agency different stakeholders a number of questions on inclusion and accessibility. The answers are collected and processed by the Agency.

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<sup>208</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*), 2020/21:134 Institute for Human Rights (*Institut för mänskliga rättigheter*), government bill, 18 March 2021, page 17.

<sup>209</sup> The reports are summarised in Chapter 1, above.

## Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;"><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p style="text-align: center;"><b>Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</b></p>
Title (original language)	RFSL lanserar antologi om sexuella övergrepp
Title (EN)	RFSU Anthology of Sexual Abuse within the LGBTQI Community
Organisation (original language)	RFSL, Riksförbundet för homosexuellas, bisexuellas, transpersoners, queeras och intersexpersoners rättigheter
Organisation (EN)	The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL)
Government / Civil society	Civil society
Funding body	various



Reference (incl. URL, where available)	<a href="https://www.rfsl.se/en/aktuellt/the-lgbtqi-movements-metoo-rfsl-launches-anthology-about-sexual-abuse/">https://www.rfsl.se/en/aktuellt/the-lgbtqi-movements-metoo-rfsl-launches-anthology-about-sexual-abuse/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start: 20 April 2021, ongoing
Type of initiative	Awareness-raising campaign
Main target group	LGBTQI community, general population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSU) begins work on gathering stories about sexual abuse to make an anthology. Since the rise of #metoo there has been a flood of stories about sexual abuse from all parts of society. However, stories from the LGBTQI community were conspicuous by their absence.<sup>210</sup></p> <p>RFSU acknowledges that sexual abuse happens within the LGBTQI community, for example, at parties, during dating and meetings, within organisations, at the workplace and in the home. RFSU believes that there is too little talk about violence and sexual abuse in LGBTQI contexts</p>

<sup>210</sup> <https://www.rfsl.se/en/aktuellt/rfsl-arbetar-med-antologi-om-sexuella-overgrepp/>

	<p>generally. As an organisation, it wants to create a clear culture of consent and safeguard safe meeting spaces.<sup>211</sup></p> <p>RFSU emphasizes the importance of taking a stand against abuses and taking action by making the necessary changes based on different stories and experiences.</p> <p>RFSL now invites LGBTQI people to share and make their experiences visible. The stories will be used to create an anthology to be published by RFSL. The aim of the anthology is to start conversations and give people a platform to share their stories.”</p> <p>Source: The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL) official website, '<a href="#">RFSL launches anthology about sexual abuse</a>', 5 October 2021.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements of the initiative are transferable. As in the case of Sweden, the initiative can be implemented by a national LGBTQI association or another CSO working in this sector.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The the LGBTQI community has clear ownership of the initiative, which contributes to its sustainability.</p>
<p>Give reasons why you consider the practice as having</p>	<p>The Anthology will be based on real people’s stories and experiences, thus helping understand the scope of the problem and its implications. Media coverage can also be monitored to understand how many people this information has reached.</p>

<sup>211</sup> <https://www.rfsl.se/en/aktuellt/rfsl-arbetar-med-antologi-om-sexuella-overgrepp/>

concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	All elements of the initiative are transferable. As in the case of Sweden, the initiative can be implemented by a national LGBTQI association or another CSO working in this sector.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	This initiative is being implemented fully within the LGBTQI community, who are its beneficiaries and stakeholders. Any member of the community can submit a story and thus contribute to a community voice.
Explain, if applicable, how the practice provides for review and assessment.	n/a

<b>Thematic area</b>	<p style="text-align: center;"><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b></p>
<b>Title (original language)</b>	Uppdrag att utveckla länsstyrelsernas arbete mot rasism på arbetsmarknaden
<b>Title (EN)</b>	Assignment to develop the county administrative boards' work against racism in employment
<b>Organisation (original language)</b>	Länsstyrelserna
<b>Organisation (EN)</b>	The County Administrative Boards
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government

<b>Reference (incl. URL, where available)</b>	<a href="https://www.regeringen.se/4a7b27/contentassets/a75cc5719f614fa4a694298a28f1a031/uppdrag-att-utveckla-lansstyrelsernas-arbete-mot-rasism-pa-arbetsmarknaden.pdf">https://www.regeringen.se/4a7b27/contentassets/a75cc5719f614fa4a694298a28f1a031/uppdrag-att-utveckla-lansstyrelsernas-arbete-mot-rasism-pa-arbetsmarknaden.pdf</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	2021 until 1 March 2022
<b>Type of initiative</b>	Promoting racial and ethnic equality in employment
<b>Main target group</b>	Employers, organizations and policy-makers
<b>Indicate level of implementation: Local/Regional/National</b>	National, regional and local
<b>Brief description (max. 1000 chars)</b>	The government has asked the County Administrative Boards of Sweden to develop actions to counter racism in employment during 2021 and until 1 March 2022. The assignment includes: increasing the knowledge and awareness among actors in the labor market about restrictive norms concerning skin color; contributing knowledge about afrophobia and restrictive norms concerning skin color to the county administrative boards' activities regarding the labor market; and submitting proposals for further measures. The mission is to make restrictive norms about skin-color visible and help remove obstacles for Afro-Swedes, as well as others at risk of being subjected to racism to their accessing equal rights in the labor market.

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The assignment is likely to result in proposals for combating racism in employment that are applicable across the EU.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>Because racial discrimination in employment is a problem across the EU, and there is a general need for understanding its mechanisms and addressing it with concrete measures.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>Its focus is on scientifically identifying the mechanisms and developing actionable measures.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Similar problems exist across the EU.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>n/a</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>n/a</p>



Thematic area	<p style="text-align: center;"><b>ROMA EQUALITY AND INCLUSION</b></p> <p><b>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</b></p>
<b>Title (original language)</b>	"Rätten till Bostad är en Nyckel"
<b>Title (EN)</b>	The Right to Housing is Key
<b>Organisation (original language)</b>	Malmö mot Diskriminering (MMD)
<b>Organisation (EN)</b>	Malmö Against Discrimination
<b>Government / Civil society</b>	Civil-society organisation
<b>Funding body</b>	Delegation mot Segregation ("Delmos")
<b>Reference (incl. URL, where available)</b>	<a href="https://malmomotdiskriminering.se/wp-content/uploads/2021/06/Rapport-bostadsprojekt.pdf">https://malmomotdiskriminering.se/wp-content/uploads/2021/06/Rapport-bostadsprojekt.pdf</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>April 2020-May 2021 New project from June 2021 to April 2022</p>
<p><b>Type of initiative</b></p>	<p>Awareness-raising, education, advocacy</p>
<p><b>Main target group</b></p>	<p>Organisations representing the Roma community, housing companies</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>Local (in the city of Malmö)</p>

<p><b>Brief description (max. 1000 chars)</b></p>	<p>The effort to reduce segregation in Sweden includes not least acting against discrimination in the housing market. It also includes an awareness of norms and practices that are based on anti-Roma narratives. Working to reduce discrimination against the Roma requires continuous and systematic work, in line with the Swedish Discrimination Act. Malmö against Discrimination therefore believes that active measures should also cover the housing market. The project described here is a step towards achieving this. The aim of the project was to reduce segregation in Malmö by reducing the risks of discrimination in the housing market with a particular focus on Roma vulnerability. The project worked partly to strengthen individuals by producing information about housing discrimination and how one can protect one's rights. This was based on group interviews with Roma people, in collaboration with the Roma Information and Knowledge Center (RIKC) and the Romano Trajo and Roma Cultural Associations. The material has been translated into several languages and Roma dialects and has been disseminated both digitally and in paper form. The project has also gathered data on how companies in the housing market can systematically prevent housing discrimination at a structural level. This involved the analysis of problems, goals and actions according to the LFA method. The LFA pointed out, among other things, the need for forms of continuous and solid collaboration between the various players in the housing market. The results form the basis for a research circle with similar participants, which will be implemented in 2021-2022.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The dialogue between the CSO and the rights-holders on the one hand, and the duty-bearers on the other, in a matter such as the right to housing can be applied to other cities in the country in order to obtain a complete picture of what housing discrimination looks like, and how it can be systematically addressed.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>It is sustainable because it not only targets the Roma, but also, and to a large extent, the housing companies that are actually carrying out the discriminatory practices. The fact that the project is based on the Swedish Anti-Discrimination Act also means that results are more likely to be achieved if, in advocacy and lobbying, the companies need to respect Swedish law.</p>

<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The project increases the Roma's awareness of their rights when it comes to housing, which they in turn can use to argue for their rights, as well as providing practical tools that the housing companies can use in order to work actively to reduce discriminatory acts.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Working on the right to housing locally is key, especially since most housing companies operate at the municipal level. Moreover, this is transferable to other cities in the EU, allowing them to reduce discrimination against the Roma on the housing market.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>n/a</p>

<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n/a
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Thematic area	<p style="text-align: center;"><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b></p>
<b>Title (original language)</b>	The Swedish AI Ethics Lab
<b>Title (EN)</b>	The Swedish AI Ethics Lab
<b>Organisation (original language)</b>	AI Sweden
<b>Organisation (EN)</b>	AI Sweden
<b>Government / Civil society</b>	AI Sweden is the Swedish national center for the application of artificial intelligence. Its mission is to accelerate the use of AI for the benefit of Swedish society, for reasons of competitiveness, and for everyone living in Sweden.
<b>Funding body</b>	Multiple, including support by the Swedish government and public and private sectors across the country.
<b>Reference (incl. URL, where available)</b>	<a href="https://www.ai.se/en/news/ai-sweden-launches-ai-ethics-lab">https://www.ai.se/en/news/ai-sweden-launches-ai-ethics-lab</a> <a href="https://www.ai.se/en">https://www.ai.se/en</a> AI Ethics Lab, <a href="#">Meeting notes</a> , 20 May 2021

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>30 April 2021 ongoing</p>
<p><b>Type of initiative</b></p>	<p>The aim of the the Swedish AI Ethics Lab is to help to move AI ethics in Sweden from abstract guidelines to practical applications.</p>
<p><b>Main target group</b></p>	<p>Private businesses, public organizations and policy-makers in Sweden.</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>A number of checklists and guidelines for trustworthy and ethical AI have been produced by public decision-making bodies, industry and academic institutions in recent years in Sweden. However, implementing these guidelines and putting them into practice often proves to be a challenge. AI Sweden has therefore launched the Swedish AI Ethics Lab with the aim of helping move AI ethics in Sweden from abstract guidelines to practical applications.</p> <p>The Lab consist of 11 representatives from academia, the private sector, civil society, the regional government, etc. The purpose of the Swedish AI Ethics Lab is to provide guidance and support in implementing ethics in AI development. As the <a href="#">official launch of the Lab</a> states, the Lab will focus on establishing a growing library of case studies of AI ethics, which it will provide to private businesses, public organizations and policy-makers in Sweden. This will constitute a tangible go-to source showing how and how not to approach their own projects.</p>



<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The Lab is a national initiative and can be replicated in any other national context.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The initiative is supported by representatives from different sectors and will build on the participation and inclusion of all the parties concerned. This can be perceived as a strong sustainability factor.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The Lab will seek to establish a library of case studies of AI ethics, which can be counted and assessed. In terms of the measurable impact of the initiative as such, this can be measured in terms of the number of visitors to the library and by making qualitative assessments of the relevance of the provided cases.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The Lab is a national initiative and can be replicated in any other national context.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The Lab consist of 11 representatives from academia, the private sector, civil society, regional government, etc., thus representing the perspectives of the various sectors.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>n/a</p>

Thematic area	<p style="text-align: center;"><b>RIGHTS OF THE CHILD</b></p> <p style="text-align: center;"><b>Please provide a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	Samspel - våldsprevention genom spel
<b>Title (EN)</b>	Interaction - violence prevention through gaming
<b>Organisation (original language)</b>	Spelhobbyförbundet "Sverok" i samarbete med organisationen "MÄN"
<b>Organisation (EN)</b>	Swedish Gaming Federation "Sverok" in collaboration with the organisation "MÄN"
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	The Swedish Inheritance Fund ( <i>Allmänna arvfonden</i> )
<b>Reference (incl. URL, where available)</b>	<a href="https://www.arvsfonden.se/projekt/alla-projekt/projektsidor/samspel---valdsprevention-genom-spel">https://www.arvsfonden.se/projekt/alla-projekt/projektsidor/samspel---valdsprevention-genom-spel</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>The project began in January 2021 and will end in January 2024.</p>
<p><b>Type of initiative</b></p>	<p>Early intervention in order to prevent violence in the gaming world.</p>
<p><b>Main target group</b></p>	<p>The target group is children under 15 years old of age and adults who interact with children in schools, during free-time activities or in clubs.</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>Sverok has associations all over the country. The practice is conducted online, which enables children from all regions and municipalities to participate.</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>The project's objective is to develop methods for working with violence prevention for children, using online gaming as a tool.  The project develops two methods and associated training sessions based on the organisations' (i.e. <i>Sverok and MÄN</i>) previous work with violence prevention. One method targets school and leisure activities in compulsory school (targeting children between 10-12 years), another targets non-profit organisations involved with children under 15 years of age.  The project is also developing a digital platform where children under 15 can play with each other. Regular gaming meetings are arranged together with non-profit leaders, where the children can play in a safe environment with adults present.  To support adults involved with children under 15 in how to use online gaming in education or non-profit activities, two networks are being organised, one for professionals and one for non-profit organisations.</p>

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Basically all elements, i.e. the methods, digital platforms and networks, that have been developed within the project can be adapted by and transferred to other contexts and Member States.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>After the end of the project, methodological support for violence prevention in online gaming will be made available on digital learning platforms.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>Online gaming is an area where many children meet, often without the presence of adults. Early interventions are key when it comes to preventing violence. The methods directed to professionals and non-profit organisations are likely to have an educational impact and will be measurable, since they allow for concrete impact evaluation.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Online gaming is a popular activity among children across the EU. The practice itself is very flexible geographically, since it is conducted online. It is likely that the methods, platforms and networks developed within the project can be adapted to other contexts and Member States. The method developed for non-profit organisations will be made available on digital learning platforms, which could be a useful tool outside the Swedish context.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The practice involves both professionals and representatives of non-profit organisations. It allows early intervention through online gaming by providing practical and adaptable tools for both professionals in schools and leisure activities, and non-profit organisations interacting with the target group.</p> <p>The different methods focus on teaching children what violence is and how to counteract it at an early stage by encouraging children reflect on violence and norms. Thus, the children who participate in the project are involved in the development of methods and the creation of contexts where everyone can feel safe both inside and outside the gaming world.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Projects in receipt of funding from the Swedish Inheritance Fund are subject to financial review in order to ensure that the project uses the funds correctly and efficiently.</p>

Thematic area	<p style="text-align: center;"><b>ACCESS TO JUSTICE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	Förhör av minderårig barn i förundersökning av barnfridsbrott
<b>Title (EN)</b>	Interrogation of minors in preliminary investigations of violations of a Child's Integrity
<b>Organisation (original language)</b>	Åklagarmyndigheten
<b>Organisation (EN)</b>	Swedish Prosecution Authority
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	Prosecutor on Swedish public news discussing the practice <a href="https://sverigesradio.se/artikel/52-fall-av-barnfridsbrott-i-gavleborg-sedan-lagen-infordes">https://sverigesradio.se/artikel/52-fall-av-barnfridsbrott-i-gavleborg-sedan-lagen-infordes</a>



<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>July 01 2021</p>
<p><b>Type of initiative</b></p>	<p>A new practice developed to investigate crimes of domestic violence</p>
<p><b>Main target group</b></p>	<p>Victims of domestic violence and children</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>All levels</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>Under a new law regarding violations of a child’s integrity, prosecutors can now interrogate children. Previously if a prosecutor wanted to interrogate children concerning domestic violence that they had witnessed, they needed the consent of both of the child’s guardians. In practice this meant that a guardian suspected of committing some form of domestic violence would just refuse a prosecutor’s request. The practice of interrogating children is expected to assist prosecutors greatly in convicting perpetrators of domestic violence.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The practice of interrogating children in cases of domestic violence should be transferable to a broad range of member states.</p>

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The practice is sustainable, as it does not require a radical change in prosecutors' behavior. Interrogating the witnesses or victims of a crime is commonplace where adults are concerned, and the practice provides for this same method when dealing with minors. Furthermore, the considerations and changes required of a prosecutor to interrogate minors responsibly are in the prosecutors' professional interest. These practices can provide prosecutors with significant testimony and evidence with which to charge those they suspect of having committed a crime.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The practice has a concrete indicator that is fairly easy to measure, namely the incidence of convictions in cases of domestic violence where children are present.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Though each member state has its own idiosyncratic legal framework, which will need to be navigated, it should be relatively straightforward to adopt this policy in cases of domestic violence. Furthermore, if domestic adoption was particularly difficult in a member state, this practice could be implemented through a broader EU provision or perhaps through international legal means, such as invoking the convention on the rights of the child.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>Beneficiaries and stakeholders are not involved in the design, evaluation, review or assessment functions. However, stakeholders (i.e. prosecutors) must be deeply involved in the planning and implementation of the practice, as planning how and when to use the testimony of a child in cases of domestic violence is a strategic decision that needs to be made on a case by case basis.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Assessment of the practice is fairly simple, conviction rates in cases of domestic violence, where the practice has been used, being perhaps the best indicator. Reviews are most suitable for the national prosecution authorities, and in cases in which the practice is misused an oversight organ such as the parliamentary ombudsman or chancellor of justice can be involved.</p>

<b>Thematic area</b>	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p><b>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</b></p>
<b>Title (original language)</b>	Funktionsrättsbyrån
<b>Title (EN)</b>	The Disability Rights Bureau
<b>Organisation (original language)</b>	Funktionsrätt Sverige
<b>Organisation (EN)</b>	Swedish Disability Rights Federation
<b>Government / Civil society</b>	Civil Society
<b>Funding body</b>	The Swedish Inheritance Fund ( <i>Allmänna arvfonden</i> )
<b>Reference (incl. URL, where available)</b>	<a href="https://www.arvsfonden.se/projekt/alla-projekt/projektsidor/funktionsrattsbyran">https://www.arvsfonden.se/projekt/alla-projekt/projektsidor/funktionsrattsbyran</a>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>The project began in May 2021 and will end in May 2024.</p>
<p><b>Type of initiative</b></p>	<p>Improving access to legal advice, and increasing knowledge and awareness of the rights of persons with disabilities</p>
<p><b>Main target group</b></p>	<p>Persons with disabilities over 18 years old and relatives who need support, advice and practical help in matters concerning the rights of persons with disabilities.</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National (the project constitutes the first step in establishing a national/nationwide disability rights bureau)</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>In 2019 the Swedish Disability Rights Federation conducted a pilot study to collect information about the existing need for legal advice among persons with disabilities. The study revealed that there is a high demand for legal advice and that the need is growing while the resources to meet it are shrinking. Very few individuals have the financial means to finance legal advice on their own.</p> <p>The purpose of the project is to create a disability rights bureau which can offer legal advice in order to create increased opportunities for persons with disabilities to exercise their rights. The disability rights bureau is also tasked with contributing to increasing knowledge and awareness of the rights of persons with disabilities.</p> <p>Persons with disabilities should be able to turn to the disability rights bureau to talk to someone who can explain the applicable rights, identify the responsible authorities and set out the necessary steps to be taken in order to demand their rights.</p>

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The idea of a disability rights bureau can itself be adapted to other contexts and countries. The establishment of a “rights bureau” may also be transferable to other thematic areas and rights.</p> <p>The approach is also flexible geographically, since legal advice will be given to individuals primarily via telephone, web and e-mail.</p> <p>The bureau's advice, legal database and annual reports can also be a useful source of information outside the Swedish context.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</b></p>	<p>The disability rights bureau is expected to contribute to both structural change and support for individuals. The overall project objective is to take the first steps in the process of creating a permanent and nationwide disability rights bureau. The aim is that the disability rights bureau's advice, legal database and annual reports produced during the project period should continue to exist after the end of the project by being transferred to an independent organisation.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The disability rights bureau will have a concrete measurable impact in terms of numbers of individuals receiving legal advice and thereby becoming able to enforce their rights. The information and knowledge gathered from rights-holders might also contribute to the long-term measurable impact on structural changes in society.</p>

<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>It is reasonable to assume that persons with disabilities in other Member States face similar challenges regarding the scarcity of access to legal advice and knowledge about the necessary steps to be taken in order to demand their rights.</p> <p>As stated above, the idea of a disability rights bureau can itself be adapted to other contexts and countries. The establishment of a "rights bureau" may also be transferable to other thematic areas and rights. The approach is also flexible geographically since legal advice to individuals will primarily be conducted via telephone, web and e-mail. The bureau's advice, legal database and annual reports could be a useful source of information outside the Swedish context.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The practice is organised by members (i.e. disability organisations) of the Swedish Disability Rights Federation. The beneficiaries, namely persons over 18 years old with disabilities and their relatives, have been involved in the pilot study in order to collect information about existing needs.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Projects that receive funding from the Swedish Inheritance Fund are subject to financial review in order to ensure that the project is using the funding correctly and efficiently. The practice will also be reviewed and assessed annually by the Swedish Disability Rights Federation.</p>

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> <b>Please provide one High Court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</b>
<b>Decision date</b>	<u><i>No case law has been identified for this thematic area.</i></u>

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> <b>Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</b>
<b>Decision date</b>	21 December 2021
<b>Reference details</b>	Sweden, Supreme Court ( <i>Högsta domstolen</i> ), Stockholm, <a href="#">Ö 2343-18</a> , 21 December 2021.



<p><b>Key facts of the case</b> <b>(max. 500 chars)</b></p>	<p>A passenger of Chilean origin was subjected to an extra security check in connection to a domestic flight in Sweden. The Equality Ombudsman (<i>Diskrimineringsombudsmannen, DO</i>) brought an action, claiming that the airline had failed to treat the passenger equally, and therefore discriminated against the passenger, due to his physical appearance and ethnicity. The airline agreed to pay the discrimination compensation, but at the same time denied that the passenger had been subjected to discrimination. DO requested the District Court to examine whether discrimination had taken place or establish that there was a right to compensation due to discrimination. The District Court denied this request. After a rejection from the Court of Appeal, DO appealed to the Supreme Court. The Supreme Court requested a preliminary ruling from the European Court of Justice.</p>
<p><b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b></p>	<p>The European Court of Justice found that in this case Swedish legislation was to be overruled by the EU Racial Equality Directive and the EU Charter of Fundamental Rights. The judgment states that Paragraphs 7 and 15 in the Racial Equality Directive and Article 47 of the Charter on Fundamental Rights constitute an obstacle to Swedish legislation, outlining that a court cannot hear a claim for declaratory judgement that discrimination has taken place, when the defendant agrees to pay the requested compensation without acknowledging that there has been any discrimination.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Supreme Court requested a preliminary ruling from the European Court of Justice on the following: must a national court, in cases where it is requested by the person subject to the alleged discrimination, examine whether discrimination has taken place - and if so state that this has happened - regardless of whether the subject accused of discrimination has or has not certified that discrimination has taken place.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>Based on the preliminary ruling from the European Court of Justice, the Supreme Court held that the airline's certification met the requirements (a categorical and unreserved testimony) for a certification set by the European Court of Justice, and that the company had discriminated against the passenger in the manner alleged when agreeing to pay the discrimination compensation. The Supreme Court subsequently rejected DO's appeal.</p>

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>”Av EU-domstolens dom framgår att en domstol måste kunna pröva ett yrkande om fastställelse av att diskriminering skett när svaranden har medgett att betala ersättningen utan att för den skull vitsorda att det skett någon diskriminering.”<sup>212</sup></p> <p>”Det BRA har angett får anses innebära att bolaget vitsordar att bolaget har diskriminerat PAG i enlighet med grunden för dennes ersättningsyrkande.”<sup>213</sup></p> <p>The judgment of the European Court of Justice states that a court must be able to hear a claim to determine whether discrimination has taken place when the defendant has agreed to pay the compensation without acknowledging that there has been any discrimination.</p> <p>What BRA has stated may be considered to mean that the company certifies that the company has discriminated against PAG in accordance with the basis for its claim for compensation.</p>
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<p><b>Thematic area</b></p>	<p><b>ROMA EQUALITY AND INCLUSION</b>  <b>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</b></p>
<p><b>Decision date</b></p>	<p><b><u>No case law has been identified for this thematic area.</u></b></p>

<sup>212</sup> Sweden, Supreme Court (*Högsta domstolen*), Stockholm, [Ö 2343-18](#), 21 December 2021, p.15

<sup>213</sup> Sweden, Supreme Court (*Högsta domstolen*), Stockholm, [Ö 2343-18](#), 21 December 2021, p. 16.

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
<b>Decision date</b>	<i><b>No case law has been identified for this thematic area.</b></i>

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b>
<b>Decision date</b>	19 February 2021
<b>Reference details</b>	Sweden, Supreme Administrative Court ( <i>Högsta Förvaltningsdomstolen</i> ), Stockholm, <a href="#">case no. 433-20</a> , 19 February 2021.
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	<p>“The Region of Stockholm, pursuant to the obligation to provide information between public authorities, Chapter 6, section 5 of the Public Access to Information and Secrecy Act, requested that the National Board of Health and Welfare should disclose to the Region certain personal data from the register of healthcare staff. In this case, the question arose as to whether such information was compatible with the so-called principle of finality according to the General Data Protection Regulation (EU) 2016/679. The principle of finality entails that, where the planned processing of personal data that have already been collected is not covered by the original purpose, an assessment must be made of whether the purpose of the subsequent processing is compatible with the original purposes or not.”<sup>214</sup></p>
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	<p>“The Supreme Administrative Court stated that providing personal data from a register of healthcare staff was compatible with the principle of finality. The obligation to provide information between public authorities in the Public Access to Information and Secrecy Act presupposes that only information that is not subject to secrecy is disclosed: i.e. by virtue of the secrecy provisions, public authorities are prevented from providing privacy-sensitive data to other authorities. Thus, the legislators must be deemed to have adopted a position as to when the provision of data is incompatible with the purpose or purposes for which the data were collected. Over and above the secrecy examination, the public authority which is the controller must therefore not conduct any verification of the compatibility of the principle of finality in connection with the provision of data in accordance with Chapter 6, section 5 of the Public Access to Information and Secrecy Act.”<sup>215</sup></p>

<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>Principle of finality</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>“The Supreme Administrative Court found that providing personal data from a register of healthcare staff was compatible with the principle of finality.”          “The Supreme Administrative Court stated that the National Board of Health and Welfare was obliged to provide personal data to Region Stockholm in accordance with applicable data-protection regulations, e.g. that data in addition to what is required in order to fulfil the needs of the Region may not be provided.”<sup>216</sup></p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	

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<sup>214</sup> Sweden, Supreme Administrative Court (*Högsta Förvaltningsdomstolen*) official website, [Judgment concerning the disclosure of personal data from a register of healthcare staff](#), 19 February 2021.

<sup>215</sup> Sweden, Supreme Administrative Court (*Högsta Förvaltningsdomstolen*) official website, [Judgment concerning the disclosure of personal data from a register of healthcare staff](#), 19 February 2021.

<sup>216</sup> Sweden, Supreme Administrative Court (*Högsta Förvaltningsdomstolen*) official website, [Judgment concerning the disclosure of personal data from a register of healthcare staff](#), 19 February 2021.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b>
<b>Decision date</b>	17 November 2021
<b>Reference details</b>	Sweden, Supreme Court ( <i>Högsta domstolen</i> ), Stockholm, <a href="#">B 4645-21</a> , 17 November 2021.
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	In November 2020, RS was sentenced by the District Court for, among other offences, rape of a child ( <i>våldtäkt mot barn</i> ), against B. RS had contact with B online through a video chat. In the video chat, RS instructed B to perform certain sexual acts. RS recorded some of the sexual acts without B's knowledge. At the time of the offences, B was eleven years old. The Court of Appeal affirmed the District Court's decision, as did the Supreme Court.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The Supreme Court held that the case concerned the assessment of the seriousness of an infringement of personal integrity, and that the sexual act cannot be seen in isolation but must be placed in the context in which it occurred. The sexual acts were performed through a video chat, during which RS watched B while instructing her what to do. The Supreme Court reasoned that circumstances that particularly exacerbated the violation was the age of B at the time of the abuse and the fact that RS simultaneously recorded the abuse. In view of the seriousness of the violation, the sexual act was comparable to intercourse and therefore classified as rape of a child.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The case primarily concerns the question of whether the act should be classified as sexual assault of a child or as rape of a child.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Court confirmed the Court of Appeal's decision and considered a sexual assault of a child that took place over the internet/online as rape of a child and not as sexual assault of a child. The key implications of the case is that an act can be classified as rape of a child if a child is forced to perform sexual acts on him- or herself at the instruction of a perpetrator online.

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“De sexuella handlingarna utfördes genom en videochatt, där RS tittade på Sekretess B i realtid medan han instruerade henne om vad han ville att hon skulle göra. RS ska därmed anses ha genomfört de sexuella handlingarna med Sekretess B.”<sup>217</sup></p> <p>...</p> <p>“[...] Det står klart att den sexuella handlingen med hänsyn till kränkningens allvar är jämförlig med samlag. Gärningen ska alltså rubriceras som våldtäkt mot barn.”<sup>218</sup></p> <p>The sexual acts were performed through a video chat, where RS watched Sekretess B in real time while instructing her on what he wanted her to do. RS must therefore be considered to have carried out sexual acts with Sekretess B.</p> <p>...</p> <p>[...] It is clear that, in view of the seriousness of the violation, the sexual act is comparable to intercourse. The act must therefore be classified as rape of a child.</p>
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<p><b>Thematic area</b></p>	<p><b>ACCESS TO JUSTICE</b>  <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b></p>
<p><b>Decision date</b></p>	<p><b><u>No case law has been identified for this thematic area.</u></b></p>

<sup>217</sup> Sweden, Supreme Court (*Högsta domstolen*), Stockholm, [B 4645-21](#), 17 November 2021, para 15.

<sup>218</sup> Sweden, Supreme Court (*Högsta domstolen*), Stockholm, [B 4645-21](#), 17 November 2021, para 17.

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
<b>Decision date</b>	<i>No case law has been identified for this thematic area.</i>