

# Frans National contribution to the Fundamental Rights Report 2023

**Sweden**

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## Franet country study: policy and legal highlights 2022

<p>Issues in the fundamental rights institutional landscape</p>	<p><b>An obligation to provide information to the Institute for Human Rights.</b> In September 2022, <a href="#">amendments to the Act on the Institute for Human Rights</a> entered into force, mandating the Institute to request certain information from administrative authorities, municipalities and regions. The mandate is considered to contribute to fulfilling the Paris principles and to be one of the Institute’s central tools in their work.</p>
<p>EU Charter of Fundamental Rights</p>	<p><b>Charter Focal Point.</b> In September 2022, a new Charter Focal Point was appointed at the Division for Human Rights and Discrimination Issues, Ministry of Employment.</p>
<p>Equality and non-discrimination</p>	<p><b>Proposed reform of the gender identity legislation.</b> In July 2022, the government <a href="#">proposed new, more modern gender identity legislation</a>. It suggested that two new laws would replace the law on determining gender in certain cases. The proposal thereby separates the process of changing gender in the population register (administrative/legal) from the process of undergoing gender-affirming genital surgery (medical).</p>
<p>Racism, xenophobia &amp; Roma Equality and Inclusion</p>	<p><b>Five action programs against different forms of racism.</b> In July 2022, the government presented five <a href="#">action programs</a> against Afrophobia, Antisemitism, Antigypsyism, Islamophobia and Anti-Sami Racism, containing measures for the period 2022-2024. The action programs aim to complement the national plan against racism, similar forms of hostility and hate crimes.</p>
<p>Asylum &amp; migration</p>	<p>No developments in 2022.</p>
<p>Data protection and digital society</p>	<p><b>Report by the Equality Ombudsman on the authorities' use of artificial intelligence (AI).</b> The <a href="#">Equality Ombudsman's report</a> aims to increase awareness of the Discrimination Act and the ways in which automated decisions can lead to discrimination and constitute barriers to equal rights and opportunities. The report reveals that knowledge about the risks of discrimination and the barriers to equal rights and opportunities in relation to AI is unsatisfactory.</p>
<p>Rights of the child</p>	<p><b>National Action Plan to implement the EU’s Child Guarantee.</b> In March 2022, the government adopted a <a href="#">National Action Plan to implement the Child Guarantee</a>. According to the government, there are groups of children who do not receive community services or risk not having access to them. The action plan contains a mapping of actual access to basic community services in Sweden, applicable regulations and measures to achieve the goals in the EU’s Child Guarantee.</p>
<p>Access to justice,</p>	<p><b>A bill to strengthen the right to damages for victims of crime.</b> In May 2022, the Swedish Parliament voted to approve <a href="#">a bill on legislative</a></p>

including victims of crime	<a href="#">amendments</a> entailing an extended right to compensation and increased opportunities to collect compensation for victims of crime.
Convention on the Rights of Persons with Disability	<b>Legislative amendments to strengthen the right to personal assistance.</b> In June 2022, the Swedish parliament voted to approve two bills: one to <a href="#">strengthen the right to personal assistance</a> for people with psycho-social impairments and to increase legal certainty for children with disabilities with personal assistance, the other to <a href="#">strengthen personal assistance</a> for persons in need of help with self-care.

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

### LGBTIQ people

The Swedish government has been working for the equal rights and opportunities of LGBTIQ people since 2014 based on a strategy for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression. At the beginning of 2021, the government adopted an action plan for the equal rights and opportunities of LGBTIQ people to strengthen work further in this area. The action plan complements the existing strategy and consolidated the work with concrete measures for the period 2020–2023. SEK 14 million per year have been added to this work since 2020. In addition, a temporary reinforcement has been made of an additional SEK 10 million per year for 2021 and 2022. During 2022, the following policy and legal developments relevant to fostering equality and combating discrimination focusing on LGBTIQ people have been conducted.<sup>1</sup>

### Analysis of the possibilities for including background information about LGBTIQ identity and other grounds of discrimination in the National Security Survey

In 2022, the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) submitted a report on the possibilities of supplementing the background information contained in the National Security Survey (*Nationella trygghetsundersökningen*) with data on LGBTIQ identity, with the aim of gathering information about LGBTIQ people's safety, exposure to crime and faith in the justice system. The report was the result of a government assignment issued to the National Council for Crime Prevention in 2021. The assignment also included analysing the possibility of requesting background information linked to other grounds of discrimination in the National Security Survey. Each ground for

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<sup>1</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2022) Important steps for LGBTIQ people's equal rights and opportunities ([Viktiga steg för hbtqi-personers lika rättigheter och möjligheter](#)) Article, 1 August 2022.

discrimination was analysed based on a theoretical assessment of the methodological prerequisites, a review and trial of question formulations, and obtaining opinions from relevant authorities and actors regarding the introduction of new background questions concerning the grounds for discrimination. According to the National Council for Crime Prevention, from the methodological perspective, the opportunities for introducing background questions for the following grounds of discrimination are very good: gender identity or expression (including trans experience), sexual orientation, religion or other belief and disability. However, the conditions for being able to report the results have not been analysed. The National Council for Crime Prevention stresses that for some groups the number of respondents will be too small to be reported. It is therefore likely that several years of data will need to be combined in order for the data to be meaningfully reported.<sup>2</sup>

### **Amendments to the Swedish Gender Equality Agency assignment**

In January 2022, the Terms of Reference for the Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) were amended to include an assignment to be a LGBTIQ strategic authority.<sup>3</sup> As a LGBTIQ strategic authority, the Agency will promote equal rights and opportunities regardless of sexual orientation, gender identity or gender expression. There are in total eleven such strategic authorities, the other ten being the Ombudsman for Children (*Barnombudsmannen*); the Equality Ombudsman (*Diskrimineringsombudsmannen*); the Public Health Agency of Sweden (*Folkhälsomyndigheten*); the Swedish Migration Agency (*Migrationsverket*); the Family Law and Parental Support Authority (*Myndigheten för familjerätt och föräldraskapsstöd*); the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*); the Swedish Police Authority (*Polismyndigheten*); the National Board on Health and Welfare (*Socialstyrelsen*); the Swedish Arts Council (*Statens kulturråd*); and the Swedish National Agency for Education (*Statens skolverk*).

### **Legal changes to ensure more modern and equal legislation regarding parenthood**

In January 2022, a number of changes regarding Swedish legislation over parenthood entered into force. The changes entail that parenthood should be

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<sup>2</sup> Sweden, Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022) Reporting of the assignment to analyse the possibilities to include background information on LGBTIQ identity and other grounds of discrimination in the National Security Survey ([Redovisning av uppdraget att analysera möjligheterna att i NTU inkludera bakgrundsinformation om hbtqi-identitet och andra diskrimineringsgrunder](#)), 2022.

<sup>3</sup> Sweden, Ordinance on amendments to the ordinance (2017:937) with instructions for the Swedish Gender Equality Agency ([Förordning om ändring i förordningen \[2017:937\] med instruktion för Jämställdhetsmyndigheten](#)), 1 January 2022.

presumed at the birth of a child in more cases than before. This leads to the regulation becoming gender-neutral and equal. If, at the time of the child's birth, the mother is married or is a registered partner of a woman, the woman shall automatically be considered the child's parent. The same shall apply to fatherhood or motherhood where one or both spouses have changed their gender. The confirmation of parenthood is also simplified so that unmarried parents who are of legal age and are registered in Sweden shall have the opportunity to confirm parenthood digitally after the birth of the child without the involvement of the social welfare board.<sup>4</sup>

### **Initiatives for a more inclusive school environment for young LGBTIQ people**

In February 2022, the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) submitted a final report on the government assignment to implement initiatives for a more inclusive school environment for young LGBTIQ people. In the report, the Agency presents its work to strengthen the conditions for creating meeting places for young LGBTIQ people in Sweden. The report is based on knowledge gathered over a longer period, as well as through a government assignment conducted between 2019 and 2021. The report contains:

- a report of the authority's work with the new state grant for efforts to promote meeting places for young LGBTIQ people;
- a model to support cooperation between actors from the public sector and civil society;
- a description of the Agency's competence in making development efforts for actors who run, or want to set up, meeting places for young LGBTIQ people;
- a new knowledge base from open leisure activities and LGBTIQ meeting places from this year's national survey;
- proposals and assessments regarding future efforts concerning meeting places for young LGBTIQ people.<sup>5</sup>

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<sup>4</sup> Sweden, Committee on Civilian Affairs (*Civilutskottet*) More modern regulations for confirmation of parenthood, paternity investigations and to achieve gender-neutral presumption of parenthood ([Modernare regler för bekräftelse av föräldraskap, faderskapsundersökningar och för att åstadkomma könsneutral föräldraskapspresumtion](#)), 2020/21:CU16, 22 June 2021.

<sup>5</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) Assignment to strengthen the conditions for creating meeting places for young LGBTIQ people ([Uppdrag att stärka förutsättningarna att skapa mötesplatser för unga hbtqi-personer](#)), 28 February 2022.



## **Mapping of older LGBTIQ persons' health, social care and welfare**

In February 2022, the government assigned the Public Health Agency (*Folkhälsomyndigheten*) the task of surveying the health and living conditions of older LGBTIQ persons. The assignment is to be carried out in close cooperation with the National Board of Health and Welfare (*Socialstyrelsen*), which the government assigned to map older LGBTIQ people's needs for, and access to, municipal care and social care. Knowledge and experience must also be obtained from the relevant authorities, municipalities, regions, organizations and universities.<sup>6</sup>

## **A safe and inclusive school for young transgender and non-binary people**

The Ombudsman for Children (*Barnombudsmannen*) has an ongoing government assignment on the development and efforts needed to make the school a safer and more inclusive place for young transgender and non-binary persons. In September 2022, the Ombudsman for Children submitted a report on the results of the assignment. The report is based on three parts: current knowledge about the situation of young LGBTIQ people within schools based on authorities' reports and investigations of relevance to the assignment; processed material from young trans people's accounts to the Ombudsman for Children in a report published in 2021;<sup>7</sup> and a survey about the schools' work on LGBTIQ issues. This survey was carried out in collaboration with the Swedish Agency for Youth and Civil Society.

According to the Ombudsman for Children, the school is perceived as an unsafe place with a high risk of being exposed to bullying and violence. These forms of vulnerability are in turn causally linked to poor mental and physical health, as well as to poor schooling and education. At the same time, surveys show that the majority of schools do not work with LGBTIQ issues in a promotional and preventive way, for example, in teaching or at the school organizational level.

The Ombudsman for Children's report reveals that, according to young transgender persons, LGBTIQ-inclusive schools are schools where:

- the school's values are promoted and discrimination and violations are prevented and remedied, creating a more open and accepting school climate where vulnerability can be reduced;

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<sup>6</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) Mapping of older LGBTIQ persons' health, social care and welfare ([Äldre hbtqi-personers hälsa, vård och omsorg ska kartläggas](#)), press release, 3 February 2022.

<sup>7</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2021) Experiences from children and young people with trans experience ([Erfarenheter från barn och unga med transerfarenhet](#)), 2021.

- LGBTIQ issues are made visible, and the division of students into groups takes place in an inclusive manner;
- the school staff treat LGBTIQ students in a supportive and empowering way by, for instance, using the student's preferred name and pronouns and always acting on violations;
- there is access to safe and inclusive physical school environments, for example, gender-neutral toilets and changing rooms.

Deficiencies in one or more of these areas can contribute to a feeling of exclusion and insecurity, as well as to violence.

The Ombudsman for Children has identified overall shortcomings in the knowledge of young LGBTIQ people and their situation in the school. In order to achieve a safe and inclusive school for young transgender and non-binary people as well as all young LGBTIQ people, efforts are needed in three areas:

- systematic work to promote the school's values, and to prevent and remedy discrimination and abusive treatment;
- knowledge and competence development in LGBTIQ issues to meet LGBTIQ students in a supportive and empowering way; and
- an LGBTIQ-inclusive perspective to promote relationships built on trust and to strengthen the experience of the school as a safe place.<sup>8</sup>

### **The organizational and social work environments of LGBTIQ persons**

In June 2022, the Swedish Agency for Work Environment Expertise (*Myndigheten för arbetsmiljökunskap*) submitted its final report on an assignment to collect and compile knowledge about LGBTIQ people's organizational and social work environments, with a particular focus on the situation of transgender persons. The compilation of knowledge is to be disseminated in order to provide support for employers, safety representatives and other elected officials at the workplace.

The knowledge thus compiled highlights that LGBTIQ people face particular risk factors in their work environments. Among other things, the results show that many LGBTIQ people, often in parallel with positive work environment factors, also experience discrimination, harassment, microaggressions (that is, subtle and sometimes unconscious aggressive actions in the form of, for example, comments, jokes or questions) and other negative work environment factors.

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<sup>8</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2022) For a safer and more inclusive school for young transgender and non-binary people ([För en mer trygg och inkluderande skola för unga transpersoner och icke-binära](#)), 6 September 2022, summary.

The results of the knowledge compilation further highlights that a heteronormative climate in the workplace has a negative impact on LGBTIQ people's work environment. In addition, the lack of visible support or passivity from managers can create room for discrimination, harassment and microaggressions. Transgender and bisexual persons seem to be more exposed to discrimination, harassment and/or bullying than homosexual and heterosexual cis persons. The results from the knowledge compilation indicate that various forms of organizational support are important health factors regarding LGBTIQ peoples' work environment. An organizational climate that is supportive of LGBTIQ people is linked to experiences of a good work environment, job satisfaction and health, as well as a willingness to be open about one's sexual orientation and/or gender identity.<sup>9</sup>

### **Proposal on new gender identity legislation**

In July 2022, the government proposed new, more modern legislation regarding gender identity. The two new laws would replace the law on determining gender in certain cases (*Lag [1972:119] om fastställande av köns-tillhörighet i vissa fall*). The laws proposed are a law on certain surgical interventions in the genitals (*lagen om vissa kirurgiska ingrepp i könsorganen*) and a law on changing the sex entered in the population register (*lagen om ändring av det kön som framgår av folkbokföringen*). The proposal thereby separates the process of changing gender in the population register (administrative/legal) from the process of undergoing gender-affirming genital surgery (medical). According to the proposal, it will be possible to change legal gender from the age of 16. To change one's medical gender, it is proposed that the same age limit as today will apply, i.e. 18 years.<sup>10</sup> This draft bill is of major importance, since Sweden currently has one of the world's oldest gender identity laws, adopted in 1972. Even though it has been amended several times throughout in the last fifty years, the government consider that modernization is needed, as well as to divide legal gender and medical gender into different laws.<sup>11</sup>

### **New fact sheets highlighting the health of LGBTIQ people**

Generally, LGBTIQ people have poorer health than the general population. Through two new fact sheets published in June 2022, the Public Health Authority

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<sup>9</sup> Sweden, Swedish Agency for Work Environment Expertise (*Myndigheten för arbetsmiljökunskap*) (2022) The organisational and social work environment of LGBTIQ people ([Hbtq-personers organisatoriska och sociala arbetsmiljö](#)), 2022.

<sup>10</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Improved possibility to change gender ([Förbättrade möjligheter att ändra kön](#)), council on legislation referral, 29 July 2022.

<sup>11</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) A new gender identity legislation ([En ny könstillhörighetslagstiftning](#)), press release, 29 July 2022.

(Folkhälsomyndigheten) wants to increase knowledge and strengthen the health of the LGBTIQ group. The fact sheets focus on mental illness among young transgender persons and the enjoyment of sexual and reproductive health and rights among homosexual persons, bisexual persons and transgender persons.<sup>12</sup>

### **Discrimination related to multiple grounds of discrimination**

In April 2022, the government assigned the Equality Ombudsman (*Diskrimineringsombudsmannen*) to deepen the knowledge of discrimination that is connected to multiple grounds of discrimination and shed light on issues of intersectionality. The Equality Ombudsman must highlight the situations or conditions which entail a particular risk of being exposed to discrimination on multiple grounds. The knowledge should be based on complaints about discrimination submitted to the Equality Ombudsman. A sub-report on the assignment is to be submitted to the government on 31 October 2022. The final report is to be submitted on 1 March 2023.<sup>13</sup>

### **Actions against honour-related oppression and violations due to sex, sexual orientation or transgender identity or expression**

In October 2022, the government announced their intention to increase efforts to counter honour-related oppression and equivalent violations against pupils due to sex, sexual orientation or transgender identity or expression. The Swedish National Agency for Education (*Skolverket*) will be assigned to provide methodological support to teachers.<sup>14</sup>

### **Socio-economic status, health status and physical appearance**

No relevant legal or policy developments or measures relevant to fostering equality and combating discrimination focusing on the grounds of socio-economic status, health status or physical appearance have been identified. In Sweden, there are seven grounds of discrimination covered by the law prohibiting discrimination: sex, transgender identity or expression, ethnicity, religion or other

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<sup>12</sup> Sweden, Public Health Authority (*Folkhälsomyndigheten*) New fact sheets highlights the health of people within the LGBTIQ group ([Nya faktablad belyser hälsan hos personer inom hbtqi-gruppen](#)), webpage, 27 June 2022.

<sup>13</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2022) Assignment on discrimination related to multiple grounds of discrimination ([Uppdrag om diskriminering som har samband med flera diskrimineringsgrunder](#)), government assignment, 11 April 2022.

<sup>14</sup> Sweden, Sweden Democrats, Moderate Party, Christian Democrats and the Liberals (2022) The Tidö Agreement – Agreement for Sweden ([Tidöavtalet – Överenskommelse för Sverige](#)), October 2022, page 54. The Tidö Agreement is a political agreement of the Parliamentary parties developed after the elections in September 2022.

belief, disability, sexual orientation and age.<sup>15</sup> Grounds related to socio-economic status and health status are not enshrined in the law. The law does not include an open-ended clause that goes beyond those grounds that are explicitly mentioned.

In May 2022, the Equality Ombudsman submitted its consultation response to an inquiry report on extending protection against discrimination.<sup>16</sup> However, the government inquiry did not include an assessment of the grounds of socio-economic status, health status and physical appearance. Instead, the inquiry's assignment was to:

- consider whether measures are needed to strengthen protection against discrimination in cases where there is no identifiable victim;
- propose how protection against discrimination in public activities can be amended to make this protection as comprehensive as possible; and
- consider whether the protection against harassment, sexual harassment and threats regarding employees, and persons equated with employees, needs to be expanded. This part relates to acts carried out by third parties, such as customers, guests, or service users.<sup>17</sup>

The Equality Ombudsman approved the inquiry's proposal, in particular the proposal to extend the protection against discrimination in public activities. This would, according to the Equality Ombudsman, constitute a very important strengthening of the protection against discrimination for individuals vis-à-vis the general public.<sup>18</sup>

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

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<sup>15</sup> Sweden, Discrimination Act ([Diskrimineringslag \[2008:567\]](#)), 6 June 2008, chapter 1, section 1.

<sup>16</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) An extended protection against discrimination ([Ett utökat skydd mot diskriminering](#)), consultation response, 10 May 2022.

<sup>17</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2021) An extended protection against discrimination ([Ett utökat skydd mot diskriminering](#)), government official reports, SOU 2021:94, 1 December 2021.

<sup>18</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) The inquiry's proposal is a very important strengthening of protection against discrimination ([Utredningens förslag en mycket viktig förstärkning av skyddet mot diskriminering](#)), news publication, 20 May 2022.

## LGBTIQ people

### Report by the Equality Ombudsman on living conditions for persons with intersex variation

In February 2022, the Equality Ombudsman (*Diskrimineringsombudsmannen*) published a report on living conditions for persons with intersex variation from a discrimination perspective. The report is based on information from dialogues with civil-society organizations, as well as data from reports, memos, articles and other letters, which were obtained within the framework of a government assignment that the Equality Ombudsman completed in March 2022.<sup>19</sup>

The Equality Ombudsman has not been able to identify any complaints about discrimination associated with intersex variation. Furthermore, no case law has been identified in the Swedish courts where discrimination or other violations of persons with intersex variation have been subject to review. Nevertheless, the Equality Ombudsman considered that there are areas of society where people with intersex variation are at risk of facing various forms of discrimination. This exposure is actualized in health care, as well as in the school system and other areas of society. For example, persons with intersex variation experience poor treatment, harassment, lack of equal care and lack of access to information in their contact with the health-care sector. In the school system, instances exist where persons with intersex variation face discrimination in the form of harassment.

According to the Equality Ombudsman, discrimination associated with intersex variation is currently covered by the Discrimination Act by virtue of statements in the Act's preparatory work. It is, however, unclear how strong this protection is and whether it also applies to persons who are not transgender in their identity or expression. The Equality Ombudsman notes that there may be a need to establish clearly that discrimination associated with intersex variation is protected by it being explicitly mentioned in the text of the Discrimination Act. According to the Equality Ombudsman, it may be justified for the government to appoint an inquiry in order to examine the issue and ensure access to protection against discrimination related to intersex variation.

The Equality Ombudsman also notes that awareness and knowledge of gender diversity needs to increase in society at large, and that research and knowledge of discrimination against people with intersex variation need to be strengthened.<sup>20</sup>

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<sup>19</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Living conditions for persons with intersex variation from a discrimination perspective ([Livsvillkor för personer med intersexvariation ur ett diskrimineringsperspektiv](#)), February 2022, pages 9-10.

<sup>20</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Living conditions for persons with intersex variation from a discrimination perspective ([Livsvillkor för personer med intersexvariation ur ett diskrimineringsperspektiv](#)), February 2022, pages 5-6.

## Equality Ombudsman's annual report

In March 2022, the Equality Ombudsman published its report containing statistics concerning the complaints received by the Equality Ombudsman over the period 2015–2021, focusing specifically on the complaints received in 2021. The main results are an increase of the number of complaints from 2020 to 2021 and a sharp increase in the number of complaints relating to health care from 2019 to 2021. The latter increase in complaints can to some extent be related to the COVID-19 pandemic. Between 2020 and 2021, the number of complaints increased from 3,524 to 5,010, which is an increase of 42%. The number of complaints received in 2021 is by far the highest in the last seven years. Of the total 5,010 complaints received in 2021, 3,278 involved discrimination, 61 involved reprisals and 98 involved disadvantages associated with parental leave.<sup>21</sup>

'Complaints about discrimination' are complaints that involve discrimination associated with any of the seven grounds of discrimination, including transgender identity or expression and sexual orientation. According to the Equality Ombudsman, the smallest proportion of complaints involve discrimination associated with transgender identity or expression (2.4%) and sexual orientation (3%).<sup>22</sup> Some of the complaints may be about discrimination associated with several grounds of discrimination. Both complaints about discrimination associated with sexual orientation (30%) and complaints about discrimination associated with transgender identity or expression (58%) are often also about discrimination associated with gender. However, of the complaints about discrimination associated with gender, only five percent constitute complaints about discrimination associated with sexual orientation and only seven percent complaints about discrimination associated with transgender identity or expression. Complaints about discrimination associated with transgender identity or expression are often also about discrimination associated with sexual orientation, and vice versa.<sup>23</sup>

## Exposure of young LGBTIQ people to conversion attempts

In March 2022, the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) presented its assignment to map and compile

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<sup>21</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Statistics on complaints received by DO 2015–2021 ([Statistik över anmälningar som inkom till DO 2015–2021](#)), 1 April 2022.

<sup>22</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Statistics on complaints received by DO 2015–2021 ([Statistik över anmälningar som inkom till DO 2015–2021](#)), 1 April 2022, page 14.

<sup>23</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Statistics on complaints received by DO 2015–2021 ([Statistik över anmälningar som inkom till DO 2015–2021](#)), 1 April 2022, page 31.

knowledge about the exposure of young LGBTIQ people to so-called 'conversion attempts' (*omvändelseförsök*).<sup>24</sup> The report is based on, among other things, results from the Swedish Agency for Youth and Civil Society's National Youth Survey<sup>25</sup> and interviews with young people.<sup>26</sup> The Agency also conducted interviews on support activities (*stödverksamheter*) with young people at risk and consulted with other authorities, for example, the Gender Equality Agency (*Jämställdhetsmyndigheten*), the National Competence Team against honour-related violence and oppression at the County Administrative Board in Östergötland (*Nationellt centrum mot hedersrelaterat våld och förtryck vid Länsstyrelsen Östergötland*), the National Board of Health and Welfare (*Socialstyrelsen*) and "Barnafrid", a national centre for knowledge on violence against children at Linköping University (*Barnafrid - ett nationellt centrum för kunskap om våld mot barn vid Linköpings universitet*).<sup>27</sup>

According to the report, young LGBTIQ people in Sweden are subjected to coercion and pressure aimed at changing their sexual orientation, transgender identity or expression. However, it is not possible to estimate the total number of persons exposed to conversion attempts. In the Swedish Agency for Youth and Civil Society's national youth survey for 2021, 18% of all LGBTIQ persons stated that someone had tried to influence their sexual orientation, gender identity or gender expression. Five percent also stated that they had been exposed to more serious forms of conversion attempts, such as: some form of "treatment"; the threat of being deported from Sweden; the threat of being sent on an "educational trip"; and the threats of forced marriage, or being sent on an "educational trip" or forced to marry; or being subjected to other forms of pressure, threat, coercion or injury.<sup>28</sup>

The Swedish Agency for Youth and Civil Society proposes, among other things, the appointment of an inquiry to investigate a ban on attempts at conversion. The government inquiry should also investigate the need for a special law on the issue

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<sup>24</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) Exposure of young LGBTIQ persons to conversion attempts ([Unga hbtq-personers utsatthet för omvändelseförsök i Sverige](#)), 1 March 2022. Swedish Agency for Youth and Civil Society's definition of conversion attempts in Swedish "försök att få någon att förändra, permanent dölja eller avstå från att leva i enlighet med sin sexuella läggning eller könsidentitet eller uttrycka kön på det sätt personen själv vill".

<sup>25</sup> The national youth survey is aimed at young persons between the ages of 16 and 25 and is conducted every third year. In the latest round conducted in 2021, the survey was sent to 12,000 young persons. 52% answered the survey. See Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) National youth survey ([Nationella ungdomsenkäten](#)), webpage.

<sup>26</sup> The qualitative analysis is mainly based on interviews with nine young LGBTIQ people and seven anonymous stories submitted via the website.

<sup>27</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) Exposure of young LGBTIQ persons to conversion attempts ([Unga hbtq-personers utsatthet för omvändelseförsök i Sverige](#)), 1 March 2022, page 15.

<sup>28</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) Exposure of young LGBTIQ persons to conversion attempts ([Unga hbtq-personers utsatthet för omvändelseförsök i Sverige](#)), 1 March 2022, page 7-9.



and analyse which existing laws prohibit or limit (certain forms of) conversion attempts. An inquiry should also be tasked with developing an appropriate definition of attempts at conversion and examining how legislation can be designed to be compatible with human rights, including freedom of religion.<sup>29</sup>

## Living conditions of young LGBTIQ people

In June 2022, the Swedish Agency for Youth and Civil Society published a report on the living conditions of young LGBTIQ people.<sup>30</sup> On behalf of the government, the Agency has mapped the health and living conditions of young LGBTIQ people in Sweden. It has studied results from the national youth survey conducted by the Agency in 2021;<sup>31</sup> the national public health survey conducted by the Public Health Agency in 2020;<sup>32</sup> the EU LGBTI Survey II conducted by FRA in 2019; and a survey targeting persons with living conditions affecting their gender development conducted by the Agency in 2021.<sup>33</sup> In addition, a number of interviews with young LGBTIQ persons have been conducted.<sup>34</sup>

The mapping covers several different areas, and the results in the report are clear – the living conditions for young LGBTIQ persons are poorer compared to those for other young persons. The Swedish Agency for Youth and Civil Society notes, among other things, that:

- young LGBTIQ persons have poorer health compared to other young persons, in particular poorer mental health;
- young LGBTIQ persons lack security and study peace at school to a greater extent than other young persons;
- young LGBTIQ persons refrain from leisure activities for fear of being treated badly; and

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<sup>29</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) Exposure of young LGBTIQ persons to conversion attempts ([Unga hbtq-personers utsatthet för omvändelseförsök i Sverige](#)), 1 March 2022, page 86.

<sup>30</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) "I am not alone, there are others like me" (["Jag är inte ensam, det finns andra som jag"](#)), 6 June 2022.

<sup>31</sup> The national youth survey is aimed at young persons between the ages of 16 and 25 and is conducted every third year. In the round conducted in 2021, the survey was sent to 12,000 young persons. 52% answered the survey.

<sup>32</sup> The Swedish Agency for Youth and Civil Society has analysed the responses from young people aged 16–25. A total of 1,439 young people responded to the survey.

<sup>33</sup> In total, 30 people answered the survey in 2021.

<sup>34</sup> The qualitative analysis is mainly based on interviews with young people and stories that young people have sent anonymously to the Swedish Agency for Youth and Civil Society. In total, 52 people participated in the interview study, some of whom participated in group interviews and others in individual interviews. In addition to the interviews, 67 young people have sent in anonymous stories about their experiences of being young and an LGBTIQ person in Sweden.

- compared to other young persons, it is more common for young LGBTIQ persons to be bullied, threatened and assaulted.

The results show that more work is needed to ensure that all young LGBTIQ persons have access to equal rights and opportunities. The Swedish Agency for Youth and Civil Society has made a number of proposals in the following areas: health and living conditions; education, employment, economy and housing; leisure and community involvement; security and vulnerability; and exposure to conversion attempts. The proposals include, among other things, improving conditions at school and during leisure time, improving treatment and accessibility within health care, and strengthening work against discrimination and other vulnerability.<sup>35</sup>

### **Customer and Worker Discrimination against Gay and Lesbian Business Owners: A Web-Based Experiment among Students in Sweden**

This study examines customer and worker discrimination against gay and lesbian business owners using a web-based experiment conducted at a Swedish university campus. The participants were 1,406 university students at a large Swedish university. Their ages ranged between 18 years to 68 years, and there were slightly more women than men (59%).

“Participants [...] were presented with a prospective restaurant establishment on the campus. They then stated whether they would be positive to such an establishment, whether they would be interested in working at the restaurant, and what their reservation wage would be if they were interested in the job. Owners’ sexual orientation was randomized across participants. Results showed that participants were less positive to a restaurant opening if the owners were lesbians, and they were less interested in an available job if the owners were gay. The participants had higher reservation wages if the owners were lesbians. In fact, the participants increased their wage demands when the number of women among the owners increased. Our study underlines that gay and lesbian people face various inequalities in society.”<sup>36</sup>

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<sup>35</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) “I am not alone, there are others like me” ([“Jag är inte ensam, det finns andra som jag”](#)), 6 June 2022.

<sup>36</sup> Ahmed, A. 1977 and Hammarstedt, M. 1965 (2022) ‘Customer and Worker Discrimination against Gay and Lesbian Business Owners: A Web-Based Experiment among Students in Sweden’, *Journal of Homosexuality*, Taylor & Francis, doi:10.1080/00918369.2021.1919478, Abstract.

## **Health and health-related behaviours in refugees and migrants who self-identify as sexual or gender minority – A National population-based study in Sweden**

This study examines health and health-related behaviour in migrant and refugee individuals who identify as sexual or gender minorities, including in comparison to their heterosexual peers. The study included 168,952 individuals (aged 16–84 years, males: 45.9%, sexual or gender minorities: 3.1%) who had answered the Swedish National Public Health Survey in 2018 and 2020.<sup>37</sup> The study found that “being a sexual- or gender minority, regardless of ethnic minority status, was associated with worse general health and mental ill-health compared to heterosexual peers including suicidal ideation in refugee sexual- or gender minority individuals [...]. Ethnic minorities (heterosexual and sexual- or gender minority migrants and refugees) had lower odds of drug and risk alcohol use compared to White heterosexual peers but higher odds of risk gambling [...]. Transgender refugees had high odds for risk gambling [...] and exposure to physical violence [...].”<sup>38</sup>

“In this national population-based study, sexual and gender minority individuals have worse mental and general health regardless of ethnic minority status. We did not find evidence for worse health in sexual- or gender minority refugees in comparison to migrant, and White sexual- or gender minorities and their heterosexual peers. Transgender individuals (White and ethnic minority) experienced significantly higher levels of physical violence. Public health policy should emphasize preventive measures to reduce exposure to violence and discrimination in sexual- and gender minority individuals, increase access and use of mental healthcare services and sensitise healthcare professionals about higher rates of health and related issues faced by sexual- and gender minority individuals including those with multiple minority identities.”<sup>39</sup>

## **"This Group is Like a Home to Me:" understandings of health of LGBTQ refugees in a Swedish health-related integration intervention: a qualitative study**

The study finds that “when large numbers of asylum seekers immigrate to a country, civil society is encouraged to contribute to their integration. A subgroup

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<sup>37</sup> Mattelin, E. et al. (2022) ‘Health and health-related behaviours in refugees and migrants who self-identify as sexual or gender minority – A National population-based study in Sweden’, eClinicalMedicine, Elsevier Ltd, doi:10.1016/j.eclinm.2022.101641, Method.

<sup>38</sup> Mattelin, E. et al. (2022) ‘Health and health-related behaviours in refugees and migrants who self-identify as sexual or gender minority – A National population-based study in Sweden’, eClinicalMedicine, Elsevier Ltd, doi:10.1016/j.eclinm.2022.101641, Findings.

<sup>39</sup> Mattelin, E. et al. (2022) ‘Health and health-related behaviours in refugees and migrants who self-identify as sexual or gender minority – A National population-based study in Sweden’, eClinicalMedicine, Elsevier Ltd, doi:10.1016/j.eclinm.2022.101641, Interpretation.

of asylum seekers comprising lesbian, gay, bisexual, transgender, or queer (LGBTQ) refugees are specifically deemed vulnerable to developing health and integration problems due to the double stigma of being a sexual/gender minority and a refugee. The Swedish Federation for LGBTQ Rights (RFSL) is a civil societal organization that has established the support group "RFSL Newcomers," a health-related integration intervention that targets such refugees. The aim of the study is reconstructing the subjective understanding of health of LGBTQ refugees."<sup>40</sup>

"Eleven participants in Newcomers and eight organizers were interviewed about LGBTQ refugees' experiences of migrating and participating in RFSL Newcomers. Qualitative content analysis was used to reconstruct subjective understandings of health that were constructed in these narratives. As the data did not originally concentrate on exploring understandings of health, a broad theoretical approach was used as a heuristic for the analysis, which focused on the common everyday approach of conceptualizing health as wellbeing."<sup>41</sup>

"The narratives revealed three interconnected, interdependent categories of understanding health in which tensions occur between wellbeing and ill-being: belonging versus alienation, security and safety versus insecurity, and recognition versus denial. The categories contribute to an overarching theme of health as framed freedom – i.e., freedom framed by conditions of society".<sup>42</sup>

## **Report on Sweden and non-discrimination**

In November 2022, the European Commission published the 2022 report on Sweden and non-discrimination. The report covers Sweden's implementation of Council Directives 2000/43 and 2000/78 on equality and non-discrimination, which in Sweden have been transposed through the Discrimination Act.<sup>43</sup> Several key issues are identified by the author in the report. The first issue concerns the Equality Ombudsman's new focus on investigating individual complaints and actively contributing to the enforcement of the law through the courts. According to the author, this is a major cultural shift for the Equality Ombudsman as an agency, who, during the years 2011-2020, focused on awareness-raising as the key to counteracting discrimination. The second issue is that access to justice remains a major problem in Sweden. Here, the author stresses that civil-society

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<sup>40</sup> Pelle Pelters et al. (2022) "'This Group is Like a Home to Me:' understandings of health of LGBTQ refugees in a Swedish health-related integration intervention: a qualitative study', BMC Public Health, 22(1), pp. 1–12. doi:10.1186/s12889-022-13641-8, Background.

<sup>41</sup> Pelle Pelters et al. (2022) "'This Group is Like a Home to Me:' understandings of health of LGBTQ refugees in a Swedish health-related integration intervention: a qualitative study', BMC Public Health, 22(1), pp. 1–12. doi:10.1186/s12889-022-13641-8, Methods.

<sup>42</sup> Pelle Pelters et al. (2022) "'This Group is Like a Home to Me:' understandings of health of LGBTQ refugees in a Swedish health-related integration intervention: a qualitative study', BMC Public Health, 22(1), pp. 1–12. doi:10.1186/s12889-022-13641-8, Results.

<sup>43</sup> European Commission (2022), '[Country report: Non-discrimination Sweden](#)', Paul Lappalainen, November 2022.

organizations such as anti-discrimination bureaus continue to develop their capacity to enforce the law through the courts. The third issue concerns the shift in the burden of proof required by EU directives, which is applied differently in the courts.<sup>44</sup>

## **Equality and Protection for Gender Identity and Characteristics**

This book chapter in an anthology on equality law “surveys several legal developments in the Nordic countries to document their advances in prohibiting discrimination on the basis of gender identity as well as their tolerance and promotion of such discrimination”.<sup>45</sup> It examines the Nordic States’ legal frameworks for the protection of gender identities and assesses what legal protection is lacking. The chapter elaborates on the question of “gender assignment” and explains “why ‘juridical sex’ is the hypocenter of harmful practices that implicitly attribute fault to individuals for rejecting their gender assigned at birth or for not acting in accordance with the gender roles expected of them”.<sup>46</sup> The analysis is based on a human rights doctrine with a particular focus on the right to privacy and freedom of expression. The chapter “concludes that human rights authorities’ calls for greater protection of these rights not only increases the potential risk of liability for the Nordic countries but points the way out of the maze of barriers that many nations erect to ensure that gender identity remains binary in their jurisdictions”.<sup>47</sup>

## **Socio-economic status, health status and physical appearance**

### **Equality Ombudsman’s annual report**

As stated above, in March 2022, the Equality Ombudsman (*Diskrimineringsombudsmannen*) published its report containing statistics concerning the complaints received by the Equality Ombudsman over the period 2015–2021, focusing specifically on the complaints received in 2021.

‘Complaints about discrimination’ are complaints that involve discrimination associated with one or more of the grounds of discrimination: ethnicity, disability, sex, transgender identity or expression, religion or other belief, sexual orientation or age. As stated above, grounds related to socio-economic status and health

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<sup>44</sup> Sweden, Stockholm university (*Stockholms universitet*), ‘[Report on Sweden and non-discrimination](#)’, official website, 14 November 2022.

<sup>45</sup> Garland, J. (2022) ‘Equality and Protection for Gender Identity and Characteristics’ *Scandinavian studies in law*, Vol. 68, pp. 187-212, page 190.

<sup>46</sup> Garland, J. (2022) ‘Equality and Protection for Gender Identity and Characteristics’ *Scandinavian studies in law*, Vol. 68, pp. 187-212, page 190.

<sup>47</sup> Garland, J. (2022) ‘Equality and Protection for Gender Identity and Characteristics’ *Scandinavian studies in law*, Vol. 68, pp. 187-212, page 191.

status are not protected under the Discrimination Act. The category of complaints about discrimination also includes complaints about sexual harassment (which does not require there to be an association with any of the grounds of discrimination).

Of the complaints received in 2021, 1,673 did not involve any of these categories and are instead presented under the category of 'Other' complaints. These other complaints have increased from 594 (2020) to 1,673 (2021), an increase of 182%. This increase is largely connected to the introduction of vaccination certificates as an infectious disease control measure on 1 December 2021. The Equality Ombudsman has received at least 750 complaints concerning vaccination certificates that contain no details of any link to any of the protected grounds of discrimination.<sup>48</sup> Since these complaints lack information about any link to any of the protected grounds of discrimination, they are categorized as 'Other' complaints and are not included in the further analysis. Complaints in this category can, for example, be about a disadvantage connected to something that is not protected by the Discrimination Act or the fact that the information is too scarce for the Equality Ombudsman to assess whether the incident is related to any grounds of discrimination.<sup>49</sup>

### **Are more affluent parents treated more favourably by elementary school principals? Socioeconomic discrimination among local Swedish public officials**

This study summarizes its findings as follows: "[...] previous public administration and political science research might have missed important class-based inequalities by primarily focusing on ethnic discrimination among public officials and ignoring discrimination based on socioeconomic status (SES). A large-scale field experiment on the presence of SES discrimination among local Swedish public officials is presented. A total of 3430 Swedish elementary school principals were randomly contacted by parents with low- or high-SES professions and with Arabic- or Swedish-sounding names. The fictional parents were considering moving to the municipality and were interested in placing their children at the school. The results show clear signs of SES discrimination, particularly in regard to the more qualitative aspects of the replies. The findings also show interactions between SES and ethnicity, in which primarily the more formal aspects of the replies suggested

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<sup>48</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Statistics on complaints received by DO 2015–2021 ([Statistik över anmälningar som inkom till DO 2015–2021](#)), 1 April 2022.

<sup>49</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022) Statistics on complaints received by DO 2015–2021 ([Statistik över anmälningar som inkom till DO 2015–2021](#)), 1 April 2022, pages 13, 26–27.

that SES discrimination could be more prevalent against ethnic minority aliases than against other aliases."<sup>50</sup>

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<sup>50</sup> Larsson Taghizadeh, J. 1977 (2022) 'Are more affluent parents treated more favourably by elementary school principals? Socioeconomic discrimination among local Swedish public officials', *Local Government Studies*, Informa UK Limited, pp. 1-33, Abstract.

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

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

When working with data regarding ethnic discrimination, racism and hate crime, Sweden's official colour-blindness makes finding official data, studies and surveys difficult, as race is not an officially recognized category. There is official data collected on hate crimes, namely by the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*), and a report on Afrophobic hate crime was released at the end of November but the latest general figures only cover 2021. There is, however, a wealth of information on racism within Sweden in the academic literature both during and before 2022. Additionally, the academic literature within this field is large and inter-disciplinary. To give a full picture of the academic literature, much less the actual situation of racism and xenophobia, would therefore go beyond the scope of this project.

#### **Racial discrimination, Structural and Institutional Racism**

##### *Labour Market*

Racial discrimination and structural racisms have a significant impact on the opportunities of racialized minorities in the Swedish labour market. Both workplace bullying and discrimination in hiring practices have been documented in recent studies. Further, studies of gig-work, an oft-mentioned solution to the difficulties racialized migrants face in accessing the Swedish labour market, shows that, rather than serving as an entry-point for further development, gig-work becomes a trap for racialized minorities.

In Erlandsson's 2022 doctoral thesis, which was carried out by sending fictitious job applications to job advertisements, clear racial and intersectional biases can be seen.<sup>51</sup> Interestingly, and in a somewhat novel finding within the field of racial biases in the Swedish labour market, male applicants with foreign names were more significantly disadvantaged than female applicants with foreign names.<sup>52</sup>

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<sup>51</sup> Erlandsson, A. (2022). Gender, Parenthood, Ethnicity and Discrimination in the Labor Market: Experimental Studies on Discrimination in Recruitment, in Sweden, Swedish Institute for Social Research, Stockholm university.

<sup>52</sup> Erlandsson, A. (2022). Gender, Parenthood, Ethnicity and Discrimination in the Labor Market: Experimental Studies on Discrimination in Recruitment, in Sweden, Swedish Institute for Social Research, Stockholm university.



Further, for those racialized workers who manage to gain access to the Swedish labour market their experiences there are likely to be less welcoming, as they are at a much greater risk of workplace bullying. In Sweden foreign-born persons have more than double the risk of being bullied, and for those from a 'culturally dissimilar country' the risk of being bullied is almost four times greater than for the majority population.<sup>53</sup>

If racialized minorities attempt to side-step racially biased hiring practices by establishing themselves on the labour market with gig-work, often in the hope of future opportunities, they find that the "occupational context of gig work [is] considered to be either of no value to future local employers, or a negative signal as to a worker's skills and labour market integration,"<sup>54</sup> trapping them in further gig-work or an even more difficult hiring position.

### *Health Care*

Studies of the training of medical students, especially those from racialized groups, show structural forms of racism in both patient care and the training of the medical students in question. For example, these medical students questioned racist remarks made by teachers/mentors during their residency:

*An immigrant with stomach pain came in to the ER with an ambulance. Whereby the resident said: "They always do that." I played a little stupid and said: "Okay, so this patient comes in often, and usually calls the ambulance?" Whereby the physician said: "Are you one of them who is going to call me a racist now?"<sup>55</sup>*

Examples like this reveal how medical students from racialized groups are disciplined by teachers when questioning the discriminatory treatment of a patient, while also giving a clear example of sceptical reception racialized group members receive at the hands of the Swedish health-care system.

Multiple layers of structural or institutional racism presented themselves in the effects of the COVID-19 pandemic: a "survey by the national Public Health Agency found that relative to their percentage of the national population, migrants from Somalia, Iraq, and Syria were overrepresented among the COVID-19 cases in Swedish hospitals. Immigrant-dense suburbs have endured the highest rates of

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<sup>53</sup> Rosander, M., & Blomberg, S. (2022) 'Workplace bullying of immigrants working in Sweden, The International Journal of Human Resource Management', 33:14, 2914-2938, DOI: 10.1080/09585192.2021.1891113.

<sup>54</sup> Newlands, G. (2022) "[This isn't forever for me': Perceived employability and migrant gig work in Norway and Sweden](#)", Environment and Planning A: Economy and Space, 0(0).

<sup>55</sup> Kristoffersson, E., & Hamberg, K. (2022) "[I have to do Twice as Well" managing everyday racism in a Swedish Medical school](#)", BMC Med Educ 22, 235.

COVID-19 infection and death in Sweden, in some cases showing infection rates three times the national average".<sup>56</sup>

### *Policing and securitization*

The use of racial profiling by police in Sweden has been increasingly studied in the past years. A very clear example of this phenomenon is a recent study which points to increased stops of racialized youths, especially young men. This study also includes the voices of the police, indicating that policing is very focused on certain areas and people (included below)<sup>57</sup>

*"Police officers spend their time in public places to prevent crime. We're mainly in areas where people are socially disadvantaged and have a low income. Ethnicity has to do with it because it's mainly immigrants who live in these places. [. . .] Calling it racial profiling is difficult. You can't complain that it's racist. We have to be there. All indicators of where crimes are committed and where people are unsafe show that this is a hotspot. That's where we should be."*

This classification of "socially disadvantaged" areas has more implications than simply a greater police presence and is officially defined by police as

*"a geographically defined area characterized by a low socio-economic status where the criminals have an impact on the local community. The impact is rather tied to the social context in the area than the criminals' studied desire to take power and control the local community."<sup>58</sup>*

However, recent work of this sort shows that the strongest predictor of an area actually being classified as "socially disadvantaged" is the composition of the population that lives there. The importance of a population's incidence of residents with a "foreign background" has a significantly greater impact than that of all other tested variables, including, but not limited to, shootings, narcotics, poverty, unemployment and assaulting public officials, on whether an area is classified as "socially disadvantaged".<sup>59</sup>

As mentioned previously, this police classification, based on the incidence of foreign-background residents, has additional dimensions beyond the increased police presence: that is, "socially disadvantaged" areas are targeted for

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<sup>56</sup> Hooijer, G., & King, D. (2022) 'The Racialized Pandemic: Wave One of COVID-19 and the Reproduction of Global North Inequalities', *Perspectives on Politics*, 20(2), 507-527. doi:10.1017/S153759272100195X.

<sup>57</sup> Mulinari, S., L., & Keskinen, S. (2022) '[Racial profiling in the racial welfare state: Examining the order of policing in the Nordic region](#)', *Theoretical Criminology*, 26(3), 377-395.

<sup>58</sup> Sweden, Swedish Police Authority (*Polismyndigheten*) Socially disadvantaged areas - the police authority's work ([Utsatta områden - polisens arbete](#)), webpage, 07 October 2022.

<sup>59</sup> Gerell, M., Puur, M., & Guldåker, N. (2022) '[Swedish conditions? Characteristics of locations the Swedish police label as vulnerable](#)' *Nordic Journal of Urban Studies* Vol. 2(1), 40-62.

intervention by the Centre for Working Against Violent Extremism (hereafter: CVE). This draws in multiple public organs, as “according to the government’s counter terrorism policy, it [terrorism] cannot be fought by ‘isolated measures’, but [only] through cooperation between various governmental and public organs.”<sup>60</sup> This blurs the “lines between the social and security arms of the state”<sup>61</sup> and introduces significant control in “the practices of social workers, particularly in marginalized areas... [with,] for example, common meeting between police, social authorities and school personnel hav[ing] been arranged on a regular basis to discuss individuals who were considered at risk of radicalisation.”<sup>62</sup>

## Hate crime

Hate crime in Sweden is a sentence aggravation, yet it also comprises discrimination and the incitement of hatred against people and crimes that are motivated to intimidate someone based on his/her “race, color of skin, national or ethnic origin, sexual orientation or a similar condition”.<sup>63</sup><sup>64</sup> However, in practice the perpetrator of a hate crime must acknowledge a deep racial animus for this sentence aggravation to come into effect, with numerous alleged victims asserting that “being victimized due to skin color, Roma or Muslim ‘outlook’ is seldom considered as ‘sufficiently’ racist, and the policing of racial hatred is experienced ... as a ‘wall’”<sup>65</sup>. In a further example

*“[D], a biology student in his twenties, was attacked in a train station by a male offender, who physically assaulted him and yelled ‘Are you a disgusting Arab?’. [it was] long until he received a police report, which made him confused as there was no mentioning of hate crime... the hate motive was omitted in the prosecution of the offender, who refused [denied] being a racist.”<sup>66</sup>*

Further, this inability, or unwillingness, to act on anything short of acknowledged racial animus by the perpetrator of an alleged hate crime is institutional with

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<sup>60</sup> Finch, J., Jönsson, H., J., Kamali, M., & McKendrick, D. (2022) ‘Social work and countering violent extremism in Sweden and the UK, European Journal of Social Work’, 25:1, 119-130, DOI: 10.1080/13691457.2019.1657803.

<sup>61</sup> Finch, J., Jönsson, H., J., Kamali, M., & McKendrick, D. (2022) ‘Social work and countering violent extremism in Sweden and the UK, European Journal of Social Work’, 25:1, 119-130, DOI: 10.1080/13691457.2019.1657803.

<sup>62</sup> Finch, J., Jönsson, H., J., Kamali, M., & McKendrick, D. (2022) ‘Social work and countering violent extremism in Sweden and the UK, European Journal of Social Work’, 25:1, 119-130, DOI: 10.1080/13691457.2019.1657803.

<sup>63</sup> Sweden, Penal Code ([Brottsbalk \[1962:700\]](#)), 21 December 1962, chapter 29, section 2, point 7.

<sup>64</sup> Atak, K. (2022) ‘[Racist Victimization, Legal Estrangement and Resentful Reliance on the Police in Sweden](#)’, Social & Legal Studies, 31(2), 238–260.

<sup>65</sup> Atak, K. (2022) ‘[Racist Victimization, Legal Estrangement and Resentful Reliance on the Police in Sweden](#)’, Social & Legal Studies, 31(2), 238–260.

<sup>66</sup> Atak, K. (2022) ‘[Racist Victimization, Legal Estrangement and Resentful Reliance on the Police in Sweden](#)’, Social & Legal Studies, 31(2), 238–260.

“almost half of the more than 4000 hate crimes with a racist motive reported to police in 2016 [being] dismissed directly, while an equal proportion is dismissed after investigation.”<sup>67</sup>

More specific information on hate crime regarding Afrophobia was published in November 2022 by the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*).<sup>68</sup> The report makes clear that “[a]part from general xenophobic and racist motives, Afrophobia is the most common motive among reported hate crimes”<sup>69</sup> with five typical cases of Afrophobic hate crime being identified. Apart from being the most common type of reported hate crime “Afrophobic hate crimes are also characterised by a high incidence of violence compared to many other hate crimes”<sup>70</sup> representing almost a fifth of reported Afrophobic hate crimes. The five typical forms of Afrophobic hate crime are as follows:

**Attacks by strangers.** *Can happen in many different places and times, but typically involve verbal abuse by strangers in public places, but sometimes also digitally or over the phone.*

**Threats and violence at school.** *Usually occurs between pupils, often contains violent elements and perpetrators are often boys while the gender distribution among victims is more even. The reports mainly concern schools outside metropolitan areas.*

**Harassment by neighbours.** *Mainly repeated harassment by both men and women.*

**Hate crime in the workplace.** *Usually involves harassment by colleagues, customers or clients, often in workplaces where drunkenness is present (e.g. restaurants or taxis) or in community facilities (e.g. treatment centres).*

**Hatred of black people as a group.** *Not directed at individuals, but anyone in the group may feel targeted. Usually through graffiti or on the internet and often classified as hate speech.”<sup>71</sup>*

As highlighted earlier in this section, the Council’s report confirms that “the clearance rate for afrophobic hate crime is low” and that “a police report rarely

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<sup>67</sup> Atak, K. (2022) ‘[Racist Victimization, Legal Estrangement and Resentful Reliance on the Police in Sweden](#)’, *Social & Legal Studies*, 31(2), 238–260.

<sup>68</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

<sup>69</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

<sup>70</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

<sup>71</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

results in someone being held responsible.”<sup>72</sup> Moreover, the Council has noted that among afro-swedes “trust in the justice system, especially the police, [is] low” and in combination with the low clearance rate for Afrophobic hate crime [t]he overall effect is a low propensity to report, which means that there is likely to be a high level of concealment of Afrophobic hate crime.”<sup>73</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**

### *Racial Equality Directive*

In Sweden the Racial Equality Directive (hereafter: Council Directive 2000/43/EC) is implemented in national law via the Discrimination Act (*Diskrimineringslag [2008:567]*).<sup>74</sup> The Discrimination Act has had no major legal or policy changes in 2022. However, in 2021 an official report commissioned by the government, *Increased Protection Against Discrimination* (SOU 2021:94),<sup>75</sup> proposed changes that would increase the uses of the Discrimination Act by, for example, making the police liable in cases of discriminatory policing. The Discrimination Act has yet to be amended along the lines in SOU 2021:94, and the incoming chair of the Parliamentary Committee on Justice (*Justitieutskottet*) has indicated that he would like to see the entire law scrapped, as it does not protect against discrimination based on party affiliation.<sup>76</sup> How Sweden would fulfil its responsibilities under Council Directive 2000/43/EC without the Discrimination Act is unclear, but the likelihood that the previously proposed extensions of protection under SOU 2021:94 seem very unlikely. We will continue to monitor the situation after the new government has begun its tenure later this year.

### *Framework Decision on Racism and Xenophobia*

In Sweden, the Framework Decision on Racism and Xenophobia (hereafter: Council Framework Decision 2008/913/JHA) is implemented in national law via a section in the Penal Code (*Brottsbalk [1962:700]*, chapter 29 section 2 point 7),

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<sup>72</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

<sup>73</sup> Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) (2022), [Rapport 2022:7 Afrofobiska hatbrott](#), 04 January 2023.

<sup>74</sup> Sweden, Discrimination Act (*Diskrimineringslag [2008:567]*), 6 June 2008.

<sup>75</sup> Sweden, Ministry of Labour (*Arbetsmarknadsdepartementet*) (2021) An extended protection against discrimination ([Ett utökat skydd mot diskriminering](#)), government official reports, SOU 2021:94, 1 December 2021.

<sup>76</sup> Arbetet, Martinsson, K., & Hennel, L. (2022) [‘SD:s Richard Jomshof som ska leda justitieutskottet vill avskaffa diskrimineringslagen’](#), 07 October 2022.

which specifies racist or xenophobic motives as a sentence aggravation for all crimes.<sup>77</sup> In 2022 there have been no legal developments in this field. However, the government's national plan against racism, similar forms of hostility and hate crimes<sup>78</sup> has continued with a number of different action plans built around seven main policy areas: more knowledge, education and research; improved coordination and follow-up; civil society: increased support and deepened dialogue; enhanced preventive work online; and a more active judiciary.

Of these areas, those most directly related to hate crime have been given to the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) and the Swedish Police Authority (*Polismyndigheten*). The Council's statistics have yet to be updated, but the Police Authority issued a mid-term report this year on their progress regarding crime prevention and investigation related to hate crimes. In the report, the Police Authority note similar issues to those discussed by the academic literature in our previous section, namely that proving motive, a requirement for the sentence aggravation clause in the penal code, is very difficult.<sup>79</sup>

*"According to subject matter experts at the public prosecutor's office few of the crimes that are flagged as possible hate crime lead to a prosecution, where the sentence aggravation clause for increasing the penalty is included, and even fewer are sentenced for these 'crimes of motive'. There are evidentiary difficulties, perhaps above all because a motive is often complex [to determine]."*<sup>80</sup>

As this is a midterm report, the Police Authority is not expected to have set recommendations or results, but there are two more reporting periods, one more midterm on 1<sup>st</sup> March 2023, and the final report due on 16<sup>th</sup> December 2023. Interestingly, even now the Police Authority is flagging a policy/legal review of hate-crime legislation due to difficulties in applying the current form of the law.

Though there have been no legal developments regarding the Racial Equality Directive or the Framework Decision on Racism and Xenophobia in 2022, as part of its national action plan against racism and hate crime, the government has created five specific action plans against different forms of racism. The action

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<sup>77</sup> Sweden, Penal Code ([Brottsbalk \[1962:700\]](#)), 21 December 1962, chapter 29, section 2, point 7.

<sup>78</sup> Sweden, Government Office (*Regeringskansliet*) (2016), National plan against racism, similar forms of hostility and hate crimes ([Samlat grepp mot rasism och hatbrott, Nationell plan mot rasism, liknande former av fientlighet och hatbrott](#)), 2016.

<sup>79</sup> Sweden, Swedish Police Authority (*Polismyndigheten*) (2022), Hate crimes and other crimes that threaten democracy ([Hatbrott och andra brott som hotar demokratin](#)), March 2022.

<sup>80</sup> Sweden, Swedish Police Authority (*Polismyndigheten*) (2022), Hate crimes and other crimes that threaten democracy ([Hatbrott och andra brott som hotar demokratin](#)), March 2022.

plans are to combat Afrophobia,<sup>81</sup> Antisemitism,<sup>82</sup> Antigypsyism,<sup>83</sup> Islamophobia,<sup>84</sup> and Anti-Sami Racism.<sup>85</sup> All these action plans have five areas of action: more knowledge-education and research, vulnerability of children and young people to discrimination, strengthened online prevention, a more active judiciary, and civil society: increased support and dialogue. Though there are seven distinct areas of action, the most common solution in every area is education, encompassing everything from awareness raising to specific competence building. Beyond educational solutions, the creation of tools (for various implementing bodies), mapping, research funding and the strengthening of relevant ombudsman bodies are also outlined.

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<sup>81</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022), [Action program against Afrophobia](#), 4 July 2022.

<sup>82</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022), [Action program against Antisemitism](#), 4 July 2022.

<sup>83</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022), [Action program against Antigypsyism](#), 4 July 2022.

<sup>84</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022), [Action program against Islamophobia](#), 4 July 2022.

<sup>85</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022), [Action program against Anti-Sami Racism](#), 4 July 2022.

### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	<p>Other</p> <p>Sweden has its own twenty-year strategy for the inclusion of the Roma, '<a href="#">A coordinated long-term strategy for Roma inclusion 2012-2032</a>', which covers the timespan of the EU Roma strategic framework for equality, inclusion and participation for 2020-2030. In a report from 12 October 2021 on the EU framework on equality, inclusion and participation, the Swedish government concluded that Sweden's existing strategy for Roma inclusion is largely in line with the new EU framework and therefore that no revision to the existing strategy is necessary. The report stated that the government's Roma reference group (consisting of civil-society representatives) shares this assessment, but that the reference group also points out that strong efforts are needed to counter anti-gypsyism and discrimination. According to the government, the announcement of the new EU framework has no budgetary or legislative consequences for Sweden. In 2022, the government is allocating SEK 14 million for the implementation of the strategy for Roma inclusion. In 2023 and 2024, the budget amounts to SEK 18.5 million annually and thereafter SEK eight million annually on a permanent basis.<sup>86</sup></p>

<sup>86</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.



	In contrast to the EU Framework, the Swedish Strategy does not call for data-driven policies, policy goals or results assessments.
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	The strategy was based on the report prepared by the Delegation for Roma Issues, which included a reference group of Roma civil-society organizations. <sup>87</sup> The Government Office ( <i>Regeringskansliet</i> ) has also appointed a Roma reference group consisting of civil-society representatives for the purpose of discussing how the government can develop and improve governance and other action in the strategy for the inclusion of the Roma. <sup>88</sup>
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Yes  The Equality Ombudsman ( <i>Diskrimineringsombudsmannen</i> ) was consulted in the development of the strategy. The Equality Ombudsman was also assigned 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. <sup>89</sup> Combatting discrimination against Roma and promoting equal rights and opportunities is, according to the government's assessment in 2021, a long-term focus for the Equality Ombudsman. <sup>90</sup> At the time, Sweden did not have an NHRI. <sup>91</sup>

<sup>87</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2010) The Rights of Roma - a strategy for Roma in Sweden ([Romers rätt - en strategi för romer i Sverige](#)), government official reports, SOU 2010:55, 30 July 2010.

<sup>88</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>89</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2010) The Rights of Roma - a strategy for Roma in Sweden ([Romers rätt - en strategi för romer i Sverige](#)), government official reports, SOU 2010:55, 30 July 2010.

<sup>90</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>91</sup> The Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) commenced operations on 1 January 2022.

<p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p>	<p>Yes. However, not by using disaggregated data collection (i.e. so called 'equality data').<sup>92</sup></p> <p>According to the strategy, the Government Office (<i>Regeringskansliet</i>), in consultation with the government's Roma reference group consisting of civil-society representatives, has the overall responsibility for the governance and implementation of the strategy for the inclusion of Roma during 2012–2032. The implementation of the strategy must be reported annually to the Parliament (<i>Riksdag</i>) in the budget bill. In addition, the County Administrative Board in Stockholm County (<i>Länsstyrelsen Stockholm</i>) is assigned to coordinate and follow up the implementation of the strategy, including regularly compiling a report to the government on developments at the local, regional and national levels.<sup>93</sup> However, these reviews do not include any empirical assessments either of the rights enjoyment of Roma, or if and to what extent the implementation of policies has been successful in improving the rights enjoyment of Roma.</p>
<p><b>Implications of the war in Ukraine on the situation of Roma</b></p>	
<p>Have Roma from Ukraine entered your country?</p>	<p>Yes</p>
<p>If Roma from Ukraine entered your country how was this communicated in the media?</p>	<p>Most of the communications in Swedish media concern reports about discrimination of Roma in Ukraine or at border crossings to neighbouring countries.<sup>94</sup> One report concerns the reception of a group of Roma who fled Ukraine by representatives of civil society organizations in Sweden.<sup>95</sup></p>

<sup>92</sup> European Commission, '[Equality data](#)', website.

<sup>93</sup> See chapter 1.2 below.

<sup>94</sup> See for example Göteborgsposten (2022), '[Inga öppna hjärtan för romerna som flyr Ukraina](#)', 7 June 2022; TV4 Nyheterna '[Romer som flyr Ukraina inte lika välkomna](#)' 12 June 2022; Omni.se '[Romer som flyr Ukraina vittnar om diskriminering](#)' 7 March 2022.

<sup>95</sup> Amnesty Press '[Romer på flykt från Ukraina togs emot i Göteborg](#)' 26 April 2022.

Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	No. Here it can be noted that so-called 'equality data' on, for example, minority groups is generally not collected in Sweden.
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## 3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

### Report by the County Administrative Board of Stockholm on the national strategy for Roma inclusion

In April 2022, the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) submitted its annual report for 2021 in response to a government assignment to coordinate and follow-up initiatives within the national strategy for Roma inclusion.

According to the report, no municipalities received state subsidies for local work for Roma inclusion in 2021, and only one authority, the Swedish Public Employment Service (*Arbetsförmedlingen*), had a government assignment to highlight the issue. In 2021, the County Administrative Board developed a follow-up model for the strategy for Roma inclusion. As part of the follow-up, the County Administrative Board distributed a number of survey questions to the municipal network for Roma inclusion. The answers reveal, among other things, that the work on implementing the strategy has been weakened in many municipalities, and that it is difficult for the strategy for Roma inclusion to have an impact at the local level. The survey sent to municipalities and regions found that out of 192 responding municipalities, only 23 stated that they had carried out efforts within the strategy for Roma inclusion during 2021.<sup>96</sup> The County Administrative Board states that since the strategy reached "half time", the work on Roma inclusion has lost momentum and impact. The strategy has high and ambitious goals which requires a long-term approach, both locally and nationally. Government authorities interviewed by the County Administrative

<sup>96</sup> According to Section 5(b) of the Act on National Minorities and Minority Languages ([Lag \[2009:724\] om nationella minoriteter och minoritetsspråk](#)), municipalities are obliged to adopt goals and guidelines on their work with the minority policy. They are also obliged to provide, upon request, information on such goals and guidelines to the authority responsible for the follow-up. The County Administrative Board of Stockholm is responsible for the follow-up in relation to national minorities. The follow up of the national strategy for Roma inclusion is not part of this follow up.

Board confirm the view that it is challenging to work with Roma inclusion if there are no specific and funded government assignments. To address the challenges, the County Administrative Board continues to recommend a long-term state subsidy for Roma inclusion at the local level, as well as for government authorities.<sup>97</sup>

### **Civil Society evaluation on the quality of the national strategic framework for Roma equality, inclusion, and participation**

In June 2022, the Trajosko Drom published an evaluation of the quality of the national strategic framework for Roma equality, inclusion, and participation in Sweden. As highlighted in the County Administrative Board of Stockholm's annual report mentioned above, the evaluation stresses that the work on Roma inclusion has lost momentum and lacks impact. The report also highlights the need for a state funded programme for municipalities' work with Roma inclusion.<sup>98</sup>

In relation to the effectiveness of the implementation of the strategy, the report assesses that many Roma inclusion initiatives are characterised by a short-term perspective. With regard to civil society participation, the report is positive towards the large number of consultations with civil society representatives conducted as part of the strategy. However, the report stresses that the consultation meetings lack structure and are "largely perceived by the Roma representatives as predetermined information sessions without real influence on decisions".<sup>99</sup>

As indicated under Chapter 3.1 above, the Swedish government's assessment that Sweden's existing strategy for Roma inclusion is in line with the new EU framework and does not require alteration. The report by the Trajosko Drom finds crucial differences between the new EU framework and Sweden's strategy. They recommend the Swedish government to "implement

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<sup>97</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2022) Report of the assignments to coordinate, follow up and implement efforts within the framework of the strategy for Roma inclusion ([Redovisning av uppdrag att samordna, följa upp och genomföra insatser inom ramen för strategin för romsk inkludering](#)), 7 April 2022.

<sup>98</sup> European Commission, Trajosko Drom (2022) [Civil Society evaluation on the quality of the national strategic framework for Roma equality, inclusion, and participation in Sweden](#), report, June 2022.

<sup>99</sup> European Commission, Trajosko Drom (2022) [Civil Society evaluation on the quality of the national strategic framework for Roma equality, inclusion, and participation in Sweden](#), report, June 2022, page 7.

evidence-based policy measures that build upon relevant data and baselines, and ensure proper follow-up of these measures and that equality for Roma is effectively taken into account in all relevant policy decisions in all areas of society, including the right to non-discrimination through strong action against antigypsyism".<sup>100</sup>

### **State subsidies for health promoting efforts aimed at Roma**

Between 2016–2019, the Agency for Youth and Civil Society was tasked with distributing state subsidies for health-promoting efforts aimed at Roma. In the budget for 2022, a new such assignment was given to the Agency. In March 2022, the government decided to change the appropriation directions for the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*). From 1 April 2022, it has been possible for organisations to apply for state subsidies for health-promoting efforts aimed at Roma.<sup>101</sup> In August 2022, the Agency for Youth and Civil Society Affairs distributed almost SEK 1,900,000 to such efforts.<sup>102</sup>

### **Government assignments to promote Roma inclusion**

In April 2022, the government presented two new government assignments to complete the work on Roma inclusion. The Swedish National Agency for Education (*Statens skolverk*) and the National Board of Health and Welfare (*Socialstyrelsen*) were assigned with developing an education for bridge-builders (*brobyggare*) with competence in the Romani language and culture. The bridge-builders will act as a link between Roma families and the public sector. The training will be developed for employees in, for example, the education system, social services and the health-care sector. In addition, the government assigned the

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<sup>100</sup> European Commission, Trajosko Drom (2022) [Civil Society evaluation on the quality of the national strategic framework for Roma equality, inclusion, and participation in Sweden](#), report, June 2022, page 9.

<sup>101</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) State subsidies for health promoting efforts aimed at Roma ([Statsbidrag för hälsofrämjande insatser riktade till romer](#)), press release, 3 March 2022.

<sup>102</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2022) 1.9 million to projects that will promote the health of Roma ([1,9 miljoner till projekt som ska främja romers hälsa](#)), press release, 30 August 2022.

County Administrative Board in Stockholm to distribute state subsidies to municipalities to promote Roma inclusion in the areas of education, work, housing, health, social care, culture and language, and the organization of civil society.<sup>103</sup>

### **Children's and young person's experiences of participation and influence regarding the implementation of the minority policy**

In May 2022, the government tasked the Ombudsman for Children (*Barnombudsmannen*) to conduct a mapping of children's and young person's experiences of influence and participation in the implementation of the general minority policy as required by the Convention on the Rights of the Child. The Ombudsman for Children will examine if children and young people who belong to a national minority feel that they can exercise their right to participation and influence in the implementation of the minority policy. The assignment also includes an examination of what kind of influence children and young people want to have in the future.<sup>104</sup>

### **Government assignments to combat anti-gypsyism in primary and secondary schools**

In May 2022, the Living History Forum (*Forum för levande historia*) was tasked to conduct a survey of knowledge of anti-gypsyism in primary and secondary schools and propose measures to combat anti-gypsyism. Within the framework of the assignment, the Living History Forum will:

- assess the level of knowledge about the history of Roma in Sweden and about Romas' vulnerability to anti-gypsyism by students and teachers;

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<sup>103</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) The government invests in promoting Roma inclusion ([Regeringen satsar på att främja romsk inkludering](#)), press release, 7 April 2022.

<sup>104</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) Government assignment to examine children's and young person's experiences of participation and influence in the implementation of the minority policy ([Uppdrag att kartlägga barns och ungas erfarenheter av delaktighet och inflytande i genomförandet av minoritetspolitiken](#)), government assignment, 12 May 2022.

- examine the sources of knowledge used by students, teachers and student health staff about Roma history and their current situation;
- if necessary, submit proposals for measures on how the level of knowledge about Roma living conditions and history in Sweden can be increased within the school system to combat anti-gypsyism.<sup>105</sup>

In 2022, the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) was assigned to carry out measures aimed at preventing and combatting anti-gypsyism. As part of the assignment, the Agency will strengthen the conditions for young Roma to carry out initiatives that can contribute to increased visibility and knowledge about young Roma and their vulnerability to anti-gypsyism.<sup>106</sup>

### **Knowledge-raising efforts about historical events that affected the national minorities**

In June 2022, the government assigned the Living History Forum to carry out knowledge-raising efforts during 2022–2024 about historical events that affected the national minorities Jews, Roma, Sami (who are also an indigenous people) Swedish Finns and Tornedals in Sweden. The assignment includes producing and disseminating material aimed at actors in the school system and in public education.<sup>107</sup>

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<sup>105</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) Government assignments to examine the knowledge of anti-Gypsyism in primary and secondary schools ([Uppdrag att kartlägga kunskapen om antiziganism i grundskolan och gymnasiet](#)), government assignment, 30 May 2022.

<sup>106</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) Appropriation Directions for the fiscal year 2022 regarding the Swedish Agency for Youth and Civil Society ([Regleringsbrev för budgetåret 2022 avseende Myndigheten för ungdoms- och civilsamhällesfrågor](#)), government decision, 7 June 2022.

<sup>107</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) Assignment to the Forum for Living History to carry out knowledge-raising efforts during 2022–2024 about historical events that affected the national minorities in Sweden ([Uppdrag till Uppdrag till Forum för levande historia att genomföra kunskapshöjande insatser om historiska skeenden som påverkat de nationella minoriteterna i Sverige](#)), government assignment, 27 June 2022.

## **Continued assignments to the Agency for Youth and Civil Society Affairs to promote the influence of national minorities**

In June 2022, the government assigned the Agency for Youth and Civil Society Affairs to develop and continue to disseminate guidance material for how administrative authorities can promote children's and young people's, including Roma's, opportunities to influence and be consulted in matters that affect them, in accordance with the Act on national minorities and minority languages. For the implementation of the assignment, the authority will make available SEK 2,000,000 during 2022. The authority was also tasked with continuing to contribute to improving the conditions for engagement and influence for the national minorities' youth organizations through a budget of SEK 1,000,000 during 2022.<sup>108</sup>

## **Action program against anti-gypsyism**

In July 2022, the government presented an action program against anti-gypsyism (*Åtgärdsprogram mot antizigansim*) containing measures for the period 2022-2024. The action program aims to complement the national plan against racism, similar forms of hostility and hate crimes (*Nationell plan mot rasism, liknande former av fientlighet och hatbrott*). The action program contains measures aimed at bringing attention to and combatting anti-gypsyism. According to the government, the action program on its own does not provide a comprehensive picture of the government's work in the area, but instead must be viewed alongside the national plan against racism. Together, these capture the government's continued work against anti-gypsyism. The action program against anti-gypsyism is based on four of the strategic areas set out in the national plan against racism: more knowledge, education and research; strengthened preventive work on the internet; a more active judicial system and civil society; and increased support and deepened dialogue.<sup>109</sup>

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<sup>108</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) appropriation directions for the fiscal year 2022 regarding the Swedish Agency for Youth and Civil Society ([Regleringsbrev för budgetåret 2022 avseende Myndigheten för ungdoms och civilsamhällesfrågor](#)), government decision, 7 June 2022.

<sup>109</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Action program against anti-Gypsyism ([Åtgärdsprogram mot antiziganism](#)), information material, 4 July 2022.



## Incident of two young men allegedly killing their mother

In July 2022, an incident occurred whereby a woman and a man were hit by a car while walking on the street. The woman died of her injuries. The incident has created an extensive social debate. Two young men are currently held on remand suspected of the murder of the woman and the attempted murder of the man.<sup>110</sup> According to the public prosecutor, an investigation on whether there might be an honour-related motive behind the crime will be conducted. The prosecutor has also confirmed that the two men suspected of the crime are brothers.<sup>111</sup> According to media reports, the two brothers are the woman's sons. Media has also reported that a so-called "Romani Kris"<sup>112</sup> accusing the woman of unfaithfulness had preceded the murder.<sup>113</sup> The only sources stating that this concerns persons who are Roma is the media. Following the incident, one political party proposed a criminal ban on Romani Kris and other parallel legal systems.<sup>114</sup> According to the media, representatives of the Roma community have expressed concerns about the increased stigmatization of Roma following the incident.<sup>115</sup>

## Increased funding to the Institute for Language and Folklore

In 2022, the Institute for Language and Folklore (*Institutet för språk och folkminnen*) distributed almost SEK 10 million to civil-society organizations for language revitalization. In December 2022, the government expanded the investment to enable the

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<sup>110</sup> Sweden, Swedish Prosecution Authority (*Åklagarmyndigheten*) (2022) [‘Omhäkningsförhandlingar i ärende om mord m.m. i Lundby’](#) official website, 18 August 2022.

<sup>111</sup> Swedish Television (SVT) (2022), [‘Åklagaren behöver mer utredningstid efter misstänkta bilmordet på Hisingen’](#), 9 August 2022; Göteborgsposten (2022) [‘Båda bröderna häktas för brutala mordet på sin mamma’](#), 3 August 2022.

<sup>112</sup> "Romani Kris" is an old tradition for resolving conflicts between Roma, see Magasin DIKKO (2021) [‘Romani kris/krisi en gammal tradition som nu ifrågasätts’](#), 11 June 2021.

<sup>113</sup> Expressen (2022) [‘Jag har aldrig hört om hedersmord bland romer’](#), 5 August 2022.

<sup>114</sup> Göteborgsposten (2022) [‘Förbud romani kris och andra parallella rättssystem’](#), 5 August 2022.

<sup>115</sup> Swedish Television (SVT) (2022) [‘Misstänkta hedersmotivet väcker reaktioner: "Många är chockade"'](#), 3 August 2022. Swedish Radio (SR) (2022) [‘Misstänkta hedersmordet chockar svenska romer: "Rädda att alla ska dras över en kam"'](#), 3 August 2022.

Institute to distribute an additional SEK 3.2 million in grants to minority organizations to preserve and promote minority languages, including Romani chib.<sup>116</sup>

### **National launch of FRA's Roma and Travellers report**

In 2022, the Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI) launched FRA's report "Roma and Travelers in six countries" in Sweden in close cooperation with Roma civil society.<sup>117</sup> FRA's report on Roma's social situation and experiences of discrimination were discussed at a main launch event and a number of regional events. The main national launch event was held in Stockholm and the regional events were held in Malmö, Gothenburg, Linköping and Uppsala.<sup>118</sup> In connection with the events, representatives from the Roma civil society stressed that the Swedish government must do more to ensure Roma inclusion and participation. Among other things, the Roma representatives stressed that there is a lack of political will to maintain Roma's fundamental rights in Sweden and that the national strategy for Roma inclusion adopted in 2012 has so far yielded few results.<sup>119</sup>

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<sup>116</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2022) Increased funding for the minority languages ([Förstärkt bidrag för minoritetsspråken](#)), press release, 8 December 2022.

<sup>117</sup> Sweden, Raoul Wallenberg Institute for Human Rights and Humanitarian Law (2022) '[Sweden Could Be Better at Including Roma](#)', official website.

<sup>118</sup> European Union Agency for Fundamental Rights (2022) '[Swedish launch of FRA's Roma and Travellers report](#)', news item, 14 October 2022.

<sup>119</sup> Aftonbladet (2022) '[Sverige ignorerar Romers rättigheter](#)', 5 June 2022.

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

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

<b>EUMS</b>	<b>Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a></b>	
	<b>How has your EUMS implemented Article 3 of Directive 2002/90/EU</b>	<b>Hyperlinked legal provision in EN and national language</b> <a href="#">Chapter 20, Section 8, Aliens Act (2005:716)</a> , 1 January 2012 <a href="#">20 kap. 8 §, Utlänningslagen (2005:716)</a> , 1 januari 2012
	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b> -	
	<b>Number of cases recorded by the police in 2022</b>	<b>Number and details of cases (if available)</b> In 2022 138 cases of human smuggling were reported.
	<b>Number of investigations initiated in 2022</b>	<b>Number and details of cases (if available)</b> Number of cases investigated by prosecutors is unavailable for 2022.
	<b>Number of court decisions taken in 2022</b>	<ul style="list-style-type: none"> <li><b>Number and type of court decisions, information if decision is final.</b></li> </ul>

		<ul style="list-style-type: none"> <li>• No high (supreme) court cases in 2022.</li> <li>• 3 upper court cases in 2022.</li> <li>• Between 15-18 lower court cases in 2022.</li> <li>• <b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework</a> Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</b></li> <li>• For minor violations a fine or imprisonment for up to six months, for standard violations up to 2 years imprisonment, and for gross violations between 6 months and 6 years imprisonment.</li> <li>• <b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b></li> <li>• Currently we have found no key court decision in 2022; we will continue looking as the year progresses.</li> </ul>
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## 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

Please provide information on the following:

- a) The Swedish Authority for Privacy Protection (DPA) has recently published a report<sup>120</sup> on the handling of data by the Swedish police authority. The Swedish DPA has required that

*"[T]he police must change their procedures and introduce individual assessments of the need for extensions of SIS II alerts and document the decisions. The police keep user logs for longer than the allowed three years and must therefore introduce procedures and/or technical features to prevent user logs from being kept longer than allowed."*

- b) Other than this example, there has been no guidance, complaints, recommendations, or opinions on the use of large-scale IT systems in asylum, migration and border control (relating to the existing systems Eurodac, VIS, SIS) so far in 2022. However, in preparation for the roll out of EES, the Swedish Ministry of Justice conducted an inquiry into the ways in which national law would have to change to reflect the proposed changes to EU regulation 2017/2226.<sup>121</sup> During this inquiry, the Ministry of Justice referred the question of EES implementation to governmental bodies, ombudsmen, and CSOs. These referrals give us a good view of how different actors in the Swedish government and NGO/CSO sector view large-scale EU IT systems.

Starting with the ombudsmen and similar institutions, the parliamentary ombudsman, the ombudsman for children, the equality ombudsman, and interestingly the Swedish commission on security and integrity protection had no comments, nor reservations, on the proposed legal changes that would allow for the implementation of the EES system.<sup>122</sup>

Both the Swedish police and migration agencies were positive to both the legal changes that allow for the implementation of the EES system, and the EES system more generally. Both agencies commented that they thought that this would make their work easier, more effective, and more precise. However, both agencies also commented that there should

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<sup>120</sup> Sweden, Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) (2022), [Review completed of EU wanted persons system](#), 15 November 2022. (Note – Only a summary of the review is publicly available).

<sup>121</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021), Adaptation of Swedish law to The EU's new entry and exit system ([Anpassning av svensk rätt till EU:s nya in- och utresesystem](#)), Ds 2021:9, 10 October 2022.

<sup>122</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021), Referral for Ds 2021:9 Adaptation of Swedish law to The EU's new entry and exit system ([Remiss av Ds 2021:9 Anpassning av svensk rätt till EU:s nya in- och utresesystem](#)), Ju2021/01107, 10 October 2022.

be a clearer delineation of responsibilities between responsible agencies on the handling of personal information and the uses of the EES system, a critique the Swedish national court administration shared.<sup>123</sup>

The Ministry of Justice sent referrals to several CSOs, Save the Children Sweden, the Swedish Red Cross, civil rights defenders, and Amnesty Sweden.<sup>124</sup> However, for reasons that are unclear, only Amnesty Sweden replied. Unlike the generally sanguine replies from Swedish agencies or the silence of the ombudsmen, Amnesty identified five major points of concern with the law allowing for EES's implementation, or the EES more generally. Firstly, Amnesty questions the language in the proposal that connects third-country nationals to crime, and the proposition that fewer overstayers or otherwise irregular migrants will result in increased security. Amnesty is also concerned that there is no clear system of information to registered persons about the personal file that is created, which agencies can access it, the information's purpose and consequences, and how this information can be adequately communicated to the said persons, especially given the automated nature of the EES control system. Furthermore, this information needs to be understood by someone in a stressful situation, or else it will increase the risks that they will not understand their rights or legal situation. Amnesty also questions the proportionality of the aims and consequences of such a comprehensive control system, especially when considering respect for personal integrity. An in-depth impact analysis of the consequences for an individual's personal integrity should be conducted. Finally, Amnesty is critical of the creation of personal files for children (12 years and older), as the age of majority is 18, and there is no sufficient reason in the proposal to treat children as adults for these purposes.<sup>125</sup>

So, while there has been no guidance, complaints, recommendations, or opinions on the use of large-scale IT systems in asylum, migration and border control (relating to the existing systems Eurodac, VIS, SIS) so far in 2022, the information we do have on the response to the EES roll-out inquiry from 2021 paints a decent picture from the different perspectives of the many stakeholders in Sweden. The attitudes towards large-scale IT systems in the migration area can be summarized as a generally positive reception from those agencies primarily tasked with immigration control, a

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<sup>123</sup> Ibid.

<sup>124</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021), Referral list for Ds 2021:9 Adaptation of Swedish law to The EU's new entry and exit system ([Remisslista Ds 2021:9 Remiss av Ds 2021:9 Anpassning av svensk rätt till EU:s nya in- och utresesystem](#)), 10 October 2022.

<sup>125</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021), Referral for Ds 2021:9 Adaptation of Swedish law to The EU's new entry and exit system ([Remiss av Ds 2021:9 Anpassning av svensk rätt till EU:s nya in- och utresesystem](#)), Ju2021/01107, 10 October 2022.

flat or neutral reception from governmental control bodies, courts or ombudsmen, and a critical reception from the CSOs that have actively engaged with this question.

- c) There is no case law concerning the right to information, nor access and rectification with respect to the use of the large-scale EU IT systems found in 2022.

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Equality Body (EB)	Report/ Study	The Swedish Equality Ombudsman ( <i>Diskrimineringsombudsmannen</i> ) analysed how government agencies are using artificial intelligence and automated decision-making and the extent to which they are taking into account the risks of discrimination and barriers to equal rights in their applications of artificial intelligence and automated decision-making.	<p>Yes, non-discrimination/equality. In particular the seven grounds of discrimination protected in national law: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age.</p> <p>The report aims to increase awareness of the Discrimination Act and the ways in which automated decisions can lead to discrimination and constitute barriers to equal rights and opportunities.</p> <p>In summary, the survey shows that knowledge about the risks of discrimination and barriers to equal rights and opportunities is unsatisfactory. This means that government agencies need to increase their awareness of the prohibition of discrimination. The survey only encompasses government agencies, but automated decision-</p>	<p>Swedish Equality Ombudsman (<i>Diskrimineringsombudsmannen</i>) (2022) Transparency, training and data. Authorities' use of AI and automated decision-making and knowledge of the risks of discrimination (<a href="#">Transparens, träning och data. Myndigheters användning av AI och automatiserat beslutsfattande samt kunskap om risker för diskriminering</a>), 11 March 2022.</p>



			<p>making is also being used in other parts of the public sector and in the private sector. Consequently, awareness of the risks of discrimination that may arise when applying artificial intelligence and automated decision-making may also need to be improved in other parts of society, according to the Equality Ombudsman.</p> <p>Notably, the Equality Ombudsman’s assessment is that the government agencies that were interviewed have some insight into the risks of discrimination that may be present, but that they primarily talk about ethics and integrity rather than the risk of discrimination in relation to automated decision-making. This phenomenon can, according to the Equality Ombudsman, also be seen in one of its earlier projects on AI and discrimination, where it emerged that many actors are aware of ethics and integrity risks but seem to have less knowledge of the risk of violating the Discrimination Act when applying AI and automated decision-making. The increasing awareness of ethical risks does not therefore necessarily encompass knowledge of the requirements of the Discrimination Act.</p>	
Government	Government	The government assigned the Swedish	Yes, non-discrimination/equality.	Ministry of Employment ( <i>Arbetsmarknadsdepartemen</i> )

	assignment	<p>Equality Ombudsman (<i>Diskrimineringsombudsmannen</i>) with deepening knowledge about the risks of discrimination when using artificial intelligence and other automated decision-making in working life.</p>	<p>The purpose of the assignment is to map the risks of discrimination that the use of artificial intelligence and other automated decision-making may entail and to determine to what extent and in which contexts employers use such technical solutions. The level of knowledge of employers about conditions that can lead to discrimination regarding artificial intelligence and other automated decision-making should also be highlighted.</p> <p>The Equality Ombudsman must submit a final report to the government no later than 1 November 2023.</p>	<p><i>tet</i>) (2022) The risk of discrimination when AI is used in working life must be mapped (<a href="#">Risker för diskriminering när AI används inom arbetslivet ska kartläggas</a>), press release, 9 June 2022.</p>
Data Protection Authority (DPA)	Other, practical example	<p>The Swedish Authority for Privacy Protection (<i>Integritetsskyddsmyndigheten</i>) initiated an innovation project on decentralized artificial intelligence.</p> <p>The purpose of the pilot project is to increase the knowledge of privacy and data-protection</p>	<p>Yes, but only general references to privacy and data protection (no analysis).</p>	<p>Swedish Authority for Privacy Protection (<i>Integritetsskyddsmyndigheten</i>) A new working method is being tested to give innovation projects guidance on data protection (<a href="#">Nytt arbetssätt testas för att ge innovationsprojekt vägledning om dataskydd</a>),</p>

		<p>issues among innovation actors. The initiative is being conducted together with Sahlgrenska University Hospital, Region Halland with the support of AI Sweden. Through a so called "regulatory testbed", the actors involved in the pilot project can test their ideas in dialogue with the supervisory authority (Swedish Authority for Privacy Protection) and receive support and a legal assessment.</p>		<p>official website, 30 August 2022.</p>
Government	Opinion	<p>The Swedish Police Authority (<i>Polismyndigheten</i>) published an article on their website expressing their concern about the draft AI regulation. According to the Police Authority, the current</p>	No.	<p>Swedish Police Authority (<i>Polismyndigheten</i>) (2022), EU proposal on AI hinders the police authority's law enforcement work (<a href="#">EU-förslag om AI hindrar polisens brottsbekämpande arbete</a>), news, 25 August 2022.</p>

		<p>formulation of the regulation heavily restricts the use of AI by law enforcement authorities.</p> <p>The Police Authority, together with all other EU police authorities, emphasised the need for the AI Act to contain clear exceptions for the use of AI related to the work of law enforcement authorities. They also emphasised that the final Act needs to be tailored to the particular needs of law enforcement agencies.</p>		
Other	Opinion	<p>The Swedish Security Service (<i>Säkerhetspolisen</i>) has requested that the government review the current legislation on the Security Service's</p>	<p>Yes, the request contains references to the protection of personal integrity.</p> <p>The Police Authority underlines that a regulation on the processing of personal data which is more adapted to technological development does not</p>	<p>Swedish Security Service (<i>Säkerhetspolisen</i>) (2022) Petition on legislative amendments – Swedish Security Service's processing of personal data (<i>Hemställan om författningsändringar</i> -</p>

		processing of personal data in order to enable the use of automated systems for reviewing large amount of data, such as the use of AI.	automatically entail an increased intrusion of personal privacy. The authority holds that it would be more intrusive of privacy if employees manually reviewed large amounts of data than if an automated system would.	<i>Säkerhetspolisens informationshantering</i> ), 5 August 2022.
Other (national centre for applied artificial intelligence)	Opinion	The national centre for applied artificial intelligence "AI Sweden" gave its position on the draft AI regulation	<p>Yes, general references to fundamental rights, but no in-depth analysis.</p> <p>The opinion stresses that:</p> <ul style="list-style-type: none"> <li>- the category of high-risk AI should only include systems that may pose a potentially high risk to safety or fundamental rights. There is a significant risk that many low-risk AI systems will end up being classified as high risk, irrespective of their use, and if that use generates harm, and they are thereby unnecessarily be subjected to burdensome high-risk requirements. This would hamper growth and innovation in the EU.</li> <li>- the need to ensure that the definition of AI is in line with the commonly accepted OECD definition of AI. All definitions must be recognized by the global AI community. AI Sweden suggests a narrow definition that limits the scope to AI systems that include AI algorithms and techniques that may pose a</li> </ul>	AI Sweden, ' <a href="#">AI Sweden's position on the AI Act</a> ', website, 16 September 2022.

			<p>potentially high risk to safety or fundamental rights.</p> <ul style="list-style-type: none"> <li>- the need for a stronger mandate for the AI board. Give the board the power to issue written opinions on the effectiveness of the AI regulation on its own initiative. The board should be tasked with writing an interim report within a minimum of two years after the legislation enters into force. Such a report should assess the consequences of the AI Act for innovation, growth, public-sector development, research, privacy, and fundamental rights. The European Commission should take strict account of the opinion of the board when reviewing the AI Act.</li> </ul>	
Other	Report/ Study	<p>The Swedish Gender Equality Agency (<i>Jämställdhetsmyndigheten</i>) has, together with the private company anch.AI, led a project where AI solutions have been tested at the Swedish Tax Agency (<i>Skatteverket</i>) and the Swedish Social Insurance Agency (<i>Försäkringskassan</i>).</p>	<p>Yes, non-discrimination/equality.</p> <p>The report describes how public administration can consider gender equality when introducing an AI solution. For instance, by conducting a gender equality analysis of the activities before introducing an AI solution, specify how the AI solution will be evaluated, and identify potential gender bias in the data on which the AI solution has been developed.</p>	<p>Swedish Gender Equality Agency (<i>Jämställdhetsmyndigheten</i>) (2022) AI and gender equality in public administration (<a href="#"><i>AI och Jämställdhet i statlig förvaltning</i></a>), 30 September 2022.</p>

		<p>The aim has been to explore how the introduction of AI in public administration can contribute to meeting the gender-equality policy goals and to contribute to creating better conditions for government authorities to promote gender equality through the use of AI.</p> <p>The report summarizes knowledge and insights on how risks of inequality in AI can be identified and how AI can be developed through the application of an equality perspective. The private company anch.AI's framework "Risk Assessment Methodology for Ethical AI" has been used to</p>	<p>The project has been carried out based on assumptions that:</p> <ul style="list-style-type: none"> <li>- the use of AI creates inequality;</li> <li>- the use of AI reproduces inequality;</li> <li>- the use of AI leads to discrimination based on sex.</li> </ul> <p>The results showed that the use of AI risks both creating and reproducing inequality. A number of risks were identified in both the Swedish Tax Agency's and the Social Insurance Agency's AI solutions. Among other things, the gender-equality perspective was not included in analyses and assessments and not sufficiently addressed in existing routines and processes. The reason is the bias in the data on which the AI solution is developed.</p>	
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		identify, measure and handle potential risks when using AI.		
Government	Other, fact memorandum	<p>The government submitted a statement to the Parliament on the AI Liability Directive.</p> <p>The government welcomes the ambition to make it easier for persons who have suffered damage through artificial intelligence to be able to receive compensation, taking into account the special challenges that artificial intelligence is associated with.</p> <p>The government emphasises that the directive should balance the provision of effective protection to injured parties and the promotion of</p>	<p>Yes, however only a brief analysis of certain procedural rules that might be subject to amendment following the directive, such as:</p> <ul style="list-style-type: none"> <li>- the obligation to produce a document or an object/duty of disclosure</li> <li>- free production of evidence</li> <li>- free evaluation of evidence</li> </ul>	<p>Ministry of Justice (<i>Justitiedepartementet</i>) (2022) AI Liability Directive (<a href="#"><i>Direktiv om skadeståndsansvar gällande artificiell intelligens</i></a>), 1 November 2022.</p>



		technological development.		
Other: Research foundation	Other: Research Project	In a research project carried out at the Institute for Future Studies ( <i>Institutet för Framtidsstudier</i> ), Swedish companies are studied to see whether the use of AI in the recruitment process can enhance the inclusion of disadvantaged groups.	Yes, non-discrimination/equality.  The aim of the project is to study the consequences of using AI in recruitment processes concerning the inclusion of groups that are known to be subjected to discrimination or inequality, namely women, foreign-born persons and older persons of working age. The project has a “mixed methods approach” and will study employee and recruitment data at Swedish companies that have recently begun to employ AI technology in their recruitment processes.	Institute for Future Studies ( <i>Institutet för Framtidsstudier</i> ), <a href="#">Can the implementation of artificial intelligence in the recruitment process enhance the inclusion of disadvantaged groups? A study of Swedish companies, research project 2022-2024</a>

## 5.2 Legal and policy initiatives on data protection and private life

### **New regulations on the processing of personal data by the Swedish Armed Forces and the National Defence Radio Establishment**

**In January 2022, new regulations** on the processing of personal data by the Swedish Armed Forces (*Försvarsmakten*) and the National Defence Radio Establishment (*Försvarets radioanstalt*) entered into force. The new law concerning the Swedish

Armed Forces covers the authority's processing of personal data in activities related to Sweden's defence and security, as well as to international defence and security cooperations. The new law for the National Defence Radio Establishment covers the authority's processing of personal data within the authority's defence intelligence operations, development operations and information security operations. The laws aim to ensure that the Swedish Armed Forces and the National Defence Radio Establishment can process personal data in an appropriate manner and to protect the fundamental rights and freedoms of individuals in connection with such processing. The laws contain provisions on when personal data may be processed and on restrictions applying to the processing of such data. The EU's General Data Protection Regulation and/or other special personal data regulations applies to the processing of personal data by the two authorities in cases not covered by the new regulations.<sup>126</sup>

### **Increased information exchange with law-enforcement agencies**

In April 2022, the government proposed the appointment of an inquiry to examine how to increase information exchange with law-enforcement agencies. The inquiry will submit proposals regarding improved possibilities to exchange information between law-enforcement authorities and other government and municipal authorities, as well as independent schools (*friskolor*). The aim is to increase the efficiency of the law-enforcement agencies' work by increasing information exchange without entailing a disproportionate intrusion into individuals' personal integrity. The government highlights the fact that an increased exchange of information between the authorities can increase control over individuals. A greater exchange of data concerning individuals requires a thorough analysis and a careful balancing of different interests, as it might affect the public's trust in the authorities and welfare systems. The government tasks the inquiry chair, among other things, to analyse how the proposal relates to the

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<sup>126</sup> Sweden, Act (2021:1171) on the processing of personal data by the Swedish Armed Forces ([Lag \[2021:1171\] om behandling av personuppgifter vid Försvarmakten](#)); Act (2021:1207) on the processing of personal data by the National Defence Radio Establishment ([Lag \[2021:1172\] om behandling av personuppgifter vid Försvarets radioanstalt](#)); Ordinance on the processing of personal data by the Swedish Armed Forces ([Förordning \[2021:1207\] om behandling av personuppgifter vid Försvarmakten](#)); Ordinance on the processing of personal data by the National Defence Radio Establishment ([Förordning \[2021:1208\] om behandling av personuppgifter vid Försvarets radioanstalt](#)). Changes has also been made to the Act with supplementary provisions to EU's general data protection regulation ([Lagen \[2018:218\] med kompletterande bestämmelser till EU:s dataskyddsförordning](#)), the Criminal Data Act ([Brottsdatalagen \[2018:1177\]](#)) and certain ordinances.

legal framework on data protection and report on any consequences the proposal might have for the protection of individuals' personal integrity.<sup>127</sup>

### **A new regulation with measures to address the dissemination of terrorist content online**

In April 2022, a government inquiry submitted its final report on measures to address the dissemination of terrorist content online, "EU's regulation on online terrorist content - additions and amendments to Swedish law". Since 7 June 2022, the Council Regulation (EC) No. 2021/784 on addressing the dissemination of terrorist content online (TCO Regulation) has been applied in Sweden. As per the government inquiry's previous proposal in their interim report, "The EU Regulation on terrorist content online: the question of the competent authority", the government appointed the Swedish Police Authority (*Polismyndigheten*) as the competent authority for Sweden.<sup>128</sup>

The government inquiry proposes that provisions on penalties for infringements and the right to an effective legal remedy should be stipulated in a special act, referred to as the 'supplementary act'. The inquiry proposes empowering the competent authority to impose administrative penalties. With regard to the right to an effective remedy, decisions issued by the competent authority based on the TCO Regulation or the supplementary act should be appealed to an administrative court. The appointed competent authority under the TCO Regulation, the Swedish Police Authority, will need to obtain information from other authorities concerning what may constitute terrorist content online. Exchanges of information with the Swedish Security Service (*Säkerhetspolisen*) will presumably be especially important. To facilitate such exchanges of information within the framework of cases under the Regulation and the supplementary act, a provision requiring the disclosure of information between the authorities is proposed. The requirement to disclose information means that the authorities can exchange information even if

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<sup>127</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved opportunities to exchange information with law enforcement agencies ([Förbättrade möjligheter att utbyta information med brottsbekämpande myndigheter](#)), committee directive, 28 April 2022.

<sup>128</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) The police authority receives new tools to counter the dissemination of terrorist content online ([Polismyndigheten får nya verktyg för att motverka spridning av terrorisminnehåll på internet](#)), press release, 28 April 2022.

it is classified as confidential by the disclosing authority. The inquiry also considers it necessary to propose a provision whereby certain information in TCO cases handled by the Police Authority can be protected through it being classified as confidential.

In its analysis of the TCO Regulation in relation to the freedom of expression and information under Swedish law, particularly the Fundamental Law on Freedom of Expression, the inquiry has made the assessment that the application of the TCO Regulation and the supplementary act are not applicable to the extent that this would contravene the Fundamental Law on Freedom of Expression. Therefore, the inquiry's assessment is that the TCO Regulation does not affect the constitutionally protected area under Swedish law.<sup>129</sup>

### **Parliament rejected a government bill on limiting the constitutional protection of certain search services**

In 2021, the government submitted a bill to the Swedish Parliament on limiting the constitutional protection of certain search services (*söktjänster*) covering information about individuals' violations of the law (*enskildas lagöverträdelser*). The government proposed that the provisions of the Freedom of the Press Act (*Tryckfrihetsförordningen*) and the Fundamental Law on Freedom of Expression (*Yttrandefrihetsgrundlagen*) should not prevent a ban (introduced by law) on the search service on information relating to convictions in criminal cases and crimes. According to the government, constitutional protection of personal integrity against certain search services revealing personal information about crimes should be limited.<sup>130</sup>

In May 2022, the Parliament rejected the proposal on the grounds that such a limitation could create an overly broad and imprecise ability to implement restrictions on constitutional protection through ordinary laws.<sup>131</sup> According to the Swedish

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<sup>129</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) EU's regulation on online terrorist content - additions and amendments to Swedish law ([EU:s förordning om terrorisminnehåll på internet – kompletteringar och ändringar i svensk rätt](#)), government official reports, SOU 2022:18, 13 April 2022.

<sup>130</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2021) An appropriate protection for freedom of press and expression ([Ett ändamålsenligt skydd för tryck- och yttrandefriheten](#)), government bill, 10 November 2021.

<sup>131</sup> Sweden, Committee on the Constitution (*Konstitutionsutskottet*), An appropriate protection for freedom of press and expression ([Ett ändamålsenligt skydd för tryck- och yttrandefriheten](#)), 2021/22:KU14, 11 May 2022.

Authority for Privacy Protection (*Integritetsskyddsmyndigheten*), a relatively large number of the complaints directed against search services concern the existence of information about individuals' violations of the law.<sup>132</sup>

### **Supplementary provisions to the EU's Digital Service Act**

In June 2022, the government appointed an inquiry into supplementary provisions to the EU's Digital Service Act. The inquiry is assigned with making proposals on the appointment of the Swedish competent authority and of a Swedish digital services coordinator. The inquiry chair will also analyse and decide whether and how an out-of-court dispute settlement body should be established in Sweden according to the Act. Furthermore, the inquiry will propose necessary amendments to Swedish law, including analysing regulations considered covered by the Digital Service Act's provisions on injunctions and sanctions and submitting other legislative proposals deemed necessary to supplement the Digital Service Act.<sup>133</sup> The government highlights the Fundamental Law on Freedom of Expression (*Yttrandefrihetsgrundlagen*) and stresses that the inquiry chair must carefully consider the protection of fundamental rights and freedoms, including freedom of expression and information, in its proposal. The inquiry chair must also report on whether any of its legislative proposals will impact on fundamental rights and if so how.<sup>134</sup>

### **New regulations to secure electronic evidence**

In June 2022, new regulations to secure electronic evidence entered into force. This includes amendments to, among other regulations, the Code of Judicial Procedure (*Rättegångsbalk [1942:740]*). The aim of the amendments is to enable the police and prosecutors to secure electronic evidence to a greater extent than before. The amendments include, among other things:

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<sup>132</sup> Sweden, Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) (2022) '[Klagomål till IMY – den nationella bilden 2021](#)', June 2022.

<sup>133</sup> Sweden, Ministry of Infrastructure (*Infrastrukturdepartementet*) (2022) Supplementary provisions to EU's Digital Service Act ([Kompletterande bestämmelser till EU:s förordning om en inre marknad för digitala tjänster](#)), committee directive, 7 June 2022.

<sup>134</sup> Sweden, Ministry of Infrastructure (*Infrastrukturdepartementet*) (2022) Supplementary provisions to EU's Digital Service Act ([Kompletterande bestämmelser till EU:s förordning om en inre marknad för digitala tjänster](#)), committee directive, 7 June 2022, page 5, 9-10.

- the introduction of a new means of coercion (*tvångsmedel*) called remote scanning (*genomsökning på distans*) which can secure access to electronic documents in external servers or cloud services;
- the abolition of the ban on seizing messages between the suspect and a relative;
- the introduction of an opportunity to delay the notification that a coercive measure has been used;
- the introduction of an obligation for an individual to participate in biometric authentication in certain cases, for example, by unlocking a mobile phone.<sup>135</sup>

### **Opinion from the Swedish Police Authority concerning the European Data Protection Board's Guidelines on the use of facial recognition technology in the area of law enforcement**

In June 2022, the Swedish Police Authority (*Polismyndigheten*) submitted an opinion on the European Data Protection Board's Guidelines 05/2022 on the use of facial recognition technology in law enforcement. According to the Police Authority, the guidelines are unbalanced and will seriously impede the development of effective and legally secure law-enforcement methods. The Police Authority further argues that law enforcement agencies' ability to process biometric data in general and using facial recognition technology in particular will be impeded in a way that is not compatible with the purposes of the Law Enforcement Directive. The authority emphasized that modern technology could contribute both to legally secure and effective law enforcement as well as to the protection of individual's fundamental rights and freedoms.<sup>136</sup> The Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) has been part of a working group within the European Data Protection Board on the development of the new guidelines. In a general statement following the release of the guidelines, the authority refers to

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<sup>135</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Several new laws enters into force ([Nu träder flera nya lagar i kraft](#)), press release, 1 June 2022.

<sup>136</sup> Sweden, Swedish Police Authority (*Polismyndigheten*) (2022) '[Opinion from the Swedish Police Authority concerning the European Data Protection Board's Guidelines on the use of facial recognition technology in the area of law enforcement](#)', 21 June 2022.

the European Data Protection Board and stresses that certain uses of facial recognition, for example, automated facial recognition in public places, pose such a serious risk of violating the right to privacy that they should be prohibited.<sup>137</sup>

### **Evaluation of the Act on secret data interception**

In June 2022, the government appointed an inquiry to evaluate the Act on secret data interception (*Lag [2020:62] om hemlig dataavläsning*). The Act entered into force on 1 April 2020 and is applicable for a limited period of time, until 2025. Through the Act, secret data interception, which is a new cohesive measure for law enforcement, was introduced. Secret data interception is only permitted when there is suspicion of serious crime. The inquiry is tasked with evaluating the Act before a decision is taken on whether it should be made permanent, and if so, whether it should be amended in any respect. The inquiry must specifically describe the consequences of any proposals for the protection of fundamental freedoms and rights, such as personal integrity.<sup>138</sup>

### **Review of the Signals Intelligence Act**

In July 2022, the government appointed a special inquirer to review of the Signals Intelligence Act (*Lag [2008:717] om signalspaning i försvarsunderrättelseverksamhet*). The purpose of the inquiry is to ensure a modern and effective regulation that is adapted to technological developments and Sweden's defence and security needs, taking into consideration the protection of personal integrity. The special inquirer will (1) assess measures needed for the National Defence Radio Establishment to, effectively fulfil its assignment relating to signals intelligence in defence intelligence operations, regardless of the security situation; (2) analyse additional measures required to correct the defects found by the ECtHR in its judgement

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<sup>137</sup> Sweden, Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) (2022) New guidelines on sanction charges and the police authority's use of facial recognition ([Nya riktlinjer om sanktionsavgifter och polisens användning av ansiktigenkänning](#)), press release, 16 May 2022.

<sup>138</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022), Evaluation of secret data interception ([Utvärdering av hemlig dataavläsning](#)), government inquiry, 23 June 2022.

Centrum för rättvisa v. Sweden<sup>139</sup>; (3) assess whether additional government agencies should be granted the right to direct (*inrikta*) signals intelligence in defence intelligence operations; and (4) suggest the necessary legislative proposals.<sup>140</sup>

### **Increased opportunities to use secret coercive measures**

Two public inquiry reports within the framework of the government inquiry on increased opportunities to use secret coercive measures have been submitted during 2022: one interim report on increased opportunities to use secret coercive measures,<sup>141</sup> and one final report on increased opportunities to enforce deprivation of liberty.<sup>142</sup> The interim report has reviewed some of the regulations on secret coercive measures (*hemliga tvångsmedel*). The purpose of the review has been to identify how secret coercive measures can be used to a greater extent to combat serious crimes. Several authorities have criticised the proposal. The Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) considers, among other things, that there is insufficient basis in the report to determine whether the proposed restrictions on personal integrity and the right to a private and family life are necessary and proportionate according to the requirements outlined in the Instrument of Government (*Regeringsformen*) and ECHR.<sup>143</sup> Likewise, *Centrum för Rättvisa* highlights that the proposal entails an increased risk of disproportionate infringements of personal integrity: secret coercive measures may be used on a larger scale; they may be used in a more intrusive way; they will be directed at more individuals; and the connection to a criminal investigation they require will be weaker.<sup>144</sup> The Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) questions, among other things, why secret data interception is included in the public inquiry report for the expansion of secret coercive measures, as

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<sup>139</sup> European Court of Human Rights (ECtHR), [Centrum för rättvisa v. Sweden](#) [GC], no. 35252/08, 25 May 2021.

<sup>140</sup> Sweden, Ministry of Defence (*Försvarsdepartementet*) (2022), Review of the Signals Intelligence Act ([Översyn av lagen om signalspaning i försvarsunderrättelseverksamhet](#)), government inquiry, 14 July 2022.

<sup>141</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Increased opportunities to use secret coercive measures ([Utökade möjligheter att använda hemliga tvångsmedel](#)), government official report, 29 April 2022.

<sup>142</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Increased opportunities to enforce deprivation of liberty ([Bättre möjligheter att verkställa frihetsberövanden](#)), government official report, 12 October 2022.

<sup>143</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Increased opportunities to enforce deprivation of liberty ([Bättre möjligheter att verkställa frihetsberövanden](#)), consultation response, 9 September 2022.

<sup>144</sup> Sweden, Centrum för Rättvisa (2022) Increased opportunities to enforce deprivation of liberty ([Bättre möjligheter att verkställa frihetsberövanden](#)), consultation response, 31 August 2022.



the government appointed a separate inquiry to evaluate the Act on secret data interception.<sup>145</sup> The Authority for Privacy Protection discouraged the introduction of secret data interception already in 2018 when they were consulted, stating that such measure are a particularly intrusive means of coercion. The Authority questions the appropriateness of forestalling the evaluation of the Act on secret data interception and discourages the entire proposal to include secret data interception in the public inquiry report. According to the authority, it is urgent to conduct a review of the combined effects of increased opportunities to use secret coercive measures on the protection of personal integrity and to coordinate the ongoing legislative work against the background of recent years' developments in the field of law enforcement.<sup>146</sup>

### **Registration of cash cards: improved access to data for law-enforcement agencies**

In August 2022, new regulations requiring the registration of cash cards (*kontantkort*) for certain prepaid services entered into force. Unregistered and anonymous cash cards for mobile phones are often used in connection with criminal activities. The new regulations are being introduced in order to facilitate the law-enforcement authorities' work to reduce crime. The provider of a prepaid service must register information about the subscriber and check the subscriber's identity before the service can be used. If a prepaid service is used by anyone other than the registered subscriber, the service must, as a general rule, be discontinued.<sup>147</sup>

### **A review of the Camera Surveillance Act**

In October 2022, the government announced its intention to review the Camera Surveillance Act (*Kamerabevakningslag [2018:1200]*) to increase the use of camera surveillance. Among other things, the municipalities' right to use camera

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<sup>145</sup> See "Evaluation of the Act on secret data interception" above.

<sup>146</sup> Sweden, Swedish Authority for Privacy Protection (*Integritetsskyddsmyndigheten*) (2022) Increased opportunities to enforce deprivation of liberty ([Bättre möjligheter att verkställa frihetsberövanden](#)), consultation response, 12 September 2022.

<sup>147</sup> Sweden, Swedish Parliament (*Riksdag*), Prepaid card registration – improved access to data for law enforcement agencies ([Registrering av kontantkort – förbättrad tillgång till uppgifter för brottsbekämpande myndigheter](#)), decision, 21 June 2022.

surveillance without having to apply for a permit should be expanded. The government also emphasised that the police authority's ability to use camera surveillance must be expanded considerably.<sup>148</sup>

### **Increased opportunities to use preventive coercive measures**

In October 2022, a public inquiry report on increased opportunities to use coercive measures outside of a criminal investigation, so-called preventive coercive measures, was submitted to the government. Increasing the opportunities to use preventive coercive measures aims to prevent serious crimes within criminal networks. The inquiry found that the use of preventive coercive measures is an effective tool for gaining access to information at an early stage. This entails significant benefits in preventing particularly serious crimes being committed by criminal networks. The inquiry therefore judged that there is a need to use coercive measures to an increased extent even before a concrete suspicion that a crime has been committed can be formulated. This need cannot be accommodated within existing regulations on coercive measures. At the same time, the inquiry judged that an increased use of preventive coercive measures entails risks for infringements of personal integrity. According to the inquiry, an increased use of preventive coercive measures is proportionate, provided that the scope of application is defined in an appropriate manner and that the legislation contains qualification requirements and procedural safeguards that can balance the increased risks to infringements of personal integrity.<sup>149</sup>

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<sup>148</sup> Sweden, Sweden Democrats, Moderate Party, Christian Democrats and the Liberals (2022) The Tidö Agreement – Agreement for Sweden ([Tidöavtalet – Överenskommelse för Sverige](#)), October 2022, page 25.

<sup>149</sup> Sweden, Ministry of Justice (Justitiedepartementet) (2022) Increased opportunities to use preventive coercive measures ([Utökande möjligheter att använda preventiva tvångsmedel](#)), government official report, 24 October 2022.

## 6 Rights of the child

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	New Legislation
	<p>On 1 June 2022, the Parliament approved a bill entitled 'More time for learning – extra study time and extended summer school' (<i>Mer tid till lärande – extra studietid och utökad lovskola</i>). The aim of the bill is to reinforce schools' compensatory tasks and to increase the number of pupils eligible for entry into the national upper secondary school programmes.<sup>150</sup></p> <p>On 1 June 2022, the Parliament approved a bill entitled 'Resource Schools and additional funds for particular support' (<i>Resursskolor och tilläggsbelopp för särskilt stöd</i>). One of the aims of the proposal is to clarify the regulatory framework for students with disabilities. The term "Resource School" (<i>Resursskola</i>) is proposed to be introduced in the Swedish Education Act for municipal schools as well as private schools that limit their education to students who are in need of special</p>

<sup>150</sup> Sweden, Committee on Education (*Utbildningsutskottet*), More time for learning – extra study time and extended summer school ([Mer tid till lärande, extra studietid och utökad lovskola](#)), 2021/22:UbU30, 1 June 2022.

	<p>support within preschool (<i>Förskoleklass</i>), primary school (<i>grundskolan</i>), primary special school (<i>grundsärskolan</i>) and upper secondary school (<i>gymnasieskolan</i>).<sup>151</sup></p> <p>On 8 June 2022, the Parliament approved a bill entitled 'Preschool for more children' (<i>Förskola för fler barn</i>). The bill aims at increasing participation in early childhood education, in order to create positive effects on the child's development and learning, as well as for the community. The government's budget for 2022 announced the strengthening of the child's rights in sheltered accommodation, with a view to ensuring the child's right to an effective education.<sup>152</sup> Around 6 000 children annually accompany a parent or guardian to sheltered accommodation.<sup>153</sup> In August 2022, the government submitted a draft proposal to the council of legislation aiming, among other things, to strengthen the child rights perspective for children accompanying a guardian into sheltered accommodation.<sup>154</sup></p> <p>On 8 June 2022, the Parliament approved a bill entitled 'A safe and supportive study environment in schools' (<i>Skolans arbete med trygghet och studiero</i>). The bill aims to increase safety and security</p>
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<sup>151</sup> Sweden, Committee on Education (*Utbildningsutskottet*), Learning disabilities special schools and additional funds for special support ([Resursskolor och tilläggsbelopp för särskilt stöd](#)), 2021/22:UbU31, 1 June 2022.

<sup>152</sup> Sweden, Ministry of Finance (*Finansdepartementet*) Budget Bill 2022 ([Budgetpropositionen för 2022](#)), 2021/22:1, 16 September 2022, Expenditure area 9.

<sup>153</sup> Sweden, Committee on Education (*Utbildningsutskottet*), Preschool for more children ([Förskola för fler barn](#)), 2021/22:UbU24, 8 June 2022.

<sup>154</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) The draft legislative council referral: A window of opportunity - strengthened rights for children and adults in sheltered accommodation ([Utkastet till lagrådsremiss: Ett fönster av möjligheter – stärkta rättigheter för barn och vuxna i skyddat boende](#)), 31 August 2022. Further information about Sweden's implementation of the Istanbul Convention with regard to sheltered accommodation is described in chapter 7.

	<p>in schools in order to create a supportive environment for study and, by extension, to improve learning outcomes.<sup>155</sup></p> <p>On 21 June 2022, the Parliament approved a bill entitled 'Pupil health and better education for pupils with intellectual disabilities' (<i>Elevhälsa och stärkt utbildning för elever med intellektuell funktionsnedsättning</i>). One of the aims of the proposals is to clarify the role of the School Health Service.<sup>156</sup></p>
<p><b>Policy changes</b></p>	<p><b>National Action Plan to implement the EU Child Guarantee</b></p> <p>In March 2022, the government adopted a national action plan to implement the EU Child Guarantee. According to the Swedish Government, Swedish legislation provides the conditions for all children to have effective access to the basic community services referred to in the Child Guarantee. In addition, most of the services are free of charge. However, there are groups of children who do not receive or risk not having access to community services. This includes children in families in economically vulnerable situations, children living in unsafe conditions, children with disabilities and children who are placed outside their own homes. The action plan contains a mapping of actual access to basic community services in Sweden, applicable regulations and measures to achieve the goals in the Child Guarantee. Such measures include, for example, re-engaging children who are at risk of dropping out or have already dropped out of their education.</p>

<sup>155</sup> Sweden, Committee on Education (*Utbildningsutskottet*), A safe and supportive study environment in schools ([Skolans arbete med trygghet och studiero](#)), 2021/22:UbU28, 8 June 2022.

<sup>156</sup> Sweden, Committee on Education (*Utbildningsutskottet*), Pupil health and better education for pupils with intellectual disabilities ([Elevhälsa och stärkt utbildning för elever med intellektuell funktionsnedsättning](#)), 2021/22:UbU27, 21 June 2022.

The government emphasises that in most of the areas mentioned in the EU Child Guarantee, work is already underway to fulfil the recommendations.<sup>157</sup>

### **National Homeless Strategy**

In July 2022, the government decided on a national homelessness strategy for the period 2022–2026. The aim of the national homelessness strategy is to reduce the number of homeless adults and children. The strategy also presents efforts to prevent people from becoming homeless. The strategy contains four goals: 1) homelessness will be prevented; 2) no one should live on the street; 3) the social perspective in community planning must be strengthened; and 4) the so-called Housing first (*Bostad först*) method should be introduced nationally. According to the government, 'Housing first' is a proven method of counteracting homelessness for people facing social problems. According to the method, persons in acute homelessness are offered a home on the same terms as other tenants. This is then combined with voluntary and individually adapted assistance efforts.

According to the government, it is possible to implement the initiatives outlined in the strategy regardless of how the housing market develops during the period 2022–2026. The strategy does not require any legislative changes or amendments.<sup>158</sup>

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<sup>157</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) '[National Action Plan to implement the European Child Guarantee](#)', 24 May 2022.

<sup>158</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) The government's strategy to combat homelessness 2022–2026 ([Regeringens strategi för att motverka hemlöshet 2022–2026](#)), 7 July 2022.

	<p><b>Measures to support children with special needs</b></p> <p>In their 2022 appropriations directions, the Swedish National Agency for Education (<i>Skolverket</i>) together with the National Agency for Special Needs Education and Schools (<i>Specialpedagogiska skolmyndigheten</i>) have been tasked with producing support material for investigating a pupil's need for special support. In addition, the two agencies will arrange skills-development courses for staff who work with pupils studying the curriculum of either compulsory school for pupils with learning disabilities, or upper secondary school for pupils with learning disabilities. The two agencies, together with the Swedish Institute for Educational Research (<i>Skolforskningsinstitutet</i>), are also tasked with compiling knowledge summaries in the areas of pupil health and support. The knowledge summaries aim to contribute to improving the options for the school authorities, school principals and teachers to choose effective interventions aimed at assisting pupils in achieving their learning outcomes.<sup>159</sup></p>
<p><b>Other measures or initiatives</b></p>	<p><b>Temporary additional allowance to families with children due to increased living costs</b></p> <p>On 1 July 2022, an amendment to the Social Insurance Code (<i>Socialförsäkringsbalk [2010:110]</i>) to introduce an additional allowance to some families with children entered into force. The additional allowance is a temporary supplement for financially vulnerable households. This allowance is only for families with children who are entitled to a special allowance (<i>särskilt bidrag</i>) or custody support (<i>umgängesbidrag</i>). The allowance is paid monthly at an amount that corresponds to 25% of the preliminary housing allowance paid for the same month. The allowance</p>

<sup>159</sup> Sweden, Ministry of Education and Research (*Utbildningsdepartementet*) (2021) Appropriations directions for the financial year 2022 regarding the Swedish National Agency for Education ([Regleringsbrev för budgetåret 2022 avseende Statens skolverk](#)), 16 december 2021.

regulations apply until and including December 2022.<sup>160</sup> In their budget for 2023, the government suggested an extension of the temporary additional allowance until 30 June 2023.<sup>161</sup>

### **Information efforts to increase public awareness of family homes**

A family home is a home offered to children who, for various reasons, cannot live with their parents. The child can live for a shorter or longer period in a family home. Some children live in their family home throughout their entire upbringing. During the period 2020–2022, the National Board of Health and Welfare (*Socialstyrelsen*) has been tasked with supporting municipalities in improving their efforts to recruit family homes through awareness campaigns, including making adapted information available. In March 2022, the government assigned the Board to initiate and coordinate information efforts to increase public awareness of what it means to be a family home, with a view to increasing the interest in becoming a family home.<sup>162</sup>

### **'High-cost protection' for electricity prices**

In October, the government announced a proposal for an energy subsidy to help households and businesses cope with high electricity prices, or so-called 'high-cost protection'.<sup>163</sup> The energy

<sup>160</sup> Sweden, Ministry of Finance (*Finansdepartementet*), Extra amendment budget for 2022 ([Extra ändringsbudget för 2022](#)), government bill 2021/22:269, 17 June 2022.

<sup>161</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022), Extension of the temporary additional allowance to families with children within the housing allowance due to increased living expenses ([Förlängning av det tillfälliga tilläggsbidraget till barnfamiljer inom bostadsbidraget med anledning av ökade levnadsomkostnader](#)), 21 October 2022.

<sup>162</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Assignment to initiate and coordinate information efforts about foster homes, etc. for children and young people ([Uppdrag att initiera och samordna informationsinsatser om familjehem m.m. för barn och unga](#)), government assignment, 14 April 2022.

<sup>163</sup> Sweden, Ministry of Enterprise and Innovation (*Näringsdepartementet*) (2022) Proposals for high-cost protection for high electricity prices are handled urgently ([Förslag om högkostnadsskydd för höga elpriser hanteras skyndsamt](#)), press release, 27 October 2022.



subsidy is based on a general model that covers all electricity users in Sweden. However, in practice it will only cover electricity users in southern Sweden, since it is only there that the average price has been higher than the National Reference Price.<sup>164</sup> The government has assigned the Social Insurance Agency (*Försäkringskassan*) and the Swedish National Grid (*Svenska kraftnät*) to prepare for how the subsidies can be paid out to the entitled electricity users.<sup>165</sup> The government's intention is that entitled electricity users receive the subsidies in the beginning of 2023.<sup>166</sup>

### **A leisure card giving children and young persons the opportunity to participate in sports and associations**

In November 2022, the government announced its intention to introduce a so-called "leisure card" to enhance children's and young people's access to sports and associations. According to the government, the leisure card will, in particular, increase the opportunities for children and young persons from socio-economically vulnerable households to participate in leisure activities. According to the proposal, SEK 50 million will be allocated in 2023 to develop the necessary infrastructure for the introduction of a leisure card.<sup>167</sup>

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<sup>164</sup> Sweden, Swedish National Grid (*Svenska kraftnät*) (2022) '[Hur vet jag om jag får stöd?](#)', official webpage, 9 November 2022.

<sup>165</sup> Sweden, Ministry of Infrastructure (*Infrastukturdepartementet*), Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Assignment to prepare payment of high-cost protection to electricity users ([Uppdrag om att förbereda utbetalning av högkostnadsskydd till elkunder](#)), press release, 4 November 2022.

<sup>166</sup> Sweden, Government Offices (*Regeringskansliet*) (2022) '[Frågor och svar om högkostnadsskydd för höga elpriser](#)', article, 4 November 2022.

<sup>167</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) and Ministry of Culture (*Kulturdepartementet*), Investments for increased health care and public health ([Satsningar för bättre vård och ökad folkhälsa](#)), press release, 1 November 2022.

## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<b>Improved measures when children are suspected of crimes</b> <p>In January 2022, a public inquiry report on improved procedures when children are suspected of crimes was submitted to the government. The inquiry had been tasked with reviewing the regulations for criminal investigations against children. The aim was to improve these regulations and to ensure that a high degree of legal certainty and effectiveness can be maintained in investigations concerning children suspected of crimes.<sup>168</sup></p> <p>Children under the age of 15 who are suspected of crimes may be subject to a criminal investigation according to the provisions of section 31 of the <i>Act on Special Provisions for Young Offenders (Lag [1964:167] med särskilda bestämmelser om unga lagöverträdare)</i>. The inquiry has analysed these provisions in order to determine if they are appropriate and applied in their intended manner. When a child under the age of 15 is suspected of a crime, the question of guilt is, as a rule, not tried in court. However, according to section 38 of the <i>Act on Special Provisions for Young Offenders</i>, the question of the guilt of a child who has not reached the age of criminal responsibility (<i>straffmyndig</i>) and who is suspected of having committed a crime can be tried in court through evidentiary proceedings (<i>bevistalan</i>). The inquiry has been tasked with reviewing this system and determining whether public prosecutors should also be able to bring evidentiary proceedings against children under the age of 15 on their own initiative. Through an additional directive, the inquiry was also tasked with analysing the need for increased possibilities to carry out seizures, house searches and body searches against children under the age of 15 and to submit proposals for</p>
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<sup>168</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Föbättrade åtgärder när barn misstänks för brott](#)), government official reports, SOU 2022:1, 25 January 2022.

constitutional amendments and other measures deemed necessary so that the said means of coercion can be used against children under the age of 15.<sup>169</sup>

The public inquiry report proposed, among other things, the following legislative amendments to the *Act on Special Provisions for Young Offenders*:

- a new main rule has been introduced in section 38 whereby prosecutors must bring evidentiary proceedings when a child under the age of 15 is suspected of having committed a crime with a minimum penalty of 5 years imprisonment;
- an amendment to section 31 (point 3), which would, together with other measures, entail that more crimes committed by children under the age of 15 must be investigated by the Police Authority;
- an amendment to section 34, *stating that* a representative of the social services should be present unless there are special reasons that speak against this when questioning a child who has reached the age of 15 but not 18 and who is suspected of a crime which may result in imprisonment;
- amendments to section 32, clarifying the child's (under the age of 15) right to access information about the criminal investigation (under section 31);
- amendments to section 32 (b), *outlining a right for the injured party to a legal counsel or special representative during criminal investigations in accordance with section 31; and*
- an amendment to section 36 (b) for when the Police Authority may use drug testing on children under the age of 15 who are suspected of using drugs, giving it a less restrictive formulation. The aim is for drug tests to be used to a greater extent.

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<sup>169</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Föbättrade åtgärder när barn misstänks för brott](#)), government official reports, SOU 2022:1, 25 January 2022, pages 19-20 and 25.

An amendment to chapter 48 section 2 and 4 of the Code of Judicial Procedure (*Rättegångsbalk (1942:749)*) is also proposed in the public inquiry report. The amendment would enable the prosecutor, through a summary imposition (*strafföreläggande*), to order youth services (*ungdomstjänst*) for crimes committed by a child who has reached the age of 15 but is under the age of 18. The aim is to increase the possibility of rapid and efficient legal procedures. According to the public inquiry report, there are no clear needs for more intrusive possibilities to carry out seizures, house searches and body searches against children under the age of 15. Therefore, it is not considered justified to introduce more far-reaching provisions in these areas. It is proposed that the amendments will enter into force on 1 January 2023.<sup>170</sup>

The Ombudsman for Children (*Barnombudsmannen*) underlines in its consultation referral that some parts of the public inquiry are lacking any in-depth analysis of the best interests of the child as required by Article 3 of the Convention on the Rights of the Child. Among other things, the Ombudsman for Children does not share the inquiry's assessment of an extended possibility to bring evidentiary proceedings against children under the age of 15.<sup>171</sup>

### **Amendments to the Penal Code**

In January 2022, new sentencing rules in the Swedish Penal Code (*Brottsbalk [1962:700]*) entered into force. Previously, persons younger than 21 years old have been entitled to a youth

<sup>170</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), government official reports, SOU 2022:1, 25 January 2022, pages 18-22 and 24-26.

<sup>171</sup> Sweden, Ombudsman for Children (*Barnombudsmannen*) (2022), Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), consultation referral, 26 April 2022.

discount (*ungdomsrabatt*) that applied to sentencing for all crimes. Under the new rules, the youth discount no longer applies for criminal offenders aged 18 to 20 in relation to crimes carrying a minimum sentence of more than one year of imprisonment.<sup>172</sup>

In order to strengthen protection against serious sexual violations committed from a distance, for example, over the internet, the provisions on rape and sexual assault and the corresponding crimes against children were amended in August 2022. The provisions on rape and the rape of a child have been amended in order to be more neutral in relation to gender and sexual orientation. The provision on the use of children for sexual posing is extended to include acts where the child has been passive. New penal provisions are also being introduced on the sexual molestation of a child and the gross sexual molestation of a child. In order to better reflect the seriousness of these crimes, several penalties are being increased. Among other things, the minimum sentence for rape and the rape of a child has been increased from two years' imprisonment to three years' imprisonment.<sup>173</sup>

### **Review the criminal law protection against sexual violations of a child**

In February 2022, the government proposed a special inquirer to review the criminal law protection for groups in particularly vulnerable situations. The special inquirer will, among other things:

- review the criminal law protection against sexual violations of a child aged 15–17 years, in particular in relation to the exploitation of a child through the purchase of sexual acts;

<sup>172</sup> Sweden, Penal Code ([Brottsbalk \[1962:700\]](#)), 21 December 1962, chapter 29 section 7.

<sup>173</sup> Sweden, Committee on Justice (*Justitieutskottet*) A sharper view of rape and other sexual violations ([Skärpt syn på våldtäkt och andra sexuella kränkningar](#)), 2021/22:JuU41, 21 June 2022.

- review the regulations on the exploitation of a child through the purchase of sexual acts, the purchase of sexual services and the procuring of prostitution through the use of internet-based tools, in particular with regard to minors and so-called "sugar dating";
- evaluate the effect of the criminal responsibility in relation to the age of the child victim of sexual violence being framed as negligence;
- consider whether the criminal designations for the offences of child pornography and gross child pornography should be amended in order to clarify that certain pornography offences amount to documentation of a sexual assault on a child.<sup>174</sup>

### **Children's opportunities to complain and claim their rights according to the Convention on the Rights of the Child**

In April 2022, the government submitted a committee directive on children's opportunities to complain and claim their rights according to the Convention on the Rights of the Child. According to the government, a special inquirer will examine whether Sweden should ratify the third Optional protocol to the Convention on the Rights of the Child relating to a communications procedure. The special inquirer will analyse the consequences of a possible ratification and, if a ratification is proposed, submit any constitutional alterations that are needed in order for Sweden to fulfil its commitments according to the protocol. The special inquirer must also review certain other issues in relation to the children's right to complain and claim their rights under the Convention on the Rights of the Child.<sup>175</sup>

<sup>174</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Protection of children against sexual abuse and certain questions about crimes against women and older persons ([Barns skydd mot sexuella kränkningar samt vissa frågor om brott mot kvinnor och äldre](#)), committee directive, 25 February 2022.

<sup>175</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Children's opportunities to complain and claim their rights according to the Convention on the Rights of the Child ([Barns möjligheter att klaga och utkräva sina rättigheter enligt barnkonventionen](#)), committee directive, 28 April 2022.

**Legal amendments to ensure the best interests of the child when care according to the Act on the Care of Young Persons ends (*Lex lilla hjärtat*)**

In July 2022, a number of legal amendments in the Act on the Care of Young Persons (Special Provisions) (*Lag [1990:52] med särskilda bestämmelser om vård av unga*) and the Social Services Act (*Socialtjänstlag [2001:453]*) entered into force. The amendments include, among other things:

- compulsory care in accordance with the Act on the Care of Young Persons must not end until the circumstances that gave rise to the care have changed in a lasting and comprehensive way;
- an obligation for the Social Welfare Committee (*socialnämnden*) to follow up on the child after compulsory care has ended;
- an obligation for the Social Welfare Committee, in certain situations, to consider whether there are any reasons to apply for a ban on moving the child (*flyttningsförbud*);
- the obligation to consider transfer of custody changed from three years to two years;

The Social Welfare Board is also given the authority to use the drug tests of a guardian or parent prior to socialising with the child during care and before the termination of care when children are in compulsory care due to abuse in the home.<sup>176</sup>

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<sup>176</sup> Sweden, Committee on Health and Welfare (*Socialutskottet*) Best interests of the child when care according to the Act on Care of Young Persons ends ([Barnets bästa när vård enligt LVU upphör](#)), 2021/22:SoU33, 31 May 2022.

	<p><b>New information about the defendant's age in criminal proceedings</b></p> <p>In August 2022, amendments to the Code of Judicial Procedure (<i>Rättegångsbalk [1942:740]</i>) and the <i>Act on Special Provisions for Young Offenders</i> with regard to information about the defendant's age in criminal proceedings entered into force. With the new amendments, a new criminal trial (<i>resning</i>) can be granted if new information about the defendant's age that would probably have led to a significantly higher sanction or a different outcome in a deportation decision is revealed.<sup>177</sup></p> <p><b>Lowered age limit for open interventions for children without the consent of the guardian</b></p> <p>In December 2022, the government submitted a Council on Legislation referral aimed at giving the social services better tools to support and protect children. According to the referral, the municipalities' social welfare committee should be mandated to decide on so-called "open interventions", a contact person or a specially qualified contact person for children who have turned 12 years old, without the consent of the guardians. Currently, the age limit for such interventions is 15. The interventions should be used if deemed appropriate and if the child consents to the intervention. Open interventions do not cover placements outside the child's own home. The legislative amendments are proposed to enter into force in July 2023.<sup>178</sup></p>
<p><b>Policy developments</b></p>	<p><b>Strengthened work against the sexual exploitation of children, prostitution and human trafficking</b></p>

<sup>177</sup> Sweden, Committee on Justice (*Justitieutskottet*) New information about the defendant's age in criminal proceedings ([Nya uppgifter om den tilltalades ålder i straffprocessen](#)), 2021/22:JuU33, 21 June 2022.

<sup>178</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022), Lowered age limit for open interventions to children without consent of the guardian ([Sänkt åldersgräns för öppna insatser till barn utan vårdnadshavarens samtycke](#)), press release, 20 December 2022.



In March 2022, the government decided to strengthen its work against the sexual exploitation of children, prostitution and human trafficking by granting an additional SEK four million to the Gender Equality Agency (*Jämställdhetsmyndigheten*) in 2022. Part of the reinforcement is due to an increased need for strengthened coordination and increased efforts in the work against prostitution, human trafficking and the sexual exploitation of children in connection to the war in Ukraine and those who are fleeing from it to Sweden.<sup>179</sup> The work against the sexual exploitation of children, prostitution and human trafficking is an important part of the implementation of the government's action program to prevent and combat men's violence against women.<sup>180</sup>

### **New online training on children who have witnessed violence**

In June 2022, the Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) launched an online training program for professionals who meet children in their work. The online training has been developed as a result of a government assignment to increase knowledge about the needs of children who have witnessed violence and who are or have been living in sheltered accommodation. The training is open to everyone but is primarily aimed at those who work in family law units at social services (*familjerätter*), judges and legal representatives in custody cases. According to the Swedish Crime Victim Compensation and Support Authority, other professionals in social services can also benefit from the training. The training is designed to be conducted in groups, but it is also possible to take part of the material individually.<sup>181</sup>

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<sup>179</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Strengthened work against sexual exploitation of children, prostitution and human trafficking ([Arbetet mot sexuell exploatering av barn, prostitution och människohandel förstärks](#)), press release, 25 March 2022.

<sup>180</sup> See chapter 7 below for further information about the government's work combatting men's violence against women.

<sup>181</sup> Sweden, Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) (2022) New online training about children who have witnessed violence ([Ny webbutbildning om barn som betvittnad våld](#)), press release, 1 June 2022.

### **Police Authority's training for investigators officers for children**

In the public inquiry report on measures when children are suspected of crimes submitted to the government in June 2022, a number of aspects in relation to ensuring effective and legally certain investigations of such children have been analysed.<sup>182</sup> Among other things, certain deficiencies in interrogations with children have been identified.<sup>183</sup> The Police Authority's (*Polismyndigheten*) training for investigating officers for children (*barnförhållare*) has recently been amended, and a new training regime (*Utredning fördjupad barn*) was initiated during the autumn in 2021.<sup>184</sup> The training is aimed at all investigators who investigate crimes involving children, i.e. persons under the age of 18, whether appearing as accused, witnesses or suspects. The new training will, among other things, include rights according to the Convention on the Rights of the Child, procedural regulations with regard to children, the penalty system for children who have reached the age of criminal responsibility, evidence evaluation, children's special vulnerability and dependency, developmental psychology, interrogation methods with regard to children, the role of social services, cooperation between social services and other actors, and confidentiality legislation. The training is carried out under the Police Authority's own auspices and has 40 training locations. It comprises 30 study days, which are spread over seven weeks.<sup>185</sup>

<sup>182</sup> A summary of the report is presented above, see Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), government official report, SOU 2022:1, 25 January 2022.

<sup>183</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), government official report, SOU 2022:1, 25 January 2022, pages 166-67.

<sup>184</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), government official report, SOU 2022:1, 25 January 2022, page 168.

<sup>185</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Improved measures when children are suspected of crimes ([Förbättrade åtgärder när barn misstänks för brott](#)), government official report, SOU 2022:1, 25 January 2022, page 169.

	<p><b>Measures against juvenile criminality</b></p> <p>In October 2022, the government announced its intention to take action against juvenile criminality. Among other things, the government declared its intention to establish special youth prisons for which the Swedish Prison and Probation Service (<i>Kriminalvården</i>) will be responsible. These special youth prisons will replace the special youth homes for which the Swedish National Board of Institutional Care (<i>Statens institutionsstyrelse</i>) is currently responsible. Furthermore, the government has proposed a broad review of the current legislation regarding the deprivation of liberty of young persons with the aim of increasing the police authority's and social service's possibilities to deprive young persons of their liberty for an extended period of time.<sup>186</sup></p>
<p><b>Other measures or initiatives</b></p>	<p><b>Increased knowledge of the application of the Act on the Care of Young Persons (Special Provisions)</b></p> <p>In July 2022, the government announced its willingness to increase knowledge and competence about the application of the Act on the Care of Young Persons (Special Provisions). The National Board of Health and Welfare is therefore tasked with developing support material for the application of the law. The support must have a particular focus on honour-related problems and on criminality. The National Board of Health and Welfare will also produce support material for the application of the provisions to ensure the best interests of the child when care according to the Act on the Care of Young Persons ends.<sup>187</sup></p>

<sup>186</sup> Sweden, Sweden Democrats, Moderate Party, Christian Democrats and the Liberals (2022) The Tidö Agreement – Agreement for Sweden ([Tidöavtalet – Överenskommelse för Sverige](#)), October 2022, page 21.

<sup>187</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Knowledge of the application of Act on Care of Young Persons must increase ([Kunskapen om tillämpningen av LVU ska öka](#)), press release, 4 July 2022.

	<p><b>The Swedish Prosecution Authority's work in relation to the offence: violation of a child's integrity</b></p>
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In July 2021, a new criminal offence was introduced concerning children who witness offences such as domestic violence and sexual offences, called violation of a child's integrity (*barnfridsbrott*).<sup>188</sup> From the introduction of the offence until August 2022, the Swedish Prosecution Authority (*Åklagarmyndigheten*) has received 9,905 accusations of crime, of which 1,140 have led to prosecution. The Prosecution Authority highlights several challenges that were identified in relation to the application of the new law. For instance, the authority noticed that the social services did not always report the violation of a child's integrity to the police authority if no "basic" offence (potentially witnessed by the child) was reported.<sup>189</sup>

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<sup>188</sup> Sweden, Penal Code ([Brottsbalken 1962:700](#)), 21 December 1962, chapter 4, section 3.

<sup>189</sup> Sweden, Swedish Prosecution Authority (*Åklagarmyndigheten*) 'Violation of a child's integrity - that's what it's like to work with the new law' ([Barnfridsbrott – så är det att arbeta med den nya lagen](#)), official website, 8 November 2022.

## **7 Access to justice – Victims’ Rights and Judicial Independence**

### **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 incorporating the EU’s Victims’ Rights Directive into national law. Sweden did not make any major changes when implementing the directive in 2015,<sup>190</sup> and as a result, the Swedish Penal Code (*Brottsbalk [1962:700]*) does not provide any reference to the Directive.<sup>191</sup> There are, however, several domestic laws that guarantee the rights of victims of crime, and it is primarily developments in this legislation that could be said to advance the goals of the directive and the EU’s strategy for Victims’ Rights 2020-2025.<sup>192</sup> These are presented below.

#### **Strengthened right to damages for victims of crime**

In May 2022, the Parliament voted to approve a bill on amendments to the Tort Liability Act (*Skadeståndslag [1972:207]*), the Enforcement Code (*Utsökningsbalk [1981:774]*) and the legislation on criminal injury compensation (*Brottsskadelag*

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<sup>190</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2015) Implementation of the Victim Directive ([Genomförande av brottsofferdirektivet](#)), government bill, 17 March 2015.

<sup>191</sup> Only three minor legislative changes were made to implement the Directive in Sweden. The first amendment concerned a strengthening of the right of an injured party, who does not understand or speak the language of the criminal proceedings, to receive interpretation free of charge. Secondly, the Court was given a duty to provide, at the request of the injured party, translations of a document or the most important parts of a document if the document is of significance for the injured party to exercise his/her rights. Finally, a new legal provision was set in place regulating the right of the injured party to be informed of the time and place of court hearings.

<sup>192</sup> Examples of laws on the rights of victims of crime are; Act on special representative for a child ([Lag \[1999:997\] om särskild företrädare för barn](#)); Act on counsel for an injured party ([Lag \[1988:609\] om målsägandebiträde](#)); Social Services Act ([Socialtjänstlag \[2001:453\]](#)); Tort Liability Act ([Skadeståndslag \[1972:207\]](#)).

[2014:322]). As a result of the legislative changes, victims of crime have an extended right to compensation and the opportunity to collect it. In short, the changes entail:

- a sharp increase in the levels of infringement compensation (*kränkningersättning*);
- a strengthened right to infringement compensation for police officers and other professional groups with special preparedness (persons exposed to crimes while in service are considered to have a special preparedness for attack);
- a strengthened right to compensation for surviving relatives through a new form of non-profit compensation, a so-called "special relative compensation" (*särskild anhörigersättning*);
- an expansion of the opportunities for a victim of crime to conduct a foreclosure of the offender's custodial compensation (*frihetsberövandeersättning*); and
- a change in the order of priority in the case of wage garnishment, so that claims relating to damages due to crime precedes non-priority claims.<sup>193</sup>

### **A strengthened Fund for Victims of Crime**

In June 2022, the government presented a Council on Legislation referral (*Lagrådsremiss*) for a strengthened Fund for Victims of Crime (*Brottsofferfonden*). According to the government, the Fund for Victims of Crime fulfils an important function in ensuring that the interests of victims of crime are catered for, including by funding victimological research and civil-society organizations' work promoting the interests of victims of crime. For the fund to be able to finance more extensive efforts and projects in the future, the government proposed several changes aimed at increasing the financial resources for the fund. The government, among other things, proposed that the fee specified in the Act on the Fund for Victims of Crime (*Lag [1994:419] om brottsofferfond*) is increased to SEK 1,000 and that the obligation to pay is extended to include crimes that have more severe penalties than fines in the penalty scale. According to the current provisions, anyone convicted of a crime shall, if

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<sup>193</sup> Sweden, Committee on Civilian Affairs (*Civilutskottet*) Strengthened right to damages for victims of crime ([Stärkt rätt till skadestånd för brottsoffer](#)), 31 May 2022.

imprisonment is included in the penalty scale, be ordered to pay a fee of SEK 800. It is proposed that the amendments enter into force on 1 January 2023.<sup>194</sup>

### **Damages for violations of the constitution: protection of rights for individuals**

In June 2022, the Parliament voted to approve a bill on amendments to the Tort Liability Act (*Skadeståndslag [1972:207]*), which entails that individuals are entitled to damages in the event of violations of fundamental freedoms and rights. According to the new regulations, an individual will be able to receive damages from the state or a municipality if he/she has suffered a violation of fundamental freedoms and rights according to Chapter 2 of the Instrument of Government (*Regeringsformen*). Currently, through developments in the courts, an individual can receive damages for such violations. Under the new regulations, in order to strengthen the protection of the individual's freedoms and rights, this legal position is clarified. These so-called "constitutional damages" (*Grundlagsskadestånd*) must only be paid to the extent necessary to remedy the violation.<sup>195</sup>

### **Support and information to victims of crime in particularly vulnerable situations**

In October 2022, the government announced its intention to increase efforts to ensure that victims of crime and potential victims of crime are fully aware of their rights and of opportunities for assistance and support. Targeted efforts will be made for persons in a particularly vulnerable situation, such as children and young persons, older persons and persons exposed to honour-related oppression.<sup>196</sup> The government also announced that they intend to revise the regulations for criminal damage compensation with the aim of reducing the crime victims' responsibility to collect compensation from the perpetrator

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<sup>194</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) A strengthened Fund for Victims of Crime ([En stärkt Brottsofferfond](#)), council on legislation referral, 9 June 2022.

<sup>195</sup> Sweden, Committee on Civil Affairs (*Civilutskottet*) Constitutional Damages – protection of rights for individuals ([Grundlagsskadestånd – ett rättighetsskydd för enskilda](#)), 22 June 2022.

<sup>196</sup> Sweden, Sweden Democrats, Moderate Party, Christian Democrats and the Liberals (2022) The Tidö Agreement – Agreement for Sweden ([Tidöavtalet – Överenskommelse för Sverige](#)), October 2022, page 28.

themselves.<sup>197</sup> With a view to ensuring that victims of crime are aware of their rights and opportunities for help and support, the government is increasing the funding to the Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) by SEK 9 million yearly from 2023. The funding aims, among other things, to strengthen the Swedish Crime Victim Compensation and Support Authority's role as the main information and knowledge centre for victims of crime.<sup>198</sup>

### **Anonymous witnesses**

In December 2022, the government assigned a special inquirer to, among other things:

- propose a system of anonymous witnesses;
- analyse the application of the provisions on the mitigation of a sentence for participation in the investigation of someone else's crime (the "crown witness system") and the regulation on early hearings and decide whether the provisions need to be changed in any respect; and
- take a position on certain related issues regarding the confidentiality and credibility of oral evidence.

The assignment to propose a system using anonymous witnesses must report on 2 October 2023 at the latest.<sup>199</sup>

### **Civil-society initiatives**

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<sup>197</sup> Sweden, Sweden Democrats, Moderate Party, Christian Democrats and the Liberals (2022) The Tidö Agreement – Agreement for Sweden ([Tidöavtalet – Överenskommelse för Sverige](#)), October 2022, page 26.

<sup>198</sup> Sweden, Ministry of Justice (Justitiedepartementet) (2022) The biggest offensive ever against organised crime begins now ([Nu inleds den största offensiven någonsin mot den organiserade brottsligheten](#)), press release, 2 November 2022.

<sup>199</sup> Sweden, Ministry of Justice (Justitiedepartementet) (2022), Anonymous witnesses ([Anonyma vittnen](#)), committee directive, 20 December 2022.



In June 2022, the Civil Rights Defenders (CRD) submitted an official letter to the Minister of Justice (*Justitieministern*) and the Minister for Health and Social Affairs (*Socialministern*) regarding access to justice for victims of crime who have been deprived of their liberty.<sup>200</sup> The official letter is based on a study conducted by CRD on the implementation of the EU's Victims' Rights Directive and Council Directive 2004/80/EC of 29 April 2004 relating to paying compensation to crime victims (the 'Compensation Directive') in Swedish immigration detention centres, remand prisons and closed institutions (*tvångsvård*). The aim of the study has been to gain a better understanding of how individuals deprived of their liberty gain access to their rights as victims of crime if they are exposed to crime while they are deprived of their liberty. The study reveals several shortcomings, among others:

- limited access to rights for victims of crimes committed in detention such as violence, threats or abuse in a closed institution due to the fact that these individuals are rarely regarded as victims of crime;
- lack of a clear regulation regarding the distribution of responsibilities between and within different authorities when it comes to documentation in order to facilitate victims' access to compensation and to report crimes in situations where several authorities may be involved;
- lack of national statistics on the vulnerability to crime of those deprived of their liberty;
- lack of legislation that directly and specifically regulates the rights of victims of crime in detention.

In their letter, the CRD calls on the Ministers to, among other things:

- Appoint an inquiry with the task of proposing the necessary constitutional changes ensuring that EU's Victims' Rights Directives are fully applied to Sweden's closed institutions. It must be made clear that all closed institutions are covered by the EU's Victims' Rights Directive, and the institution's responsibilities in relation to victims in such institutions must be set out in law. The focus should be on the right to support, protection and information, as well as on staff training. The distribution of responsibility for documentation in order to facilitate victims' access to compensation should also be clarified;

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<sup>200</sup> Sweden, Civil Rights Defenders (2022) Official letter to the Minister of Justice Morgan Johansson and Minister for Health and Social Affairs Lena Hallengren ([Öppet brev till Justitieminister Morgan Johansson och Socialminister Lena Hallengren](#)), 29 June 2022.

- ensure that the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) can collect statistics on the vulnerability to crime in closed institutions;
- ensure that the relevant authorities are given clear assignments to implement the identified changes that are necessary in order for EU's Victims' Rights Directives to be fully applied to closed institutions.

CRD stresses that these measures are necessary to fully guarantee the rights of victims of crime and to ensure that Sweden fully implements the EU's Victims' Rights Directive and ensures the human rights of detainees.

In February 2022, Victim Support Sweden (*Brottofferjouren*) presented its manifesto for 2022 on the right of victims of crime. Victim Support Sweden represents the views and interests of victims of crime to the government and other stakeholders in order to influence policy and practice. In their manifesto they highlight several points to improve the situation of victims of crime. Two of them are to establish a specific law on the rights of victims of crime (*Brottsofferlag*) and to fully implement the EU's Victims' Rights Directive. As mentioned above, Sweden does not have one law dealing with all the rights of victims of crime. Instead, victims' rights are covered by a variety of laws and regulations adopted on different occasions and for different reasons. According to Victim Support Sweden, unified legislation on the rights of victims of crime would clarify victims' rights and the authorities' obligations. In this way, Sweden would also guarantee that all the rights contained in the EU's Victims' Rights Directive are fully implemented.<sup>201</sup>

### **Court-Based Support Service for Victims and Witnesses of Crime**

The Court-Based Support Service for Victims and Witnesses of Crime (COVIS) is a project aimed to develop knowledge, material and tools to establish, develop and deliver support to victims and witnesses of crime who are summoned to attend a trial. The project is led by Victim Support Sweden, together with partners from Portugal, Ireland, Finland and Denmark, as well as from Victim Support Europe. The project collects knowledge from all over the EU to build new tools for support services and

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<sup>201</sup> Sweden, Victim Support Sweden (*Brottofferjouren*) 'We think' ([Vi tycker](#)), webpage.

information dissemination. It also identifies success factors for well-functioning support to victims and witnesses of crime. The project aims to achieve:

- increased knowledge and tools to establish, administer and deliver support services for the victims and witnesses of crime, to meet their needs and rights in relation to the trial;
- improved working methods, collaboration, understanding and communication between witness support and collaboration partners to improve the quality of and ensure a well-functioning witness support service;
- increased understanding of the quality and impact of witness support, both for individual victims and witnesses of crime and for the justice system at large;
- increased knowledge among victims and witnesses of crime, partners and the general public regarding the purpose, value and availability of witness support services.

The project was initiated in September 2022 and will continue until 2024.<sup>202</sup>

### **Authorities responsible for ensuring that all victims have access to appropriate support services and how this ensured in practice**

In Sweden, no authority has the overall responsibility for support and services to victims of crime.<sup>203</sup> There is therefore no unified focal point for victims of crime to turn to for access to their rights.

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<sup>202</sup> Sweden, Victim Support Sweden (*Brottofferjouren*) 'Project' ([Projekt](#)), webpage.

<sup>203</sup> During the preparatory work for the implementation of the Directive, the following authorities and actors were expected to be affected by the implementation: The Swedish Police Authority; The Swedish Prosecution Authority; The Judiciary; Victim support services (NGOs, the Crime Victim Compensation and Support Authority, and the social services); Health and medical services; Schools and pre-schools; Swedish Customs; consulates and embassies. Neither the Swedish Migration Agency nor the Swedish Prison and Probation Service were listed as entities affected by the implementation.

At the national level, the Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) is Sweden's expert authority for questions regarding victims of crime. The overall aim of the authority is to promote the rights of crime victims and draw attention to their needs and interests. The authority is nationally responsible for four areas of activity: criminal injuries compensation; recovery of payments; the Crime Victim Fund; and the Centre of Competence.<sup>204</sup> Together with the National Courts Administration (*Svenska Domstolar*), and in close cooperation with Victim Support Sweden (*Brottsofferjouren*), the Swedish Crime Victim Compensation and Support Authority has overall responsibility for the witness support service (*vittnesstöd*) in Sweden.<sup>205</sup> The Swedish Police Authority (*Polismyndigheten*) and the Swedish Prosecution Authority (*Åklagarmyndigheten*) are obliged to inform victims of crime about their rights and assist them in claiming compensation.

At the local level, the social services (*Socialtjänsten*) in each municipality have a responsibility to offer support services to the victims of crime and their families.<sup>206</sup> The municipalities' abilities and knowledge regarding victims of crime may differ in different parts of Sweden.<sup>207</sup> Civil-society actors play an important role in the provision of information, support and assistance to the victims of crime. Victim Support Sweden helps people who have been affected by crime and represents the views and interests of victims and witnesses of crime to the government and other stakeholders in order to influence policy and practice. There are more than 70 local victim-support centres across Sweden. These centres are intended to complement the work conducted by the public authorities.<sup>208</sup>

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See Sweden, Ministry of Justice (*Justitiedepartementet*) (2015) Implementation of the Victim Directive ([Genomförande av brottsofferdirektivet](#)), government bill, 17 March 2015.

<sup>204</sup> Sweden, Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*), '[About us](#)', webpage.

<sup>205</sup> There is a witness support service at all District Courts (*Tingsrätt*) and Courts of Appeal (*Hovrätt*) in Sweden. It is usually a local victim of crime organisation that is responsible for the witness support service at each court. See, Sweden, Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*), '[Witness Support Service](#)', webpage.

<sup>206</sup> Sweden, Social Services Act (*Socialtjänstlag [2001:453]*), 7 June 2001, chapter 5, section 11.

<sup>207</sup> In 2022, proposals were submitted to give municipalities a statutory responsibility for crime prevention work; Sweden, Ministry of Justice (*Justitiedepartementet*) (2022), Municipalities' responsibility for crime prevention work ([Kommuners ansvar för brottsförebyggande arbete](#)), 17 June 2022.

<sup>208</sup> Sweden, Victim Support Sweden (*Brottsofferjouren*) '[About us](#)', webpage.

## 7.2 Measures addressing violence against women

The government has made it a significant part of its legislative and political agenda to tackle “men’s violence against women” (*mäns våld mot kvinnor*). Several legislative and policy developments have been conducted during 2022, as described below.

### **New regulation regarding the County Administrative Boards’ regional work to counter men’s violence against women and amendments to the Swedish Gender Equality Agency assignment**

In January 2022, a new regulation was enacted regarding the County Administrative Boards’ (*Länsstyrelsernas*) regional work to counter men’s violence against women.<sup>209</sup> According to the regulation, each county administrative board must have a coordination function dedicated to issues concerning men's violence against women, violence in intimate relationships, sexual violence, honour-related violence and oppression, prostitution and human trafficking. The tasks of the coordination function will include supporting and contributing to the development and implementation of regional sector-wide strategies and action plans. Through the new regulation, the County Administrative Board's ongoing work to tackle men's violence against women is regulated in the long term. At the same time, the Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) was assigned to conduct, every second year, an in-depth follow-up of the gender equality policy sub-goal that men's violence against women must end.<sup>210</sup>

### **Amendments to the Penal Code**

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<sup>209</sup> Sweden, Ordinance on the County Administrative Boards' regional work against men's violence against women ([Förordning om länsstyrelsernas regionala arbete mot mäns våld mot kvinnor](#)), SFS: 2021:995, 1 January 2022.

<sup>210</sup> Sweden, Ordinance on amendments to the ordinance (2017:937) with instructions for the Swedish Gender Equality Agency ([Förordning om ändring i förordningen \[2017:937\] med instruktion för Jämställdhetsmyndigheten](#)), 1 January 2022.

Another important part of the government's work to counter men's violence against women is amendments to the Penal Code (*Brottsbalk [1962:700]*).

On 1 January 2022, the minimum penalty for gross violation of integrity (*grov fridskränkning*) and gross violation of a woman's integrity (*grov kvinnofridskränkning*) increased from imprisonment for nine months to imprisonment for one year. In addition, the penalty for a breach of a non-contact order (*överträdelse av kontaktförbud*) is strengthened by removing the applicable fines from the penalty scale. Less serious violations of the no-contact order are no longer exempted from liability. In addition, changes to the law entail increased opportunities to announce both specially extended non-contact orders and non-contact orders regarding a shared residence, as well as increasing the possibility to use non-contact orders in conjunction with electronic monitoring.

On 1 June 2022, the Parliament voted to approve a bill on amendments to the Penal Code which proposed a new special offense for honour-based oppression (*hedersförtryck*). The new offence implies that a special stricter penalty scale is introduced for perpetrators who 1) repeatedly commit certain criminal acts with a motive to preserve or restore the honour of a person or of an immediate or wider family or some other similar group; 2) where these acts constituted part of a repeated violation of the person's integrity; and 3) where the acts are liable to severely damage the person's self-esteem.<sup>211</sup>

### **Budget allocations and a new regulation on temporary government grants for quality-enhancing measures in sheltered accommodation for women and children**

In their budget for 2022, the government has declared its intentions to propose legislative amendments introducing sheltered accommodation for women and children (*skyddat boende*) as a new form of placement under the Social Services Act (*Socialtjänstlag [2001:453]*), with a permit requirement and special quality requirements.<sup>212</sup> In order to create the conditions for civil-society organizations that usually run accommodation for abused women and children to be able to meet the new quality requirements, a new temporary government grant was established on 1 June 2022 to support such organizations to

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<sup>211</sup> Sweden, Act amending the Penal Code ([Lag om ändring i brottsbalken](#)) SFS 2022:310, 1 June 2022.

<sup>212</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Temporary government grants for quality-enhancing measures in sheltered accommodation ([Tillfälligt statsbidrag för kvalitetshöjande åtgärder på skyddade boenden](#)), press release, 22 April 2022.

develop the quality of their operations. The government grant is distributed by the National Board of Health and Welfare (*Socialstyrelsen*) upon application.<sup>213</sup> In August 2022, the government submitted a draft proposal to the council of legislation referral in order, among other things, to improve protection and support for those who need sheltered accommodation and to strengthen the child-rights perspective for children accompanying a guardian in sheltered accommodation.<sup>214</sup>

## **Hate crimes against women**

In February 2022, the government submitted a committee directive with a proposal to assign a special inquirer to review the criminal law protection for groups in particularly vulnerable situations. The special inquirer will, among other things, consider a new ground for increasing the penalty value of the offence concerning hate crimes against women, including:

- deciding on whether gender should be added as a new ground in the provision on higher penalties for offences with hate crime motives (*straffskärpning vid hatbrottsmotiv*);
- if so, also consider whether the ground “transgender identity or expression” should be changed to “gender identity or gender expression”; and
- if necessary, submit constitutional proposals.

The background to the directive is, among other things, a number of research reports from the Swedish Defence Research Institute (*Totalförsvarets forskningsinstitut*) on the nature of online hatred, such as digital meeting places characterized by hate against women.

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<sup>213</sup> Sweden, Ordinance on temporary government grants for quality-enhancing measures in sheltered accommodation for women and children ([Förordning \[2022:291\] om tillfälligt statsbidrag till ideella organisationer för kvalitetshöjande åtgärder på skyddade boenden](#)) SFS: 2022:291, 1 June 2022.

<sup>214</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) The draft legislative council referral: A window of opportunity - strengthened rights for children and adults in sheltered accommodation ([Utkastet till lagrådsremiss: Ett fönster av möjligheter – stärkta rättigheter för barn och vuxna i skyddat boende](#)), 31 August 2022. See further information about Sweden’s implementation of the Istanbul Convention with regard to sheltered accommodation below.

The special inquirer will also review the criminal law protection against the sexual abuse of children and examine whether the criminal law protection for older persons can be strengthened.<sup>215</sup>

### **New regulations and general advice on violence in intimate relationships**

In May 2022, the National Board of Health and Welfare (*Socialstyrelsen*) adopted new regulations and general advice on violence in intimate relationships. The regulation is aimed at social services, health care and dental care, and will enter into force on 1 November 2022.<sup>216</sup>

### **National violence prevention program**

In June 2022, the government adopted a national violence prevention program in the area of men's violence against women. Through the program, whose efforts and measures are aimed to prevent the use of violence, early interventions on violence prevention are strengthened. The government's ambition with the national violence prevention program is to create the conditions for a proactive approach in its work against the violence that is included in the national strategy for preventing and combating men's violence against women.<sup>217</sup>

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<sup>215</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Protection of children against sexual abuse and certain questions about crimes against women and older persons ([Barns skydd mot sexuella kränkningar samt vissa frågor om brott mot kvinnor och äldre](#)), committee directive, 25 February 2022.

<sup>216</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2022) Regulations and general advice (HSLF-FS 2022:39) on violence in intimate relationships ([Föreskrifter och allmänna råd \(HSLF-FS 2022:39\) om våld i nära relationer](#)), 22 June 2022.

<sup>216</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Strong reinforcement of work against men's violence against women ([Kraftfull förstärkning av arbetet mot mäns våld mot kvinnor](#)), press release, 8 July 2022.

<sup>217</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) National violence prevention program ([Nationellt våldsförebyggande program](#)), information material, 3 June 2022.



## **Additional reinforcements to tackle men's violence against women**

In July 2022, the government presented additional reinforcements to tackle men's violence against women, including the following initiatives:<sup>218</sup>

- an assignment to the National Board of Health and Welfare to strengthen national support to municipalities in their work to provide support to victims of violence and to arrange permanent accommodation for them;
- the establishment of a national centre against honour-related violence and oppression. The centre will support and contribute to preventive and knowledge-based work against honour-related violence and oppression at the national, regional and local levels. The centre will be set up at the County Administrative Board in Östergötland (*Länsstyrelsen Östergötland*);
- the establishment of an exit program for persons exposed to prostitution. The government has appointed an inquiry chair to submit proposals for an exit program for persons who are exposed to prostitution and human trafficking for sexual purposes. The assignment also includes submitting proposals for a program for children exposed to sexual exploitation and human trafficking for sexual purposes;<sup>219</sup>
- an assignment to the National Board of Health and Welfare for continued support to the implementation of the national strategy to prevent and combat men's violence against women in health care and social care;

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<sup>218</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Strong reinforcement of work against men's violence against women ([Kraftfull förstärkning av arbetet mot mäns våld mot kvinnor](#)), press release, 8 July 2022.

<sup>219</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) Exit program for people exposed to prostitution ([Exitprogram för personer som är utsatta för prostitution](#)), committee directive, 12 juli 2022.

- strengthening the police authority's competence in its employees encountering persons with mental ill-health who are linked to crimes in intimate relationships. The assignment is part of the government's package of measures to intensify the work to counter men's violence against women;<sup>220</sup>
- the appointment of an inquiry chair to review the non-contact order legislation. The purpose of the review is to ensure that the legislation meets the interests of providing protection to women and children who are exposed to violence and other violations in intimate relationships to the greatest extent possible;<sup>221</sup> and,
- the appointment of an inquiry to propose legislative changes to strengthen the support for dental care for victims of violence.

### **Criminal liability for psychological violence**

In 2021, the Government Office (*Regeringskansliet*) commissioned an inquirer to assist the Ministry of Justice (*Justitiedepartementet*) in reviewing the criminal liability for psychological violence. The assignment consisted of two parts, and in August 2022 the inquirer submitted her report. The main assignment was to propose how criminal liability for psychological violence can be strengthened. The inquirer proposed the introduction of a new criminal offence, 'psychological violence', in chapter 3 section 5 (a) of the Penal Code (*Brottsbalk [1962:700]*). The second part of the assignment was to analyse whether there is a need to amend the prosecution regulations for defamation so that public prosecutions can increase regarding crimes committed in intimate relationships and crimes regarding honour-related violence and oppression. According to the analysis, there is no such need.<sup>222</sup>

The report addresses digital violence in its analysis of the term "psychological violence" and argues that digital media could be understood as a platform that enables the use of psychological violence, for example, via digital channels such as text

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<sup>220</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Assignment to strengthen the competence of employees within the police authority to meet persons with mental ill-health linked to crimes in intimate relationship, ([Uppdrag att stärka kompetensen hos polisanställda för att bemöta personer med psykisk ohälsa i ärenden om brott i nära relation](#)), government decision, 8 July 2022.

<sup>221</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) A review of the non-contact order legislation ([En översyn av kontaktförbudslagstiftningen](#)), committee directive, 8 July 2022.

<sup>222</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Criminal liability for psychological violence ([Straffansvar för psykiskt våld](#)), Ds 2022:18, 4 August 2022.

messages, telephone calls and GPS tracking. Written evidence such as text messages and other conversations that took place digitally can constitute important evidence in prosecutions for psychological violence.<sup>223</sup>

### **New action program to combat men's violence against women**

In November 2022, the government announced its intention to develop a new action program to combat men's violence against women for 2024-2026. The action program will contain measures to ensure effective efforts to combat men's violence against women. A new strategy to prevent and combat men's violence against women will also be developed with the involvement of relevant authorities and civil-society organizations, as well as academia. In the budget for 2023, the government proposed to strengthen the preventive work against honour-related violence and oppression by allocating SEK 50 million per year. The government also proposed to allocate SEK 20 million annually in government grants for women's and girls' organizations in particularly exposed areas.<sup>224</sup>

### **Virginity controls, virginity certificates and virginity operations to be criminalized**

In November 2022, the government assigned an ongoing government inquiry to develop proposals for legislative amendments to criminalize virginity controls, virginity certificates and virginity operations. The government stresses that such acts are instances of honour-related violence and oppression aimed at controlling the sexuality of girls and women. Since November 2021, the ongoing government inquiry has been assigned, among other things, to assess how protection against this form of undue control of girls' and women's sexuality can be strengthened.<sup>225</sup>

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<sup>223</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Criminal liability for psychological violence ([Straffansvar för psykiskt våld](#)), Ds 2022:18, 4 August 2022.

<sup>224</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) A new action program to combat men's violence against women is to be developed ([Nytt åtgärdsprogram mot mäns våld mot kvinnor ska tas fram](#)), press release, 25 November 2022.

<sup>225</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022), Virginity checks, virginity certificates and virginity operations to be criminalised ([Oskuldskontroller, oskuldsintyg och oskuldsoperationer ska kriminaliseras](#)), press release, 25 November 2022.

## Protection measures for women fleeing Ukraine

Within its framework of coordinating the national work against prostitution and trafficking in human beings, the Swedish Gender Equality Agency has developed a range of materials in relation to the situation of Ukrainian women in Sweden. The material includes status reports, information materials targeting persons fleeing Ukraine<sup>226</sup> and support materials for professionals who encounter persons fleeing Ukraine.<sup>227</sup> The information material is available in Swedish, English, Ukrainian and Russian. The agency has also coordinated agencies' and civil society's work to protect women and children fleeing Ukraine from labour exploitation, trafficking and prostitution.

According to the first status report, published in May 2022, women who fled the war in Ukraine risk being exploited for prostitution in Sweden.<sup>228</sup> According to the second status report, published in November 2022, the agency assessed that there is an increased risk of Ukrainian refugees being exposed to human trafficking, labour exploitation and prostitution in Sweden. In November 2022, around 20 police reports concerned persons who had fled Ukraine. The preliminary investigations that were still ongoing related to procuring, trafficking in human beings and human exploitation.<sup>229</sup>

## Remaining challenges in combatting men's violence against women

Despite the government's efforts, men's violence against women remains a major gender-equality and social problem in Sweden. A number of problems and negative developments, some of which have particular relevance for Sweden's implementation of the Istanbul Convention, are described below.

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<sup>226</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) '[To you fleeing Ukraine](#)', 21 November 2022.

<sup>227</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) '[Till dig som möter personer på flykt från Ukraina](#)', 21 November 2022.

<sup>228</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) 2022, Status report: Increased vulnerability for Ukrainian refugee women ([Lägesanalys: Ökad utsatthet för ukrainska kvinnor på flykt](#)), 5 May 2022.

<sup>229</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) 2022, Status report: Risk att kvinnor och barn utnyttjas i vinter ([Lägesanalys: Risk att kvinnor och barn utnyttjas i vinter](#)), 17 November 2022.

### *Statistics on men's violence against women*

In 2021, 38,700 cases of assault were reported where the perpetrator was known to the victim. Of the reported assaults against adult women in 2021, 81% were reported as having been committed by a person known to the victim.<sup>230</sup> Fifteen cases of fatal violence against women where the victim and perpetrator were or had been in a close relationship were reported in 2021. This corresponds to almost two-thirds (63%) of all cases of fatal violence against women during the year.<sup>231</sup> In comparison, the National Organization for Women's Shelters and Young Women's Shelters in Sweden (*Riksorganisationen för kvinnojourer och tjejjourer i Sverige*) reported that, during the period of January to April 2022, they had gained knowledge that 17 women had been killed by men with whom they had a close relationship. Because of these incidents, the Organization announced a national crisis meeting. Relevant organizations, politicians and authorities were invited to the national crisis meeting to discuss this negative development.<sup>232</sup>

### *The National Board of Health and Welfare's report on fatalities and injuries 2018-2021*

In a report from 2022, the National Board of Health and Welfare (*Socialstyrelsen*) investigated 75 cases during 2018-2021 in which children and adults had died as a result of crime. 44 cases concerned instances of attempted fatal violence against adults by a partner. 35 of these cases concerned women who were victims of crime by a male partner or former male partner. The report reveals major flaws in Sweden's safety net. Even though victims of crime had extensive contacts with various social actors, they did not receive the support they needed. The report highlights, among other things, that:

- the social services do not ask about exposure to violence or violence against relatives, and risk assessments are often lacking in contacts with victims of violence;

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<sup>230</sup> The statistics on reported crimes only cover the proportion of crimes that come to the attention of the police authority and other criminal investigation authorities. Thus, far from all crimes committed in society are covered.

<sup>231</sup> Sweden, The Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*) [Våld i nära relationer](#), official website. During the period 2017–2021, around 15 women have been killed by a former or current partner yearly in Sweden, see Sweden, Uppsala University, Nationellt centrum för kvinnofrid [Dödligt våld](#), official website.

<sup>232</sup> Sweden, National Organisation for Women's Shelters and Young Women's Shelters in Sweden (*Riksorganisationen för kvinnojourer och tjejjourer i Sverige*) [ROKS kallar till krismöte om mäns våld mot kvinnor](#), official webpage.

- the health care services do not ask about exposure to violence and do not inform social services and the police authority, despite having identified the risk of a patient perpetrating violence against relatives;
- the police authority does not always file a police report when suspecting exposure to violence and does not work actively enough for the victim of crime to participate in the investigation;
- there is a lack of cooperation between the relevant actors relating to the prevention of violence; and
- non-contact orders are not combined with other measures for protection and support, even though it was clear from the cases investigated that the non-contact order did not offer sufficient protection.<sup>233</sup>

### *Developments in relation to Sweden's implementation of the Istanbul Convention*

The Group of Experts on Action against Violence against Women and Domestic Violence's (GreVio) latest review of Sweden's implementation of the Istanbul Convention resulted in 41 recommendations for Sweden to act upon in order to fully comply with its obligations under the Convention.<sup>234</sup> Sweden was obliged to submit its response to the recommendations in January 2022 at the latest.<sup>235</sup> Two other publications of importance for assessing current policies and legislation in the area of tackling men's violence against women have been developed in 2022: the Swedish Gender Equality Agency's follow-up of the gender equality policy sub-goal to end men's violence against women, "violence preventive measures give results" (2017–2021),<sup>236</sup> and the government's in-depth follow-up of the work to prevent and combat men's violence against women.<sup>237</sup>

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<sup>233</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2022) The National Board of Health and Welfare's investigations into certain fatalities and injuries 2018–2021 ([Socialstyrelsens utredningar av vissa skador och dödsfall 2018–2021](#)), January 2022.

<sup>234</sup> Council of Europe (2019) 'GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Sweden', Appendix I, 21 January 2019.

<sup>235</sup> Council of Europe (2021) 'Reporting form on the implementation of the recommendations addressed to state parties', 10 June 2021.

<sup>236</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) (2022) Violence preventive measures give results ([Våldsförebyggande satsningar ger resultat](#)), april 2022.

<sup>237</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) In-depth follow-up of the work to prevent and combat men's violence against women ([Fördjupad uppföljning av arbetet med att förebygga och bekämpa mäns våld mot kvinnor](#)), report, 1 July 2022.

The Swedish Gender Equality Agency's report covers measures and initiatives taken during 2017-2021 in relation to the national strategy on tackling men's violence against women. The Gender Equality Agency's overall assessment is that the measures taken have led to concrete results, but that the long-term effects are difficult to assess. Based on the statistics and material collected for the follow-up, the Gender Equality Agency admits that it cannot state whether Swedish society as a whole is moving towards the goal of ending men's violence against women.<sup>238</sup> The government's report is based on the Gender Equality Agency's report. This is the first time that the government has reported an in-depth follow-up of the work to prevent and combat men's violence against women. The government agrees with the Gender Equality Agency's assessment and highlights the need for additional indicators and for calibrating already existing indicators to enable the assessment of progress and long-term effects. The government therefore stresses the urgency of the Gender Equality Agency, in dialogue with other authorities and actors, to continue its ongoing work to develop indicators to measure and assess the development of men's violence against women in a more reliable way.<sup>239</sup>

Below follows a brief overview of some of the areas where Grevio identified deficiencies in Sweden's implementation of the Istanbul Convention.

- *Need of a strengthened child rights perspective in sheltered accommodation*

In Grevio's review of Sweden's implementation of the Istanbul Convention of 2019, it addressed the situation of children residing in domestic violence shelters with their mothers and urged the Swedish authorities to "swiftly implement the proposals made by the Committee of Inquiry on a strengthened 'child rights perspective' in sheltered accommodation".<sup>240</sup> Since the submission of the inquiry's report in 2018<sup>241</sup> and Grevio's review in 2019, further action has been taken to strengthen the child

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<sup>238</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) (2022) Violence prevention measures give results ([Våldsförebyggande satsningar ger resultat](#)), april 2022, page 13.

<sup>239</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) In-depth follow-up of the work to prevent and combat men's violence against women ([Fördjupad uppföljning av arbetet med att förebygga och bekämpa mäns våld mot kvinnor](#)), report, 1 July 2022.

<sup>240</sup> Council of Europe (2019) '[GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Sweden](#)', Appendix I, 21 January 2019, paragraph 149.

<sup>241</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2018) A window of opportunity - strengthened child rights perspective for children in sheltered accommodation ([Ett fönster av möjligheter – stärkt barnrättsperspektiv för barn i skyddat boende](#)), government official report, 15 January 2018.

rights perspective in sheltered accommodation.<sup>242</sup> In August 2022, the government submitted draft legislation to the council of legislation referral, which aims, among other things, to strengthen the child rights perspective for children accompanying a guardian into sheltered accommodation.<sup>243</sup> These proposals are still pending.

- *Lack of a case management system to track cases throughout the justice system*

In Grevio's review of Sweden's implementation of the Istanbul Convention, it urged the Swedish authorities "to conclude the ongoing work on introducing case management systems that would enable cases of violence against women to be tracked from reporting to indictment and beyond in relation to all criminal offences required by the convention".<sup>244</sup> The government stresses that the follow-up to the law enforcement agencies' work is being hampered by the lack of opportunities to follow cases throughout the justice system, from reporting to indictment. Both the government and the Gender Equality Agency sees a need to urgently develop the case management system in this regard.<sup>245</sup> The Gender Equality Agency stresses that traceability throughout the justice system is a prerequisite for effective follow-up.<sup>246</sup> According to the government, digitalization of the judicial system is ongoing. The authorities are currently developing the last step in a case-flow system that allows the traceability of crimes and suspected crimes from report to verdict. The system will be completed in 2022, but it will be gradually

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<sup>242</sup> Sweden, Government Offices (*Regeringskansliet*) (2020) Strengthened child rights perspective for children in sheltered housing - proposals for regulations concerning, among other things immediate placement, confidentiality and schooling ([Stärkt barnrättsperspektiv för barn i skyddat boende – förslag till bestämmelser rörande bl.a. omedelbar placering, sekretess och skolgång](#)), memorandum, 10 July 2020. According to the Swedish Gender Equality Agency, the government's proposed legislative changes considers the criticism by Grevio, see Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) (2022) Violence preventive measures give results ([Våldsförebyggande satsningar ger resultat](#)), april 2022, page 93-94.

<sup>243</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) The draft legislative council referral: A window of opportunity - strengthened rights for children and adults in sheltered accommodation ([Utkastet till lagrådsremiss: Ett fönster av möjligheter – stärkta rättigheter för barn och vuxna i skyddat boende](#)), 31 August 2022. See further information about Sweden's implementation of the Istanbul Convention with regard to sheltered accommodation below.

<sup>244</sup> Council of Europe (2019) '[GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Sweden](#)', Appendix I, 21 January 2019, paragraph 55.

<sup>245</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) In-depth follow-up of the work to prevent and combat men's violence against women ([Fördjupad uppföljning av arbetet med att förebygga och bekämpa mäns våld mot kvinnor](#)), report, 1 July 2022, page 47.

<sup>246</sup> Sweden, Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) (2022) Violence preventive measures give results ([Våldsförebyggande satsningar ger resultat](#)), april 2022, page 48.



implemented in the courts. Therefore, comprehensive data to be used for statistics and following up violence against women is not estimated to be available until 2024. New statistics will thus only be able to be developed in 2025 at the earliest.<sup>247</sup>

- *Lack of a special provision on emergency barring orders*

Sweden's Non-Contact Order Act (*Lag [1988:688] om kontaktförbud*)<sup>248</sup> lacks a special provision for the removal of a suspected perpetrator from a crime victim's home in the event of immediate danger corresponding to Article 52 on emergency barring orders. In its review of Sweden's implementation of the Istanbul Convention, Grevio holds that none of the available protection and barring orders qualify as an emergency barring order, as required under Article 52.<sup>249</sup> Grevio urged Sweden to "equip the competent authority with the power to specifically expel a perpetrator of domestic violence from the joint residence that he shares with the victim in situations of immediate danger and as an emergency safety measure and for this expulsion to remain in force for an appropriate length of time to allow the victim to feel safe and to take other measures to ensure safety".<sup>250</sup>

The government has previously claimed that the Swedish system offers sufficient protection in the event of immediate danger, despite the lack of a particular provision on the removal of a suspected perpetrator from the joint residence in the event of immediate danger.<sup>251</sup> According to the government, this assessment still holds. However, in July 2022 the government appointed an inquiry to review the non-contact order legislation. The overall purpose of the review is to ensure that the legislation protects women and children who are exposed to violence and other violations in intimate relationships and prevents such violations to the greatest extent possible.<sup>252</sup> In addition, in the committee directive the government admitted that there

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<sup>247</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) In-depth follow-up of the work to prevent and combat men's violence against women ([Fördjupad uppföljning av arbetet med att förebygga och bekämpa mäns våld mot kvinnor](#)), report, 1 July 2022, page 47.

<sup>248</sup> Sweden, Non-Contact Order Act (*Lag [1988:688] om kontaktförbud*), 26 May 1988.

<sup>249</sup> Council of Europe (2019) '[GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Sweden](#)', Appendix I, 21 January 2019, paragraph 222.

<sup>250</sup> Council of Europe (2019) '[GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Sweden](#)', Appendix I, 21 January 2019, paragraph 229.

<sup>251</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) Increased penalties for violence and other violations in close relationships (*Skärpta straff för våld och andra kränkningar i nära relationer*), government bill, pages 30-31.

<sup>252</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) A review of the non-contact order legislation ([En översyn av kontaktförbudslagstiftningen](#)), committee directive, 8 July 2022.

is reason to reconsider whether there should be special provisions that enable the removal of a suspected perpetrator from a joint residence in the event of immediate danger. Currently, the prosecutor issues decisions on non-contact orders. According to the government, there is reason to reconsider whether also the Police Authority (*Polismyndigheten*) should, in certain situations, be able to make such decisions on an interim basis to increase efficiency, protection and support. There is also reason to consider whether the Prosecution Authority should be able to make interim decisions.

According to the committee directive, the inquiry shall:

- decide whether there is a need for a special regulation that enables the removal of a suspected perpetrator from a joint residence in the event of immediate danger;
- consider measures to achieve swift processing of this type of case, e.g. by making it possible to make interim decisions;
- if necessary, submit the necessary legislative proposals.<sup>253</sup>

#### *Shadow report by civil society on Sweden's implementation of the Istanbul Convention*

During the spring of 2022, WONSA (World Of No Sexual Abuse) submitted a shadow report on Sweden's implementation of the Istanbul Convention together with eight other organizations. WONSA is a foundation specializing in non-emergency health care for victims of sexual violence. The WONSA clinic currently receives funding from the National Board of Health and Welfare (*Socialstyrelsen*) but has no long-term funding.<sup>254</sup>

The purpose of the shadow report was for the organizations to give their views on the current situation for victims of sexual violence in Sweden. WONSA identified several areas for improvement of the healthcare system. Overall, WONSA argues that the need for non-emergency treatment of victims of sexual violence is still not recognized by the regional healthcare system in Sweden. According to WONSA, there is still a lack of special receptions, care programs and guidelines in relation to non-emergency medical care for victims of sexual violence.<sup>255</sup> Sweden was, among other things, strongly encouraged by Grevio in

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<sup>253</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2022) A review of the non-contact order legislation ([En översyn av kontaktförbudslagstiftningen](#)), committee directive, 8 July 2022, page 8.

<sup>254</sup> Council of Europe (2022), ['Report submitted by the Swedish civil society'](#), 2022, page 10.

<sup>255</sup> Council of Europe (2022), ['Report submitted by the Swedish civil society'](#), 2022.

their 2019 review to allocate long-term, sufficient funding for “NGOs which provide specialist services to women victims of violence [...] including psychological counselling to women and children where necessary”.<sup>256</sup> According to WONSA, this is a recommendation that Sweden is yet to implement to a satisfying degree.<sup>257</sup>

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<sup>256</sup> Council of Europe (2019) [‘GREVIO’s \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Sweden’](#), Appendix I, 21 January 2019, paragraph 36.

<sup>257</sup> Council of Europe (2022), [‘Report submitted by the Swedish civil society’](#), 2022, page 20.

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

### **8.1 CRPD policy and legal developments & implementation of the European Accessibility Act**

#### **The impact of the disability perspective in public authorities' work with Agenda 2030**

In February 2022, the Swedish Agency for Participation (*Myndigheten för delaktighet*) submitted its final report regarding a government assignment to increase the impact of the disability perspective in public authorities' work with Agenda 2030. According to the national strategy for systematic follow-up of the disability policy presented in 2021, the public authorities have an obligation to report on how measures taken to fulfil the national goal for the disability policy also contribute to fulfilling the goals of Agenda 2030. The final report by the Swedish Agency for Participation briefly explains the implementation of the Agenda 2030, the meaning of a disability perspective and how it can contribute to the work with Agenda 2030.

According to the Swedish Agency for Participation, the disability perspective does not have a large impact on public authorities' (i.e. municipalities', regions' and government agencies') work with Agenda 2030. The public authorities' work with Agenda 2030, including their steering systems, is undeveloped, and it has not been possible to easily introduce a disability perspective which creates tangible or measurable effects.

In the Agency's efforts to increase the impact of the disability perspective in public actors' work with Agenda 2030, the agency has, in summary:

contributed a disability perspective to the various networks for sustainable development, and actively introduced Agenda 2030 and sustainable development as themes in disability policy networks and collaboration groups.

offered capacity-building efforts, inspiration and methodological support to strengthen work with the disability perspective in Agenda 2030 of civil servants and elected officials within government authorities, municipalities and regions.<sup>258</sup>

mapped out the public authorities' work with universal design and sustainable development in order to identify the most effective initiatives. The mapping has resulted in learning examples of how accessing knowledge and taking responsibility can be translated into strategies and change.

Within the framework of the government's assignment, the Swedish Agency for Participation has also conducted an analysis of the role and significance of the principle of universal design in the implementation of Agenda 2030. The Agency concludes that the impact of universal design is currently not being followed up, and several challenges exist for the principle to have a greater impact.<sup>259</sup>

### **Legislative amendments to strengthen the right to personal assistance**

In March 2022, the government presented several proposals for legislative changes to strengthen the right to personal assistance. The proposals are based on the public inquiry report, "Strengthened right to personal assistance: increased legal certainty for children, more basic needs and safer health care interventions" submitted to the government in 2021.<sup>260</sup> According to the government, this is the largest investment to strengthen the right to personal assistance since the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) (*Lag [1993:387] om stöd och service till vissa funktionshindrade*) was introduced in 1994.<sup>261</sup> Following a number of decisions by the Supreme Administrative Court (*Högsta*

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<sup>258</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Participation and sustainable development ([Delaktighet och hållbar utveckling](#)), February 2022, page 8.

<sup>259</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Participation and sustainable development ([Delaktighet och hållbar utveckling](#)), February 2022.

<sup>260</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2021) 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>261</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022), Several proposals for legislative changes to strengthen the right to personal assistance ([Flera förslag på lagändringar för att stärka rätten till personlig assistans](#)), press release, 24 March 2022.

*förvaltningsdomstolen*) in recent years, the right to personal assistance has been restricted. The proposals for legislative changes will strengthen the right to assistance for people with psycho-social impairments (*psykiska funktionsnedsättningar*) and the right to personal assistance for children, as well as improve patient safety for persons in need of help with self-care (*egenvård*).

In June 2022, the parliament voted to approve two bills on amendments to the LSS based on the above proposals from the government. The purpose of the first bill was to strengthen the right to personal assistance for people with a psycho-social disability and to increase legal certainty for children with disabilities. Among other things, personal assistance is extended to cover support to a person with a psycho-social impairment in order to prevent him/her from physically harming him-/herself, someone else or property. In addition, support to activate and motivate a person to see to basic needs such as personal hygiene, meals, undressing and dressing, and communication with others is included. A further amendment to the LSS is the introduction of a standard deduction for parental responsibility (*schablonavdrag för föräldraansvar*).<sup>262</sup> The purpose of the second bill was to clarify the meaning of the concept of self-care to ensure that the provisions on personal assistants can be applied in a legally secure and predictable manner. Among other things, the parliament voted to approve a new law on self-care which introduces a definition of self-care. The LSS was also amended to the effect that personal assistance is granted when the individual needs continuous support for most of the day due to a medical condition entailing a danger to his or her life, or otherwise an imminent and serious risk to his or her physical health.<sup>263</sup>

Simultaneously, the parliament decided to issue three communications to the government:

- it should be possible to make exceptions to the standard deduction provision for parental responsibility;
- a special provision should be introduced to ensure that the child's best interests must be taken into account in terms of personal assistance according to the LSS;

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<sup>262</sup> Sweden, Swedish Parliament (*Riksdagen*) (2021) Strengthened right to personal assistance – basic needs for people with a mental disability and increased legal certainty for children ([Stärkt rätt till personlig assistans – grundläggande behov för personer som har en psykisk funktionsnedsättning och ökad rättssäkerhet för barn](#)), Report of the Committee on Health and Welfare (*Socialutskottets betänkande 2021/22:SoU34*), 21 June 2022.

<sup>263</sup> Sweden, Swedish Parliament (*Riksdagen*) (2022) Strengthened right to personal assistance when self-care is needed ([Stärkt rätt till personlig assistans vid behov av egenvård](#)), Report of the Committee on Health and Welfare (*Socialutskottets betänkande 2021/22:SoU35*), 21 June 2022.

- a follow-up and evaluation of the new legislation should be conducted in order to ensure quality and prevent fraud.<sup>264</sup>

The amendments enter into force on 1 January 2023.

### **Complaints about discrimination associated with disability are most common**

In March 2022, the Equality Ombudsman (*Diskrimineringsombudsmannen*) submitted a statistical report on complaints it had received from 2015 to 2021.<sup>265</sup> Of the complaints about discrimination received in 2021, 37% involved discrimination associated with disability. This makes disability the most common ground for discrimination of complaints to the Equality Ombudsman during 2021. However, the proportion of complaints that involve discrimination associated with each of the grounds of discrimination varies between different areas of society. For example, a larger proportion of the complaints about discrimination in working life involve discrimination associated with sex (31%) than discrimination associated with disability (22%). Meanwhile, 59% of the complaints about discrimination within the area of social services involve discrimination associated with disability. Furthermore, of the complaints about discrimination within the area of education, the largest proportion were associated with disability (50%). In total, 43% of the complaints about discrimination within the areas of goods and services concerned discrimination associated with disability.

### **Annual report on measures targeted at persons with disabilities in 2021**

In March 2022, 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 Board reports that the number of decisions and measures directed at persons with disabilities continues to increase. However, some support initiatives have been reduced, for

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<sup>264</sup> Sweden, Swedish Parliament (*Riksdagen*) (2021) Strengthened right to personal assistance – basic needs for people with a mental disability and increased legal certainty for children ([Stärkt rätt till personlig assistans – grundläggande behov för personer som har en psykisk funktionsnedsättning och ökad rättssäkerhet för barn](#)), Report of the Committee on Health and Welfare (*Socialutskottets betänkande 2021/22:SoU34*), 21 June 2022.

<sup>265</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2022), Statistics 2015-2021 ([Statistik 2015-2021](#)) Report 2022:2, March 2022.

example, short-term stay (*korttidsvistelse*) and contact persons (*kontaktperson*). Furthermore, the access to support and services for persons with disabilities depends on several factors, such as the investigation times, which are still too long.<sup>266</sup>

The National Board of Health and Welfare reports on the presence of confirmed cases of COVID-19, the number of deaths from COVID-19 and for excess mortality among persons with disabilities receiving support and services in accordance with LSS and the Social Services Act (*Socialtjänstlag [2001:453]*). In summary, the Board observes that:

- the spread of COVID-19 is decreasing but looks different among persons receiving support and services in accordance with LSS and the Social Services Act, and at different ages. Within the age group 0–22 years, the spread of COVID-19 increased between 2020 and 2021;
- the proportion of deaths from COVID-19 is relatively high among persons receiving support and services in accordance with LSS and the Social Services Act compared to the rest of the population;
- in 2021, the mortality rate among persons receiving support and services in accordance with LSS and the Social Services Act decreased compared to 2020. An under-mortality (*underdödlighet*) is seen throughout, with occasional exceptions;
- persons receiving support and services in accordance with LSS and the Social Services Act (0-64 years) infected with COVID-19 were, to a greater extent, treated in closed care (*slutenvården*) or in intensive care (*IVA*), compared to other COVID-19 patients.<sup>267</sup>

## **Assignment to carry out a register-based survey of the health status of people with intellectual and psycho-social impairments**

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<sup>266</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2022) Measures and support for persons with disabilities – Status report 2022 ([Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2022](#)), March 2022.

<sup>267</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2022) Measures and support for persons with disabilities – Status report 2022 ([Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2022](#)), March 2022, page 20.



In April 2022, the government assigned the National Board of Health and Welfare (*Socialstyrelsen*) to carry out a register-based survey of the health status of people with psycho-social disabilities (*psykiska funktionsnedsättningar*) who receive support according to the Social Services Act or the LSS. Based on the results of the mapping, proposals for measures that can contribute to strengthening the health of the target group and create the conditions for more equal health care, dental care and social care will be submitted to the government. The assignment includes, among other things, analysing the mental and somatic health of the target group, including dental health, excess mortality and access to efforts from social services, health and medical care, including drug treatment and dental care. Furthermore, the target group's employment opportunities, employment rate and exposure to violence should be highlighted in the survey. The assignment must report to the government no later than 30 September 2023.<sup>268</sup>

### **National strategy for relatives of persons in need of health care and social care**

In April 2022, the government decided on Sweden's first national strategy for relatives of persons in need of health care and social care. The purpose of the strategy is to strengthen the relatives' perspective in health care and social care, as well as to make support to relatives more equal across the country. The starting point for the strategy is that relatives' efforts and participation must always be based on voluntariness.<sup>269</sup> The strategy specifically addresses support and services within Sweden's disability policy that are of importance to relatives, such as: the ongoing reform of the right to personal assistance; contact persons; relief services (*avlösarservice*); and short-term stays (*korttidsvistelse*) outside your own home.<sup>270</sup> Within the framework of the strategy, the government gives three assignments to the National Board of Health and Welfare (*Socialstyrelsen*) and increases the government grant for organizations that support relatives.<sup>271</sup>

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<sup>268</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Assignment to carry out a register-based survey of the health status among people with mental disabilities/illnesses who receive support according to the Social Services Act (*Socialtjänstlag (2001:453)*) or the LSS ([Uppdrag att genomföra en registerbaserad kartläggning av hälsoläget bland personer med psykisk funktionsnedsättning som får stöd enligt socialtjänstlagen \(2001:453\) eller lagen \(1993:387\) om stöd och service till vissa funktionshindrade](#)) government assignment, 3 May 2022.

<sup>269</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) National Strategy for relatives of persons in need of health- and social care ([Nationell anhörigstrategi - inom hälso- och sjukvård och omsorg](#)), 13 April 2022.

<sup>270</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) National Strategy for relatives of persons in need of health- and social care ([Nationell anhörigstrategi - inom hälso- och sjukvård och omsorg](#)), 13 April 2022, pages 18-22.

<sup>271</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) Sweden's first National Strategy for relatives of persons in need of health- and social care ([Sveriges första nationella anhörigstrategi](#)) press release, 14 April 2022.

## **Government assignment to analyse certain support measures for persons with visual impairments**

In May 2022, the government assigned the National Board of Health and Welfare (*Socialstyrelsen*) to follow up on changes over time regarding the escorting service (*ledsagning*) for persons with visual impairments. The National Board of Health and Welfare must analyse the results based on legislation, equality and, if necessary, make proposals for measures that can contribute to more equal support measures being provided in the municipalities.<sup>272</sup>

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

In its annual report, the Swedish Agency for Participation (*Myndigheten för delaktighet*) follows up on the new national strategy for following up disability policy presented in 2021. According to the strategy, 28 government authorities and the Swedish National Council of Adult Education (*Folkbildningsrådet*) will follow up on disability policy within their respective areas of responsibility. The Swedish Agency for Participation will function as support to these authorities. The national disability policy goal is to achieve equal living conditions and full participation for persons with disabilities in a society based on diversity. The goal is based on the CRPD. The report highlights that there are still some knowledge gaps regarding the living conditions of those with disabilities and the level of development towards the national disability policy goal.

The strategy specifies twelve areas of particular importance for disability policy: work and livelihood; education and lifelong learning; transport; the built environment and community planning; digitization; public procurement; health, public health and social welfare; culture and leisure; democratic participation; the judiciary; consumer policy; and crisis preparedness.<sup>273</sup> The report highlights opportunities and challenges of particular importance within each area, as well as within the areas of gender equality, children's rights and Agenda 2030. The report also addresses how public actors work with the disability policy. Finally,

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<sup>272</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) [Socialstyrelsen får i uppdrag att analysera likvärdigheten vid ledsagning för synskadade](#), press release, 6 May 2022.

<sup>273</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022.

the report provides an overview of the 28 strategic government authorities' efforts during the first months of implementing the strategy; how the Agency for Participation has supported these government authorities; and what support the Agency plans to offer in the future.

According to the report, persons with disabilities generally have a lower employment rate and poorer economy compared to the rest of the population. During the COVID-19 pandemic, the risk of persons with disabilities ending up in long-term unemployment has increased, and the opportunities to get out of unemployment have decreased, even though the labour market is generally recovering.<sup>274</sup>

Persons with disabilities have a lower level of education compared to the rest of the population. Previous follow-ups show that students with disabilities feel more insecure and stressed compared to other students. One challenge is that support efforts are introduced too late. Students who have attended the special upper secondary school (*gymnasiesärskolan*) face particular challenges after completing their studies, as the upper secondary school diploma does not entitle them to university studies or higher vocational studies.<sup>275</sup>

The COVID-19 pandemic has affected the availability of public transport negatively, and persons with disabilities have been particularly affected. Surveys show that persons with disability refrained from travelling by public transport to a greater extent than before due to insufficient traffic information or the risk of not being able to handle the travel on their own.<sup>276</sup>

Currently, there is no national follow-up linked to the principle of universal design in the built environment. It is more difficult for persons with disabilities to have their housing needs met compared to the population at large. According to an annual housing-market survey conducted by the Swedish National Board of Housing, Building and Planning (*Boverket*), municipalities

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<sup>274</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 17-25.

<sup>275</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 30-32.

<sup>276</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 35-38.

have identified a lack of housing for persons with disabilities in accordance with Act concerning Support and Service for Persons with Certain Functional Impairments and the Social Services Act. According to the Swedish Agency for Participation, the lack of housing means that the municipality cannot provide the support that persons are entitled to. This impacts on the ability to choose one's own housing.<sup>277</sup>

Surveys suggest that persons with disabilities face particular challenges in relation to health care and social care services, which negatively affect mental and physical health. The reasons for these challenges are, among other things, a lack of knowledge and competence in health care and social care activities or preconceptions about persons with disabilities. There are also challenges in the care of older persons and in the transition from paediatric to adult health care.<sup>278</sup>

Statistics and studies show that persons with disabilities run a greater risk than others of being exposed to violence and abuse. Marginalization, vulnerable positions and dependence indicate that women with disabilities stand a particularly high risk of being exposed to men's violence. Persons with disabilities are also at risk of being exposed to violence that is directly linked to their impairment. Within the legal system, there is currently a lack of knowledge and systematic follow-up on the situation of persons with disabilities and their exposure to crime and violence. For example, unaccompanied children, asylum-seekers and newly arrived women with disabilities find themselves in particularly vulnerable situations.<sup>279</sup>

The COVID-19 pandemic has exposed several shortcomings in society's crisis preparedness that have affected persons with disabilities. At the beginning of the pandemic, central actors lacked routines to ensure accessible crisis information, which particularly affected some persons with disabilities. During the pandemic, the National Board of Health and Welfare

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<sup>277</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 41-44.

<sup>278</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 56-63.

<sup>279</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 78-80.

(*Socialstyrelsen*) reviewed the crisis preparedness of social services and health care and noticed that many actors lack crisis preparedness or continuity plans.<sup>280</sup>

### **Appointment of a special inquirer to follow up on the situation in the school system for children and students with disabilities**

In June 2022, the government appointed a special inquirer to follow up on the situation in the school system for children and students with disabilities. The special inquirer will, among other things:

analyse and suggest what types of data should be collected for follow-up of children and students with disabilities in the school system, and how the collection of such data should be organized and carried out;

analyse and propose how data on excluded students (i.e. students exempted from the Swedish survey) can be reported separately in the Programme for International Student Assessment (Pisa) survey. The Swedish National Audit Office (*Riksrevisionen*) has reviewed the sample for the Pisa survey from 2018 and concluded that too many students were excluded;

analyse whether the confidentiality and data protection regulations need to be complemented in order to collect the necessary information and to process personal data about children and students in an appropriate manner. In addition, the special inquirer will perform an analysis of the protection of integrity and submit the necessary constitutional proposals.

The assignment must report to the government no later than 29 September 2023.<sup>281</sup>

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<sup>280</sup> Sweden, Swedish Agency for Participation (*Myndigheten för delaktighet*) (2022) Follow-up on the disability policy, strategy for systematic follow-up of the disability policy ([Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2021](#)), April 2022, pages 85-88.

<sup>281</sup> Sweden, Ministry of Education and Research (*Utbildningsdepartementet*) (2022) More knowledge about children and students with disabilities in the school system ([Mer kunskap om barn och elever med funktionsnedsättning i skolväsendet](#)), press release, 9 June 2022.

## **Information on implementation of the CRPD in relation to the reception and integration of displaced persons with disabilities fleeing Ukraine in Sweden**

At the website "informationsverige.se", the County Administrative Boards (*Länsstyrelserna*) provide information on Sweden for persons who are asylum-seekers or have recently received a residence permit. The website contains, among other things, information about different organizations that provide help and support persons with disabilities fleeing Ukraine.<sup>282</sup> Persons who have received a residence permit according to the Temporary Protection Directive are encouraged to contact the municipality in order to obtain information about available support. They are not entitled to support according to the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS).<sup>283</sup>

Accommodation support for persons protected by the Temporary Protection Directive is similar to that for asylum-seekers. Persons who are in a particularly vulnerable situation, such as persons with disabilities, may, according to the Swedish Migration Agency (*Migrationsverket*), have particular entitlements to accommodation.<sup>284</sup> According to the Migration Agency, persons with particular needs such as regular specialist care are directed to certain municipalities that can offer the necessary support.<sup>285</sup>

In March 2022, a large number of Swedish disability rights organizations<sup>286</sup> submitted an official letter to the Minister for Health and Social Affairs (*Socialministern*) regarding people with disabilities fleeing Ukraine. They called on the government to take an urgent decision to assist displaced persons with disabilities fleeing Ukraine. They stressed the urgent need for equipment, medicines, rehabilitation and habilitation of such persons. They also reminded the Minister of Sweden's obligations under article

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<sup>282</sup> Sweden, County Administrative Boards (*Länsstyrelserna*), '[Impairment](#)', webpage.

<sup>283</sup> Sweden, County Administrative Boards (*Länsstyrelserna*), '[If you have fled the war in Ukraine](#)', webpage informationsverige.se.

<sup>284</sup> Sweden, Swedish Migration Agency (*Migrationsverket*), '[Accommodation for those who have protection under the Temporary Protection Directive](#)', webpage; Sweden, Swedish Migration Agency (*Migrationsverket*), '[Accommodation](#)', webpage.

<sup>285</sup> Sweden, Swedish Migration Agency (*Migrationsverket*), '[Frequently asked questions about the Temporary Protection Directive for you from Ukraine](#)', webpage informationsverige.se.

<sup>286</sup> The disability rights organisations included; Funktionsrätt Sverige, DHR, Delaktighet, Handlingskraft, Rörelsefrihet, Diabetesorganisationen i Sverige, FQ, Forum – Kvinnor och Funktionshinder, Hörselskadades Riksförbund, RBU, Rörelsehindrade barn och ungdomar, Sveriges Arbetsterapeuter, Fysioterapeuterna, Logopedförbundet, Föreningen Funkibator.

11 of the CRPD to “take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”.<sup>287</sup>

On the same day, the Minister for Health and Social Affairs answered a written request in the Parliament concerning what concrete measures the Minister intend to take to support people with disabilities in Sweden fleeing Ukraine. In her reply, the Minister referred to the legislation in place and emphasised that persons with disabilities fleeing Ukraine have their needs met through the Act on Reception of Asylum Seekers **and Others** (*Lag (1994:137) om mottagande av asylsökande m.fl., LMA*), the Social Services Act (*Socialtjänstlag (2001:453)*) and the Act on Health Care for Asylum Seekers and Others (*Lag (2008:344) om hälso- och sjukvård åt asylsökande m.fl.*).<sup>288</sup>

## Report on Sweden and non-discrimination

In November 2022, the European Commission published the 2022 report on Sweden and non-discrimination. As mentioned in chapter 1, the report covers Sweden's implementation of Council Directives 2000/43 and 2000/78 on equality and non-discrimination, which in Sweden have been transposed through the Discrimination Act.<sup>289</sup> The author highlights some examples of current best practices in relation to discrimination. One such best practice concerns the fact that several cases of discrimination had been filed on behalf of pupils with dyslexia, since they were not allowed to use their ordinary assistance devices during national exams. Civil-society organizations joined together to support strategic litigation on behalf of pupils against the local authorities responsible for the schools, as well as against the National Agency for Education (*Skolverket*) concerning discrimination against pupils with dyslexia. Although the lawsuits against the schools and local government bodies were unsuccessful in the end, they are a practical example of how civil society can cooperate in relation to enforcement. In the long run, the author expects that this type of action will help to transform law in theory into law in action.<sup>290</sup>

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<sup>287</sup> Official letter to the Minister for Health and Social Affairs (*Socialministern*) (2022) Urgent needs for equipment, medicines, rehabilitation and habilitation in newly arrived refugees with disabilities from Ukraine ([Akuta behov av hjälpmedel, läkemedel, rehabilitering och habilitering hos nyanlända flyktingar med funktionsnedsättning från Ukraina](#)), 30 March 2022.

<sup>288</sup> Sweden, Swedish Parliament (*Riksdagen*) (2022) Written request 2021/22:1322 ([Skriftlig fråga 2021/22:1322](#)), 30 March 2022.

<sup>289</sup> European Commission (2022), '[Country report: Non-discrimination Sweden](#)', Paul Lappalainen, November 2022.

<sup>290</sup> European Commission (2022), '[Country report: Non-discrimination Sweden](#)', Paul Lappalainen, November 2022, pages 98-99.

## **Mapping of economic equality among women and men with disabilities**

In December 2022, the government tasked Statistics Sweden (*Statistikmyndigheten*) to develop and increase knowledge about economic equality among women and men with disabilities. The purpose is to supplement current knowledge about the income gap in relation to gender with knowledge about wage and income differences between women and men with disabilities.

The assignment report to the government no later than December 2024.<sup>291</sup>

## **Implementation of Directive 2019/882 regarding accessibility requirements for products and services**

In December 2022, the government presented a bill implementing Directive (EU) 2019/882 of the European Parliament and the Council of 17 April 2019 on the accessibility requirements for products and services. The bill proposes a new Act on the accessibility of products and services containing certain accessibility requirements. Several products are covered by the Act, such as smart phones, computers, reading tablets and self-service machines. The services covered by the Act are services provided to consumers and which relate to, among other things, electronic communication services, banking services, e-books and services that provide access to audio-visual media services. According to the government, the aim of the Act is to remove obstacles and increase accessibility to products and services for more individuals, in particular older persons and persons with disabilities. The new law is proposed to enter into force 28 June 2025.<sup>292</sup>

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<sup>291</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdeparterementet*) (2022), Statistics Sweden receives a new assignment to map economic equality among women and men with disabilities ([SCB får nytt uppdrag att kartlägga ekonomisk jämställdhet bland kvinnor och män med funktionshinder](#)), press release, 22 December 2022.

<sup>292</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Implementation of the accessibility directive ([Genomförande av tillgänglighetsdirektivet](#)) (2022), government bill, 23 December 2022.



## 8.2 CRPD monitoring at national level

### The Swedish Institute for Human Rights

On 1 January 2022, the Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) commenced operations. The Institute is a Swedish national agency established in accordance with the Swedish Act on the Institute for Human Rights (*Lag [2021:642] om Institutet för mänskliga rättigheter*). Within the limits of its mandate and responsibilities, the Institute decides on its own organization and on the details and focus of its work. In this way, the Institute has, in comparison to other government authorities, a more independent role.<sup>293</sup>

Under the Act, the purpose of the Institute is to promote the safeguarding of human rights in Sweden. Included in this responsibility is to fulfil the role of an independent national mechanism as set out in Article 33 (2) of the CRPD, and to promote, protect and monitor the implementation of the Convention.<sup>294</sup> It is not until now, after the establishment and operationalization of the Institute, that Sweden is living up to the requirements set out in Article 33 (2) of the CRPD.<sup>295</sup>

The members of the Institute's board have agreed on a number of keywords (*ledord*) considered to be of central importance to the institute's work in promoting human rights:

- protect and ensure the Institute's independence;
- collaborate with other actors to ensure the Institute's relevance and be able to make a real difference to people in Sweden; and

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<sup>293</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 8.

<sup>294</sup> Sweden, Act on the Institute for Human Rights ([Lag \(2021:642\) om Institutet för mänskliga rättigheter](#)), 22 June 2021, paragraph 1.

<sup>295</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 9.

- through transparency, work to protect the Institute's credibility by being open about what the Institute does, why it does it and who it does it together with.<sup>296</sup>

In March 2022, the Institute's first report on its activities and observations relating to developments in the field of human rights was submitted to the government. The legislation specifies that the report is to refer to the previous calendar year, i.e., 2021.<sup>297</sup> Since the Institute did not begin its operations until January 2022, the first annual report is somewhat brief. During its first three months of operation, the Institute had several initial contacts with representatives of authorities and civil-society organizations. Among other things, representatives of the Institute held a meeting with Swedish disability rights organizations. Furthermore, the board decided on the focus of its work, in particular how the Institute's role as an independent national mechanism as set out in Article 33 (2) of the CRPD should be fulfilled.<sup>298</sup> Dialogue with disability rights organizations is an important part of the Institute's responsibility to fulfil its role as the independent national mechanism as required by Article 33 (2) of the CRPD.<sup>299</sup>

When the Institute was established on 1 January 2022, the Institute's staff consisted of four people. At the beginning of April 2022 an additional eight people had been employed. The assessment is that an additional 10-15 investigators should be employed during 2022.<sup>300</sup> The government has allocated SEK 50 million in support of the Institute for 2022. As the recruitment of staff for the Institute's estimated needs will not be completed in 2022, a budget surplus will arise for 2022. According to the Board, the Institute's operations cannot be expected to have reached its full capacity in 2023 either. The Board has therefore requested an unchanged funding/grant for 2023.<sup>301</sup>

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<sup>296</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 12.

<sup>297</sup> Sweden, Act on the Institute for Human Rights ([Lag \(2021:642\) om Institutet för mänskliga rättigheter](#)), 22 June 2021, paragraph 3.

<sup>298</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 13.

<sup>299</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) [Institutet inleder dialog med civilsamhället](#), website, 4 March 2022.

<sup>300</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 14.

<sup>301</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 19.

The Institute's operating objective (*verksamhetsmål*) is that it must be an independent and leading actor in promoting the safeguarding of human rights in Sweden. The Board has decided on five sub-goals for the Institute's operations. The first sub-goal concerns the institute's internal processes, while the other four sub-goals refer to its operational work, i.e., the processes for its core tasks.<sup>302</sup> Accordingly the Institute shall:

- 1) ensure efficient and transparent governance and management of its operations;
- 2) carry out independent and quality-assured investigations and analyses of the human rights situation in Sweden, in dialogue with representatives of civil society and other actors;
- 3) based on investigations and analyses, submit proposals and recommendations to relevant actors;
- 4) contribute to the development and dissemination of knowledge about human rights in collaboration with other actors;
- 5) through international cooperation, promote the safeguarding of human rights.

Within the second sub-goal, the Institute must specifically fulfil the role of an independent national mechanism as set out in Article 33 (2) of the CRPD. During 2022, the work primarily focuses on designing the Institute's tasks as an independent national mechanism. Within the fifth sub-goal of promoting the safeguarding of human rights through international cooperation, the work primarily focuses on the CRPD Committee.

In March 2022, the government put forward a bill to the Swedish Parliament proposing that state administrative authorities, municipalities and regions must provide information to the Swedish Institute for Human Rights regarding the measures that have been taken in their own operations to ensure human rights.<sup>303</sup> The mandate to request certain information from the relevant authorities is considered to be a central tool for the Institute to be able to carry out its work in an efficient manner.

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<sup>302</sup> Sweden, Swedish Institute for Human Rights (*Institutet för mänskliga rättigheter*) (2022) Annual report 2022 ([Årsrapport 2022](#)), 25 March 2022, page 15.

<sup>303</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2022) An obligation to provide information to the Institute for human rights ([En skyldighet att lämna uppgifter till Institutet för mänskliga rättigheter](#)), government bill, 17 March 2022.

It also contributes to fulfilling the Paris principles. The amendment to the Act on the Institute for Human Rights (*Lag [2021:642] om Institutet för mänskliga rättigheter*) entered into force in September 2022.

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

Until the establishment and full operationalization of the Institute for Human Rights, Sweden had no overall structure in place to monitor the CRPD. However, the Swedish Agency for Participation (*Myndigheten för delaktighet*) has been tasked by the government with conducting annual follow-ups on progress with the national disability policy. The annual report for 2021 contained a review of the new national strategy for systematically following up the national objective for a disability policy from 2021 to 2031.<sup>304</sup>

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<sup>304</sup> The report is summarised in Chapter 8.2. above.

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, 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 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	Kunskap om HBTQI och likvärdigt bemötande
<b>Title (EN)</b>	Knowledge about LGBTIQ and equal treatment
<b>Organisation (original language)</b>	Forum för levande historia
<b>Organisation (EN)</b>	The Living History Forum
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	Sweden, The Living History Forum ( <i>Forum för levande historia</i> ), Knowledge about LGBTIQ and equal treatment ( <a href="#">Kunskap om HBTQI och likvärdigt bemötande</a> ), online training, 17 February 2022.
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	February 2022 - ongoing
<b>Type of initiative</b>	Online training
<b>Main target group</b>	Civil/public servants working in the public sector

<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	Everyone working in the public sector has an obligation to promote LGBTIQ persons' rights and opportunities. However, there has been a lack of capacity-building efforts for public servants in relation to LGBTIQ and equal treatment. As a response, the government tasked the Living History Forum to develop capacity-building initiatives. Overall, the training focuses on the public sector's task to promote LGBTIQ person's rights and opportunities. The training provides knowledge about LGBTIQ person's living conditions historically and provides tools for public servants to work towards inclusive treatment. The training provides examples of equal treatment of all residents, regardless of sexual orientation, transgender identity or expression. It consists of seven sections and one knowledge test. The sections contain films, audio dramas about different situations, facts and questions for reflection. The training is free of charge and is conducted online.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	Since it is online training, the training is flexible geographically, and all its elements can be adapted and transferred to other contexts and countries.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The training has been developed within a larger policy framework to increase knowledge about equal treatment within the public sector. The government's assignment shows that capacity-building efforts on LGBTIQ and equal treatment aimed at public servants are an important part of the long-term work for LGBTIQ persons' equal rights and opportunities. The training will support the participants in already ongoing activities, as well as enable them to identify development needs in their own organizations and activities, and thus contribute to sustainability.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The training will have a concrete measurable impact in terms of the numbers of individuals receiving the training and thereby increasing their knowledge and enable them to promote LGBTIQ persons' rights and opportunities. In addition, the increased knowledge among public servants on LGBTIQ rights and equal treatment might also contribute to measurable long-term structural social change.
<b>Give reasons why you consider the</b>	The training is a national initiative and is being implemented online by a government agency. All elements of the training can be adapted and transferred to other contexts and Member States.

<b>practice as transferable to other settings and/or Member States?</b>	
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	n/a
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n/a

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
<b>Title (original language)</b>	"No promising practice has been identified for this thematic area."

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
<b>Title (original language)</b>	Projekt som ska främja romers hälsa
<b>Title (EN)</b>	Projects on health-promoting efforts aimed at Roma
<b>Organisation (original language)</b>	Myndigheten för ungdoms- och civilsamhällesfrågor
<b>Organisation (EN)</b>	Swedish Agency for Youth and Civil Society
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	Sweden, Ministry of Culture ( <i>Kulturdepartementet</i> ) State subsidies for health-promoting efforts aimed at Roma ( <a href="#">Statsbidrag för hälsofrämjande insatser riktade till romer</a> ), press release, 3 March 2022. Myndigheten för ungdoms- och civilsamhällesfrågor (Swedish Agency for Youth and Civil Society) <a href="#">1,9 miljoner som ska främja romers hälsa</a> , press release, 30 August 2022.
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	August 2022 – ongoing
<b>Type of initiative</b>	State subsidies for health promoting efforts aimed at Roma
<b>Main target group</b>	Roma



<b>Indicate level of implementation: Local/Regional/National</b>	Local/regional
<b>Brief description (max. 1000 chars)</b>	Seven organizations will share a total of SEK 1,899,196 in project grants from the Swedish Agency for Youth and Civil Society. The purpose of the projects is to promote health for Roma through, for example, health promoting efforts, both in terms of physical and mental health. The projects will work in several different ways with health-promoting initiatives, including information efforts and capacity-building. The projects focus on, among other things, increasing knowledge about health and the importance of exercising. Another focus is outreach of information about different ways to get in touch with health-care providers.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The idea of supporting health-promoting efforts aimed at Roma can itself be useful and applicable across the EU. Some of the projects and activities within them may also be adapted to other contexts and countries.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The Agency for Youth and Civil Society has already been tasked with distributing state subsidies for health-promoting efforts aimed at Roma. The government decision to continue financing the state subsidies shows that health-promoting efforts aimed at Roma are an important part of the long-term work for Roma inclusion.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The projects have measurable impacts at the local/regional level both through increased knowledge and capacity within the area of health promotion of the Roma organizations involved in the project and for the individuals taking part in the projects.
<b>Give reasons why you consider the practice as transferable to other settings</b>	Supporting health-promoting efforts aimed at Roma are an important part of the long-term work for Roma inclusion and can be applicable across the EU.

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

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.</b>
<b>Title (original language)</b>	Nytt arbetssätt testas för att ge innovationsprojekt vägledning om dataskydd
<b>Title (EN)</b>	A new working method is being tested to give innovation projects guidance on data protection
<b>Organisation (original language)</b>	Integritetsskyddsmyndigheten
<b>Organisation (EN)</b>	Swedish Authority for Privacy Protection

<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	Swedish Authority for Privacy Protection ( <i>Integritetsskyddsmyndigheten</i> ). A new working method is being tested to give innovation projects guidance on data protection ( <a href="#">Nytt arbetssätt testas för att ge innovationsprojekt vägledning om dataskydd</a> ), official website, 30 August 2022.
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	August 2022 – ongoing
<b>Type of initiative</b>	Legal guidance/advice
<b>Main target group</b>	Sahlgrenska University Hospital, Region Halland
<b>Indicate level of implementation: Local/Regional/National</b>	Regional
<b>Brief description (max. 1000 chars)</b>	<p>The Swedish Authority for Privacy Protection has initiated an innovation project on decentralized artificial intelligence. Data-driven innovation and AI development are rapidly advancing in many sectors, which also gives rise to difficult legal questions with regard to privacy and data protection issues. Together with Sahlgrenska University Hospital, Region Halland and AI Sweden, the Swedish Authority for Privacy Protection is now starting a pilot project to meet this type of challenge through co-operation.</p> <p>The project will focus on legal guidance on matters related to decentralized AI. The Swedish Authority for Privacy Protection will advise Sahlgrenska University Hospital and Region Halland on issues of privacy and data protection arising in the decentralized use of artificial intelligence. The purpose of the pilot project is to increase the knowledge of privacy and data protection issues among innovation actors.</p>

	Through a so-called “regulatory testbed”, the actors involved in the pilot project can test their ideas in dialogue with the supervisory authority (Swedish Authority for Privacy Protection) and receive support for legal assessments. The working method enables mutual learning where the organizations acquire a better understanding of current regulations, and the supervisory authority will enhance their knowledge of how the technology is used and what legal issues such use entails.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The idea of a national data-protection authority providing guidance to actors implementing decentralized artificial intelligence can itself be useful and applicable across the EU. The so called “regulatory testbed” for actors to test their ideas in dialogue with the supervisory authority and thereby receive support in legal assessments may also be adapted to other contexts and countries.
<b>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</b>	The work will result in a public report from the Swedish Authority for Privacy Protection. Thus, additional innovation actors can receive guidance from the work that has already been conducted.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The actors involved in the project (Sahlgrenska University Hospital, Region Halland) will be able to apply artificial intelligence in a way that is compatible with the individual’s right to privacy and data protection. In addition, the Swedish Authority for Privacy Protection will gain more knowledge and information about common challenges within this area.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Data-driven innovation and AI development are rapidly advancing across the EU, and the legal issues in relation to individuals’ privacy and personal data needs to be addressed everywhere. As stated above, the project itself has the potential to be adapted to other contexts and countries.
<b>Explain, if applicable, how the practice involves</b>	n/a

<b>beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The project will result in an official report by the Swedish Authority for Privacy Protection in the beginning of 2023.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).</b>
<b>Title (original language)</b>	Webbutbildning om barn som bevittnad våld
<b>Title (EN)</b>	Online training on children who have witnessed violence
<b>Organisation (original language)</b>	Brottsoffermyndigheten
<b>Organisation (EN)</b>	Swedish Crime Victim Compensation and Support Authority
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	Sweden, Swedish Crime Victim Compensation and Support Authority ( <i>Brottsoffermyndigheten</i> ) (2022) New online training on children who have witnessed violence ( <a href="#">Ny webbutbildning om barn som bevittnad våld</a> ), press release, 1 June 2022.

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	June 2022 – ongoing
<b>Type of initiative</b>	Online training
<b>Main target group</b>	Professionals working in family law units at social services ( <i>familjerätter</i> ), judges or legal representatives in custody cases
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>In June 2022, The Swedish Crime Victim Compensation and Support Authority launched an online training program for professionals who encounter children in their work. The online training is developed as a result of a government assignment to increase knowledge about the needs of children who have witnessed violence and who are or have been living in sheltered accommodation. The training also follows the introduction of a new criminal offence, “violation of a child's integrity” (<i>barnfridsbrott</i>) in 2021.</p> <p>The training is open to everyone but is primarily aimed at those who work in family law units at social services (<i>familjerätter</i>), judges and legal representatives in custody cases. According to the Swedish Crime Victim Compensation and Support Authority, other professionals in social services can also benefit from the training. The training is designed to be conducted in groups, but it is also possible to take part of the material individually. The training consists of a common introduction and three in-depth tracks calibrated for each professional group. The material includes films, recorded interviews with professionals and researchers, and discussion questions. The training provides an opportunity to reflect on and discuss actual situations that the training's target groups face. The training aims to create an increased understanding of children’s experiences and how the best interests of the child can be considered in custody cases or in meetings between legal representatives.</p>
<b>Highlight any element of the</b>	Since the training is online, it is flexible geographically, and all elements of the training can be adapted and transferred to other contexts and countries.

<b>actions that is transferable (max. 500 chars)</b>	
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The training has been developed as a response to a government assignment to increase knowledge about the needs of children who have witnessed violence and who are or have been living in sheltered accommodation. The training was also developed after the introduction of the new criminal offence, "violation of a child's integrity". Thus, the training has been developed within a larger legal and policy framework to increase knowledge among professionals about children's needs in custody cases. Capacity-building efforts on the needs of children are an important part of the long-term work for ensuring children's rights. The training itself will increase knowledge and competence among participants and enable them to identify knowledge gaps and development needs in their own professions, thus also contributing to sustainability.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The training will have a concrete measurable impact in terms of the numbers of individuals receiving the training and thereby increasing their knowledge and enabling them to identify the needs of children who have witnessed violence and who are or have been living in sheltered accommodation. In addition, increased knowledge among public servants on children's rights might also contribute to measurable long-term structural social change.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The training is a national initiative and is implemented online by a government agency. All elements of the training can be adapted and transferred to other contexts and Member States.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</b>	n/a

<b>implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n/a

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> <b>Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.</b>
<b>Title (original language)</b>	SKR:s kvinnofridssatsning
<b>Title (EN)</b>	SALAR's women's peace initiative
<b>Organisation (original language)</b>	Sveriges Kommuner och Regioner (SKR)
<b>Organisation (EN)</b>	Swedish Association of Local Authorities and Regions (SALAR)
<b>Government / Civil society</b>	SALAR is an employers' organization and represents and advocates on behalf of local governments in Sweden.
<b>Funding body</b>	Government (partly)
<b>Reference (incl. URL, where available)</b>	Sveriges Kommuner och Regioner (SKR) ( <i>Swedish Association of Local Authorities and Regions, SALAR</i> ), SALAR's women's peace initiative ( <a href="#">SKR:s Kvinnofridssatsning</a> ), official website, 9 September 2022.



<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	2021 – ongoing
<b>Type of initiative</b>	Capacity-building
<b>Main target group</b>	Representatives in municipalities and regions
<b>Indicate level of implementation: Local/Regional/National</b>	Local, Regional
<b>Brief description (max. 1000 chars)</b>	<p>In 2021-2023, SALAR is implementing a special women's peace initiative to strengthen work against honour-related violence and oppression, men's violence against women and violence in intimate relationships. The purpose of the women's peace initiative is to support municipalities and regions to prevent and detect violence at an early stage; support victims of violence and their children; and work towards behavioural change among perpetrators of violence against women. The women's peace initiative is one of three sub-projects within SALAR's investment in equality and women's peace, and it continues the work that was carried out following an agreement with the government in 2018–2020. The initiative produces supporting materials and learning examples, and organizes seminars and conferences.</p> <p>All support by SALAR within the initiative is based on the needs of municipalities and regions. The initiative also collaborates with government authorities on assignments in the area of women's peace. The aim of the initiative is to contribute knowledge about the conditions of municipalities and regions, so that support from the national level better corresponds to their needs.</p> <p>The women's peace initiative has, among other things, been funding development leaders (<i>utvecklingsledare</i>) for women's peace in each county. The development leaders support the municipalities and are employed within the regional cooperation and support structures for social services. Within the framework of the initiative, municipalities also receive support to follow up on the social service's support to victims of violence on an</p>

	individual level. The aim is to increase knowledge of how the efforts work in practice and to lay the foundations for national statistics and increased knowledge nationally.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements of the initiative, i.e. prevention and early detection; supporting victims of violence; and attempting behavioural change among perpetrators, can be adapted to suit other contexts and Member States. Supporting materials and learning examples produced within the initiative may also be useful and applicable across the EU.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The initiative is a continuation of an initiative carried out 2018–2020 and can be expected to contribute to both structural change and support for individuals. All support provided by SALAR within the initiative is based on the needs of municipalities and regions. Supporting materials and learning examples, once developed, will be available after the implementation period. The increased knowledge at the individual level (for instance among development leaders) will in the long run contribute to a strengthened capacity within the area.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	Early interventions are key when it comes to preventing violence. The initiative will have a concrete measurable impact in terms of the numbers of victims of violence receiving support, as well as numbers of perpetrators receiving support. The methods directed to professionals and the information and knowledge developed and gathered within the framework of the initiative might also contribute to long-term measurable structural changes in society.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Women across the EU are exposed to honour-related violence and oppression and violence in intimate relationships. As stated above, all elements of the initiative can be adapted to suit other contexts and Member States.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</b>	All support provided by SALAR within the initiative is based on the needs of municipalities and regions.

<b>assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n/a

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
<b>Title (original language)</b>	Informationsinsatser om diskrimineringslagen och diskriminering av personer som använder ledar- eller assistanshund
<b>Title (EN)</b>	Information campaign about the Discrimination Act and discrimination against people who use guide or assistance dogs
<b>Organisation (original language)</b>	Diskrimineringsombudsmannen
<b>Organisation (EN)</b>	Swedish Equality Ombudsman
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government

<b>Reference (incl. URL, where available)</b>	Swedish Equality Ombudsman ( <i>Diskrimineringsombudsmannen</i> ), Information campaign about the Discrimination Act and discrimination against people who use guide or assistance dogs ( <a href="#"><i>Informationsinsatser om diskrimineringslagen och diskriminering av personer som använder ledar- eller assistanshund</i></a> ), official webpage, 9 June 2022.
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	June 2022 – ongoing
<b>Type of initiative</b>	Awareness-raising
<b>Main target group</b>	Target groups can be both rights-holders (persons with disabilities who use guide dogs or assistance dogs) and duty-bearers (for example restaurants, shops etc.).
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	In June 2022, the government assigned the Swedish Equality Ombudsman ( <i>Diskrimineringsombudsmannen</i> ) to carry out information campaigns about the protection against discrimination for persons with disabilities who use guide dogs or assistance dogs. People who use guide dogs or assistance dogs are often excluded from entering shops and restaurants because dogs are prohibited on the premises. The Swedish Discrimination Act ( <i>Diskrimineringslag [2008:567]</i> ) contains provisions on the prohibition of discrimination on the grounds of disability. The assignment includes informing about provisions in the Discrimination Act and how these provisions may affect the right to accessibility to restaurants and shops. It also includes informing about the rights of people with other disabilities such as asthma and allergies.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	An information campaign can itself be adapted to other contexts and countries and can easily cover other thematic areas and rights.

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The initiative is sustainable because it targets not only the right-holders but also the duty-bearers who are the ones carrying out the discriminatory practices. The fact that the information campaign is based on the Swedish Discrimination Act also means that results are more likely to be achieved since the duty-bearers need to respect Swedish law.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The information campaign will have concrete measurable impacts in terms of the numbers of individuals increasing awareness of their rights and thereby becoming able to enforce their rights. In addition, the duty-bearers will gain more knowledge about how to increase accessibility to restaurants and shops and in this way decrease the risk of carrying out discriminatory practices.</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 who use guide dogs or assistance dogs in other Member States face similar discrimination. As stated above, an information campaign can itself be adapted to other contexts and countries.</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</b></p>	<p>The assignment must report to the government, with a final report no later than November 1, 2023.</p>

<b>for review and assessment.</b>	
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## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	"No case law has been identified for this thematic area."

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</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>Decision date</b>	"No case law has been identified for this thematic area."

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
<b>Decision date</b>	"No case law has been identified for this thematic area."

<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 processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
<b>Decision date</b>	"No case law has been identified for this thematic area."

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</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>Decision date</b>	10 February 2022
<b>Reference details</b>	<a href="#">Administrative Supreme Court (Högsta förvaltningsdomstolen), case number 5358-20, 10 February 2022.</a>
<b>Key facts of the case (max. 500 chars)</b>	The current case concerned the question of whether a municipality-owned company could be given permission for camera surveillance of a jacuzzi in a swimming facility to which the public had access. The municipality applied for camera surveillance of the jacuzzi to be available in real-time, 24 hours a day, without the right to record and save material and without the right to intercept audio. The purpose of the surveillance was to prevent accidents.
<b>Main reasoning/argumentation (max. 500 chars)</b>	In order to accommodate both the need for camera surveillance and the right to the protection of personal integrity, the Court balanced the respective interests with regard to granting the permit. The Court highlighted a number of circumstances that supported the need for camera surveillance of the jacuzzi in order to prevent or detect accidents or limit the effects of accidents that had occurred. At the same time, the Court considered that the privacy interest was weakened by the fact that the



	individuals who may be subject to camera surveillance are at the same time the ones the camera surveillance aims to protect. In addition, the surveillance was intended to take place in real time, without image- or sound-recording.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The key question in the case was whether the prerequisites for granting a permit for camera surveillance at a certain location in a swimming facility for the purposes of preventing or detecting accidents or limiting the effects of accidents that have occurred have been met.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Administrative Court concluded that the need for camera surveillance outweighed the individual's right to protection of personal integrity by not being monitored. The conditions for granting permission for the camera surveillance were thus fulfilled.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"22. Högsta förvaltningsdomstolen finner att intresset av kamerabevakning – på det sätt som bolaget har begärt – väger tyngre än den enskildes intresse av att inte bli bevakad. Det var därför riktigt av länsstyrelsen att ge tillstånd till kamerabevakningen och överklagandet ska avslås."</p> <p>"22. The Supreme Administrative Court finds that the interest of conducting camera surveillance - in the way that the company has requested outweighs the individual's interest of not being monitored. It was therefore proper of the County Administrative Board to give permission for the camera surveillance, and the appeal must be rejected."</p>

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide the most relevant high court decision for the related topics addressed in the chapter.</b>
<b>Decision date</b>	7 March 2022
<b>Reference details</b>	<a href="#">Supreme Administrative Court (Högsta Förvaltningsdomstolen), case number 1513-20, 7 March 2022.</a>
<b>Key facts of the case (max. 500 chars)</b>	In 2019, A.B. was taken into care and placed in a special home for young people. At that time, A.B. was 18 years old. The Administrative Court approved an application to provide care with the support

	of the Care of Young Persons (Special Provisions) Act and assessed that A.B. had socially disruptive behaviour and that he therefore could not be provided with care on a voluntarily basis. A.B. appealed the Administrative Court's decision to the Court of Appeal, which dismissed the appeal on the grounds that A.B. had socially disruptive behaviour for which he needed compulsory care.
<b>Main reasoning/argumentation (max. 500 chars)</b>	When examining the meaning of Article 5.1 d ECHR, the Court concluded that care of a young person with socially disruptive behaviour, as reflected in the national legislation, is considered to be a measure covered under the ECHR's exception for deprivation of liberty "for the purposes of educational supervision". In relation to the word "minor", the Court stated that the national legislator is considered to have a certain margin of interpretation to apply a different age limit than that used in most other respects (18 years). The possibility established in the national legislation of providing care to persons between 18–20 years old should not be considered contrary to the protection against arbitrary deprivation of liberty.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The key issue in the case is whether it is compatible with Article 5.1 d of the ECHR, from which it follows that a person who is a minor may be deprived of his liberty for the purposes of educational supervision and to provide care (including through deprivation of liberty) to a person who has reached the age of 18 and who has socially disruptive behaviour.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Court concluded that it is compatible with Article 5.1 d of the ECHR, with the support of Sections 1 and 3 of the Care of Young Persons (Special Provisions) Act, to provide care that includes deprivation of liberty to a person who has reached the age of 18 and who has socially disruptive behaviour.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"48. Den prejudikatfråga som Högsta förvaltningsdomstolen har meddelat prövningstillstånd i ska besvaras enligt följande. Det strider inte mot artikel 5 i EKMR att med stöd av 1 och 3 §§ lagen med särskilda bestämmelser om vård av unga bereda den som fyllt 18 år och har ett socialt nedbrytande beteende vård som innefattar frihetsberövande."</p> <p>"48. The precedent in relation to which the Supreme Administrative Court has given leave to appeal must be answered as follows. It does not contradict Article 5 of the ECHR, with the support of Sections 1 and 3 of the Care of Young Persons (Special Provisions) Act, to provide care that</p>

	includes deprivation of liberty to a person who has turned 18 and who has socially disruptive behaviour.”
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<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
<b>Decision date</b>	1 March 2022
<b>Reference details</b>	<a href="#">Supreme Court (Högsta Domstolen), case number B 6401-21, 1 March 2022.</a>
<b>Key facts of the case (max. 500 chars)</b>	The District Court sentenced KJ for having carried out forced vaginal intercourse and other forced sexual acts which, considering the nature of the violation, are comparable to intercourse, with a plaintiff who did not participate voluntarily. The other sexual acts consisted of KJ forcing the plaintiff to perform oral sex on him under the threat of a knife. The District Court assessed the rape as a crime of the normal degree, as did the Court of Appeal.
<b>Main reasoning/argumentation (max. 500 chars)</b>	According to the Supreme Court, KJ used a threat that was of a particularly serious nature ( <i>särskilt allvarligt slag</i> ) by holding a knife near the plaintiff and stating that he would stab her. The Supreme Court held that this situation must be taken into account when assessing whether the violation is to be considered gross rape ( <i>grov våldtäkt</i> ). In addition to the imminent and dangerous knifing threat, the Court took into account the lengthy nature of the violation and that it included several elements of a sexual nature. In an overall assessment, the Court considered the crime to fall within the scope of gross rape.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The key issue in the case concerned the significance of the fact that the rape was carried out under the threat of a knife attack for the question of whether the rape should be assessed as gross rape.

<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Court changed the Court of Appeal's judgment by assessing the violation as gross rape instead of rape. The Supreme Court also extended the sentence for the combined crimes to imprisonment to five years and three months.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"16. Genom att hålla en kniv i närheten av målsäganden och i anslutning till det uttala att han skulle hugga henne har KJ framställt ett hot som varit av särskilt allvarligt slag. Detta förhållande ska beaktas särskilt vid bedömningen av om våldtäkten är grov."</p> <p>"17. Utöver det överhängande och farliga knivhotet ska även övriga omständigheter vägas in. Det finns då skäl att beakta framför allt att övergreppet inte var kortvarigt och att det innefattade flera sexuella inslag. Sammantaget är brottet så allvarligt att det ska anses som grov våldtäkt."</p> <p>"16. By holding a knife near the plaintiff and in connection with this stating that he would stab her, KJ made a threat that was of a particularly serious nature. This situation must be taken into particular account when assessing whether the rape is gross."</p> <p>"17. In addition to the imminent and dangerous knifing threat, other circumstances must also be considered. There is then reason to consider, above all, that the abuse was not of a short duration and that it included several elements of a sexual nature. Altogether, the crime is so serious that it should be considered gross rape."</p>

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