

# **Joint Submission for Sweden's third Universal Periodic Review in 2020**

**SUBMITTED BY THE UNITED NATIONS ASSOCIATION OF SWEDEN\***

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**\*UNA Sweden represents 78 national organisations**

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## Executive summary

This joint submission is coordinated by the United Nations Association of Sweden and submitted together with 16 Swedish civil society organisations working in the field of human rights. The views expressed in this report are based upon the expertise on the signatory organisations and respective organisation has contributed with different parts. The submission identifies and present key human rights concerns in Sweden in which the Swedish government fails to meet its international human rights obligations. It also draws on the recommendations received in the Universal periodic review in 2015, but up to this day, remain inadequately addressed. At the end of each section, we present main recommendations for the Swedish government to improve the realisation of human rights in Sweden.

Sweden enjoys an excellent reputation among the international community for promoting and protecting human rights around the world. It is equally important, however, that the country demonstrates a corresponding commitment at the national level. There are still several areas in which Sweden fails to uphold its international obligations. One of the most significant examples is the continued lack of an independent national human rights institution (NHRI).

Legal protection mechanisms for democracy and human rights is inadequate in Sweden. There are also severe systematic and institutional defaults. The lack of fulfilling human rights are strongly connected to the local and regional activities. This discrepancy and fragmentation between the local, regional and national governance across the country result in discrimination in the accessibility and availability of rights.

Discrimination continue to prevail in the labour market, housing market and in access to education. Persons with disabilities, national minorities, LGBTQI, newly arrived persons and EU-citizens of Roma descent are disproportionately affected.

Hate crime and racist hate speech and organisation remain on a high level. The activity of racist and extremist organisations is an alarming issue for Sweden's democratic development and respect of fundamental human rights. They are threatening the public safety, the protection of all citizens and especially minorities, religious-, ethnic- and other groups in risk of exclusion in the Swedish society.

An enhanced governmental effort is needed to combat discrimination and violence against women. Gender mainstreaming remains slow on agency level. Access to justice continues to be an issue for women, especially groups in risk of exclusion in the Swedish society.

The right to health and medical care is excluding some groups in Sweden, who are denied full and equal access to health institutions, goods and services. The situation is highly dependent on the individual's legal status, not medical needs. Furthermore, Sweden still does not have a national strategy for SRHR.

A lack of a human rights-based approach to disability is evident in government, public administration, local authorities and the judiciary. Persons with disabilities experience systematic discrimination of rights in daily life, including problems with accessibility, denial of rights to assistance and in the labour market.

Effective measures are needed to improve the situation for Sweden's indigenous people Sami. They face widespread discrimination, disputes and exploitation.

Recent legislative reform on incorporating the Convention on the Rights of the Child is a positive measure in strengthening the rights of the child. However, continuing efforts in raising knowledge and competence on the application of the Convention amongst the justice system, authorities and municipalities is needed.

# Legal protection mechanisms for democracy and human rights

## Constitutional protection of democracy and human rights

The Swedish constitution stipulates basic regulations for protecting human rights and democratic values,<sup>i</sup> which is also enshrined in international human rights law.<sup>ii</sup> However, with the current legal framework<sup>iii</sup> these values underpinning a democratic and open society can far too easily be abolished. It is of outmost concern with the growing far-right populist movements in Swedish politics to take advantage of the current regulations and threaten our democracy, core human rights as well as contradicting the State obligations stipulated in various UN human rights documents. In several other countries, such as Germany, there are stronger constitutional protection limiting the possibility of decisions contradicting democratic values and human rights of a State. In these circumstances, there must be a qualified majority of a decision proposing amendments to the constitution made by the Parliament in at least one of the two decisions.<sup>iv</sup>

## Independence of the judiciary

The independence of the judiciary in Sweden is weak due to the structures of the judiciary and how judges are appointed. The judicial board, that propose appointments of judges to the government, is appointed by the government and neither its independence nor its composition is protected in the constitution.<sup>v</sup> The National Courts Administration is an ordinary public authority under the government.<sup>vi</sup> In other countries, the equivalent of the National Courts Administration is often led by a board in which the majority are judges.<sup>vii</sup>

## Effective rights

An obligation states have undertaken is that human rights must be effective.<sup>viii</sup> The requirement for effective rights are based on five criteria: 1) The legal remedy must be accessible and offer possibilities for success, 2) the remedy must be able to result in correction and provide reasonable prospects for success, 3) the trial must be by a body that has powers to provide guarantees, 4) decisions must be made in reasonable time, and 5) the decision must be enforceable.<sup>ix</sup> In Sweden, legal regulation of human rights is not effective. There is an overall lack of knowledge amongst people about their human rights. They also have limited access to legal remedies, including financial restraints of legal representation, resulting in rectification and prospects of correcting human rights violations. This is greatly due to the lack of financial resources since the costs of legal representation remains too high and thus resulting in no availability to legal support.

## Application of international treaties in national decision-making

The interpretation and application of national legislation in conformity with international legal treaty obligations is an accepted principle in Sweden. However, discrepancies exist both within the Swedish judiciary and public authorities to apply international human rights treaties in national decision-making.<sup>x</sup> Furthermore, various UN human rights Committees have raised the concern of Sweden's failure to properly incorporate ratified human rights treaties into Swedish legislation and thus making rights applicable as Swedish law.<sup>xi</sup>

## Recommendations to the Swedish government:

- Amend and strengthen the Swedish constitution requiring a qualified majority of a decision made by the Parliament in at least one of two decisions to protect democracy and human rights
- Ensure an adequate and affordable legal aid system which enable effective rights and that individuals are ensured the ability to claim their rights in administrative courts
- Amend regulation for governmental investigations to ensure that human rights impact assessment is made for all proposals to change legislation

- Install legislative and awareness raising measures towards the Swedish judiciary and public authorities to ensure application of national legislation is in conformity with international legal obligations

## **Institutional and systematic mechanisms for human rights**

Sweden has still not established an independent national human rights institution (NHRI) despite accepted recommendations from the recent UPR review in 2015 and from UN human rights Committees.<sup>xiii</sup> Sweden ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2008,<sup>xiii</sup> and as such, also has a legal obligation to implement an independent NHRI according to Article 33 (2) of CRPD.<sup>xiv</sup>

Sweden is in urgent need of a NHRI with a mandate to protect, promote and monitor human rights in Sweden. It is of outmost significance that the institution is secured its independent mandate and allocated efficient resources, including financial, to carry out its work in accordance with the UN Paris Principles. According to the Principles, the institution is secured its independence by a placement under the Parliament. Furthermore, it is vital that the NHRI is established as a new authority and not divided amongst existing authorities which would only result in a wide fragmentation of its mission. A prerequisite for the institution to fulfil its mandate is that it is a coordinated organisation that can conduct activities to promote, protect and monitor human rights in an efficient manner. The NHRI should be established by law and the government should promptly thereafter initiate a constitutional protection of the NHRI to secure its independence, mandate and activities. In addition, the NHRI should have the mandate to intervene in national legal proceedings concerning human rights violations and represent individuals in international legal proceedings.

The lack of a NHRI has a negative impact on the protection and promotion of Sweden's international human rights obligations. The implementation of human rights in Sweden is largely dependent upon the activity of local municipalities and county councils. The lack of fulfilling rights are strongly connected to the local and regional conduct. This discrepancy and fragmentation between the local, regional and national governance across the country is highly evident in the provision of public service and especially in social welfare, health care and school. Because of this, the possibility to claim redress and legal aid for human rights violations also remain immensely difficult.<sup>xv</sup> Sweden has signed and ratified international human rights treaties, and as such, has the obligation to ensure that people have access to human rights under the same premises. The activities of local authorities cannot be allowed to hamper the implementation of rights, which often is the case in practice today. The government bears the responsibility for the implementation of international human rights and need to ensure that all public authorities are aware of their obligations in their implementation. It is thus crucial that the NHRI is given the mandate to improve the local authorities and country council's implementation of human rights.

### **Recommendations to the Swedish government:**

- Establish a NHRI according to the UN Paris Principles and secure its independence
- Establish the NHRI by law and promptly initiate a constitutional protection of the institution
- Ensure the NHRI is allocated reasonable resources to enable its mandate in an efficient manner
- Include in the mandate of the NHRI the possibility to intervene in national legal proceedings concerning human rights violations and represent individuals in international legal proceedings
- Ensure that all public authorities are fully aware of their obligations when implementing human rights and that practical tools are given to raise competence in applying international human rights treaties in daily activities

# Right to Work, Housing and Education

## Right to work

Unemployment disproportionately affect persons with disabilities, Afro-Swedes, Muslims, national minorities and LGBTQI. These groups are also subject to discrimination on the labour market.<sup>xvi</sup> Persons with disabilities have a lower employment rate than others.<sup>xvii</sup> They encounter bigger barriers when applying for employment than other groups, why the unemployment rate is higher. Consequently, this result in difficulties both in terms of livelihoods as well as exclude people from taking part as contributors of society. According to a recent report conducted by Uppsala university, Afro-Swedes are over-represented in low-income employment, under-represented in high-income employment and encounter more unemployment days than the rest of the population (defined in the report as persons with both parents born in Sweden and people who are born in Sweden or have one parent from another foreign country other than the Sub-Sahara African region) with the same level of education. Moreover, the pay gap also differ between this group and the rest of the population and is most apparent in the private sector. The gap is striking and evident even considering level of education, employment sector and age between Afro-Swedes and the rest of the population.<sup>xviii</sup>

The pay gap between women and men is unadjusted 11% and adjusted 4%.<sup>xix</sup> For workplaces with more than 10 employees, is it legally mandatory for the employer to both map and document differences in pay and working conditions. However, the Discrimination Act does not require the mapping of statistics on other grounds of discrimination than gender.<sup>xx</sup>

## Right to housing

There is an extensive lack of housing in Sweden,<sup>xxi</sup> partly due to a lack of affordable tenancies mainly affecting low income families and groups in risk of exclusion in the Swedish society. The housing market is also increasingly segregated where persons of foreign descent still experience discrimination in the housing market. Newly arrived persons are often neglected after municipalities' two-year obligation to offer housing ends.<sup>xxii</sup>

Homelessness<sup>xxiii</sup> and evictions are growing issues in Sweden. According to the latest statistics from the Enforcement Authority, the amount of evictions carried out in 2018 was higher than earlier years.<sup>xxiv</sup> Statistics also show that children are continuously evicted from their housing.<sup>xxv</sup> Vulnerable EU-citizens of Roma descent live in acute homelessness, sleep in tents, parks, on sidewalks, under bridges and docks.<sup>xxvi</sup>

## Right to education

In theory, the five recognised national minorities have the right to receive education in their mother tongue.<sup>xxvii</sup> However, this right is not fulfilled in practice. There is a widespread lack of initiatives within municipalities to foster mother tongue education.<sup>xxviii</sup> Some financial measures have been taken regarding the indigenous year 2019 in promoting Saami language and culture.<sup>xxix</sup> Nevertheless, there is a continuous shortage of teachers to educate mother tongue languages to national minorities.

Despite some progress, migrant girls and girls belonging to minority groups, particularly the Roma and Sami, continue to experience difficulties in gaining access to education in Sweden. The need to combat discrimination against these groups in accessing education is vital.<sup>xxx</sup>

### **Recommendations to the Swedish government:**

- Amend the Discrimination Act requiring employers to map pay and working conditions with an intersectional perspective
- Proactively combat discrimination against persons with disabilities, Afro-Swedes, Muslims, national minorities and LGBTQIs in the labour market, including awareness raising campaigns towards employers in the public and private sector
- Develop a strategy to promote access by persons with disabilities to an inclusive employment in the public sector and public companies
- Promptly address the current housing shortage, especially the need for affordable housing
- Work with municipalities to ensure human rights awareness and compliance in addressing the rights of vulnerable EU Roma citizens
- Take legislative measures to ensure that the best interest of the child is decisive in all cases of evictions
- Guarantee the right to education in all minority languages is realised in practice

# Hate crime, racist hate speech and organisation

## Hate crime and racist hate speech

In the recent UPR-review, an overwhelming majority of the accepted recommendations by Sweden concerned issues of racial discrimination and related intolerance.<sup>xxxii</sup> However, hate crime<sup>xxxiii</sup> with racist or xenophobic motive have continued to rise.<sup>xxxiii</sup> According to the latest report from the National Council for Crime Prevention (BRÅ), xenophobia/racism has been the most prevailing motive for hate crimes during 2013-2016 in Sweden. In addition, hate crimes with anti-religious motives have increased and hate crimes with sexual orientation motives remain an issue.<sup>xxxiv</sup> Unlawful threats and molestation constituted the most common type of crime amongst these types of cases, followed by physical damages, crimes of violence and agitation against certain ethnic groups.<sup>xxxv</sup> Additionally, in contrary to many other countries,<sup>xxxvi</sup> Sweden does not include disability as a potential motive for hate crime.<sup>xxxvii</sup>

Most committed hate crimes do not get reported to the police, and as such, statistics on the occurrence of hate crimes in Sweden remain difficult and do not depict the general existence of hate crimes in the Swedish society. Data on hate crime also reveal a striking gap between the number of reported hate crimes and the numbers of hate crime related offences which result in indictment.<sup>xxxviii</sup> Legal as well as practical obstacles need to be investigated and resolved in order to effectively combat unrecorded, underreported and hate crimes resulting in indictment.

## Racist and extremist organisations

Despite repeated recommendations from the UN Committee against racial discrimination, Sweden has continued to legally allow the formation and organisation of racist and extremist organisations with the explanation that criminal acts committed by individual members of racist organisations may be penalised.<sup>xxxix</sup> Although the government has indicated the need of amendments in the legislation concerning racist organisations,<sup>xl</sup> no concrete measures have been initiated up to this day. The activity of racist and extremist organisations is an alarming issue for Sweden's democratic development and respect of fundamental human rights. These organisations and their activities are spreading extremist, racist and xenophobic propaganda and acting violently, both on the Internet and on the streets of Sweden. They are threatening the public safety, the protection of all citizens and especially ethnic and religious groups, minorities and other groups in risk of exclusion in the Swedish society.<sup>xli</sup> Nazi parties and associated organisations have taken part in major cultural and political events and been given permission to demonstrate and spreading propaganda.<sup>xlii</sup>

## Recommendations to the Swedish government:

- Implement and enforce existing legislation on hate crime and racist hate speech
- Increase knowledge and expertise on the application and implementation of legislation on hate crime and hate speech by mandatory and continuous training to law enforcement officials at all levels
- Install legislative and awareness raising measures to protect people affected by hate crimes on multiple and intersectional forms of discrimination
- Include disability as a potential motive for hate crimes in the Penal Code
- Establish a thorough investigation on the issue of unrecorded and underreported hate crimes, and the gap between reported hate crimes and the initiated investigations, prosecutions and convictions of perpetrators
- Take concrete actions to combat organisation and participation in violent, anti-democratic and racist activities and propaganda with the limitations stipulated in the Swedish constitution, chapter 2, para. 24(2)

## Right to health

The access to information about health and medical care and to sexual and reproductive health and rights (SRHR) is excluding some groups in the Swedish society. The Act (2008:344)<sup>xliii</sup> and the Act (2013:407) exclude some people,<sup>xliiv</sup> for example EU Roma citizens.<sup>xliv</sup> Medical services such as contraceptives are not affordable for Roma women and girls. Asylum seekers are facing a similar situation.<sup>xlvi</sup>

Despite that the Board of Health and Welfare and the Public Health Agency of Sweden in 2014 proposed that Sweden should establish a national Strategy for sexual and reproductive health and rights (SRHR)<sup>xlvii</sup>, no strategy has been implemented. The need of national SRHR-strategy is vital to strengthen and coordinate the work on a national level and to raise competence in healthcare and medical services on SRHR-issues.

Mental health is an increasing issue and very evident amongst newly arrived persons and asylum seekers in Sweden. According to a study from the Swedish Red Cross, newly arrived persons and asylum seekers experience a high degree of mental health issues and experiences of traumatic events, including torture, strenuous and stressful living conditions as well as lack of social support. There is a need to develop the Swedish health and medical care, including allocation of reasonable resources, to meet the needs of these groups in the best possible way. Asylum seekers are especially a group in risk and their access to health and medical care is currently limited to care that cannot be awaited.<sup>xlviii</sup>

Data also show that transgender people to a greater extent are experiencing mental health issues and discriminatory attitudes from the society, including from the health care system.<sup>xlix</sup>

### Recommendations to the Swedish government:

- Ensure all people in Sweden have access to information about health care and to SRHR and that health care is affordable, especially for groups in risk of exclusion in the Swedish society
- Establish a national Strategy for sexual and reproductive health and rights (SRHR)
- Install intersectional awareness raising measures in the health and medical care and in other relevant sectors to ensure equal treatment and equal access to the highest attainable health for all
- Ensure that newly arrived persons and asylum seekers have access to health and medical care on equal terms as others, and effectively develop the health and medical care to enable the needs of this group is adequately met

## Discrimination and violence against women

Women and girls are discriminated and structurally subordinated men and boys throughout all areas in society, from decision making to gender-based violence.<sup>i</sup> According to international and EU-based rules,<sup>ii</sup> the Swedish government is obligated to implement the gender-mainstreaming strategy throughout all parts of society. The implementation is still slow on agency-level and the work with gender mainstreaming and collection of gender-based data is hampered.<sup>iii</sup> This also results in difficulties identifying women facing multiple and intersectional discrimination.

A stronger national strategy is needed to eliminate discrimination and violence against women. Both the judicial system and police authorities need to prioritise and allocate more resources to combat all forms of violence against women. There is also a lack of concrete actions to combat multiple and intersectional discrimination experienced by women in Sweden.<sup>iii</sup> Access to justice remain an issue for women in Sweden, and of particular concern is the complexity of legal proceedings stated in the Discrimination Act which especially hamper certain women groups to claim their rights such as Sami women, Roma women, migrant women, asylum-seeking and refugee women and women with disabilities.<sup>iv</sup>

According to a recent report from the Swedish Agency for Participation, women with disabilities have less preconditions than men with disabilities both in terms of participation in the labour market as well as employment conditions. As a result, they have lower income and poorer opportunities for economic independence.<sup>iv</sup>

In contrary to the current restriction in legislation,<sup>vi</sup> Sweden should guarantee that a person's gender identity is respected and that every person has the right to have their gender identity legally recognised according to self-identification.<sup>vii</sup>

### Recommendations to the Swedish government:

- Establish targeted programs, policies and awareness raising measures to combat the root causes of violence against all women. These measures should acknowledge multiple and intersectional forms of discrimination and power structures to address real-life situations
- Take concrete actions to end the gender gap in salaries and other areas of economic empowerment between men and women, and enforce and strengthen labour laws to eliminate discrimination against women in the labour market
- Ensure adequate financial resources of protective and supportive services to all victims subjected to domestic and sexual violence
- Data on and efforts towards gender equality should have an intersectional perspective to ensure that adequate measures are being taken for all women, including sexual orientation, gender identity and expression, disability and ethnicity
- Amend the legislation regarding legal gender recognition to ensure all trans women regardless of age have the right to have their gender identity legally recognised<sup>viii</sup>

## Rights of persons with disabilities

Neither the recommendations from the latest UPR review nor from the Committee on the Rights of Persons with Disabilities in 2014 concerning rights of persons with disabilities have been fully addressed by the government. Submissions from CSO:s on Sweden's compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD) reported on regression of rights and retrogressive measures. Similar issues have been raised by European<sup>lix</sup> and UN<sup>lx</sup> institutions.

The understanding of a human rights-based approach to disability is missing in government, public administration, local authorities and the justice system. This is evident in the government's deliberate portrayal of personal assistance as a "cost problem" to legitimize cutbacks, in court judgements regarding the right to personal assistance and in how the Swedish Social Insurance Agency chooses to interpret these judgements. As an example, the number of persons receiving personal assistance is decreasing for every year, 1500 persons less in 2018 compared to 2015. This negative trend has not been stopped.

There is no systematic approach to implement and mainstream the CRPD when preparing new legislation and when enforcing existing legislation. The positive development of enhancing Swedish law on rights for children and transgender persons has not led to any initiative to review the serious gaps in legislation to strengthen implementation of disability rights, for example regarding hate speech and hate crimes. Access to justice is limited due to imbalances of power in administrative courts and lack of funding for legal aid programs for individuals claiming redress for human rights violations. There is no monitoring of legislative implementation of the right to understand and be understood and its impact on court decisions. Research<sup>ksi</sup> shows that the judges consider accounts of victims of sexual abuse less trustworthy if they are aware that the victim has a diagnosis such as neuropsychiatric disorder.

There is no action plan to remove existing barriers for accessibility, nor to ensure systematic accessibility requirements in public procurement. Inequality gaps in economy, health, education, gender, work, inclusion, security and influence in society are widening. Specific data on disability is lacking and needed to ensure that no one is left behind in SDGs 1, 3, 4, 5, 8, 10, 11 and 16. Organisations of persons with disabilities are sometimes invited to give opinions but are not actively involved in decision-making.

### **Recommendations to the Swedish government:**

- Review existing legislation and ensure the rights of persons with disabilities is systematically transformed in Swedish legislation
- Allocate resources to ensure progressive realisation of rights, including independent living and preventing re-institutionalisation of persons, including children, with disabilities
- Implement a disability rights strategy based on the CRPD and an action plan to remove barriers for accessibility and integrate universal design in research and development
- Ensure access to justice, legal aid and effective remedies to claim rights in courts
- Protect persons with disabilities from hate crime and defamation in the constitution and Penal Code on an equal basis as other protected groups
- Establish CRPD and SDGs indicators to follow up outcomes of measures to strengthen disability rights across the country
- Implement active involvement of organisations representing persons with disabilities in line with CRPD general comment 7

## Rights of indigenous people<sup>lxii</sup>

During the 2015 UPR review, Sweden received 12 recommendations regarding the Indigenous Sami people. The measures taken by the Government since then have had limited effect upon the daily suffering of many Sami.<sup>lxiii</sup>

The Sami reindeer herding districts are the only Sami communities with some, albeit extremely limited, recognized land rights. The non-reindeer herding Sami communities have no recognized rights connecting to their traditional lands. The Sami reindeer herding districts are under an immense pressure from defending Sami rights in courts, and there are increased exploitation projects in reindeer herding and traditional lands. There are no concrete signs of the Government investigating or recognizing Sami land rights claims.<sup>lxiv</sup>

Sami and civil society actors have criticized the ministry memorandum on a general consultation system for the Sami (Ds 2017:43) since it is not based upon the international legal standard of Free Prior and Informed Consent.<sup>lxv</sup> The memorandum has so far not lead to a bill.<sup>lxvi</sup> In cases where the law recognizes a right to consultation, there are serious obstacles in law and practice for the Sami to effectively influence the decisions being taken.<sup>lxvii</sup>

There is little legislation that protects Sami collective cultural heritage. Further, the Sami Parliament is awaiting a response to its request regarding a renegotiation of some articles in the Draft Nordic Sami Convention. Lastly, Sweden's ratification of the ILO 169 has been a lingering issue for decades despite the government indicating the opposite.<sup>lxviii</sup>

### Recommendations to the Swedish government:

- Strengthen Sami self-determination by ensuring the right to free, prior and informed consent in legislation
- Take concrete measures to recognize Sami rights to traditional lands, territories and resources
- Take measures in consultation and cooperation with the Sami people to resolve legal discriminatory division between Sami groups
- Provide the Sami parties with legal aid in administrative and legal proceedings
- Revise the burden of proof for Sami land rights claims
- Take measures to give protection to Sami languages and cultural heritage
- Establish a truth commission in full consultation and cooperation with the Sami
- Ensure the timely adoption of a Nordic Sami Convention in line with international law
- Ratify ILO Convention No. 169

## Rights of the child

Sweden has received numerous recommendations on incorporating the Convention of the Rights of the Child (CRC) into national legislation,<sup>lxxix</sup> which the government now has decided upon.<sup>lxxx</sup> However, there is a continuous need of strengthening the status, application and implementation of the CRC for the practical realisation of children's rights. In several areas of everyday life, Swedish public authorities, municipalities and the justice system fail to apply and implement the rights in the CRC in practice. One of the main reasons is the lack of knowledge of the CRC and the obligations stemming from the Convention.<sup>lxxxi</sup> Raising knowledge and competence on the status and application of the CRC amongst the justice system, authorities and municipalities on all levels is vital.

Despite several recommendations from the UN Committee on the Rights of the Child, the Ombudsman for Children in Sweden and the recent UPR review in 2015<sup>lxxxii</sup> the Swedish government still has not taken adequate steps to ratify the third Optional Protocol to the CRC. Furthermore, no amendments have been made regarding the mandate or resources of the Ombudsman for Children in Sweden to receive, investigate or make decisions in individual cases concerning children or represent children in court.<sup>lxxxiii</sup> Complaint mechanisms are crucial for children to have their voices heard and to claim redress for human rights violations.

Although child abuse is prohibited by law in Sweden, there are existing gaps in the national legislation where the prohibition is not specifically addressed in the Penal code. Instead, in events of violence and abuse against children, this must be adhered by the general provisions on abuse, offenses and unlawful threats in the Penal code. An explicit legal provision in the Penal Code which specifically addresses child abuse as a punishable crime is needed. This would both be in line with the prohibition on child abuse in the national legislation as well as the obligation under Article 19 of the CRC. Most importantly, it would strengthen the right of a child not to be subjected to child abuse and the perspective of the child when claiming correction by the judiciary.<sup>lxxxiv</sup>

The Swedish asylum system lacks adequate procedural guarantees for accessing international protection and protection against *refoulement* for unaccompanied asylum-seeking minors that have undergone a medical age assessment.<sup>lxxxv</sup> Furthermore, the temporary Act (2016:752)<sup>lxxxvi</sup> for asylum seekers has had severe restrictions for children and the right to a human asylum process. The right to family reunification is of special concern whereby this has been limited and available only to children with refugee status and not to children gaining residence permit on other grounds.<sup>lxxxvii</sup> This is contradicting the rights of the child in the CRC. The amendments in the Act entering into force in July 2019 are however positive by introducing a broadened right to family reunification.<sup>lxxxviii</sup> Nevertheless, a human-rights based and long-term migration strategy which consider the best interest of the child is needed.

### Recommendations to the Swedish government:

- Incorporate the Convention on the Rights of the Child (CRC) into national legislation and install measures to increase knowledge and competence of the CRC by relevant authorities and decision-makers on local, regional and national level
- Ratify the third Optional Protocol to the CRC on a complaint mechanism and amend the legal mandate of the Ombudsman for Children in Sweden to ensure children the right to claim redress for human rights violations
- Establish a new legal provision in the Swedish Penal Code which specifically addresses child abuse as a punishable crime
- Ensure international protection and protection against ill-treatment are accessible in practice for all asylum seekers, including unaccompanied minors
- Do not deport individuals whose asylum applications might have contained wrongful age assessments
- Ensure the best interest of the child in all decisions concerning children in asylum processes

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<sup>i</sup> *Kungörelse om beslutad ny regeringsform (1974:152)*, Ch. 1 and 2

<sup>ii</sup> *Universal Declaration of Human Rights*, Article 21; *International Covenant on Civil and Political (ICCPR)*, 16 December 1966, Article 25

<sup>iii</sup> *RF (1974:152)*, Ch 8, paras. 14-17. To change a constitutional law, the Riksdag has to make two similar decisions and a parliamentary election must be held between the two decisions.

<sup>iv</sup> Article 79 German basic law: "Amendments to this Basic Law affecting the division of the Federation into Länder, their participation in principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible."

Article 1 [Human dignity – Human rights – Legally binding force of basic rights] (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority. (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world. (3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.

Article 20 [Constitutional principles – Right of resistance] (1) The Federal Republic of Germany is a democratic and social federal state. (2) All state authority is derived from the people. It shall be exercised by the people through elections and other votes and through specific legislative, executive and judicial bodies. (3) The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice. (4) All Germans shall have the right to resist any person seeking to abolish this constitutional order if no other remedy is available.

<sup>v</sup> *Act (2010:1390) on appointment of permanent judges (Lag (2010:1390) om utnämning av ordinarie domare)*; The Swedish National Courts Administration, "Domarnämnden", available on: <http://www.domstol.se/Om-Sveriges-Domstolar/Domarnamnden/>

<sup>vi</sup> The Swedish National Courts Administration, available on: <http://www.domstol.se/Funktioner/English/The-Swedish-National-Courts-Administration/>

<sup>vii</sup> Woehrling. Jean-Marie., "Protecting Legality: Public administration and judiciary in EU countries. How to conciliate executive accountability and judicial review?", Conference on Public Administration Reform and European Integration", Budva Montenegro, 26-27 March 2009, available on: <http://www.sigmaweb.org/publications/42755351.pdf>

<sup>viii</sup> *ICCPR*, Article 26; The European Convention on Human Rights, 1950, Article 13

<sup>ix</sup> The legal remedy must be 1) accessible, 2) corrective in prospect, 3) tried by a legal body and provide guarantees, 4) decided within reasonable time, 5) decided and enforceable, See more Council of Europe, "Guide to good practice in respect of domestic remedies", 18 September 2013, available on: [https://www.echr.coe.int/Documents/Pub\\_coe\\_domestic\\_remedies\\_ENG.pdf](https://www.echr.coe.int/Documents/Pub_coe_domestic_remedies_ENG.pdf)

<sup>x</sup> See for instance outcomes of a governmental assignment to Uppsala university, Bremdal. Patrik., Grahn. Farley. Maria., Reichel. Jane., "Principle on interpreting and applying national legislation in conformity with Sweden's treaty obligations on human rights", Uppsala university, 2017, KU2017/01390/DISK, available on: <https://lagensomverket.se/wp-content/uploads/sites/4/2018/01/F%C3%B6rdragskonform-tolkning-i-f%C3%B6rh%C3%A5llande-till-Sveriges-konventions%C3%A5taganden-om-m%C3%A4nskliga-r%C3%A4ttigheter-.pdf>. See also, Department of Cultural Affairs, "Assignment to Uppsala university to map the principle on interpreting and applying national legislation in conformity with Sweden's treaty obligations on human rights", 24 May 2017, Ku2017/01390/DISK, available on: <https://www.regeringen.se/49e3a1/contentassets/be7016805925447b9819120dc930f964/uppdrag-till-uppsala-universitet-att-kartlagga-myndigheters-tillampning-av-principen-om-fordragskonform-tolkning-i-forhallande-till-sveriges-konventionsataganden-om-manskliga-rattigheter>

<sup>xi</sup> See for example HRC, *Concluding observations on the seventh periodic report of Sweden*, CCPR/C/SWE/CO/7, 25 April 2016, paras. 4-5; CEDAW, *Concluding observations on the combined eighth and ninth periodic reports of Sweden*, CEDAW/C/SWE/CO/8-9, 10 March 2016, paras. 14-15; CESCR, *Concluding observations on the sixth periodic report of Sweden*, E/C.12/SWE/CO/6, 14 July 2016, paras. 5-6; CRPD, *Concluding observations on the initial report of Sweden*, CRPD/C/SWE/CO/1, 12 May 2014, paras. 5-7

<sup>xii</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sweden*, A/HRC/C/29/13, 13 April 2015, paras. 145.10-145.16; See also recommendations from UN human rights Committees, Human Rights Committee (HRC), *Concluding observations on the seventh periodic report of Sweden*, CCPR/C/SWE/CO/7, 25 April 2016, paras. 8-9; The Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of Sweden*,

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CEDAW/C/SWE/CO/8-9, 10 March 2016, paras. 20-21; The Committee on Economic, Social and Cultural Rights (CESCR), *Concluding observations on the sixth periodic report of Sweden*, E/C.12/SWE/CO/6, 14 July 2016, paras. 9-10; Committee on the Rights of Persons with Disabilities (CRPD), *Concluding observations on the initial report of Sweden*, CRPD/C/SWE/CO/1, 12 May 2014, paras. 61-62; Committee on the Elimination of Racial Discrimination (CEDAW), *Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden*, CERD/C/SWE/CO/22-23, 6 June 2018, paras. 8-9; Committee on the Rights of the Child (CRC), *Concluding observations on the fifth periodic report of Sweden*, CRC/C/SWE/CO/5, 6 March 2015, paras. 11-12

<sup>xiii</sup> Government bill 2008:09:28, available on:

<https://www.regeringen.se/contentassets/d977e2e560104976ac448b9e89e47617/framja-skydda-overvaka---fns-konvention-om-rattigheter-for-personer-med-funktionsnedsattning-sou-200936>

<sup>xiv</sup> *Convention on the Rights of Persons with Disabilities (CRPD)*, 13 December 2006, Article 33

<sup>xv</sup> CRPD, *Concluding observations on the initial report of Sweden*, CRPD/C/SWE/CO/1, 12 May 2014, paras. 5-7

<sup>xvi</sup> See for instance Wolgast. Sima., Molina. Irene., Gardell. Mattias., *Anti-black racism and discrimination in the labor market (Antisvart rasism och diskriminering på arbetsmarknaden)*, 2018, <http://uu.diva-portal.org/smash/get/diva2:1273400/FULLTEXT01.pdf>, accessed 02.04.2019; State Official Investigations, *Roma Rights – a strategy for Roma in Sweden*, SOU 2010:55, p. 367; UN Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden*, 6 June 2018, CERD/C/SWE/CO/22-23; UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Sweden*. 14 July 2016, E/C.12/SWE/CO/6.

<sup>xvii</sup> The latest statistics show that 62% of women with disabilities are gainfully employed (compared to 72% of other women) and 67% of men with disabilities are gainfully employed (compared to 77% of other men). Statistics Sweden (SCB), *Lathund 2018 6, Förvärsarbete*, table LF11, 2018, available on:

[https://www.scb.se/hitta-statistik/statistik-efter-](https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/)

[amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/](https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/). See also, UN Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Sweden*, CRPD/C/SWE/CO/1, 12 May 2014; UN Human Rights Committee, *Concluding observations on the seventh periodic report of Sweden*, CCPR/C/SWE/CO/7, 24 March 2016.

<sup>xviii</sup> Wolgast. Sima., Molina. Irene., Gardell. Mattias., *Anti-black racism and discrimination in the labor market (Antisvart rasism och diskriminering på arbetsmarknaden)*, 2018, <http://uu.diva-portal.org/smash/get/diva2:1273400/FULLTEXT01.pdf>, p. 8-13.

<sup>xix</sup> SCB, "Subject area equality", *Women's pay as percentage (%) of men's salary by sector before and after standard weighting 1994-2017*, 2018, available: [https://www.scb.se/hitta-statistik/statistik-efter-](https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/)

[amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/](https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/jamstalldhet/jamstalldhetsstatistik/)

<sup>xxi</sup> According to the National Board of Building, planning and housing there is a need for 535 200 new housing until the year 2025 based on a prognosis made in 2018. National Board of Housing, *Building and Planning, Need for new housing 2018 – 2025*, Rapport 2018:24, p. 5

<sup>xxii</sup> Municipalities have an obligation to offer housing for a two-year period for newly arrived persons, see The Court of Appeal in Stockholm (Kammarrätten i Stockholm), Case nr. 4155-18, 26.03.2018

<sup>xxiii</sup> Homelessness 2017 – Scope and character (Hemlöshet 2017 – omfattning och karaktär), Socialstyrelsen, 2017, ISBN 978-91-7555-437-2, <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20765/2017-11-15.pdf>, see also UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Sweden*. 14 July 2016, E/C.12/SWE/CO/6.

<sup>xxiv</sup> The Enforcement Authority, The statistics are reported in counties and municipalities and compared with the number of rental units in the corresponding county / municipality (Ansökta och genomförda vräkningar 2016–2018. Statistiken redovisas på län och kommun samt jämförs med antalet hyresrätter i motsvarande län/kommun), available: <https://www.kronofogden.se/statistikvrakning.html>

<sup>xxv</sup> In 2016, 2017 and 2018 the number of evicted children was 387, 392 and 448 respectively, statistics from The Enforcement Authority, *Number of children affected by eviction 2008 through 2018. Statistics are reported in counties and municipalities*, available: <https://www.kronofogden.se/statistikvrakning.html>

<sup>xxvi</sup> Homelessness 2017 – Scope and character (Hemlöshet 2017 – omfattning och karaktär), Socialstyrelsen, 2017, p. 72.

<sup>xxvii</sup> *Law on national minorities and language of national minorities*, 2009:724, paras. 2, 4; *Law on language*, 2009:600, paras. 7-8

<sup>xxviii</sup> State Official Investigations, *National minority languages in the school*, SOU 2017:91, 2017, p. 231-286

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<sup>xxix</sup> Ministry of Culture, Ku2018/02257/CSM, 18 april 2019, available: <https://www.regeringen.se/4987e9/contentassets/58aee6f0db334a539afced9664bec408/uppdrag-till-sametinget-att-genomfora-sprakaktiviteter.pdf>. The Government has allocated 800,000 Swedish krona to the Sami Parliament for the implementation of language activities during the indigenous language year 2019. The activities should aim to promote Sami language and Sami culture.

<sup>xxx</sup> CEDAW, *Concluding observations on the combined eighth and ninth periodic reports of Sweden*, CEDAW/C/SWE/CO/8-9, 10 March 2016, paras. 32-33(d)

<sup>xxxi</sup> Out of the accepted 154 recommendations, Sweden received 50 recommendations regarding this issue, Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sweden*, A/HRC/C/29/13, 13 April 2015. See also the Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twenty-second and twenty-third periodic report of Sweden*, CERD/C/SWE/CO/22-23, 6 June 2018, paras. 10-11

<sup>xxxii</sup> The legal framework defining a hate crime is found in the regulation on agitation against an ethnic group *Criminal Code* (1962:700), Ch 16 para .8, the regulation on unlawful discrimination *Criminal Code* (1962:700), Ch 16, para. 9 and 22 and the regulation on sharpened penalty for crimes *Criminal Code* (1962:700), Ch 29, para. 2(7). According to Penal code 29:2(7), a crime will constitute a hate crime if the motive is to violate a person, or an ethnic group or a similar group of people on the basis of race, colour, nationality or ethnic origin, religious or conscious belief, sexual orientation or any other similar circumstance. Thus, a hate crime is not a specific crime but a collection of terms, as indicated by the above-mentioned legal framework.

<sup>xxxiii</sup> European Commission against Racism and Intolerance (ECRI), *Report on Sweden (fifth monitoring cycle)*, adopted 5 December 2017, published 27 February 2018, p.10; Swedish National Council for Crime Prevention (BRÅ), *Hate Crimes 2016*, Report 2017:11, p. 10, 62-63

<sup>xxxiv</sup> BRÅ, *Hate Crimes 2016*, Report 2017:11, p. 9-10

<sup>xxxv</sup> BRÅ, *Hate Crimes 2016*, Report 2017:11, p. 10, 62-63

<sup>xxxvi</sup> BRÅ, *Hate Crimes 2016*, Report 2017:11, p. 18

<sup>xxxvii</sup> See the motives stated in *Penal code* 29:2(7), a crime will constitute a hate crime if the motive is to violate a person, or an ethnic group or a similar group of people on the basis of race, colour, nationality or ethnic origin, religious or conscious belief, sexual orientation or any other similar circumstance.

<sup>xxxviii</sup> BRÅ, *Hate Crimes 2016*, Report 2017:11, p. 7, 11-12

<sup>xxxix</sup> Swedish Government, *Periodic State Report of Sweden to the CERD Committee 22<sup>nd</sup> – 23<sup>rd</sup> periodic reports*, CERD/C/SWE/22-23, 1 February 2017, paras. 95-98; See also previous similar argumentation regarding the matter, Swedish Government, *Periodic State Report of Sweden to the CERD Committee 19<sup>th</sup> – 21<sup>st</sup> periodic reports*, CERD/C/SWE/19-21, 5 November 2012, paras. 95-98.

<sup>xl</sup> Johansson. Birgitta., (SR) "Prohibit racist organisations" (Förbjud rasistiska organisationer), 13 juli 2018, available on: <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6997982>

<sup>xli</sup> See for example European Commission against Racism and Intolerance (ECRI), *Report on Sweden (fifth monitoring cycle)*, adopted 5 December 2017, published 27 February 2018, p. 13-19; Expo, *The politics of Hate – A conclusion of race ideological activities 2016*, 2017, p. 4; Swedish Agency for Youth and Civil Society, (MUCF), *Young and extreme - Violent far-right extremism*, 2016, p. 20 (39);

<sup>xlii</sup> Bolling. Anders., (DN), "RFSL pulls out of Almedalen – a mark against Nazi presence" (RFSL ställer in Almedalen – markerar mot nazistnärvaro), 29 May 2019, available on: <https://www.dn.se/nyheter/politik/rfsl-staller-in-almedalen-markerar-mot-nazistnarvaro/>; George. Adam., (SVT) "The police approves NMR: s application to demonstrate" (Polisen beviljar NMR:s ansökan om demonstrationståg), 22 March 2019, available on: [https://www.svt.se/nyheter/lokalt/vast/polisen-beviljar-nmr-s-ansokan-om-demonstrationstagg](https://www.svt.se/nyheter/lokalt/vast/polisen-beviljar-nmr-s-ansokan-om-demonstrationstagg;);

<sup>xliii</sup> *Act (2008:344) on health care and medical services for asylum seekers and others*, para. 5

<sup>xliv</sup> *Act (2013:407) on health care and medical services for some aliens residing in Sweden without necessary permit*, para. 5. The legal definition of the term "undocumented migrant" in Sweden is "an alien residing in Sweden with no support in law or authority regulation".

<sup>xlv</sup> Sweden has received criticism from several UN human rights Committees regarding EU Roma citizens access to health care. See for example UN Human Rights Committee, *Concluding observations on the seventh periodic report of Sweden*, CCPR/C/SWE/CO/7, 28 April 2016, paras. 14-15; UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Sweden*, E/C.12/SWE/CO/6, paras. 19-20

<sup>xlvi</sup> Swedish Migration Agency, *Health care for asylum seekers*, available: <https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/Medan-du-vantar/Halso--och-sjukvard.html>, accessed 13 May 2019; Swedish Migration Agency, *Pharmacy*, available: <https://www.migrationsverket.se/Andra-aktorer/Apotek.html>, accessed 13 May 2019

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<sup>xlvi</sup> The Board of Health and Welfare and The Public Health Agency of Sweden, *Underlag till regeringen för utformningen av en nationell strategi för arbetet inom området sexuell och reproduktiv hälsa och rättigheter*, 26 October 2014. The vision with the strategy is “best possible sexual and reproductive health - on equal terms for the entire population and with the fulfilment of everyone's sexual and reproductive rights.”

<sup>xlvi</sup> Swedish Red Cross, *A study of mental health, trauma and living conditions (En studie av psykisk ohälsa, trauma och levnadsvillkor)*, Röda Korsets Högskolas rapportserie 2016:1, p. 42, available on: [https://www.redcross.se/globalassets/press-och-opinion/rapporter/studie\\_nyanlanda-och-asylosokande-i-sverige\\_web.pdf](https://www.redcross.se/globalassets/press-och-opinion/rapporter/studie_nyanlanda-och-asylosokande-i-sverige_web.pdf)

<sup>xlvi</sup> State Official Investigations, *Transgender people in Sweden: A proposal for a strengthened and improved standard of living*, 2017, p. 204-212

<sup>l</sup> *Convention against all forms of discrimination against women*, 18 December 1979

<sup>li</sup> *Beijing Platform for Action*, para 25; *Treaty of Lisbon*, 13 December 2007, Article 1(a); *Charter of Fundamental Rights of the European Union*, Article 26

<sup>lii</sup> See for instance, Swedish National Agency for Education, “Report of assignments on proposals to amendments in curricula concerning gender equality”, Dnr: 2018:00027, 30 November 2018, p. 9, Available on: <https://www.skolverket.se/portletresource/4.6bfaca41169863e6a65d9f5/12.6bfaca41169863e6a65d9fe?file=4019>

<sup>liii</sup> Women with disabilities face more restrictions and discrimination in employment and economic empowerment in relation to both men and women in Sweden, see for instance The Swedish Gender Authority and The Swedish Agency for Participation, “Economic empowerment for women with disabilities” (Ekonomisk jämställdhet för kvinnor med funktionsnedsättning), Report 2019:8, 2019, p 7-8. See also, Committee on the Elimination of Discrimination against Women (CEDAW), List of issues and questions prior to the submission of the tenth periodic report of Sweden, CEDAW/C/SWE/QPR/10, paras. 20-22; CEDAW, Concluding observations on the combined eighth and ninth periodic reports of Sweden, CEDAW/C/SWE/CO/8-9, 10 March 2016, paras. 11-12; Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Sweden, CRPD/C/SWE/CO/1, 12 May 2014, paras. 13-14

<sup>liii</sup> CEDAW, *Concluding observations on the combined eighth and ninth periodic reports of Sweden*, CEDAW/C/SWE/CO/8-9, 10 March 2016, paras. 16-17

<sup>liii</sup> The Swedish Agency for Participation, “Economic empowerment for women with disabilities: A study of challenges to reach the second political goal of gender equality (Ekonomisk jämställdhet för kvinnor med funktionsnedsättning: Kartläggning av utmaningar för att nå det andra jämställdhetspolitiska målet)”, Report 2019:5, p. 5-6, available on: <https://www.mfd.se/globalassets/dokument/publikationer/rapporter/2019/2019-8-ekonomisk-jamstalldhet-for-kvinnor-med-funktionsnedsattning.pdf>

<sup>liii</sup> The current minimum age for applying for legally changing gender is 18, which causes problems for the group of young transgender people whose gender identity cannot be legally recognise.

<sup>liii</sup> With reservation from The Swedish Women’s Lobby.

<sup>liii</sup> With reservation from The Swedish Women’s Lobby.

<sup>liii</sup> The report from the Council of Europe gave recommendations on incorporation of the Convention into Swedish law, personal assistance, supported decision making and forced treatment

<https://rm.coe.int/commdh-2018-4-report-on-the-visit-to-sweden-from-2-to-6-october-2017-b/16807893f8>

<sup>liii</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on report of Sweden, 2016, includes recommendations to address unemployment (24), financial cuts in personal assistance (30), mental health and forced treatment (44)

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW0cqPuV%2fF2dyNH9MACbemkb%2bIRCiKl28wF7FQEsVHiK%2fO3NGOJkFwgNmQui%2fk9xAhNmtQ7T%2bYVLSUKHEjwIwNe%2fc2QmlkU5cUJn7P%2bMISrjf>

Human Rights Council, Concluding observations on seventh periodic report of Sweden (ICCPR), 2016, includes recommendation to strengthen measures to access employment, education, health care, justice and governmental services, without any discrimination (13) and ensure training of law enforcement officers about mental disabilities to avoid use of violence

<sup>liii</sup> Lainpelto, K., Isaksson, J., Lindblad, F. Does Knowledge about a Neuropsychiatric Disorder Influence Evaluation of Child Sexual Abuse Allegations? *Journal of Child Sexual Abuse*, 35:3., p 276-292, 2016

<sup>liii</sup> This chapter is a summary of section 3 of the Joint Report submitted by Civil Rights Defenders for the following UPR-review of Sweden. For more in-depth information, please read the Joint Report submitted by Civil Rights Defenders.

<sup>liii</sup> Svenska Dagbladet, February 10, at: <https://www.svd.se/samerna-och-den-svenska-dubbelmoralen>.

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<sup>lxiv</sup> See authoritative international criticism throughout the last years. Please see statements and recommendations made by, for instance, **regional bodies** such as Committee of Ministers, Council of Europe, Resolution CM/ResCMN(2013)2 on the implementation of the Framework Convention for the Protection of National Minorities by Sweden, 11 June 2013; Advisory Committee on the Framework Convention for the Protection of National Minorities, Council of Europe, Fourth Opinion on Sweden – adopted on 22 June 2017, ACFC/PO/IV(2017)004, 16 October 2017; European Commission against Racism and Intolerance, Council of Europe, ECRI Report on Sweden (fifth monitoring cycle), CRI(2018)3, 27 February 2018; and **international bodies** such as UN Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden, UN doc. CERD/C/SWE/CO/22-23, 11 May 2018; UN Committee on Economic, Social and Cultural Rights (CESCR Committee), Concluding observations on the sixth periodic report of Sweden, UN doc. E/C.12/SWE/CO/6, 14 July 2016; UN Human Rights Committee, Concluding observations on the seventh periodic report of Sweden, UN doc. CCPR/C/SWE/CO/7, 28 April 2016; and two UN Special Rapporteurs on the Rights of Indigenous Peoples, James Anaya, The situation of the Sami people in the Sápmi region of Norway, Sweden and Finland, UN doc. A/HRC/18/35/Add.2, 6 June 2011, and Victoria Tauli-Corpuz, Report of the Special Rapporteur on the rights of indigenous peoples on the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland, UN doc. A/HRC/33/42/Add.3, 9 August 2016.

<sup>lxv</sup> Please see Ministry memorandum Konsultation i frågor som rör det samiska folket, Ds 2017:43 (in Swedish), at: <https://www.regeringen.se/4a7446/contentassets/1e0ebad4101a4d4e92eb5dd25d3575c7/konsultation-i-fragor-som-ror-det-samiska-folket-ds.pdf>; Information by the Sami Parliament on Sami and non-Sami perspectives on the ministry memorandum, Ds 2017:43 (in Swedish), at: <https://www.sametinget.se/118626>; Article on views expressed by the Sami Parliament regarding the ministry memorandum, Ds 2017:43, December 1 2017 (in Swedish), at <https://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=6833750>; Civil Rights Defenders' consultation response (in Swedish), at: <https://crd.org/wp-content/uploads/2018/06/Yttrande-o%CC%88ver-promemorian-konsultation-i-fra%CC%8Agor-som-ro%CC%88r-det-samiska-folket-Ds-2017-43-kopia.pdf>.

<sup>lxvi</sup> Please see Ministry memorandum Konsultation i frågor som rör det samiska folket, Ds 2017:43 (in Swedish), at: <https://www.regeringen.se/4a7446/contentassets/1e0ebad4101a4d4e92eb5dd25d3575c7/konsultation-i-fragor-som-ror-det-samiska-folket-ds.pdf>; Information by the Sami Parliament on Sami and non-Sami perspectives on the ministry memorandum, Ds 2017:43 (in Swedish), at: <https://www.sametinget.se/118626>; Article on views expressed by the Sami Parliament regarding the ministry memorandum, Ds 2017:43, December 1 2017 (in Swedish), at <https://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=6833750>; Civil Rights Defenders' consultation response (in Swedish), at: <https://crd.org/wp-content/uploads/2018/06/Yttrande-o%CC%88ver-promemorian-konsultation-i-fra%CC%8Agor-som-ro%CC%88r-det-samiska-folket-Ds-2017-43-kopia.pdf>.

<sup>lxvii</sup> Svenska Dagbladet, February 10, at: <https://www.svd.se/samerna-och-den-svenska-dubbelmoralen>

<sup>lxviii</sup> Svenska Dagbladet, February 10, at: <https://www.svd.se/samerna-och-den-svenska-dubbelmoralen>

<sup>lxix</sup> See for example the Committee on the Rights of the Child (CRC), *Concluding observations on the fifth periodic report of Sweden*, CRC/C/SWE/CO/5, 6 March 2015, paras. 6-8; CRC, *Concluding observations of the Committee on the Rights of the Child: Sweden*, CRC/C/SWE/CO/4, 26 June 2009, paras. 9-10. Sweden also accepted five recommendations regarding incorporation on the CRC from the latest UPR-review, see Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sweden*, A/HRC/C/29/13, 13 April 2015, paras. 145.5-145.9.

<sup>lxx</sup> Date of entry of the new law is 1 January 2020, see more Government proposition, *Incorporation of the UN Convention of the Rights of the Child*, Prop. 2017/18:186, 15 March 2018, available on: [https://www.regeringen.se/4952fa/contentassets/ccaccfb483374099bdb045f96f7ca0bb/inkorporering-av-fns-konvention-om-barnets-rattigheter-2017\\_18\\_186.pdf](https://www.regeringen.se/4952fa/contentassets/ccaccfb483374099bdb045f96f7ca0bb/inkorporering-av-fns-konvention-om-barnets-rattigheter-2017_18_186.pdf); Swedish Parliament, "Decision: the UN Convention on the Rights of the Child enters becomes Swedish law", 13 June 2018, available on: [https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/inkorporering-av-fns-konvention-om-barnets\\_H501SoU25](https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/inkorporering-av-fns-konvention-om-barnets_H501SoU25)

<sup>lxxi</sup> The government decided to assign the Ombudsman for Children Department of Social Affairs, *Assignment to ensure the application on the rights of the child in the activities of government authorities*, 20 December 2016.

<sup>lxxii</sup> Recommended in the 2019 years report of the Ombudsman for Children in Sweden, *Who cares – when the society becomes parent (Vem bryr sig – När samhället blir förälder)*, 2019, p. 6. See also, the Committee on the Rights of the Child (CRC), *Concluding observations on the fifth periodic report of Sweden*, CRC/C/SWE/CO/5, 6 March 2015, paras. 13-14; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Sweden*, A/HRC/C/29/13, 13 April 2015, paras. 145.1;

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<sup>lxxiii</sup> Act (1993:335) on Ombudsman for Children

<sup>lxxiv</sup> Unicef Sweden, “Illegal but not punishable (Olagligt men inte straffbart)” 2019, available on:

<https://unicef.se/rapporter-och-publikationer/olagligt-men-inte-straffbart>

<sup>lxxv</sup> On criticism regarding medical age assessments in Sweden, please e.g. see the Asylum Information Database

(AIDA), coordinated by the European Council on Refugees and Exiles (ECRE), *Country Report: Sweden*,

31 December 2018, pp. 40-44, available on: [http://www.asylumineurope.org/sites/default/files/report-](http://www.asylumineurope.org/sites/default/files/report-download/aida_se_2018update.pdf)

[download/aida\\_se\\_2018update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_se_2018update.pdf); Swedish Refugee Advice Centre and Civil Rights Defenders filed an

individual complaint before the Swedish Chancellor of Justice, 6 May 2019, available on:

[https://www.ecre.org/sweden-case-against-the-state-on-medical-age-assessment-before-chancellor-of-](https://www.ecre.org/sweden-case-against-the-state-on-medical-age-assessment-before-chancellor-of-justice/)

[justice/](https://www.ecre.org/sweden-case-against-the-state-on-medical-age-assessment-before-chancellor-of-justice/). For further information, please see the Joint Report submitted by Civil Rights Defenders.

<sup>lxxvi</sup> Act (2016:752) on temporary restrictions on the possibility of obtaining residence permit in Sweden (*Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*)

<sup>lxxvii</sup> Act (2016:752), paras. 6-7

<sup>lxxviii</sup> Swedish government, *Prolonging the Act on temporary restrictions on the possibility of obtaining residence permit in Sweden (Prop. 2018/19:128) (Förlängning av lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige Prop 2018/19:128)*, 9 May 2019, available on:

<https://www.regeringen.se/499b96/contentassets/ed1736a7533440a9a4b12dec6878b1e5/prop-201819-128.pdf>