

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: Sweden

UPR Working Group Session and Date of Review: 35th Session, 01-02/2020

Background

1. Sweden has been a participating State in the former Conference on Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1973 and 1994, respectively, and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security, as outlined in relevant OSCE documents.¹

2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Sweden, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assistance activities as well as monitoring and providing assessments, advice and recommendations relating to the implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Sweden and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Sweden.

Election-related activities

4. Following an invitation from the authorities of Sweden to observe the 9 September 2018 general elections, based on the findings and conclusions of a Needs Assessment Mission (NAM), and in accordance with its mandate, ODIHR deployed an Election Expert Team (EET). The ODIHR EET focused its assessment on the electoral legal framework pertaining to the uniform implementation of election procedures, and the implementation of the campaign finance reporting and oversight framework.

5. The EET final report concluded that “the legislation constitutes an overall solid basis for the conduct of genuine and democratic elections and the majority of the ODIHR EET interlocutors expressed confidence in the system that is considered open and transparent.” (all ODIHR reports on Sweden are available at <https://www.osce.org/odihr/elections/sweden>). The report recommended:

¹ <https://www.osce.org/odihr/76894>; <https://www.osce.org/odihr/76895>.

- a) Legislation should be amended to explicitly provide for the presence of observers to ensure full compliance with Paragraph 8 of the 1990 OSCE Copenhagen Document.
- b) Consideration could be given to additional measures to ensure that ballot papers are made available to voters under equal conditions for all contestants. The Electoral Authority could be vested with the power to issue guidelines with the aim to ensure uniform implementation of election procedures.
- c) Consideration should be given to further measures to ensure the secrecy of the vote, in accordance with the Constitution, as well as with OSCE commitments and other international obligations and standards.
- d) In order to improve the transparency of campaign funding, legal regulation of involvement of third parties in electoral campaign could be considered.
- e) Transparency of campaign financing of individual candidates should be regulated in line with international obligations and standards.
- f) The legal provisions on disclosure of political financing should be amended for the parties to be accounted for incomes as well as for expenditures, assets and debts. As a step towards complying with the GRECO recommendation, the parties' financial reports provided to the Party Subsidy Board could be made more easily accessible for the public.

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

6. OSCE participating States have committed to promote tolerance and non-discrimination and to combat hate crime, and ODIHR supports states in their implementation of those commitments. ODIHR produces an annual report on hate crime² to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR also helps participating States to draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and their law-enforcement officials, prosecutors and judges; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports civil society efforts to monitor and report hate crimes.

Addressing hate crimes

7. Information concerning Sweden in the most recent (2017) edition of the annual hate crimes reporting³ includes the following:

- Overview of officially reported data

8. Sweden regularly reports hate crime data to ODIHR. Sweden's criminal law contains a general penalty-enhancement provision. Sweden includes defamation, hate speech and

² <http://hatecrime.osce.org>.

³ <http://hatecrime.osce.org/sweden>.

discrimination crimes in its data. Hate crime data are collected by the National Council for Crime Prevention and are based on information from the police and the prosecution authority. Since 2012, the number of hate crime cases is estimated based on a statistical sample of police reports. Hate crime reports are published annually⁴. Three different victimization surveys, used to measure unreported hate crime, are conducted regularly.

9. Sweden did not report the data for 2017 to ODIHR at the time of submitting this report. However, Sweden had reported regularly in the preceding years and is expected to submit to ODIHR data in respect of 2018. In respect of 2016 data, ODIHR observed that Sweden had not reported information on sentenced hate crime cases to ODIHR.

- National developments

10. The Swedish police conducted an internal audit of its work against hate crimes, which led to a decision to allocate more funds to hate crime investigation. The police submitted to government a feedback report concerning hate crimes, which summarizes initiatives and results since the 2014 government decision to enhance efforts to combat hate crimes. An interactive online training programme on hate crime was developed and made accessible to all officers through the police intranet, broadening the scope of professional development on hate crimes beyond the appointed specialists. A number of training events on hate crimes have been organized on a regional level by the respective police forces.

11. The Swedish Police and Prosecution Service's Development Centre in Malmö organized two one-day conferences on hate crime for prosecutors and police officers.

12. As part of the EU-funded Hate No More project, the Swedish Crime Victim Compensation and Support Authority co-produced a training manual and a handbook to increase the knowledge of criminal justice professionals of hate crimes and their victims' needs. The Crime Victim Fund of the Swedish Crime Victim Compensation and Support Authority sponsored a number of civil society initiatives to support victims of hate crimes from the LGBT community and other groups.

13. The Swedish Association of Local Authorities and Regions and the Equality Ombudsman's Office continued collaboration, exchange of experiences and networking among local authorities in order to improve local responses to hate crimes.

- Overview of incidents reported to ODIHR by civil society

14. In 2017, 43 incidents in Sweden were reported to ODIHR by civil society organizations. 19 of those were incidents with a bias against other groups – sexual orientation or gender identity and 12 incidents with a bias against Muslims. The types of incidents varied but while incidents with a bias against other groups – sexual orientation or gender identity were mostly violent attacks against people, incidents with a bias against Muslims were mostly attacks against property.

Addressing racism and xenophobia (including national minorities and migrants)

15. ODIHR notes the following, with regard to these supported recommendations:

⁴ <https://bra.se/publikationer/arkiv/publikationer/2015-08-05-hatbrott-2014.html>.

- 145.74. Take additional steps, beyond the adoption of legislation, to prevent racially motivated hate speech, hate crimes and discrimination, A/HRC/29/13 - Para. 145, Austria, supported.
- 145.56. Take legislative and other measures to address discrimination, racial hatred and incitement, and investigate reported cases, A/HRC/29/13 - Para. 145, Botswana, supported.
- 145.58. Strengthen efforts to prevent, investigate effectively, prosecute and punish all hate crimes, as well as acts of racial discrimination, xenophobia and related intolerance, A/HRC/29/13 - Para. 145, Brazil, supported.
- 145.61. Investigate, prosecute and punish all hate crimes against visible minorities, including Muslims, Afro-Swedes, Roma and Jews, A/HRC/29/13 - Para. 145, Azerbaijan, supported.
- 145.72. Continue its meritorious efforts to prosecute violent hate crimes, including racist and xenophobic crimes, A/HRC/29/13 - Para. 145, Ghana, supported.
- 145.60. Effectively investigate, prosecute and punish all hate crimes and take effective measures to combat hate speech in the media and on the internet, including by prosecuting the perpetrators regardless of their official status, A/HRC/29/13 - Para. 145, Turkey, supported.
- 145.78. Take additional crucial measures to fight hate speech and prosecute and punish perpetrators of hate crimes, A/HRC/29/13 - Para. 145, Kuwait, supported.
- 145.79. Take measures to improve the follow-up to complaints of hate crimes, A/HRC/29/13 - Para. 145, France, supported.
- 145.59. Intensify efforts to prosecute cases of hate crimes, either on the basis of race or religious belief, A/HRC/29/13 - Para. 145, Sierra Leone, supported.
- 145.75. Enhance efforts to curb hate crimes against certain religious communities, ethnic groups and other minorities, including indigenous people, A/HRC/29/13 - Para. 145, India, supported.
- 145.84. Step up efforts to effectively deal with discrimination, violence and hate speech against migrants, A/HRC/29/13 - Para. 145, China, supported.
- 145.46. Continue strengthening efforts to combat racism, intolerance and hate crimes, A/HRC/29/13 - Para. 145, Iceland, supported.
- 145.86. More actively confront the crimes against national minorities, A/HRC/29/13 - Para. 145, Cuba, supported.
- 145.90. Enhance measures to reduce societal discrimination and incidents of violence against members of ethnic and religious minorities, A/HRC/29/13 - Para. 145, United States of America, supported.
- 145.88. Continue to fight against racism and acts of violence and discrimination against persons of African descent, A/HRC/29/13 - Para. 145, Algeria, supported.

16. For the year 2017, other sources (civil society and intergovernmental organizations) reported to ODIHR 43 hate incidents in Sweden, out of which six (14%) were motivated by racism and xenophobia. Among the latter, three (50%) were cases of violent attacks against people, and the remaining three (50%) were attacks against property.

17. For the year 2016, a total of 4862 hate crimes was reported to ODIHR by the Swedish authorities, where 3439 (71%) of these hate crimes were motivated by racism and xenophobia. Other sources (civil society and intergovernmental organizations) reported to

ODIHR 21 hate incident in Sweden, out of which one incident (5%) was motivated by racism and xenophobia.

18. For the year 2015, a total of 4,859 hate crimes reported to ODIHR by the Swedish authorities, where 3,119 (64%) of these hate crimes were motivated by racism and xenophobia.

Addressing anti-Semitism and intolerance against Muslims, Christians and other religions

19. Every two years, ODIHR publishes Holocaust Memorial Days: An overview of remembrance and education in the OSCE region⁵ to highlight good practices in participating States regarding Holocaust commemoration and education. For the editions published in 2015 and 2018, Sweden has responded to ODIHR's questionnaire on the Holocaust commemoration and education practices.

20. For the reporting year of 2015, official figures recorded 149 anti-Semitic crimes, including eight assaults, 14 cases of vandalism/damage to property and 127 cases of threats. Civil society organizations reported three hate incidents motivated by anti-Semitic bias: two physical assaults and one threat to the Jewish family.

21. For the year 2016, Sweden⁶ reported 122 hate crimes motivated by anti-Semitism, most of them (90) being of the nature of disturbance of the peace, 18 damage to property and 10 physical assault, and four of unspecified nature. Civil society organizations reported one hate incident (bomb threat to the synagogue) motivated by anti-Semitic bias.

22. In the most recent (2017) edition of the annual hate crimes reporting Sweden did not submit an official report on anti-Semitic hate crimes; civil society organizations reported three anti-Semitic hate incidents - all of them were attacks against property.

23. ODIHR notes the following, with regard to these supported recommendations:

- 145.59. Intensify efforts to prosecute cases of hate crimes, either on the basis of race or religious belief, A/HRC/29/13 - Para. 145, Sierra Leone, supported.
- 145.60. Effectively investigate, prosecute and punish all hate crimes and take effective measures to combat hate speech in the media and on the internet, including by prosecuting the perpetrators regardless of their official status, A/HRC/29/13 - Para. 145, Turkey, supported.
- 145.78. Take additional crucial measures to fight hate speech and prosecute and punish perpetrators of hate crimes, A/HRC/29/13 - Para. 145, Kuwait, supported.
- 145.79. Take measures to improve the follow-up to complaints of hate crimes, A/HRC/29/13 - Para. 145, France, supported.
- 145.81. Take necessary legislative, political and awareness-raising measures to fight effectively against hate speech and crimes committed on the grounds of religious hatred, in particular Islamophobia, A/HRC/29/13 - Para. 145, Algeria, supported.
- 145.75. Enhance efforts to curb hate crimes against certain religious communities, ethnic groups and other minorities, including indigenous people, A/HRC/29/13 - Para. 145, India, supported.

⁵ <https://www.osce.org/odihr/hmd2018>.

⁶ <http://hatecrime.osce.org/sweden>.

- 145.90. Enhance measures to reduce societal discrimination and incidents of violence against members of ethnic and religious minorities, A/HRC/29/13 - Para. 145, United States of America, supported.
- 145.89. Take steps to prevent and respond to incidents of violence and intimidation against members of minority religious groups, including through education and awareness campaigns and effective interventions by law enforcement officials, A/HRC/29/13 - Para. 145, Canada, supported.

24. For the year 2017, other sources (civil society and intergovernmental organizations) reported to ODIHR 43 hate incidents in Sweden motivated by racism and xenophobia, out of which three (7%) were motivated by intolerance against Christians. Among the latter, two (67%) were cases of violent attacks against people, and the remaining one (33%) was an attack against property.

25. For 2016, a total of 4862 hate crimes was reported to ODIHR by the Swedish authorities, where 264 (5%) of these hate crimes were motivated by intolerance against Christians. Other sources (civil society and intergovernmental organizations) reported to ODIHR 21 hate incident in Sweden, out of which five incidents (24%) were motivated by intolerance against Christians, the latter being mainly attacks against property (60%).

26. For 2015, a total of 4859 hate crimes reported to ODIHR by the Swedish authorities, where 645 (13%) of these crimes were motivated by intolerance against Christians.

Women's rights and gender equality in the context of tolerance and non-discrimination

27. For 2017, no hate crimes motivated by bias against a person's sex were reported to ODIHR by Swedish authorities. Civil society organizations also did not report hate incidents with such bias. Sweden also did not report hate crimes motivated by bias based on sexual orientation and gender identity. Civil society organizations reported 19 hate incidents motivated by this bias – most (13) of them being violent attacks against people, the other six being threats.

28. For the reporting year of 2016, Sweden did not report hate crimes motivated by bias against sex. ODIHR received no information on hate incidents motivated by this bias from civil society organizations. Sweden reported 462 hate crimes motivated by bias based on sexual orientation and gender identity, out of which most (272) were disturbance of the peace, 118 physical assault, 46 damage to property and 26 of unspecified nature. Civil society organizations reported 15 hate incidents with this bias, 12 of them being violent attacks against people and three threats.

29. For the reporting year of 2015, no official data for hate crimes motivated by bias against a person's sex is available and no data on hate incidents motivated by these biases is available from civil society organizations. Sweden reported 433 hate crimes motivated by bias based on sexual orientation and gender identity, out of which most (271) were threats/ threatening behaviour, 108 were physical assaults, and 54 vandalism. Civil society organizations for the year of 2015 have reported seven hate incidents motivated by this bias, out of which six were violent attacks against people and one an attack against property.