

TARGETED STAKEHOLDER CONSULTATION 2021 RULE OF LAW REPORT

UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

This document presents the UN Human Rights Office's contribution to the targeted stakeholder consultation held by the European Commission in 2021 in the context of the second annual rule of law report.

It is a compilation of information related to Sweden, included in reports and documents of United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review of the UN Human Rights Council, presented in a summarized manner. It also refers to statements and reports of the UN High Commissioner for Human Rights and her Office. The cited material covers the period 2018-2020.

It mentions both positive developments and challenges to the rule of law in Sweden, as well as recommendations issued by the UN Mechanisms on how these challenges can be addressed and how the rule of law can be further strengthened.

In light of the methodology proposed by the European Commission the submission is divided in four pillars: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to the checks and balances essential to an effective system of democratic governance.

SWEDEN REVIEW

Justice System

➤ *Other*

In its 2018 concluding observations, the UN Committee on the Elimination of Racial Discrimination expressed concern about reports that, at present, the Terrorism Act disproportionately targets Muslims, while crimes committed by other groups, such as neo-Nazi groups, are not investigated as terrorism. It recommended that Sweden ensure that measures to combat terrorism are undertaken in such a way as to protect fundamental human rights, including the right to equality ([CERD/C/SWE/CO/22-23](#), para 20, 21).

In its 2018 concluding observations, the UN Committee on the Elimination of Racial Discrimination expressed concern about the gap between the number of reported cases of hate speech and hate crimes against several minorities, on the one hand, and the number of investigations, prosecutions and convictions of perpetrators, on the other ([CERD/C/SWE/CO/22-23](#), para 10). In 2020, under the 3rd cycle of the Universal Periodic Review of Sweden, the country supported recommendations to take steps to overcome the obstacles that prevent the effective prosecution of hate speech and strengthen efforts to properly enforce the legislation prohibiting agitation against racial, religious and ethnic minorities ([A/HRC/44/12/Add.1](#) and [A/HRC/44/12](#)).

Other institutional issues related to checks and balances

➤ *Independent authorities*

In its 2018 concluding observations, the UN Committee on the Elimination of Racial Discrimination expressed concern that the mandate of the Equality Ombudsman is limited, that the number of successfully resolved cases is relatively low and that the resources available may not be commensurate with the expected performance of the office ([CERD/C/SWE/CO/22-23](#), para 6).

In 2020, under the 3rd cycle of the Universal Periodic Review of Sweden, the country supported the recommendations to establish a national human rights institution in conformity with the Paris Principles and to consider expanding the mandate of the Equality Ombudsman and allocate sufficient resources ([A/HRC/44/12/Add.1](#) and [A/HRC/44/12](#)).

➤ *The enabling framework for civil society*

In 2019, the UN Independent Expert on human rights and international solidarity in his mission report recommended Sweden to cover acts of humanitarian assistance to refugees and asylum seekers by a humanitarian exemption to avoid the criminalization of such acts. (A/HRC/41/44/Add.1, para 79).