

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [*National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms; A Practical Guide to Effective State Engagement with International Human Rights Mechanisms*](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION SWEDEN

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on Economic, Social and Cultural Rights (CESCR) adopted its concluding observation on Sweden on 1 March 2024 and the report ([E/C.12/SWE/CO/7](#)) was published on 22 March 2024.
 - The Committee on the Rights of Persons with Disabilities (CRPD) adopted its concluding observation on Sweden on 20 March 2024 and the report ([CRPD/C/SWE/CO/2-3](#)) was published on 29 April 2024.
 - The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence visited Finland and Sweden from 11 to 22 March 2024. At the end of the visit, the Special Rapporteur shared a [preliminary statement](#) and subsequently, published the official report ([A/HRC/57/50/Add.3](#)) at the 57th session of the UN Human Rights Council (9 September = 9 October 2024).
- Forthcoming relevant information (January - May 2025):
 - The Working Group on the Universal Periodic Review will review Sweden at its Fourth cycle, 48th session (20 - 31 January 2025).
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Sweden](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)

- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Quality of justice – accessibility of courts (legal aid)

- The Committee on the Rights of Persons with Disabilities is concerned about barriers to access to justice for persons with disabilities, including the following:
 - (a) Limited procedural and age-appropriate accommodations, in particular for neurodivergent persons;
 - (b) Limited knowledge, training and competence within the justice system regarding the rights of persons with disabilities, including disability-specific interviewing techniques for children and adults with disabilities;
 - (c) Limited access to the legal aid system and financial barriers to obtaining legal representation for persons with disabilities. ([CRPD/C/SWE/CO/2-3. para.29](#))
- Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities, the Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, develop a national disability justice strategy that includes the following:
 - (a) Measures to amend procedural rules in criminal, civil, labour and administrative law that ensure procedural and age-appropriate accommodations for persons with disabilities on a no-cost basis;
 - (b) Appropriate training for those in the justice system, including members of the judiciary, police officers, prosecutors and prison personnel, on the application of the standards and principles under the Convention to ensure access to justice;
 - (c) Review the Legal Aid Act to remove financial barriers to legal representation, in particular for administrative and discrimination law cases. ([CRPD/C/SWE/CO/2-3. para.30](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

There is no relevant information under this pillar for the coverage period.

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities – Swedish Institute for Human Rights

- The Committee on the Rights of Persons with Disabilities notes with appreciation the establishment of the Swedish Institute for Human Rights, in January 2022, as a monitoring mechanism, and its application for membership in the Global Alliance for National Human Rights Institutions. However, the Committee is concerned that the Institute deems the probability of being afforded A status to be “good, but not certain”, and the Institute has a list of concerns about the financing, appointment, remuneration and dismissal criteria for its board members. ([CRPD/C/SWE/CO/2-3. para.69](#))
- The Committee recommends that the State party ensure that the Swedish Institute for Human Rights is provided with adequate financial, human and technical resources and a legislative and regulatory framework in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). ([CRPD/C/SWE/CO/2-3. para.70](#))

- The Committee is concerned about the insufficient involvement and participation of persons with disabilities and their representative organizations in the monitoring process by the Swedish Institute for Human Rights. ([CRPD/C/SWE/CO/2-3, para.71](#))
- The Committee recommends that the Swedish Institute for Human Rights establish procedures and protocols for the involvement and full participation of persons with disabilities and their representative organizations in its monitoring processes. ([CRPD/C/SWE/CO/2-3, para.72](#))

Independent authorities – Equality Ombudsman

- The Committee on Economic, Social and Cultural Rights notes that, in addition to the office of the Equality Ombudsman, which examines complaints of discrimination and harassment, the Swedish Institute for Human Rights was established in January 2022 and has commenced its work in monitoring the protection of human rights, making recommendations to the Government on necessary measures and raising awareness of human rights. However, the Committee regrets the lack of specific information on guarantees of the allocation of sufficient technical and human resources to the Institute, which are necessary for its independence and effectiveness. ([E/C.12/SWE/CO/7, para. 6](#))
- The Committee recommends that the State party ensure that the Swedish Institute for Human Rights is able to fully exercise its mandate in relation to economic, social and cultural rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In this regard, the Committee recalls its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights. ([E/C.12/SWE/CO/7, para. 7](#))

SPECIAL THEME - Transitional Justice

The rule of law is fundamental to lasting peace and security. It is the foundation for conflict prevention, peace-making, peacekeeping, sustaining peace and peacebuilding. A holistic approach to transitional justice, including criminal accountability, truth-seeking, reparations and guarantees of non-recurrence, will help build the foundation for reconciliation and lasting peace. The right to the truth implies knowing the full and complete truth as to the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for them. The right to the truth is closely linked to the rule of law and the principles of transparency, accountability and good governance in a democratic society.

For more info:

- [Transitional Justice | OHCHR](#)
- [Special Rapporteur on truth, justice and reparation](#)

- In March 2020, the Government initiated a truth-seeking process by establishing the Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaiset with a mandate to investigate the historical human rights violations and abuses suffered by them as a result of the assimilation policies of the nineteenth and twentieth centuries. The Commission was mandated to review assimilation policies and their impact on the minority group, undertake awareness-raising about their historical experience and propose measures to contribute to redress and reconciliation. Matters related to the rights to ancestral lands and natural resources were regrettably not included in its mandate. ([A/HRC/57/50/Add.3 para. 36](#))

- The Truth Commission for the Sami People was established in 2021, following a petition by the Sami Parliament. The Commission is an autonomous body, whose members were appointed by the Government, in consultation with the Sami Parliament, in June 2022. The Commission is mandated to examine and report on the policies to which the Sami were subjected and the subsequent consequences for the Sami people, and to propose recommendations that could contribute to making amends and promoting reconciliation. The Commission's recommendations will provide an enforceable road map for State and local public entities to discharge their duties towards the Sami and must therefore be comprehensively drafted. The Commission began convening meetings to collect the testimonies of victims in February 2023 and established an official website to provide access to information and receive testimonies. A number of representatives of civil society have demanded that the period for the receipt of written and oral testimonies be extended, which the Special Rapporteur supports. Given the relevance of the work of the Commission, it is imperative to ensure that it is equipped with sufficient resources and afforded the necessary support. ([A/HRC/57/50/Add.3 para. 37](#))
- With regard to reparation, Sweden has adopted some incipient measures in the field of restitution and satisfaction: it has adopted measures of restitution of cultural heritage and skeletal remains belonging to the Sami people, and State museums, institutes and universities have repatriated artifacts and human remains that had been in their possession, in some cases for centuries. Twelve repatriation initiatives have been completed or initiated so far. However, many more items remain in the collections of those institutions. The research into the provenance of artifacts and remains, and their repatriation, is a complex and resource-intensive process that involves many public institutions. In view of the complexity of the matter, it will be important to adopt a national policy that provides an overarching regulatory, technical and financial framework for action in this field. The Government stated that its 2016/17:116 Policy on Cultural Heritage regulates practice in this field and that the Swedish National Heritage Board is investigating the prerequisites for repatriation and for a coherent regulatory framework. ([A/HRC/57/50/Add.3 para. 41](#))
- As regards measures of satisfaction, the Ministry of Agriculture apologized to the Sami on behalf of the Government in 1998, but no other State apology has been issued. Despite the recommendation of the Commission, no apologies were issued to the Tornedalians, Kvens and Lantalaïset. Although no longer a State institution at the time, in October 2021, the Church of Sweden made an official apology to the Sami people in Uppsala Cathedral and renewed it a year later in Luleå Cathedral. The apologies were part of a reconciliation process developed in close dialogue with the Sami Council of the Church of Sweden, which includes an action plan with eight commitments to strengthen Sami languages, culture and influence in the Church, and increase awareness of the church's historical relations with and abuses of the Sami people, as well as an allocation of SKr 40 million.¹⁵ The Church of Sweden has also initiated a reconciliation process with the Tornedalians, Kvens and Lantalaïset. The Special Rapporteur commends the processes led by the Church. ([A/HRC/57/50/Add.3 para. 42](#))
- With regard to rehabilitation measures, psychosocial support to deal with the effects and intergenerational trauma of past violations is not specifically provided to Sami people, despite the reportedly high rates of suicidal behaviour among its population, above the national average; ¹⁶ nor is it provided to Tornedalians, Kvens and Lantalaïset. Those populations can access such services through the country's public health system, which is available to all citizens and is operated under the responsibility of each region and municipality, according to the constitutional principle of local self-governance. The Government stated that the National Board of Health and Welfare had developed tools to monitor the health of the national minorities, produced and disseminated information about their rights among health- and elderly care staff, and developed mechanisms to counter racism in health care. The Public Health Agency had produced tools to monitor, research and report on the health, including the mental health, of national minorities and had translated information on the promotion of good health into minority languages. In addition, a knowledge network for Sami health has been established between four northern regions, the Sami Parliament and Sami organizations, which has been financed by the Government since its creation. The Government is developing a new national strategy for mental health and suicide prevention, including, for the first time, Sami perspectives, and has allocated funding for the Sami Parliament to participate in developing the strategy. A survey is being conducted to feed into the planned strategy. Reparation in the form of compensation and restitution of ancestral lands and natural resources has not taken place. ([A/HRC/57/50/Add.3 para. 43](#))

