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REPORTRAR  
UTAN GRÄNSER



#rolreport2025

**LIBERTIES**

**RULE OF LAW REPORT**

**2025**



Co-funded by  
the European Union

**SWEDEN**

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# FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2025 here.](#)**

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# SWEDEN

## ABOUT THE AUTHORS

### Civil Rights Defenders



Civil Rights Defenders is a politically and religiously independent international human rights organisation. Its mission is to defend civil and political rights, as well as local human rights defenders by increasing their security, capacity, and access to justice. We work as part of a global movement of human rights defenders and partner with those at risk. Through legal means and public advocacy, we hold states, individuals, and non-state actors accountable for human rights violations. We advocate for the norms and values of the International Covenant on Civil and Political Rights and other relevant human rights standards, as we encourage people to use these rights to promote democratic societies.

### International Commission of Jurists – Swedish section



The Swedish section of the International Commission of Jurists (ICJ-Sweden) – whose members are lawyers – works to promote human rights and the rule of law in Sweden and internationally. At the national level, ICJ-Sweden monitors Sweden’s international, regional, and constitutional obligations in the field of human rights, ensuring that the rights of individuals are observed, that the judiciary is independent and accountable, and works to strengthen its compliance with fundamental rights. ICJ-Sweden works for equality before the law and non-discrimination and claims the right to a fair trial a right in itself, and promotes active resistance when violations of rights occur. ICJ Sweden designs a Program for Justice in Sweden, organises debates and seminars on current issues, and collaborates with other rights organisations when individual and structural violations in society have been identified. At the international level, ICJ-Sweden monitors trials in order to promote human rights and the rule of law.

## Reporters Without Borders – Sweden



Reporters Without Borders has existed in Sweden since 1994. Nine years earlier, in 1985, the French parent organisation, Reporters sans frontières, was created. Today, Reporters Without Borders has its own offices in seven countries and independent sections in six countries around the world. In addition, Reporters Without Borders has correspondents in almost 150 countries. With its long history and global network, Reporters Without Borders is one of the most important actors in the world for issues related to freedom of expression and the press.

## KEY CONCERNS

### *Judicial System*

The judicial appointment system is still vulnerable to systemic political interference. The proposal to strengthen the protection of democracy and the independence of the judiciary has not yet been implemented and is not expected to enter into force before 2027. The legal aid system still does not fully meet the needs of those in need and does not ensure equal access to justice.

No further progress has been made this year to ensure that the judicial nomination system safeguards the independence of the judiciary. The proposal to strengthen the protection of democracy and the independence of the judiciary has not been implemented and the proposal to empower the government unilaterally to decide upon a state of emergency with controls is still under consideration.

### *Anti-Corruption Framework*

Sweden is still awaiting the conclusions of the committee of inquiry, which are not expected to be presented until July 2025. The committee has been tasked with assessing whether criminal legislation regarding corruption is sufficient and effective, and whether specific definitions related to bribery, among other issues, need to be amended. As such, no progress has yet been made in strengthening the fight against foreign bribery. The existing legal definitions, which are seen to be limiting, have not been amended. No changes have been made in

terms of improving the prosecution and final judgments of cases.

Gaps in ethics guidance persist, including implementation of rules relating to revolving doors for top officials and the political financing framework. Concerns about safeguarding the independence of the judiciary by addressing the nomination system persist. No further progress has been made in terms of combatting foreign bribery as the committee of inquiry will not present its findings until mid-2025. As such, the existing legal definitions have not yet been amended to improve on the prosecution of, and final judgments in foreign bribery cases.

### *Media Environment and Media Freedom*

Sweden has a long-standing tradition of press freedom and freedom of speech. Overall, Sweden has strong laws protecting media and journalists, making conditions for pluralistic journalism highly favorable. Studies show that the public service media maintains high credibility. However, there are concerns about increased polarisation and politicisation, leading to increased threats against journalists in 2024. Furthermore, new legislation and legislative proposals, especially within the area of national security, threaten to restrict these protections and limit access to public information.

### *Checks and Balances*

The issues highlighted in the 2023 report became more severe in 2024, with the fast pace and high volume of proposed legislation, combined with short deadlines for stakeholders to respond, continuing to impede full participation in the legislative process. Adding to this, the government has started to pre-emptively assign conclusions in the terms of reference for government-appointed committees of inquiry, especially within the areas of criminal law and migration. In other words, government directives are increasingly specifying in advance the conclusions that an investigation should reach. Committees have been tasked with presenting proposals regardless of the actual conclusions.

The EU Commission did not make any specific recommendations in this area. It did note that several stakeholders, as well as the Council on Legislation, raised concerns about the accelerated pace of legislative initiatives and the short consultation periods, and the risks this entails – a situation that has not improved in 2024.

### *Civic Space*







Fundamental rights, in particular the rights to freedom of assembly and of expression, are being restricted. The government employs ever more stringent measures to break up peaceful protests and prevent activists from exercising their rights. Climate activists in particular have been increasingly subjected to prosecution and conviction. The Swedish government cancelled funding for ‘ethnic organisations’ in 2024. Civil society organisations continue to be impeded from fully participating in the legislative process.

The Swedish government cancelled funding for ‘ethnic organisations’ in 2024. For many of those organisations, this government funding is their sole source of income. As such, Sweden has been acting in direct contradiction to the Commission’s recommendation. The Parliament has now passed the controversial ‘democracy requirements’ bill regulating the eligibility of civil society organisations, especially faith-based organisations, to receive public funding. The right to freedom of assembly is increasingly restricted, in particular when it comes to activists engaging in peaceful demonstrations.




***Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment***

Proposed legislation undermining human rights and the rule of law noted in last year’s report has now been implemented. This includes stop-and-search zones, stay-away orders, and preventive coercive measures. Stop-and-search zones not only increase the risk of discriminatory ethnic and racial profiling, but also legitimize systematic intrusions into individuals’ personal integrity. Preventive coercive measures such as phone tapping, data interception, and camera surveillance also risk causing far-reaching violations of privacy. Expanded surveillance can lead to fear that prevents people from rightfully exercising their freedoms and rights, which in turn threatens democratic society.

**State of play** (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

- |   |   |   |
|---|---|---|
| <b><i>Regression</i></b>  | <b><i>No progress</i></b>   | <b><i>Progress</i></b>  |
|  |  |  |



## JUSTICE SYSTEM -

### Key recommendations

- *In order to ensure effective access to justice, the legal aid system must be updated. The requirements for being able to obtain legal aid should be revised in order to make legal aid more accessible for a wider group of people. Court proceedings should be adapted to address the individual needs of persons with disabilities in order for them to be able to enjoy the same conditions as others during the legal process. The limited legal aid system prevents applicants from receiving the support they need to be able to assert their rights.*
- *All educational curricula, including at the university level, should include knowledge of the Swedish Constitution, the European Convention on Human Rights, the EU Charter of Fundamental Rights, and the UN's core conventions and their application. Judges, as well as jurors, prosecutors, and trial attorneys should also receive regular training on democracy and human rights.*

### Judicial independence

#### **Appointment and selection of judges, prosecutors and court presidents**

One of the primary criticisms of the organisation of the Swedish judiciary is that the authority responsible for central court administration is a government agency. To bolster the independence of the judiciary, the committee of inquiry has proposed restructuring this agency. While it would remain a state agency under the executive branch, oversight would be transferred to a board predominantly composed of current or former permanent judges. The government would appoint board members but would be restricted to selecting nominees put forward by the courts, the Swedish Bar Association, or the Swedish Agency for Government Employees. Representatives

of the executive and legislative branches would be barred from serving on the board. The board, rather than the government, would be responsible for appointing the director of the National Courts Administration, marking a shift from the current system in which the director is appointed by the government.

The committee of inquiry has also considered changes to the Judges' Proposal Board (*Domarnämnden*) to similarly strengthen its independence. Currently, the board is appointed by the government.

Regarding the retirement age of permanent judges, including Supreme Court justices, the committee of inquiry has proposed that permanent judges can only be removed from office upon reaching a statutory retirement age. Moreover, any changes to the statutory

retirement age cannot be applied retroactively to current permanent judges.

The justice committee within the Parliament has appointed a new all-party committee that will examine how to strengthen the courts' and judges' independence. This was partly motivated by recent political developments in Europe, including the pressure faced by judiciaries in Hungary and Poland. This most recent parliamentary inquiry stems from the previous one from 2023 that concluded that more work needs to be done to properly protect judicial independence through the legal system. The justice committee has stated that judicial independence is fundamental in a democracy. A central part is that the system for accountability of judges and courts is designed in a way that protects that independence.

The committee shall review the accountability processes for regular judges and analyse the need to change the organisation of the court administration agency. More specifically, it will look at options for creating a disciplinary board for judges and put forth a proposed solution, analyse certain aspects of the process for dismissing judges from their posts due to age and illness, and finally analyse the need for and submit a proposal for a changed organisation within the board of justice.

This parliamentary inquiry will launch at the latest on 13 May 2025.

### ***Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors***

As noted in last year's report, there is a lack of regulations regarding the use of age to get rid of judges. The new government committee expected to launch in 2025 will specifically review certain aspects of the removal of judges due to their age and/or illness. In particular, the committee will address the need to regulate the retirement age in the Constitution in order for the government not to be able to use the retirement age as a pretext for removing certain judges. The previous investigation noted that more work needed to be done before any regulations can be set in place.

### ***Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)***

The system for the appointment and selection of judges, prosecutors and court presidents is still vulnerable to systemic political interference and does not include measures to hinder such interference. Currently, the government formally appoints judges and, moreover, appoints the members of the board that proposes judicial nominations (Judges' Proposal Board – *Domarnämnden*). The proposal to strengthen the protection of democracy and the independence of the judiciary has not yet been implemented and is not expected to go into effect before 2027.

## Quality of justice

### **Accessibility of courts (e.g. court fees, legal aid, language)**

At present, it is extremely challenging for the average individual in Sweden to bring a legal case regarding violations of human rights in court, and thus to have reasonable prospects of success in obtaining justice, due to financial reasons. The costs of litigation are generally too high for most individuals to meet. Moreover, the ‘loser pays’ rule remains in place, meaning that in addition to having to pay their own legal fees, an individual seeking to bring a case may also be required to pay the opposing party’s costs, creating a major deterrent.

The income level required to qualify for legal aid has not been raised in over 20 years. During the same period, disposable incomes in Sweden have more than doubled. Moreover, cases involving violations of civil rights and fundamental freedoms are most often brought by individuals against the state or another party with much greater financial resources. People who are most often subject to discrimination generally tend to have fewer resources, making the costs of pursuing a legal case a major barrier to achieving justice.

This imbalance results in a situation where most people whose rights are violated do not have the ability or opportunity to have their cases tried in courts or to obtain redress, thus raising the question of whether Sweden is fully living up to its responsibility to ensure effective legal protection and equal access to justice. This ought to be changed in order to foster

true access to justice that gives more people a real opportunity and the means to assert their rights in practice.

### **Training of justice professionals (including judges, prosecutors, lawyers, court staff)**

All education curricula, both at the primary and secondary school levels, as well as at the university level, should include knowledge of the Swedish Constitution, the European Convention, the EU’s Charter of Rights, and the UN’s core conventions and how they can be invoked. The knowledge of judges, especially administrative court judges, as well as jurors, prosecutors, and trial attorneys, could also be improved through recurring training on democracy and human rights. However, there are no concrete plans currently in place to change this going forward.

### **Other**

The fight against gang criminality has led to the police and prosecutors being given increased tools to monitor individuals. Legislation implemented in 2023 gave authorities the power to use secret surveillance as a preventive measure against persons who are not suspected of having committed a crime. This includes secret data interception, telephone wiretapping, camera surveillance, stop-and-search zones, restricted ability to send encrypted messages (chat-control), anonymous witnesses, locking people up for preventive purposes or access to DNA registers at genealogy services.

In a recent eviction case involving an assessment of the best interests of the child, the

Court of Appeal found that the police's interest in obtaining access to information from a preschool took precedence over the child's rights to confidentiality. The police were initially denied information from the preschool administration about the child's location. The administration emphasized in its decision that it had the child's best interests in mind, and that the preschool maintained strict confidentiality regarding information about individuals and pointed to the risk of children in general being kept home from school if the confidentiality-breaking general clause in the Publicity and Privacy Act were to be routinely applied to cases related to eviction decisions. However, the Court of Appeal did not share this assessment and allowed the police to obtain the confidential information.

## **Fairness and efficiency of the justice system**

### **Other**

The government has changed the legal system through the passage of many new laws and proposals for new laws. Examples include:

- A bill allowing the usage of anonymous witnesses to testify in trials has been passed and will enter into force in January 2025.
- A bill allowing the police to create stop-and-search zones went into effect in March 2024. In these designated geographic areas,

police are permitted to arbitrarily stop and search individuals and vehicles without the need to have reasonable suspicion. Children under 15 can also be searched. This expanded authority, combined with the lack of clear guidance for police on how to conduct these searches in a fair and non-discriminatory manner, raises significant concerns about the risk of increased discriminatory profiling.

There has been a mixed reaction from a variety of actors to the legislative proposal that the government itself should be able to declare a state of emergency with checks being carried out only after it has taken effect. Civil Rights Defenders, among other civil society organisations, has expressed concern that the proposal weakens protections for democracy.<sup>1</sup> However, no further actions have been taken to address these concerns.

The justice system still involves direct involvement from the government in appointing judges and the system is not protected from political influence in the decision-making process.

The possibilities for access to justice for individuals whose human rights have been violated ought to be improved substantially. As described above, human rights protections are often ineffective and inaccessible due to the high costs the individual is unable to cover. Access to justice is unequal. There are few opportunities to have legal claims based

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1 DN Debatt, *Bevara riksdagens makt över undantagstillstånd*, 9 May 2024, <https://www.dn.se/debatt/bevara-riksdagens-makt-over-undantagstillstand/>.

on discrimination tried in court, and in cases where the issues are raised, the assessments are often out of date. Lack of equal access is a concern for individuals with disabilities,

who should be able to have court proceedings adapted to accommodate their specific needs and thereby ensure that they can participate equally throughout the legal process.

## ANTI-CORRUPTION FRAMEWORK -

### Key recommendations

- *The government should ensure appropriate follow up once the committee of inquiry has presented its findings from its review of criminal law legislation regarding corruption and bribery.*
- *The government should develop rules regarding revolving doors that cover top executive functions in the government.*

### Levels of corruption

Perceptions of corruption in Sweden have remained stable and at a low level. Sweden is ranked 6th out of 180 countries, according to Transparency International's *2023 Corruption Perception Index*.<sup>2</sup> At the same time, it is important to note that Sweden's score of 82 is the lowest score it has ever received, following a negative trend apparent since 2012.<sup>3</sup>

The EU has noted concerns about Sweden's judicial appointment system (described in the previous section).<sup>4</sup> Issues which were highlighted in previous country submissions remain unaddressed. These include the failure to develop rules regarding revolving doors for top executive functions and political positions, as well as the lack of progress in addressing concerns about foreign bribery. Sweden does

2 Transparency International, *Corruption Perceptions Index – Sweden*, <https://www.transparency.org/en/countries/sweden>.

3 *CPI 2023: Sverige på lägsta nivå i korruptionsindexet – Den negativa trenden fortsätter*, Transparency International Sverige, 30 January 2024, <https://www.transparency.se/nyheter/cpi2023>.

4 Transparency International, *CPI 2023 for Western Europe & EU: Rule of Law and Political Integrity Threats Undermine Action Against Corruption*, 30 January 2024, <https://www.transparency.org/en/news/cpi-2023-west-europe-european-union-rule-of-law-political-integrity-threats-undermine-action-against-corruption>.

not require a ‘cooling-off period’ for former members of parliament.<sup>5</sup>

Although the government in February 2024 appointed a committee of inquiry to review existing criminal law legislation regarding corruption and bribery, the committee is not expected to present its findings until mid-2025,

at which point any potential legislative changes will still have to be considered. Among other issues, the committee has been tasked with assessing whether criminal legislation regarding corruption is sufficient and effective, and whether specific definitions related to bribery, among other issues, need to be amended.

## **MEDIA ENVIRONMENT AND MEDIA FREEDOM**

### **Key recommendations**

- *The government should ensure that proposed and existing legislation does not restrict access to public information or impact freedom of the press and journalistic integrity.*

### **Media and telecommunications authorities and bodies**

The media and telecommunications authorities operate independently and relatively smoothly. However, the work of the authorities is guided by government directives and a recent proposal has raised potential concerns. According to a new report, the Swedish National Defence Radio Establishment (FRA) is set to receive clearer legal authority to hack into computers and mobile phones. This proposal could grant Swedish authorities a broader mandate for signal intelligence, allowing access to sensitive information, which in practice could impact

press freedoms and journalistic integrity. This poses a risk of increased security requirements for those within the media industry, especially for those reporting on issues related to national security.

### **Pluralism and concentration**

It is important to note that the laws protecting media and journalists in Sweden remain strong. Compared to other countries, the conditions for pluralistic journalism are highly favorable. Nonetheless, certain issues raise concerns.

<sup>5</sup> Silvia Kotanidis, *Rules on Revolving Doors in the EU*, 29 April 2024, <https://epthinktank.eu/2024/04/29/rules-on-revolving-doors-in-the-eu-post-mandate-restrictions-on-members-of-eu-institutions-and-parliamentarians-in-member-states/>.

The Foreign Espionage Act, which came into force on 1 January 2023, makes it illegal to disclose information that could harm Sweden's relations with other countries. Although journalists have some protections enshrined in the law, it is vaguely formulated, which may lead some journalists to avoid potential sensitive topics, particularly in security reporting. At the same time, General Data Protection Regulation (GDPR) regulations are increasingly used to restrict access to public documents, making it harder for journalists to obtain information and threatening transparency. Under proposals that entered into force in 2024, a broadcasting license can be withdrawn if a court finds that a programme contains a freedom of expression offence that constitutes a serious abuse of freedom of expression. This applies to both public service and commercial broadcasters. This creates insecurity among media outlets, which risk losing their licenses if they deviate from certain norms. Additionally, the FRA has been granted expanded powers to monitor electronic communication, including journalists' devices, which could jeopardise journalists' ability to guarantee anonymity of their sources.<sup>6</sup> Threats and harassment against journalists have also increased, forcing media companies to allocate more resources to security, potentially affecting their independence and editorial choices. According to the Swedish Union of Journalists, *Journalistförbundet*, almost 30% of Swedish journalists have been threatened and around

70% have received derogatory comments in the past year.<sup>7</sup>

It is also important to highlight that a significant portion of Swedish media is owned by a few large corporations, such as the Bonnier Group and Schibsted. Bonnier owns about 43% of all subscription-based multi-day newspapers in Sweden, making them the largest player on the market. Schibsted is also a major player, directly owning 13 newspapers, including *Aftonbladet* and *Svenska Dagbladet*. Additionally, Schibsted has indirect influence over other newspapers through its 29% ownership in Polaris Media, which in turn owns parts of Stampen Media. This concentration of ownership can lead to a homogenisation of news content and perspectives, potentially limiting the diversity of viewpoints available to the public. Smaller, local newspapers and media outlets often struggle financially and may be bought out or forced to close, thereby reducing local news coverage and diminishing pluralism at the regional level.

### **Transparency and media ownership**

There is media transparency in Sweden, but it could be improved. In 2019, Reporters Sans Frontières developed a tool called the Journalism Trust Initiative (JTI), an international standard to increase transparency and certify

6 Journalistförbundet, *Skydda källskyddet – Stoppa FRA:s inhemska signalspaning*, 9 December 2024, <https://www.sjf.se/aktuellt/202412/skydda-kallskyddet-stoppa-fras-inhemska-signalspaning>.

7 Journalistförbundet, *Hot och hat mot journalister*, 22 March 2024, <https://www.sjf.se/yrkesfrigor/yttrandefrihet/hot-och-hat-mot-journalister>.

credible journalism. The goal of the JTI is to provide a transparent mechanism for curbing misinformation and tangible rewards for ethical and professional journalism. This initiative was born from a simple realization that journalism is undergoing direct competition from manipulative content that proliferates in the digital space: propaganda, advertising, and disinformation. More than 1,500 media outlets in 85 countries have already joined JTI, but no actor in Sweden has yet done so. The European Media Freedom Act (EMFA) also refers to JTI. The challenge is to make it mandatory for digital platforms to promote reliable information.

### **Public service media**

The public service media acts professionally and maintains high credibility. Public service in Sweden, comprising Sveriges Radio (SR), Sveriges Television (SVT), and Utbildningsradion (UR), is the foundation of Swedish media coverage and holds a prominent place in society. It enjoys very high trust levels compared to private media, with studies showing over 70% of the population expressing strong trust in SVT and SR, in contrast to significantly lower trust in private media – around 20% to 60%. Public service media provides independent journalism, free from both political and commercial interests, making it one of the most trusted information sources in Sweden. This trust was clearly evident during the COVID-19 pandemic when a majority of the Swedish population turned to the public service media for relevant information as a way to avoid misinformation and conspiracy theories that spread widely online.

A key strength of public service media is its commitment and requirement to deliver pluralistic information – a demand that commercial media, which is more dependent on clicks and advertising revenue, is not subject to in the same way. Public service has a special responsibility to highlight social issues that might otherwise be overlooked.

Despite its strong position, public service media in Sweden faces challenges, particularly when it comes to funding and political pressure. The public service companies are increasingly tasked with countering disinformation while dealing with growing security threats and strengthening their preparedness. Recently, they have also faced rising operational costs due to inflation.

Currently, political discussions are underway about the role of public service media between 2026 and 2033. The parliamentary inquiry underpinning this has proposed a budget increase: 3% for 2026, followed by a 2% increase each year from 2027 to 2030, and 1% annually from 2031 to 2033.

However, SR, SVT, and UR have assessed that a greater increase is needed to maintain their current standards (3.5%, 3%, and 2.8%, respectively, on an annual basis, with additional contributions). Without this, public service may need to cut back on both journalists and programming, potentially weakening their ability to fulfill their mission in the future.

Reporters Without Borders has also noted extensive social media campaigns against public service, primarily from far-right groups



claiming it is biased toward the left. Recently, left-wing activists have similarly criticised public service for leaning too far to the right in its reporting, especially regarding the war in Gaza. Additionally, public service journalists have faced threats and vandalism.

Overall, public service in Sweden maintains a strong position, but significant challenges lie ahead.

### Online media

While existing laws, measures, and practices facilitate a properly functioning online media ecosystem, Sweden has experienced increased polarisation. The tone online has hardened and threats and harassment against journalists have risen. Recent studies by the Swedish Union of Journalists (*Journalistförbundet*) revealed that nearly 30% of Sweden's journalists faced threats and around 70% received disparaging comments.<sup>8</sup> Female journalists are particularly vulnerable, with two out of three having been subjected to hateful comments.<sup>9</sup>

In a survey by the Swedish Union of Journalists, a striking 39% reported practicing self-censorship to avoid hatred and threats, and 48% stated that they had adjusted their reporting for the same reasons.<sup>10</sup>

In May, the private TV channel TV4 revealed that one of the country's largest parties, the Sweden Democrats – who closely cooperate with the government – ran a troll factory to anonymously smear the opposition, as well as the government parties they work with.<sup>11</sup> Following the revelation, party leader Jimmie Åkesson claimed it was “a major influence operation from the left-liberal establishment”.<sup>12</sup> He also accused his political opponents of trying to sabotage the Sweden Democrats ahead of the EU election.

### Safety and protection of journalists and other media actors

Sweden ranks 3rd out of 180 in Reporters Without Borders' *Press Freedom Index*<sup>13</sup> and often tops similar lists. It has a long-standing tradition of press freedom and freedom of speech. Sweden was the first country in the

8 Journalistförbundet, *Hot och hat mot journalister*, 22 March 2024, <https://www.sjf.se/yrkesfragor/yttrandefrihet/hot-och-hat-mot-journalister>.

9 Ibid.

10 *Hot och trakasserier mot journalister och forskare*, [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/interpellation/hot-och-trakasserier-mot-journalister-och-forskare\\_hc10130/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/interpellation/hot-och-trakasserier-mot-journalister-och-forskare_hc10130/).

11 Kalla fakta, *Undercover i trollfabriken*, 7 May 2024, <https://www.tv4.se/artikel/2VCWExxK0L1Xmai2Y60Z2/kalla-fakta-avsloelar-sd-driver-en-trollfabrik>.

12 Miranda Olsson, *Åkesson om Kalla faktas avslöjande: "Påverkansoperation"*, Altinget, 14 May 2024, <https://www.altinget.se/artikel/kalla-fakta-sd-konton-haanar-partiledare-i-tidosamarbetet>.

13 Reporters Without Borders, *Index 2024*, <https://rsf.org/en/index>.

world to pass a Freedom of the Press Act in 1766, granting substantial freedom to the media. Citizens also gained the right to access government documents. Today Sweden has maintained a strong, positive attitude toward the media as reflected in robust legislative protections.

Public media is regulated by an independent broadcasting commission, which is part of the Swedish Press and Broadcasting Authority, while an independent function known as the media ombudsman handles ethics complaints, for example, from the public.

Swedish authorities increasingly reference the General Data Protection Regulation to justify the confidentiality of public documents. This use of the GDPR has made it more difficult for journalists to access information and gain insight into public affairs, sparking concerns that Sweden's transparency principle is being undermined. There are also proposals to introduce opportunities to revoke broadcasting licenses on the basis of protecting national security and to anonymise certain decisions, which would further complicate journalistic investigations of public records. Additionally, new legal proposals aiming to restrict access to databases could also be seen as potential threats to press freedom.

At the same time, a division in freedom of expression is emerging. Public statements by government officials calling for the deportation of individuals who express support for certain organisations that are considered extremist<sup>14</sup> have created a climate of uncertainty, effectively curtailing the freedom of speech, and non-Swedish citizens feel restricted in expressing their views, for example, during demonstrations.

In summary, Sweden has strong legal protections for media and journalism. However, in recent years, there has been a growing number of proposals aimed at restricting these protections - a development that raises serious concerns.

### **Frequency of verbal and physical attacks**

While the risk of physical attacks on journalists in Sweden is relatively low, online threats and harassment campaigns are more common. The harassment directed at female journalists is especially brutal, according to a study from Lunds Universitet. The Swedish Defense Research Agency (FOI) studied hate and harassment on the online forum *Flashback*, focusing on journalists, politicians, and influencers. It found that 55% of women faced hate, compared to 41% of men. Female journalists were the most targeted, with 67% experiencing hate.<sup>15</sup> Women were also more likely to receive

14 Dagens Nyheter, *Ministern vill utvisa personer som viftar med Hamasflaggor*, 29 October 2024, <https://www.dn.se/sverige/ministern-vill-utvisa-personer-som-viftar-med-hamasflaggor/>.

15 SVT Nyheter, *FOI:s rapport visar: Två av tre kvinnliga journalister hatas på nätet*, 16 December 2020, <https://www.svt.se/nyheter/inrikes/foi-s-rapport-visar-tva-av-tre-kvinnliga-journalister-hatas-pa-natet>.

sexual harassment and insults related to their appearance. Because of this, public broadcasters and media companies are being forced to allocate more resources to security.

Exiled journalists in Sweden also report facing threats and feeling inadequately protected by authorities. For example, several Turkish exiled journalists expressed particular concern during Sweden's NATO application as Turkey's president demanded their extradition. In autumn 2024, prominent reporter Ahmet Dönmez, who had reported on corruption in Turkey, moved to the United States as a result of feeling unsafe in Sweden.<sup>16</sup> In 2022, Dönmez was severely assaulted by two unidentified assailants.

### **Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse**

Swedish journalists are relatively well protected by law against being sued in 'Strategic Lawsuit Against Public Participation' (SLAPP) cases. However, threats of lawsuits and actual lawsuits do occur, though to a lesser extent than in Southern European countries.

### **Confidentiality and protection of journalistic sources (including whistleblower protection)**

Journalistic sources are legally protected and the principle of access to public information is one of the cornerstones of Swedish democracy. However, recent amendments to the Constitution, aimed at protecting information related to international relations, have raised concerns about potential sanctions against whistleblowers and journalists who reveal wrongdoings. The 2023 amendments to Sweden's foreign espionage laws introduced changes across several key legal areas. In the **Penal Code (Brottsbalken)**, new offenses were created, including foreign espionage, aggravated foreign espionage, and gross unauthorized handling of classified information, under Chapter 19. These crimes target the unauthorized disclosure of secrets that could damage Sweden's relations with other states or international organizations. In the **Freedom of the Press Act (TF)** and the **Fundamental Law on Freedom of Expression (YGL)**, changes were made to criminalize foreign espionage in the context of press and expression rights, limiting whistleblower protections and the acquisition of information related to espionage. Lastly, the **Code of Judicial Procedure (Rättegångsbalken)** was amended to broaden the use of secret coercive measures, such as surveillance and data collection, during investigations into foreign espionage.

16 Kurdo Baksi, *Förföljd journalisten har flyttats till USA – "Jag känner mig inte trygg i Sverige"*, Journalisten, 28 August 2024, <https://www.journalisten.se/nyheter/forfoljd-reporter-har-flyttat-till-usa-jag-kanner-mig-inte-trygg-i-sverige/>.

## CHECKS AND BALANCES

### Key recommendations

- *The government must ensure that the constitutionally mandated legislative process – a cornerstone of democracy and rule of law in Sweden – is respected and upheld. Stakeholders in the legislative process, including civil society actors, must be given sufficient time to respond to legislative proposals during the consultation process. Government inquiries must be able to carry out their intended purpose of thoroughly examining and reporting on relevant matters, including understanding the potential consequences of a proposed action, in an objective, neutral manner without external interference.*
- *The government must ensure that all aspects of the asylum and migration process, including the process for appealing negative decisions by the Migration Agency, adhere to the rule of law and due process principles.*

### Process for preparing and enacting laws

#### **Framework, policy and use of impact assessments, stakeholders/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process**

The legislative pace has continued to be rapid, particularly within the area of criminal law. Responses to several government inquiries and consultations have highlighted how this makes it difficult to ensure adequate oversight, which threatens the quality of legislation as well as the due consideration given to human rights obligations.

The legislative consultation process is a fundamental aspect of Swedish democracy and rule of law. Legislative proposals are sent to stakeholders, including civil society organisations, to gather input and expert analysis on the potential consequences of enacting proposed bills.<sup>17</sup> However, the combination of high tempo and short response timeframes have frequently resulted in significant stakeholders in the legislative process, such as civil society organisations with already limited resources, being unable to provide critical input on proposed legislation. In effect, civil society and other relevant stakeholders are being impeded from participating in the legislative process. This includes situations where the perspectives of individuals or communities directly affected

17 Government (Sweden), Responding to a referral, <https://www.regeringen.se/contentassets/b682c0e61b4c40c9ab-88d227707c47b5/svara-pa-remiss---hur-och-varfor-pm-200302>.

by certain legislative proposals should be included, or where a human rights perspective could be applied.

Moreover, the current Swedish government has increasingly started to pre-emptively assign conclusions in the terms of reference for the committees of inquiry – especially within the field of criminal law and migration law.<sup>18</sup> The function of the terms of reference is to guide the inquiry’s examination and reporting on relevant matters. However, the past year has seen formulations which task the committee to present certain proposals, *regardless* of the conclusions of the report. This has resulted in government inquiries that insufficiently analyse the matter at hand in relation to relevant human rights and the input from relevant communities and individuals and, in graver circumstances, entirely bypass such an analysis. As such, the basis for further legislative proceedings is severely undermined.

### **Independent authorities**

Civil Rights Defenders continues to urge that safeguards be included in the Swedish Constitution to protect the independence, mandate, and authority of the Swedish Institute for Human Rights.

### **Accessibility and judicial review of administrative decisions**

Civil Rights Defenders is concerned that Swedish courts are not sufficiently requesting preliminary rulings from the Court of Justice of the European Union (CJEU). This is clearly noticeable at the Migration Court of Appeal, which is the highest judicial body in migration cases. As there are no judicial remedies under national law to appeal the Migration Court of Appeal’s rulings, they are obliged to request preliminary rulings regarding the interpretation of EU law in accordance with Article 267 of the Treaty on the Functioning of the European Union (TFEU). In 2006, new national legislation was enacted after an infringement procedure was conducted against Sweden based on the lack of requests for preliminary rulings.<sup>19</sup> However, Civil Rights Defenders does not believe that this legislation has had a sufficient impact. Swedish courts are still remarkably hesitant to turn to the CJEU. A recent ruling from the Migration Court of Appeal concerned the interpretation of EU directive 2008/115/EG, which sets out common standards and procedures for Member States to follow when returning unlawfully staying third-country nationals. One judge chose to issue a dissenting opinion strongly indicating that the interpretation of the directive was not

18 Government Offices of Sweden, Committees, 2 March 2015, <https://www.government.se/how-sweden-is-governed/committees/>.

19 Swedish Parliament, Act (2006:502) with certain provisions on preliminary rulings from the Court of Justice of the European Union (*Lag med vissa bestämmelser om förhandsavgörande från Europeiska unionens domstol*), [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2006502-med-vissa-bestammelser-om\\_sfs-2006-502/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2006502-med-vissa-bestammelser-om_sfs-2006-502/).

obvious. Despite this, the Court neglected to ask for a preliminary judgement from the CJEU.<sup>20</sup> In another ruling from the Migration Court of Appeal concerning the interpretation of the Dublin Regulation, the Court conducted an analysis of the presumed aims of the regulation and stated that “according to the Migration Court of Appeal” page 19 of the preamble should not be interpreted as giving a right to appeal regarding decisions made on the basis of Article 26.1 of the Regulation.<sup>21</sup> This application of the Dublin Regulation was not at all obvious, since it required a new teleological interpretation by the Migration Court of Appeal. The interpretation of the article also varies amongst the EU Member States. Despite this, the Migration Court of Appeal did not ask for a preliminary ruling.

The lack of requests for preliminary rulings unduly restricts access to judicial review of national decisions and hinders the uniform implementation of EU legislation within Member States. It is of fundamental importance to the correct application of EU legislation that national courts adhere to the requirement of Article 267 of TFEU and measures

need to be introduced to encourage Swedish courts to do so.

In 2024, the government appointed a new legislative inquiry committee which was tasked with evaluating the Act Concerning Special Controls of Certain Aliens (2022:700).<sup>22</sup> The inquiry committee is expected to present its proposal for legislative amendments in November 2025. However, the government has instructed the inquiry to extend the circumstances and time under which a foreign national can be placed in custody based on security concerns, extend the use of coercive measures and to propose legislative changes which enables authorities to apply the Act Concerning Special Controls of Certain Aliens even if the alien only poses an indirect threat to national security.

The lack of disclosure of evidence supporting the rejection of residence permits in these cases is a serious infringement on the adversarial principle and hinders individuals’ rights to a fair proceeding. The government’s wish to extend the application of these rules to cases where the alien is only considered an indirect

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20 Migration Court of Appeal (Sweden), Judgement of 27 September 2024, MIG 2024:11, <https://www.domstol.se/globalassets/filer/domstol/migrationsoverdomstolen/avgoranden/mig-2024-11.pdf>.

21 Migration Court of Appeal (Sweden), Judgement of 26 February 2020, MIG 2020:4, <https://lagen.nu/dom/mig/2020:4>.

22 Department of Justice (Sweden), Supplementary directive to the inquiry on strengthened protection against foreign nationals who pose qualified security threats or who are linked to criminal networks (Tilläggsdirektiv till utredningen om stärkt skydd mot utlänningar som utgör kvalificerade säkerhetshot eller som har koppling till kriminella nätverk), Ju 2024:10, 29 August 2024, <https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2024/08/dir.-202478>.

threat to national security further calls into question the proportionality of the regulation.

It is also greatly concerning that recently proposed amendments to the statute of limitations in asylum procedures will limit migrants' ability to legalise their stay in Sweden.<sup>23</sup> This is particularly worrisome since the procedure for granting residence permits based on impediments to deportation lacks several procedural safeguards, rendering it an inadequate form of protection for migrants against deportations which may violate the prohibition of torture or the right to private and family life.

The Migration Agency's decisions regarding other impediments than protection grounds to enforcing an expulsion decision, such as severe disease, cannot be appealed. There are also reports which show that the Migration Agency applies a higher evidentiary standard than that mandated by the legislation. Due to precedent from the Migration Court of Appeal, the individual is also required to show that they have actively participated in proving their identity.<sup>24</sup>

This leads to many of the proceedings being focused only on the individual's participation in facilitating the deportation instead of the impediments to the deportation.<sup>25</sup> Furthermore, the individual usually lacks a right to public counsel in these proceedings. The inadequacy of these proceedings can be supported by statistics showing that, between 2017 and 2022, 22%-29% of applicants received a residence permit after the statute of limitations on their deportation decisions had expired.<sup>26</sup>

Currently, expulsion decisions have a statute of limitations of four years. However, if the proposed legislation is enacted, the statute of limitations would last five years and would not start to run before the individual leaves Swedish territory. Civil Rights Defenders is gravely concerned that this will lead to an increasing number of individuals resorting to living in Sweden without legal residence permits indefinitely, even though in some cases they may have acquired the legal right to remain in Sweden during that time.

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23 Swedish Government Official Reports (Sweden), *Statute of limitations of removal orders and certain issues relating to re-entry bans (Preskription av avlägsnandebeslut och vissa frågor om återreseförbud)*, SOU 2024:10, 2 February 2024, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2024/02/sou-202410/>.

24 Migration Court of Appeal (Sweden), *Judgement of 31 March 2009*, MIG 2009:13, <https://lagen.nu/dom/mig/2009:13>.

25 Swedish Government Official Reports (Sweden), *Residence permits due to practical impediments to enforcement and statutes of limitations (Uppehållstillstånd på grund av praktiska verkställighetshinder och preskription)*, SOU 2017:84, 1 November 2017, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2017/11/sou-201784/>.

26 Swedish Government Official Reports (Sweden), *Statute of limitations of expulsion decisions and certain issues relating to re-entry bans (Preskription av avlägsnandebeslut och vissa frågor om återreseförbud)*, SOU 2024:10, 2 February 2024, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2024/02/sou-202410/>.

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***Transparency of administrative decisions and sanctions (including their publication and the availability and publicity of data concerning administrative decisions)***

In last year's report, Civil Rights Defenders highlighted the growing concern regarding an increased number of rejections of residence permits and citizenship applications based on undisclosed security concerns. According to the Act Concerning Special Controls of Certain Aliens (2022:700), the Swedish Migration Agency forwards cases involving residence permits and citizenship to the Security Police for review. If the Security Police have reason

to suspect that the applicant may constitute a security threat, they then conduct an investigation into the concerning activities and provide an opinion to the Migration Agency, which makes the final decision on the individual's application. Applicants have a right to appeal a negative decision by the Migration Agency. However, in these cases they lack access to the information upon which the Migration Agency has based its decision. This lack of transparency constitutes a significant obstacle for the individual as they have no knowledge of which circumstances they need to contest during the appeal.



## CIVIC SPACE –

### Key recommendations

- *The government must demonstrate its commitment, through its actions and rhetoric, to ensuring a robust civil society by, among other things, safeguarding access to stable public funding.*
- *The government, particularly judicial and law enforcement authorities, must respect and uphold the rights to freedom of association and assembly.*
- *The government must ensure equal treatment of civil society organisations and adhere to national anti-discrimination laws in this respect, especially with regards to Muslim civil society organisations.*

### Freedom of association

#### **Equal treatment among CSOs, including by reference to CSOs' focus of activities, type of activities, and geographical location of activities**

The targeted, discriminatory treatment of religious and ethnic organisations and the shrinking of such organisations' access to public spaces is evident from the way they are routinely demonised, scrutinised and stigmatised within the media and political discourse in Sweden – a development fully endorsed and acted upon by high-ranking government officials. Sweden lacks the necessary legal frameworks to force the involuntary dissolution of CSOs. However, since the majority of Swedish CSOs in practice rely on public funding, the withdrawal of such in effect forces them to 'voluntarily' dissolve, either through declaring bankruptcy or liquidation.

One such case of 'involuntary voluntary' dissolution, which received significant political and media attention, occurred when the Swedish National Council for Adult Education (hereinafter 'the Council'), a non-profit organisation with a government mandate to distribute the budgeted allocation of grants decided by the Swedish Parliament to Sweden's nine adult education associations, decided on 4 September 2024 not to distribute any of the allocated grants to the Islamic adult education association Ibn Rushd ('the Association'). This decision meant that Ibn Rushd, Sweden's oldest and largest Muslim association, was completely deprived of state funding from 2025 – a decision that forced them to shut down.

The Council based the decision on their assessment of the Association as lacking the necessary organisational and financial capacity required by the newly adopted state grant system for adult education associations, which came

into effect on 1 January 2024. Following the 2022 Tidö Agreement, the state's grant-giving system has been reformed with the explicit purpose of making it more difficult for associations to receive public funding; for example, by raising the requirements within the relevant regulatory frameworks as well as reducing the total budget allocation set aside for financing the associations by SEK 250,000,000 (approximately €21.8 million).

This decision comes after the Association had been subjected to several public investigations, all debunked, in recent years. The background to Ibn Rushd's worsened financial situation lies in events that occurred at the tail end of 2023. After a routine review conducted by the Association over its activities identified that two books listed in the syllabi of five study circles included chapters that could be construed as being in conflict with the 'democracy requirement' necessary for adult education associations to be eligible to receive public funding, the Association initiated formal proceedings to pay back funding used by the targeted study circles, this owing to the fact that the Association had neglected their obligation to maintain proper documentation of its activities. Though there was no indication that these particular chapters had actually been studied or otherwise used, the proceedings were misconstrued in media and in the public debate as Ibn Rushd being under state investigation after teaching "seven-year-olds about Sharia",<sup>27</sup> the right of parents to dole out corporal

punishment, antisemitic conspiracy theories, and that homosexuality is a sin. The false allegations were widely circulated and exacerbated by then Minister of Education Mats Persson, who had previously described adult education associations as fraudulent. Immediately following the media and political debate, several municipalities and regions decided to cut or withhold funding to any of the Association's member organisations operating in their administrative districts, despite both the Association and Council refuting the promulgated narratives. In 2024, following the Association and Council ending their proceedings, most municipalities and regions decided not to continue allocating funds to Ibn Rushd for 2025.

The events reflect the low evidentiary standards applied to the actions of Muslim civil society organisations and the way media narratives influence public institutions, perpetuating discriminatory conspiracy theories. Moreover, Ibn Rushd was neither contacted by any municipalities or regions before their funding was frozen nor provided with any meaningful avenues for redress against such abrupt institutional actions.

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27 Daniel Vergara, *Sanning eller sensation – så byggs mediedrevet mot Ibn Rushd*, 15 December 2023, <https://tidningen-syre.se/2023/15-december-2023/sanning-eller-sensation-sa-byggs-mediedrevet-mot-ibn-rushd/>.

**Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations**

**Democracy requirements**

On 18 June 2024, the Swedish Parliament voted to pass a bill introducing a so-called ‘democracy requirement’ for civil society organisations and faith-based communities (FBCs) to be eligible for public funding. The adopted legislation will enter into force on 1 January 2025.

According to the bill, CSOs or faith-based communities (FBCs) will be prohibited from receiving public funding if they, either themselves as legal entities or through any of their representatives, (1) exercise violence, coercion or threaten other persons or otherwise violate the fundamental rights and freedoms of persons, (2) discriminate against individuals or groups of individuals or otherwise violate the principles of equality or non-discrimination,

(3) defend, promote or incite any of the previous categories of actions or (4) in other ways ‘counteract’ the democratic system of governance. CSOs or FBCs that are found to have violated any of these conditions might be further liable to pay back previously granted public funding retroactively.

The legislative process behind the proposed law has been contentious from the start. The initial parliamentary inquiry in 2018 stemmed from a protracted legal case between the Swedish Agency for Youth and Civil Society (*Myndigheten för Ungdoms- och CIVILSAMBÄLLESFRÅGOR* or MUCF), the primary distributor of public funding to CSOs, and the organisation Sweden’s Young Muslims (*Sveriges Unga Muslimer* or SUM). In December 2016, MUCF had rejected SUM’s application for state funding, finding that SUM failed to meet certain requirements – specifically, the expectation to uphold democratic values in its activities, including gender equality and the prohibition of discrimination.<sup>28</sup>

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28 MUCF, *Bakgrund till beslut om statsbidrag gällande Sveriges unga muslimer*, 13 April 2018, <https://www.mucf.se/om-oss/aktuellt/bakgrund-till-beslut-om-statsbidrag-gallande-sveriges-unga-muslimer>.

This decision was widely criticised by a number of anti-racist actors and other CSOs.<sup>29</sup> SUM appealed the decision to the Administrative Court in Stockholm, which overturned MUCF's decision and sent the case back to MUCF for further review and a new decision.<sup>30</sup> SUM's appeal was subsequently upheld in the appellate court. However, the government directive guiding the parliamentary inquiry made references to questions about "whether taxpayers' money may have gone to organisations where there are circumstances that may indicate that the organisation's activities are not compatible with society's fundamental values".<sup>31</sup>

The Social Democratic and Green government on 28 June 2022 proposed a bill prohibiting the distribution of public funding if the recipient organisation as such or any of its representatives committed acts of violence, coercion, or threats against a person, or in other ways violated the fundamental rights and freedoms of persons; discriminated against individuals or groups of individuals, or otherwise violated the principles of all persons equal value; defended, promoted or incited any of the aforementioned conducts or otherwise "opposed democratic governance".<sup>32</sup> Conduct considered to "oppose[d] democratic governance" included an organisation expressing support for "undemocratic or violent regimes".<sup>33</sup>

29 Antiracist Academy's (*Antirasistiska akademien*) press release voicing grave concern that MUCF's decision was based on arbitrary evidence with a political agenda to discredit Muslims in general and SUM in particular, masking it with vague concepts such as 'democratic equality.' Antirasistiska Akademien, *ArA fördömer statens godtyckliga beslut att neka bidrag till Sveriges Unga Muslimer*, 30 November 2016, <https://www.antirasistiskaakademien.se/ara-for-domer-statens-godtyckliga-beslut-att-neka-bidrag-till-sveriges-unga-muslimer/#more-587>. The National Forum for Voluntary Organisations (Forum – *idéburna organisationer med social inriktning*) called it "a violation of the Administrative Act" and noted the serious consequences for Muslim organisations in general as well all civil society organisations in Sweden. Forum idéburna organisationer med social inriktning, *MUCF pekar ut organisation som odemokratisk – utan bevis*, 19 April 2017, <https://socialforum.se/mucf-pek-ut-organisation-som-odemokratisk-utan-bevis/>. Other civil society networks expressed further concerns about the shrinking space for Muslim civil society and increasingly negative perceptions of Muslims more generally, including the network Swedish Muslims in Cooperation and the National Council of Swedish Children and Youth Organisations. LSU, *Alla måste lära sig av den felaktiga bedömningen av SUM*, 1 February 2019, <https://lsu.se/nyhet/alla-maste-lara-sig-av-den-felaktiga-bedomningen-av-sum/>.

30 Stockholm Administrative Court. (2019). Judgment in case nr. 1383-19, published on the 13 October 2019.

31 Ministry of Culture. (2017). Tilläggsdirektiv till Utredningen om Översyn av statens stöd till trossamfund.

32 Ministry of Culture. (2022). Statens stöd till trossamfund samt demokrati villkor vid stöd till civilsamhället. (Prop. 2021/22:272). <https://www.regeringen.se/contentassets/8d33b0da0d1d4c399989a8fc7cc7125f/202227200-webb-omslag-ok-och-godkand-mk.pdf>.

33 Ministry of Culture. (2022). Statens stöd till trossamfund samt demokrati villkor vid stöd till civilsamhället. (Prop. 2021/22:272). <https://www.regeringen.se/contentassets/8d33b0da0d1d4c399989a8fc7cc7125f/202227200-webb-omslag-ok-och-godkand-mk.pdf>.

The proposed legislation was met with criticism, with many stakeholders expressing concern that the bill would, in practice, solely or at least disproportionately target ethnic and religious organisations, especially Muslim civil society organisations and religious communities, and that this was the bill's true purpose.<sup>34</sup> Several of the ethnic and religious organisations consulted during the legislative process reported that they felt particularly singled out by the proposals and felt that the media's disproportionate focus on their activities had led authorities to closely scrutinise their organisations, in comparison with more lax oversight of other types of organisations.<sup>35</sup>

Yet in November in 2022, the new right-wing conservative government withdrew the bill from consideration only two months before it was supposed to enter into force, ostensibly in response to criticism from Christian organisations and religious communities. Government

representatives stated that they were working on a new bill to introduce a democracy requirement, but that it would be adjusted so that the scope would not include Christian organisations and communities.<sup>36</sup>

After a number of delays, the final bill was presented on 27 March 2024 and hastily voted through Parliament shortly thereafter, on 18 June 2024.<sup>37</sup> Unlike previous iterations, the new legislation clarified a number of points which had been especially criticised during the review process. One such clarification concerns who is to be considered a representative of an organisation, stating that such a person needs to have a 'decisive influence' on the operations of the organisation in order for their conduct to be assessed under the law.<sup>38</sup> Further, the bill has been ameliorated in such a way that it makes an exception for speeches made during sermons or other activities that are protected by the freedom of religion. It further clarifies that

34 Civil Rights Defenders. (2019). Yttrande över demokrativillkorsutredningens betänkande Demokrativillkor för bidrag till civilsamhället (2019:35). <https://www.regeringen.se/contentassets/b9e50218e1ad4119bc16d18d28d86019/civil-rights-defenders.pdf>; Forum – idéburna organisationer med social inriktning. (2019). Villkorad demokrati. <https://www.regeringen.se/contentassets/b9e50218e1ad4119bc16d18d28d86019/forum---ideburna-organisationer-med-social-inriktning.pdf>; Islamic Relief. (2019). Betänkandet (SOU 2019:35) Demokrativillkor för bidrag till civilsamhället. <https://www.regeringen.se/contentassets/b9e50218e1ad4119bc16d18d28d86019/islamic-relief.pdf>; LSU – Sveriges barn- och ungdomsorganisationer. (2019). Demokrativillkor för bidrag till civilsamhället.

35 Demokrativillkorsutredningen. (2019).

36 Dagen. (8 March 2023). Demokrativillkor röstades ner – kritiken från kyrkoledare blev avgörande. <https://www.dagen.se/nyheter/2023/03/08/s-initiativ-om-trossamfund-rostades-ned-i-riksdagen/>.

37 Ministry of Social Affairs. (27 March 2024). Statens stöd till trossamfund och civilsamhället – enhetliga och rättssäkra villkor. (Prop. 2023/24:119). <https://www.regeringen.se/rattsliga-dokument/proposition/2024/04/prop-202324119/>.

38 Ibid.

conduct that violates the democracy requirement will not necessarily lead to the suspension of funding, but rather that organisations are to be given the time and opportunity to correct their operations to bring them into compliance with the requirement.

Still, the requirement that organisations do not violate the general principles of democracy is still present and broad in its wording, despite the significant criticism it has garnered. The bill also makes several references to ‘Sharia law’ and ‘Roma courts’ as examples of conduct that might be in violation of the democracy requirement. Despite being considered an improvement overall, the law has been met with criticism from CSOs.<sup>39</sup>

### **Good administration and redress mechanisms in relation to decisions by public authorities affecting CSOs**

Ethnic and religious organisations do not have any recourse to seek redress or appeal funding decisions made by public authorities. For example, Ibn Rushd was not contacted by any of the municipalities or regions before their finances were frozen, nor do they have any meaningful

way of redress against such summary institutional measures.

### **Freedom of peaceful assembly**

Since last year, the pro-Palestinian solidarity movement in Sweden has continued its efforts to support the Palestinian peoples through demonstrations and student encampments. At the same time, the Swedish state has continued to enact stringent measures which, in practical terms, encroach significantly upon several fundamental rights and freedoms. Students at the encampments throughout various universities and cities in Sweden have been forcibly moved by police, occasionally with a disproportionate amount of violence.<sup>40</sup>

Last year’s report also noted the exploitation of the escalated situation by various Swedish parliamentarians and ministers to further their individual political motives and foster social division. Regretfully, this has not changed. The newly appointed Minister of Migration has publicly stated that waving flags tied to Hamas should be regarded as defying “honourable conduct” and thus lead to deportation.<sup>41</sup> The Minister of Education has

39 Forum – idéburna organisationer med social inriktning, Fremia, Sveriges kristna råd. (17 April 2024). Betydande risker även i nya förslaget till demokrativillkor. *Altinget*. <https://www.altinget.se/artikel/betydande-risker-aven-i-nya-forslaget-till-demokrativillkor>.

40 Sveriges Radio, *Polisen anmäler sig själva – filmklipp ska utredas*, 31 May 2024, <https://www.sverigesradio.se/artikel/polisen-anmaler-sig-sjalva-filmklipp-ska-utredas>, *Flera gripna efter studentprotester vid KTH: "Skakade och grät"*, 29 May 2024, <https://www.sverigesradio.se/artikel/studentdemonstrant-pahoppad-av-polishund-jag-skakade-och-grat>.

41 Dagens Nyheter, *Ministern vill utvisa personer som viftar med Hamasflaggor*, 29 October 2024, <https://www.dn.se/sverige/ministern-vill-utvisa-personer-som-viftar-med-hamasflaggor/>.

described the student protests as escalating in a worrying and unacceptable way, calling it a threat against freedom of academia and an open democratic dialogue.

Such propositions necessitate careful consideration against the backdrop of the rapidly evolving definition of terrorism, especially in the context of the numerous pro-Palestinian demonstrations held across Sweden, and the contentious expansion of anti-terrorism legislation in 2023.

### **Policing practices, including dispersion of protests, use of force**

Civil Rights Defenders has noted a worrying trend where activists are increasingly suspected of *blåljussabotage* – roughly translated to ‘sabotage of emergency services personnel’ – and that, more alarmingly so, there are often few or no reasonable grounds to evoke such suspicions. *Blåljussabotage* is a relatively new and heavily criticised serious criminal offense that criminalises actions that constitute an attack or other type of disturbance aimed at police, ambulances, or emergency services with the intent to severely hinder or make such operations more difficult. Penalties include prison sentences up to 4 years, which in Swedish criminal law makes it a serious offense.

The police authority has for instance warned pro-Palestinian student encampments that they needed to disperse and end their demonstration, or everyone would otherwise be suspected of committing *blåljussabotage*. In one notable case, a spokesperson for a student encampment in Lund was detained during a peaceful demonstration, deprived of her liberty, and immediately suspected of *blåljussabotage*. The police themselves explained their actions by saying that she obstructed a police vehicle by sitting down in front of it multiple times, despite video footage indicating the opposite. The preliminary inquiry was quickly dropped by the prosecutor.<sup>42</sup>

During the dispersal of a student encampment in Lund, news outlets started reporting that *blåljussabotage* was occurring, based on interviews with police officers on site. According to the police, a suspect had thrown a rock at an ambulance. Later, the police themselves withdrew the initial accusation.<sup>43</sup> In this case, a preliminary inquiry was not even started.

When viewed as a police tactic, the usage of serious offences in this way can be seen as a way to discourage activists from exercising their rights to freedom of assembly and freedom of expression. Furthermore, when such suspicions are communicated without legitimate grounds to the media, it also feeds into the delegitimisation of social movements.

42 SVT, *Emily greps för blåljussabotage – nu är alla misstankar avskrivna*, 9 September 2024, <https://www.svt.se/nyheter/lokalt/skane/emily-greps-for-blaljussabotage-nu-ar-alla-misstankar-avskrivna>.

43 Fredrik Palmqvist, Joel Malmen, *Polisen tar tillbaka uppgift om kastade flaskor i Lund*, Omni, 30 May 2024, <https://omni.se/laget-har-skruvats-upp-i-lund-flaskor-mot-ambulans/a/Rz9pnj>.

### **Criminalisation of protesters**

In recent years, the right to freedom of assembly in Sweden has increasingly been restricted. A clear example is the frequent prosecution and conviction of climate activists, or environmental defenders, who engage in peaceful demonstrations. The term ‘environmental defenders’ refers to people seeking information, public influence or redress in climate and environmental issues. According to Article 3.8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention), states are required to ensure that persons who exercise their right to information, public influence or redress in accordance with the provisions of the Convention are not in any way penalised, persecuted or harassed for this.

The UN Special Rapporteur on Environmental Defenders has noted that a growing number of environmental defenders in Sweden are being fined for participating in peaceful protests, with the amounts of these fines increasing.<sup>44</sup> Organisations such as Extinction Rebellion and Återställ våtmarker (Restore the Wetlands) have gained significant attention through their

protest actions. These protests are usually conducted through obstruction of road traffic. The protests are peaceful, in the sense that they do not contain elements of violence or vandalism. They have led to some traffic congestion, but the inconveniences caused by the protest have been limited to the specific location.

Since 2022, prosecutors have been prosecuting climate activists for the serious crime of sabotage, as stipulated in Section 4, Chapter 13 of the Swedish Criminal Code, for acts that previously were considered misdemeanours. Sabotage is a crime which carries up to four years in prison, but because most activists have not been previously convicted, they have so far generally received suspended sentences with high fines. However, if these activists continue to carry out actions, there is a likelihood that harsher penalties will be imposed. In light of this development, several scholars have criticised the application of the sabotage provision to the exercise of freedom of assembly.<sup>45</sup> They point out that the sabotage provision was introduced in the Criminal Code before the rights catalogue in the Swedish Constitution and the European Convention on Human Rights came into force. Consequently, those rights were not considered when the sabotage provision was

44 UN Special Rapporteur on Environmental Defenders, ‘State repression of environmental protest and civil disobedience: a major threat to human rights and democracy’ - Position Paper by Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, February 2024, p. 14. Available at: [https://unece.org/sites/default/files/2024-02/UNSR\\_EnvDefenders\\_Aarhus\\_Position\\_Paper\\_Civil\\_Disobedience\\_EN.pdf](https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf).

45 Bull, Thomas., ‘Saboterad demonstrationsfrihet?’ in *Festskrift till Elisabeth Rynning – Integritet och rättssäkerhet bortom den medicinska rätten*, Iustus 2023; Lind, Anna-Sara and Routsis, Mikael, *Om fängslade klimatdemonstrationer*, Dagens Juridik, 21 June 2023. Available at: <https://www.dagensjuridik.se/nyheter/debatt-om-fangslandeklimatdemonstrationer/#:~:text=Demonstrationsfriheten%20omfattas%20av%20flera%20stadganden>, R F.



enacted. Furthermore, the provision makes a specific exception for certain acts that, while meeting the criteria for sabotage, were considered labour market actions. In other words, it was recognised even then that the right to express certain fundamental rights must be allowed, even if it could potentially lead to the consequences the sabotage provision is designed to prevent.

Sabotage-related convictions were virtually non-existent in cases involving demonstrations before 2022. Current legal application has suddenly and unexpectedly led to the use of the sabotage provision to hinder peaceful demonstrations. The fact that climate activists now risk imprisonment for the very same actions that previously were considered misdemeanours, which could result in fines, has raised criticism. Prominent legal experts argue that the constitutionally protected freedom to demonstrate carries more weight than the disruption of traffic.<sup>46</sup> Case law from District Courts as well as from the Courts of Appeal has been inconsistent, with some activists being convicted and some acquitted for very similar actions. The Supreme Court granted leave to appeal in a case concerning climate activists charged with sabotage in November 2024.<sup>47</sup>

Civil Rights Defenders, along with many other civil society organisations, believes that this legal development violates the freedom of assembly as outlined in Article 11 of the European Convention on Human Rights. The development has had a chilling effect, and many climate activists are concerned about what might happen if they continue with their actions. The risk of imprisonment and high fines is discouraging. There is a risk that activists may effectively be prevented from carrying out legitimate actions or conveying their message and that the freedom of demonstration will be undermined.

### **Surveillance of protests**

The police in the city of Helsingborg have publicly announced that police officers document ‘anti-democratic expressions’ at pro-Palestinian demonstrations.<sup>48</sup> It is unclear what legal basis the police authority is relying on to justify their actions and how they are defining ‘anti-democratic’, but such practices must be regarded as a severe infringement on the freedom of expression and might also render a chilling effect on the right to peaceful assembly. As of December 2024, the Helsingborg police have been reported to the Parliamentary Ombudsman, but the Ombudsman has not yet issued a decision.

46 Bull, Thomas, ‘Saboterad demonstrationsfrihet?’ in *Festskrift till Elisabeth Rynning*, Iustus förlag, Uppsala, 2023, p. 63-64.

47 Aktuell Hållbarhet, *Uppmärksammas vägblockad blir fall för HD*, 20 November 2024, <https://www.aktuellhallbarhet.se/ekonomi-och-strategi/juridik/uppmarksammad-vagblockad-blir-fall-for-hd/>.

48 Hedlund, Cecilia & Kristiansson, Ulf, *Polisen i Helsingborg anklagas för åsiktsregistrering*, HD, 5 November 2024, <https://www.hd.se/2024-11-05/polisen-i-helsingborg-anklagas-for-asiktsregistrering/>.



Defenders under the Aarhus Convention, Michel Forst, regarding a case where a woman was dismissed from her job at the Swedish Energy Agency (*Energimyndigheten*) apparently as a result of her participation in peaceful environmental protests and the sharing of her views on social media. The Special Rapporteur expressed grave concern about the apparent dismissal of the woman from her role at the Energy Agency as a result of her participation in peaceful environmental protest in her private life. He stated that, if proven to be accurate, the events may constitute penalisation, persecution, or harassment of an environmental defender engaged in peaceful environmental protest in breach of Article 3.8 of the Aarhus Convention. He further expressed deep concern about the fact that the woman's participation in peaceful environmental protest has apparently been deemed a national security threat and was the basis for withdrawing her security clearance, as well as the public statements by the Minister of Civil Defense, Carl-Oskar Bohlin, in relation to the termination of the woman's employment. The Special Rapporteur stated that "rather than being concerned about (the woman) facing reprisals for exercising her right to engage in peaceful environmental protest in her private life, Minister Bohlin was more concerned that an environmental defender like (the woman) was employed at the Energy Agency in the first place".<sup>52</sup>

In October 2024, the Swedish government replied to the Special Rapporteur stating that domestic judicial and constitutional proceedings regarding the case are still pending.

## Public participation

### **Rules on access to and participation in consultations and decision-making processes**

Please see section above ('Process for preparing and enacting laws') for additional details about the fast legislative pace. By imposing short deadlines for stakeholders to submit responses during the consultation process, the government is creating a serious impediment to civil society stakeholders' participation in the legislative process.

The legislative consultation process is a fundamental aspect of Swedish democracy and rule of law. Legislative proposals are sent to stakeholders, including civil society organisations, to gather input and expert analysis on the potential consequences of enacting proposed bills.<sup>53</sup> However, the combination of a high tempo and short response timeframes has frequently resulted in significant stakeholders in the legislative process, such as civil society organisations with already limited resources, being unable to provide critical input on proposed legislation. In effect, civil society and other relevant stakeholders are being impeded

52 Michel Forst, UN Special Rapporteur on environmental defenders under the Aarhus Convention, Ref: ACSR/C/2024/39 (Sweden).

53 Svara på remiss - hur och varför, PM 2003:02, <https://www.regeringen.se/contentassets/b682c0e61b4c40c9ab-88d227707c47b5/svara-pa-remiss---hur-och-varfor-pm-200302>.

from participating in the legislative process. This includes situations where the perspectives of individuals or communities directly affected by certain legislative proposals should be included, or where a human rights perspective could be applied. Several government inquiries and consultations responses have highlighted how this makes it difficult to ensure adequate oversight, which threatens the quality of legislation as well as the due consideration given to human rights obligations.

Moreover, the current Swedish government has increasingly started to pre-emptively assign conclusions in the terms of reference for the

committees of inquiry – especially within the field of criminal law and migration law.<sup>54</sup> The function of the terms of reference is to guide the inquiry’s examination and reporting on relevant matters. However, the past year has seen formulations which task the committee to present certain proposals, *regardless* of the conclusions of the report. This has resulted in government inquiries that insufficiently analyse the matter at hand in relation to relevant human rights and the input from relevant communities and individuals and, in graver circumstances, entirely bypass such an analysis. As such, the basis for further legislative proceedings is severely undermined.

## **DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT**

### **Key recommendations**

- *The government must ensure that proposed and implemented legislation is in line with Sweden’s international obligations and protects rights enshrined in the European Convention on Human Rights and other international agreements to which Sweden is party.*
- *The government should adopt the proposal to expand the scope of the National Discrimination Act to include a prohibition on the use of discriminatory measures. This is of particular urgency given the implementation of stop-and-search zones and other legislative measures likely to lead to increased discriminatory racial and ethnic profiling.*

54 Government Offices of Sweden, Committees, <https://www.government.se/how-sweden-is-governed/committees/>.

## Systemic human rights violations

### **Widespread human rights violations and/or persistent protection failures**

During 2024, the government and the Sweden Democrats proposed and/or enacted a range of legislative bills that undermine human rights and fundamental freedoms, particularly within the areas of migration policy and criminal policy. In particular, many legislative measures have been taken to limit migrants' access to fundamental rights. Many of these proposed changes have been introduced very quickly and through parallel legislative procedures, making it difficult to fully assess and consider their cumulative effects. Even more concerning is, of course, that it is almost impossible for the individuals most directly affected by these proposals to grasp the new requirements.

In November, a parliamentary committee of inquiry appointed by the Swedish government and the Sweden Democrats presented a proposal that would impose a mandatory reporting requirement on public employees at the Public Employment Service, the Social Insurance Agency, the Prison and Probation Service, the Enforcement Authority, the Pensions Agency and the Tax Agency, obligating them to contact the Police Authority if they have reason to believe that a foreigner they

have encountered does not have the right to stay in Sweden.<sup>55</sup> The sharing of personal information is ostensibly designed to help the Police Authority and Migration Agency combat irregular migration.<sup>56</sup>

This proposal effectively limits access to fundamental rights, both directly and indirectly, for individuals residing in Sweden without legal permits. The public authorities affected by the proposal in some cases perform services directly linked to fundamental rights, such as rights enshrined in the Convention on the Rights of the Child and the EU Charter of Fundamental Rights. For example, when a baby is born at a Swedish hospital, the attending midwife will report the birth to the Swedish Tax Agency. The proposed mandatory reporting requirement for the Tax Authority to, in turn, inform the police if, for example, the mother is undocumented, might lead to an increasing number of families choosing to give birth at home without medical professionals present. This could lead to infringements on the rights of the child and endanger the mother's right to healthcare. Moreover, the proposal would likely deter migrants from seeking assistance from other public institutions, even those not subject to the reporting requirements, effectively infringing upon other fundamental rights as well.

55 Beri Zangana, *5 Punkter om informationsplikten*, Aftonbladet, 26 November 2024, <https://www.aftonbladet.se/nyheter/a/93x4ew/det-har-ar-angiverilagen-fem-punkter-om-nya-informationsplikten>.

56 Swedish Government Official Reports (Sweden), Certain measures to strengthen return procedures and immigration control (Vissa åtgärder för stärkt återvändandeverksamhet och utlänningskontroll), SOU 2024:80, 26 November 2024, [Vissa åtgärder för stärkt återvändandeverksamhet och utlänningskontroll - Regeringen.se](https://www.regeringen.se/49131913).

Many new proposals have also been put forward limiting migrants' access to social and economic rights, including a proposal that part of the current financial introduction benefit given to newly arrived asylum seekers should be removed. The committee of inquiry appointed to examine the proposal found that removing this benefit could lead to increased child poverty and therefore declined to support the proposal. The government, however, has made no indication that it intends to withdraw the proposal.<sup>57</sup> A separate inquiry is examining a proposal to waive the right to municipal financial aid if the asylum seeker also receives the financial introduction benefit.<sup>58</sup> In the government's coalition agreement with the Sweden Democrats, they have also stated that they wish to do away with the ability to give out municipal financial aid to those who are unable to meet their needs completely, if the individual applying for assistance has not been granted legal residence in Sweden.

Sweden is obligated to uphold a certain standard of living for all persons, especially children, residing within its territory, regardless of immigration status. This includes ensuring access to appropriate housing, food, clothing,

and other basic needs. Removing and limiting access to financial support could lead to serious infringements upon these rights, both for asylum seekers and for those living in Sweden without legal permits.

Within the area of criminal law, there is a continued trend of stricter sentencing, further criminalisation and expanding the powers of the police authority. The entire criminal justice system is being transformed according to a punitive logic. Examples of these include stricter sentencing in cases of recidivism, prison sentences without time constraints and lowering the usage of probation. Of utmost concern is the fact that several legislative acts target individuals that are not suspected or convicted of crime. The blurring between suspect and non-suspect in the criminal justice system is not only a threat to the rule of law, but also creates a risk for arbitrary infringement of human rights based on discriminatory stereotypes.

Several alarming bills have gone into effect during the year. Following the adoption of legislation early in 2024, the police now have the authority to establish stop-and-search zones, areas in which the police have the

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57 Swedish Government Official Reports (Sweden), Steering force for successful integration (Styrkraft för lyckad integration), SOU 2024:41, 14 June 2024, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2024/06/sou-202441/>.

58 The Ministry of Social Affairs and Public Health (Sweden), A new model for eligibility for social security and financial assistance for newcomers and non-citizens (En ny modell för kvalificering till socialförsäkring och ekonomiskt bistånd för nyanlända och icke-medborgare), Dir. 2023:149, 20 October 2023, <https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/10/dir.-2023149>.

authority to search people and vehicles without the requirement of reasonable suspicion.<sup>59</sup> Despite warnings that these zones are likely to lead to increased discriminatory racial and ethnic profiling, the government has so far failed to adopt any safeguards to prevent this. The police are now also permitted to confiscate belongings from individuals even without reasonable suspicion if the police deem that that the person-in-question does not appear to them to have the (presumably financial) means to possess such an item. This has been justified as a tool to tackle organised gang criminality, but such legislation also opens the door for discrimination based on stereotypes. Furthermore, individuals that have not been convicted of a crime may now be issued a so-called *vistelseförbud*, roughly translated to a ban of entrance or a stay-away order preventing them from accessing certain public areas.

In November, a government committee of inquiry presented a proposal regarding stricter sentencing for juvenile delinquency. The general results during this year have been that age will have no or little bearing for a more lenient sentencing, which in turn will result in more minors being deprived of their liberty – either through prison sentences, or through compulsory care.

The current system for handling juvenile delinquency is undergoing a structural change.

Examples of these changes include the pending introduction of juvenile prisons, as well as proposals to lower the age of criminal liability and more extensive use of pre-trial detention. There is a clear lack of crime preventive measures and, where such measures are mentioned, these are most often framed in a punitive manner and thereby counterproductive to their purpose.

In terms of organised gang criminality, the government has appointed several committees of inquiry to tackle the issue. The inquiries tasked with exploring the criminalisation of participation in gang criminality and the possibility of double sentencing in cases related to gang criminality, inspired by Denmark, are likely to result in infringements on individual rights.

Lastly, several government inquiries have presented proposals that have a negative impact on the right to privacy. These include lowering the threshold for when camera surveillance can be used, coupled with the usage of AI.

Following a proposal from the Swedish Democrats, a new committee of inquiry has been launched with the goal of determining how the rules regarding family reunification can be stricter. This involves tightening the financial/economic requirements, as well as the requirements for obtaining a temporary resident permit based on connection to someone who has

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59 Krisinformation.se, *Security Zones*, 25 October 2024, <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incident/2023/gang-related-violence/security-zones#:~:text=As%20of%202025%20April%202024,areas%20are%20called%20security%20zones.&text=A%20new%20law%20allows%20the%20Swedish%20Police%20to%20introduce%20security%20zones>.

a resident permit or is a Swedish citizen. The stated purpose of the investigation is to identify ways to limit the law so that it does not grant more individuals more rights than needed under EU law, but in a manner consistent with Sweden's international commitments. The investigation will be presented on 25 August 2025 at the latest.

In 2022, the Swedish Security Service requested that the government make amendments to the regulation on security protection. The regulation stipulates that mandatory security clearances should be performed when employees work in, or applicants apply to, a position which is considered sensitive from a national security perspective. The Security Service requested that the regulation be amended to explicitly state that the security assessment should include information about the applicant or employee's connection to another country and that it is the responsibility of the applicant or employee to provide the authorities with the necessary information. According to the Security Service, having relatives in a country other than Sweden or having a spouse or partner who has relatives outside of Sweden can constitute such a connection to another country. The individual being a citizen of – or even ever having visited – the aforementioned country should not be a requirement for establishing

such a connection, according to the Security Service.<sup>60</sup>

Following the Security Service's request, Civil Rights Defenders has noted that applicants with relatives in countries like Iran, Russia and China are increasingly being denied or losing employment in government agencies, companies and municipalities either because they cannot obtain a security clearance or because employers neglect to carry out a security clearance assessment because they assume that the individual will not pass the assessment. There are currently no possibilities for individuals who fail the security assessment to appeal the decision or to gain insight into the circumstances which led them to fail the assessment.<sup>61</sup>

At the same time as the requirements for rejecting an applicant or terminating an employee based on a security assessment have been interpreted more broadly, the number of positions that are designated as sensitive and thus mandated to be subject to security assessments have increased exponentially over the past years, efficiently excluding Swedes with a minority background from tens of thousands of positions and entire employment sectors.

As a result of the Security Service's request, the government has appointed a legislative inquiry committee to review possible amendments to

60 The Swedish Security Service (Sweden), Stricter requirements for documentation in security clearance assessments (Skärpta krav på underlag vid säkerhetsprövning), 2021-18945-5, 1 June 2022, <https://www.regeringen.se/contentassets/f181fd269e5a4ff98b9446171ab23609/hemstallan---skarpta-krav-pa-underlag-vid-sakerhetsprovning.pdf>.

61 Kristina Hedberg, *Swedish-Iranians are being excluded from working life - in violation of the law*, Dagens Nyheter, 3 June 2024, <https://www.dn.se/sverige/svensk-iranier-sorteras-bort-i-strid-med-lagen/>.



the regulation on security protection. While Civil Rights Defenders agrees that the inquiry is needed, the scope of the inquiry is too narrow and will not allow for the amendments necessary to ensure fair, non-discriminatory, and legally certain security clearance assessments. Because of this, Civil Rights Defenders is gravely concerned that the trend toward excluding people with a minority background from security-sensitive positions will continue. There is also a risk that the inquiry committee will adopt the Security Service's suggestions mentioned above, which could cement discriminatory practices. Particularly, the suggestions could negatively affect Swedes with a refugee background, who may not be able to access the required information from their countries of origin to present to the Swedish Security Service.

### ***Impunity and/or lack of accountability for human rights violations***

Civil Rights Defenders and several other stakeholders have routinely highlighted the need to move forward with the proposal to expand the scope of the National Discrimination Act to include a prohibition on the use of discriminatory measures but have not received any conclusive answers about the future of the proposal. The need to adopt the proposal is bigger than ever given the implementation of legislation enabling stop-and-search zones, as well as other legislative measures likely to lead to increased racial and ethnic profiling. In December 2021, the committee of inquiry recommended that the prohibition against discrimination in the National Discrimination Act be expanded to encompass discriminatory

measures in addition to discriminatory treatment by public sector employees, including the judiciary, police, and prosecutors. As described in previous reports, if adopted the proposal would contribute to closing a massive accountability gap.

## **FOSTERING A RULE OF LAW CULTURE**

### ***Contribution of civil society and other non-governmental actors***

In December 2024, Civil Rights Defenders convened the fourth Nordic Rule of Law Forum in Stockholm. The goal of this annual event is to create a platform for dialogue and learning around important human rights and rule of law issues that brings together civil society actors, including legal practitioners and non-governmental organisations, as well as representatives of the judiciary and other state authorities.

The theme of this year's forum was "Rule of Law and States' Use of Human Rights to Defend and Justify their Actions". One panel examined how governments have used a human rights narrative to justify the infringement of human rights in the context of migration, the climate crisis, and COVID/global pandemics. Another, on state of emergency laws and the need to balance competing rights and interests during times of crisis, looked at the balance between ensuring the government's ability to act effectively and the need to protect individual human rights. A third panel consisting of

representatives of civil society from Sweden and Denmark, addressed ways in which civil society can act to confront these worrying trends and take a more proactive role in preventing democratic backsliding.

Speakers included academics, legal practitioners (both lawyers and members of the judiciary), and representatives from international organisations and civil society. The forum, which drew nearly 100 in-person participants, received overwhelmingly positive feedback.

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## CONTACT

### **Civil Rights Defenders**

Civil Rights Defenders is a non-profit expert human rights organization working worldwide to defend people's civil and political rights. Civil Rights Defenders also takes on the role of a multi-focus national watchdog organization in Sweden, promoting and protecting human rights in the Swedish context.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

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