

**LIBERTIES**

**RULE OF LAW REPORT**

**2024**

**SWEDEN**

**#ROLREPORT2024**



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## **FOREWORD**

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth 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, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

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 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. 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 2024 report includes 19 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. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2024 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, by encouraging people to use these rights to promote democratic societies.

### International Commission of Jurists – Sweden



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, claims the right to a fair trial is 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.

## Key concerns

In the area of justice, the government has changed the legal system through new laws and legislative proposals that could put Sweden at risk of breaching its international obligations. The proposal that anonymous witnesses be permitted to testify in trials has been widely criticised as being contrary to fair trial rights and likely to weaken the justice system. It is proposed that police can apply stop-and-search zones at their own discretion, resulting in an obvious lack of oversight. The government proposes to unilaterally decide upon a state of emergency with oversight only available after it has gone into effect. The justice system still features direct government involvement in appointing judges, and the decisions are vulnerable to systemic political interference. There is now a proposal from the committee of inquiry to strengthen the protection of democracy and the independence of the judiciary. There have not been any proposals made to the Parliament yet and a change can only take effect after two decisions in the Parliament, one before and one after the 2026 election – if the Parliament accepts the proposal. The change could have already been implemented in 2024 had it been prioritised.

As regards the anti-corruption framework, no progress has been made in strengthening the fight against foreign bribery. Existing legal definitions have not been amended, and there has been no change related to improving the prosecution and final judgments of cases. Moreover, the rules on ‘revolving doors’ for

executive positions in the government have not been further developed.

Public Service, which includes radio and television services, is not protected in the Constitution. The government appoints the members of the board of Public Service and there is no regulated protection against direct political involvement. A parliamentary committee of inquiry has now been appointed to propose changes to Public Service, creating an obvious concern that political demands to curtail public service media will be met. Despite this, there have not been any proposals to include protective measures in the constitutions.

Regarding checks and balances, 2023 saw a sharp increase in the pace of legislation being proposed by Sweden’s parliament, especially in relation to proposed new criminal policies and policies including complex and controversial legislation that could put Sweden at risk of being in breach of its international obligations. Although such legislative proposals require careful analysis and consideration, the government has instead been imposing short deadlines on relevant stakeholders to submit consultation responses. For civil society organisations in particular, many of whom have limited resources, this is a serious impediment to their participation in the legislative process. Moreover, because the foundations for the current government’s migration and criminal policies were laid out by the previous government, there is a concerning lack of clear counter-narrative amongst the present opposition parties. As a result, few alternative measures are proposed,

and the worrying direction these policies are headed remains unchallenged.

In the past year, civil society actors have been increasingly called into question, presumably in an effort to divert focus away from actual substantive arguments. Civil society organisations (CSOs) have been criticised and accused of being politically partisan for speaking out against proposed legislation. Discriminatory treatment of ethnic and religious CSOs, and Muslim civil society actors in particular, worsened during 2023. Ethnic and religious organisations in particular are at serious risk of dissolution as the government has adopted a bill blocking them from applying for and receiving public funding. The increasingly fast legislative pace, including the imposition of very short deadlines during the stakeholder consultation process, impedes effective engagement by civil society organisations who often lack the resources to meet these heightened demands. As a result, civil society is increasingly prevented from providing critical input to often complex and controversial legislation. Additionally, the government's proposed budget for 2024 will cut funding to ethnic and religious organisations, putting them at real risk of being forced to cease operations and/or face dissolution, as this is for many their sole source of income. This is directly contrary to the Commission's recommendation that Sweden ensure that reforms to the legal framework for the funding and operation of CSOs do not unduly affect civil society engagement.







The government has continued to propose legislation that effectively undermines human

rights and the rule of law and leads to violations of the rights of migrants and beneficiaries of international protection in particular, as well as ethnic and racial minorities. National security and the threat of terrorism and organised crime are routinely invoked to justify increasingly repressive criminal policies and the expansion of powers granted to law enforcement. Many of the proposed legislative measures, in particular those targeting gang and youth criminality, are loosely formulated and vaguely defined. This paves the way for the use of broad law enforcement measures, such as wiretapping and stop-and-search methods, against individuals who may not even be suspected of criminal activity. Civil Rights Defenders is concerned that the government's proposals are short-term solutions not based on empirical research or careful analysis, and that repressive policies that restrict individual rights will in the long term undermine public confidence in the authorities and the justice system and weaken the rule of law.

Moreover, the government's migration policies take a similar divisive 'us vs. them' approach, which threatens to increase rather than reduce existing social inequalities and exclude certain groups from becoming part of society. Among other concerns, the proposals include more stringent requirements for obtaining a residence permit, requiring asylum seekers to pay for their own reception, and the reduction of social benefits to migrants. A proposal has also been made to implement mandatory reporting of paperless individuals. Civil Rights Defenders is concerned that this will increase mistrust in society and create

division, ultimately weakening the rule of law. Additionally, the Swedish government cancelled funding for ‘ethnic organisations’ in 2023. 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.

### **State of play** (versus 2023)

-  Justice system
-  Anti-corruption framework
-  Media environment and freedom of expression and of information
-  Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

#### Legend

Regression

No progress

Progress



## **Justice system**

### **Key recommendations**

- *The proposal from the Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary should be sent to Parliament as soon as possible.*
- *The law regulating who nominates the members of the Board of Justice (Domarnämnden) should be changed in order to exclude government involvement in the appointment process. This is necessary during 2024, 2025 and 2026, until the proposal from the committee of inquiry on strengthening the protection of democracy and the independence of the judiciary to change the constitution has entered into force.*
- *Access to justice for individuals whose human rights have been violated should be improved substantially. Human rights protections are currently ineffective due to high litigation costs that most individuals are unable to cover. The ‘loser pays’ rule is still in effect. This creates unequal access to justice. The requirements for being able to obtain legal aid, which have not changed in the last 20 years, should be improved to make legal aid more accessible for a wider group of people, or the relevant authorities should propose a rule that each party must bear its own cost in discrimination cases. This would improve access to justice for these groups and reduce the financial barriers to litigation, thereby giving rise to further opportunities to have discrimination issues tried in court.*

- ***Court proceedings should be adapted to address the individual needs of persons with disabilities so they can enjoy the same conditions as others during the legal process. The limited legal aid specifically creates a negative effect in order for them to receive the support they need to be able to assert their rights.***

## ***Judicial independence***

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

The justice system continues to see direct involvement by the government in appointing judges, and the system is not protected from political influence during the decision-making process.

A proposal arising from a parliamentary investigation has been made that would protect the appointments of judges, but that proposal would only go into effect after the 2026 election if the Parliament accepts it. The law regulating who nominates the members of the Board of Justice (Domarnämnden), which independently should nominate judges to be appointed, should be changed. The Board of Justice cannot be seen as independent due to the fact that the government appoint its members. This will be changed when government involvement in the appointment of the members of the Board of Justice will cease. This will occur when a proposal from the committee of inquiry on strengthening the protection of democracy and the independence of the judiciary enters into force. According to the proposal, the board of justice will be regulated by the constitution. So far the justice system still features direct government involvement in appointing members

of the Board of Justice, and the decisions are vulnerable to systemic political interference.

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

There are no guarantees that the mandatory retirement age for judges will not be used to strategically get rid of judges, as there is a lack of regulations in that regard. The committee of inquiry's proposal on strengthening the protection of democracy and the independence of the judiciary will improve this by regulating the retirement date in the Constitution, but changes will only enter into force in 2027 at the earliest.

### ***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)***

Sweden does not have any Council for the Judiciary, but regulations are introduced to the constitution by the aforementioned committee of inquiry proposal. Once again, its effect hinges on parliamentary approval and is delayed until 2027.



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## **Quality of justice**

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

Access to justice in all civil cases for individuals whose human rights have been violated should be improved substantially. Human rights protections are currently ineffective due to high litigation costs that most individuals are unable to cover. This creates unequal access to justice. The legal aid system, which has not been changed in the last 20 years, should be reformed and expanded to enable more people to obtain legal aid. The ‘loser pays’ rule is still in effect, meaning that in addition to their own litigation costs, those seeking to bring a case risk being ordered to pay the costs of the opposing party as well, which is a significant deterrent to seeking justice. In basic human rights cases, a rule that each party must bear its own cost in discrimination cases should be introduced. If human rights cases brought against the state were free from costs, this would create more effective protection. Those who tend to be the targets of discrimination also tend to have limited resources, so the costs of bringing a case to court often create an insurmountable obstacle to accessing justice. People with disabilities should be able to have the proceedings in court customized to their individual disability to enable their equal participation, and in all senses be given the same conditions as others during the legal process.

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

All education curricula should include teaching of the protections afforded by the Swedish constitution, the European Convention on Human Rights, the EU Charter of Fundamental Rights, and the UN’s core conventions and how they can be invoked. This includes curricula for primary and secondary schools as well as education at the university level. The knowledge of judges, especially administrative court judges, as well as jurors, prosecutors, and trial attorneys, must be improved through recurring training on democracy and human rights.

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

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

- A proposal that anonymous witnesses be permitted to testify in trials,<sup>1</sup> which has been widely criticised as being contrary to fair trial rights and likely to weaken the justice system. The proposal to introduce a law on anonymous witnesses is unlikely to lead to the intended results, namely to reverse the trend of increasing gang violence, break the culture of silence, and strengthen and make the legal process more efficient. On the contrary, there

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1 Inquiry proposes new act on anonymous witness testimony: <https://www.government.se/press-releases/2023/11/inquiry-proposes-new-act-on-anonymous-witness-testimony/>

may even be a risk that the proposed legislation will make it more difficult to get individuals to testify if they are not allowed to remain anonymous, as well as making the legal process less efficient and increasing the administrative burden on prosecutors and courts.

- A proposal that the government itself should be able to invoke a state of emergency with checks being carried out only after it has taken effect. The committee itself stated in the report “that the form of government’s provisions on the rule-making power are of fundamental importance and that changes to these can be associated with risks. It cannot be ruled out that special solutions for crises, which give the government greater power, may be used in cases for which they are not intended.” It is important that Parliament retain its power to decide if and when the legislative process should be delegated. This means that the Constitution should not include a standing rule stating that the government automatically has the right to introduce a state of emergency in the event of a crisis during peacetime. The proposed criteria for when the government itself should be allowed to invoke a state of emergency and take over the legislative process during a crisis are unacceptably vague and leave a

lot of room for interpretation by the government itself. For example, the proposed situations in which the government would be allowed to invoke a state of emergency include “serious peacetime crises / only when it is really necessary / exceptional situations / a serious peacetime crisis situation must prevail / the conditions must require the government to be given special rule-making powers / be a question of an acute stage of the crisis / when the need for new regulations is so urgent / it would take too long to legislate / act in urgent situations / there is a threat to or danger to public interests that are important to protect / a severe nuclear accident / during a pandemic with rapid spread and high mortality.”<sup>2</sup>

- A proposal that police should be able to create stop-and-search zones<sup>3</sup> with obvious lack of oversight. The proposal involves a restriction on the right to private and family life that cannot be considered proportionate to the purpose of the law. For a law that infringes in such an extensive way on individual integrity to be considered proportionate, very clear support is required to show that it is an effective measure to achieve the purpose of the law. The Swedish Institute for Human Rights does not believe that this

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2 Stärkt konstitutionell beredskap: Betänkande av Kommiteen om beredskap enligt regeringsformen: <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2023/11/sou-202375/>

3 Säkerhetszoner – ökade möjligheter för polisen att visitera för att förebygga brott: <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2023/12/sakerhetszoner--okade-mojligheter-for-polisen-att-visitera-for-att-forebygga-brott/>

has been shown.<sup>4</sup> The proposed rules in selected areas will grant authorities overly extensive powers to impose restrictions on personal integrity on arbitrary grounds, for example by permitting body searches of individuals because they are dressed in a certain way or exhibit deviant behaviour.<sup>5</sup>

The government is still directly involved in the process of appointing judges and the judicial 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. Currently, there are no effective human rights protections due to the burden of high costs. Access to justice is unequal. There are few opportunities to have discrimination issues tried in court, and, in cases where the issues are raised, the relevant assessments are often out of date. People with disabilities are also not given the same conditions as others during the legal process, and they do not receive the support necessary to be able to assert their rights.

## Anti-corruption framework

### Key recommendations

- *The government should prioritize the development of rules relating to revolving doors that cover top executive functions in the government.*

## Framework to prevent corruption

### Integrity framework including incompatibility rules (e.g.: revolving doors)

The regulations addressing the issue of revolving doors for top executive roles in the government have not been sufficiently developed.

4 <https://mrinstitutet.se/om-institutet/remisser/sakerhetszoner-okade-mojligheter-for-polisen-att-visitera-for-att-forebygga-brott/>

5 <https://www.do.se/om-do/pressrum/aktuellt/2024/2024-01-18-sakerhetszoner-innebar-oacceptabla-risker-for-diskriminering>

## Media environment and media freedom

### Key recommendations

- *The government must ensure that the Swedish Public Service retains its political and financial independence.*

### Public service media

#### **Independence of public service media from governmental interference**

The Swedish Constitution does not include protections guaranteeing the survival or independence of the Public Service. The government appoints members of the board of the Public Service. No inquiry is working towards improvement in this regard.

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

#### **Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists and media activists**

Journalists and their families are constantly endangered on social media and threatened with violence.

There are ordinary criminal statutes related to the endangerment of journalists on social media and threats of violence, but the police

lack sufficient resources to effectively fight this activity.

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

In March 2023, a new organisation called 'Förtalsombudsmannen' (The Defamation Ombudsman) was founded in Sweden. Behind this organisation is 21-year-old Christian Peterson, who serves as the self-proclaimed defamation ombudsman. Peterson has a history within the violent Swedish Nazi movement known as the 'Nordic Resistance Movement'.

Supported by private anonymous contributors and legal professionals, The Defamation Ombudsman offers guidance, research, and financial support to those who wish to participate in what Peterson has referred to as "mass voting against left-wing individuals".<sup>6</sup> The project aims to discredit, silence, and disrupt political opponents, making it difficult or impossible to publicly label someone as a Nazi by filing defamation lawsuits and pursuing compensation claims ranging between €1,000 and €2000. The organisation has not shown any interest in genuine defamation cases but

6 [Domstolar blir redskap när nationalister vill "masstämma vänsterfolk" - DN.se](#)

rather has expressed a desire to leverage the legal system for political purposes. Based on the information disclosed thus far, it seems that journalists and various opinion leaders, some with a left-leaning orientation, have been the primary targets of the initiative.

Among the individuals aided by The Defamation Ombudsman, notable figures include the Quran burner Rasmus Paludan and the journalist Ingrid Carlqvist, known for questioning facts related to the Holocaust.<sup>7</sup>

Although no one has yet been convicted of defamation through any of the legal actions

initiated by The Defamation Ombudsman, there is concern among journalists and anti-racist forces that these measures could have a chilling effect on the coverage of the extreme right in the country. This concern extends not only to the potential costs and time involved for the accused but also to the fact that individuals in any such legal process may be publicly identified in right-wing media. They thereby risk being the target of hate and harassment from extreme right-wing movements.

## Checks and balances

### Key recommendations

- *The government must safeguard the integrity of the legislative process and ensure that stakeholders, including civil society actors, are given sufficient time to respond to legislative proposals during the consultation process.*
- *The government must ensure that all aspects of the asylum and migration process, including the process for appealing negative decisions by the Migration Agency, are in line with the rule of law and due process principles.*
- *The government must continue to strive towards establishing robust and independent institutions dedicated to promoting human rights and ensuring their autonomy with independent officials.*

<sup>7</sup> For more information about The Defamation Ombudsman, please see the following articles: [Vill stämma politiska motståndare till tystnad | Expo.se](#); [Domstolar blir redskap när nationalisterna vill ”masstämma vänsterfolk” - DN.s](#)

## **Process for preparing and enacting laws**

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

Over the past year, legislative activity in Sweden has been notably high and fast-paced, particularly within the area of criminal law. Lawmakers often seek to justify this accelerated pace by claiming they must address urgent societal issues such as crime prevention. In many instances, this has resulted in legislative proposals that are complex, and controversial in that they confer additional authority upon governmental entities, while simultaneously gravely limiting individuals' freedoms and rights. Some of these proposals, were they to be enacted, could put Sweden in violation of its international obligations. Legislation proposing such extensive infringements on personal integrity should be carefully considered and evidence-based, and must be proportionate to their aim. However, despite the controversial nature of these proposals, relevant stakeholders are given very short deadlines to respond. The primary purpose of sending legislative proposals to stakeholders for consultation is to explore the potential consequences of enacting the proposed bills.<sup>8</sup>

The combination of a fast pace 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 into 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 by certain legislative proposals should be included, or where a human rights perspective could be applied. Civil society organisations as well as government authorities, including supervisory bodies, expressed concern over the situation. Also, concerns expressed by the Council of Legislation about the compatibility of draft bills with the Constitution and general legal principles are regularly disregarded by the government.

## **Independent authorities**

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### **Threats to dismantle the Swedish Human Rights Institute**

On 1 January 2022, a national human rights institute was established in Sweden. The Swedish Institute for Human Rights aims to promote and safeguard human rights within the country. In April 2023, the Sweden Democrats, a constituent part of the current government coalition and currently the country's second-largest party, expressed their intent to dismantle the institute. This proposal was accompanied by a suggestion to discontinue funding dedicated to combating racism and discrimination. The rationale behind the proposal was the assertion

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<sup>8</sup> Svvara på remiss - hur och varför, PM 2003:02 ([regeringen.se](https://www.regeringen.se))

that Sweden does not face significant issues of discrimination and racism<sup>9</sup> — an assertion contested by several civil society organisations.

In an open letter addressed to Prime Minister Ulf Kristersson, 49 organisations in Sweden emphasised the need for a clear statement of assurance from the Prime Minister that the Institute for Human Rights, in its current form and with undiminished resources, will be able to continue its crucial work.<sup>10</sup> This collective appeal prevented the implementation of the proposed changes.

However, concerns arise from the fact that the proposal originates from the second-largest party in the Parliament and the largest party in the current government coalition. There is apprehension about whether this move may impede the institute from critically engaging with the current government to avoid the risk of being defunded or dismantled.

### *Salary increases for non-political officials implementing the government's policies*

During the 2023 salary revision for the Government Offices, the head of the government's administrative office issued a directive that non-political government employees implementing the policies of certain political parties were to be prioritised for salary increases.<sup>11</sup>

The majority of employees at the Government Offices are non-political civil servants whose employment is not linked to the sitting government, and many have reacted strongly to this directive as it implies a politicisation of their work. It has also sparked concern that staff will not be eligible for salary increases if their work does not align with the current government's political priorities. The relevant trade unions have also been surprised by the directive and emphasise that the salary process should be completely free of political interference.

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

Civil Rights Defenders has become aware of a concerning trend in which an increasing number of individuals applying for Swedish residence permits and citizenship are being rejected based on undisclosed security concerns.

As part of the application process for residence permits and citizenship, the Swedish Migration Agency forwards cases to the Security Police for evaluation. As outlined on their public website, if the Security Police have reason to suspect that the applicant may constitute a security threat they conduct an investigation to assess the applicant's engagement in activities deemed to be of concern. Following the completion of this investigation, the Security Police provide an

9 To read more about the proposal, please see the following articles: [Sverigedemokraterna: Lägg ned Institutet för mänskliga rättigheter - DN.se](#); [SD vill lägga ner MR-institut – men röstade ”ja” till det i riksdagen - Altinget - Allt om politik: altinget.se.](#)

10 [Öppet brev till statsminister Ulf Kristersson om MR-institutet från 45 organisationer - Civil Rights Defenders \(crd.org\)](#)

11 [Regeringskansliets nya direktiv: Den som arbetar för Tidöavtalet kan få högre lön - DN.se](#)

opinion to the Migration Agency, which then determines the application's final decision.<sup>12</sup>

Applicants have the right to appeal a negative decision by the Migration Agency. However, they do not have access to the information upon which the Migration Agency based its decision. This poses a significant obstacle during the appeals process as the applicants do not know

the specific information and reasoning that they need to contest.

This arrangement raises fundamental concerns about transparency and due process, as individuals find themselves at a serious disadvantage when seeking to challenge decisions that affect their residency status and citizenship.

## Civic space

### Key recommendations

- *The government must ensure that proposed 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 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 and upholding the rights to freedom of association and assembly.*
- *The government must ensure equal treatment of civil society organisations regardless of their focus or type of activities and adhere to national anti-discrimination laws in this respect, especially with regard to Muslim civil society organisations.*

## Freedom of association

### Involuntary dissolution

As of 2023, there are no specific or direct mechanisms in place in Swedish law to involuntarily

dissolve NGOs. In practice, though, Swedish NGOs are constrained by general principles of Swedish association law, which allows for more or less involuntary dissolution in cases of bankruptcy or liquidation.<sup>13</sup> There exists, however, a discernible and frequently alluded to political

12 [Utlänningsärenden - Säkerhetspolisen \(sakerhetspolisen.se\)](https://sakerhetspolisen.se)

13 Unlike its neighbouring countries, NGOs in Sweden are not explicitly referenced in any Swedish legal text, though it is generally held that they are subject to general principles of 'association law', see Stattin, D., Ideell förenings rätthandlingskompetens, *Svensk juristtidning*, 2004 s. 935, pp. 935—948. <https://svjt.se/svjt/2004/947>



will to institute such mechanisms, made evident by several statements or programs adopted by governing parties to that effect. The targets of such proposals or statements are exclusively Muslim civil society organisations and Muslim faith-based communities. For example, in a highly publicised event, par for the course within the trend of Islamophobic political discourse and the highlighting of Islamophobic antagonisms being legitimate tools of political activity in Sweden, party leader of the Sweden Democrats and Member of Parliament,<sup>14</sup> Jimmie Åkesson, delivered a speech at the Sweden Democrats' annual convention in which he asserted that the Sweden Democrats, as part of their formal policy, are calling for an immediate halt to the ongoing construction of mosques in Sweden, as well as the demolition of all currently existing mosques which "contribute to Islamism."<sup>15</sup> Åkesson (who launched his political career by penning an op-ed in the magazine *Aftonbladet* with the title and thesis 'Muslims are Europe's biggest threat')<sup>16</sup> defined Islamism as the ideology of anyone who puts Islam in front of democratic values and individual freedom,<sup>17</sup>

manifestations of which include the public appearance of such Islamic symbols as minarets, domes, and crescent moons – all of which Åkesson identifies as "Islamist monuments".<sup>18</sup> Responding to the backlash, Åkesson further rationalised the Sweden Democrats' proposals with references to similar laws in Germany and France, such as the French *Loi confortant le respect des principes de la République*.<sup>19</sup> That law has been harshly criticised and condemned by international human rights and civil society organisations for amounting to little more than a poorly disguised attack against Muslims and Muslim organisations in both purpose and effect.<sup>20</sup> It is in violation of the rights to freedom of association, freedom of religion and general principles of the rule of law. Yet it has previously been referenced by Sweden's governing parties as an exemplary standard of how to deal with issues such as 'Islamism' and 'separatism' (or 'social exclusion'). Already in 2022, ahead of the Swedish parliamentary election, the then newly elected party leader for the Liberals and current Minister for Employment and Integration Johan Pehrson dedicated his

14 Rosén, H, DN/Ipsos, *Han styr Sverige*, *Dagens Nyheter*, 13 October 2023.

15 Sverigedemokraterna, *Jimmie Åkessons tal på Landsdagarna 2023*, 25 November 2023.

16 Åkesson, J., *Åkesson: Muslimerna är vårt största utländska hot*, *Aftonbladet*, 19 October 2009.

17 Åkesson, J, "Kartlägg de islamistiska strömningarna i Sverige", *Dagens Nyheter*, 1 December 2023.

18 Sverigedemokraterna, *supra* n. 7, 2003.

19 SVT Nyheter, *Åkesson om kritiken: "Får inte vara naiva inför islamismen"*, 27 November 2023.

20 Among others, see Amnesty International, *Amnesty International's Concerns Regarding the Bill "to Strengthen Respect for the Principles of the Republic"*, 2021; Human Rights Watch, *Restrictions of Civil Society Space in France*, 4 May 2023; European Network against Racism, *Joint Statement: France's Shrinking Civic Space Must Be Protected*, 2021; The Expert Council on NGO Law of the Conference of INGOs of the Council of Europe, *The Expert Council on NGO Law is concerned about the restrictions by the Bill to strengthen respect for the principles of the Republic by all*, 31 March 2021; Commission Nationale Consultative des Droits de L'homme, *Conforter le respect des principes de la République: un PJJ dangereux pour la cohésion nationale*, 8 April 2021; Défenseur des droits, *Avis du Défenseur des droits*, n. 21-01, 2021.

first speech as a party leader to situating the so-called fight against ‘separatism’ at the core of the party’s platform:<sup>21</sup>

*“The security in Sweden is now being challenged by criminal gangs, clan rule and religious fundamentalists. And by men who hate women. We shall call these forces by their proper name: Separatists! Individuals who aim to tear apart our democratic society. **We should act as in France** [emphasis added]. Take on the fight against the forces that are tearing us apart. Unite against what the separatists seek to separate.*

*[...] We are the liberal party for those who want to change the government and introduce new ideas in the efforts for the school, for combating separatism and segregation.”*

In an op-ed published in Sweden’s second-largest daily newspaper, Svenska Dagbladet, titled ‘The separatists in Sweden must be crushed’, Pehrson further detailed the transnational nature of the party’s approach to “separatism,” itself a term borrowed from French political discourse:

*“Sweden finds itself today where France was a number of years ago. President Emmanuel Macron’s liberal government has openly challenged Islamist separatism in France and*

*shown a clear path forward towards a united France that addressed integration issues and keeps the country together. What Macron has done in France, through honest and open debate and concrete proposals to combat separatism, is absolutely right and should have been done in Sweden many years ago.”<sup>22</sup>*

Pehrson continued the “separatism” framing in 2023. In an op-ed in Sweden’s biggest daily newspaper, *Dagens Nyheter*, published in conjunction with the presentation of the 2024 Budget Bill, Pehrson described the Liberal party’s efforts to fight “separatism,” including concrete proposals to cut all and any funding to ethnic organisations. This evidently was (also) inspired by a study visit the party leader made to the Belgian city of Mechelen to visit mayor-turned-Vice-President and Minister for Domestic Affairs, Integration and Gender Equality to the Flemish government, Bart Somers.<sup>23</sup> Somers has been praised for his repressive measures to combat radicalisation, Islamism and “political Islam” in Mechelen, for which he won the ‘World Mayor Prize’ in 2016,<sup>24</sup> and his report *Combating Radicalisation and Violent Extremism: Preventive Mechanisms at the Local and Regional Level* was adopted the same year by the European Union’s Committee of the Regions as its official opinion.<sup>25</sup> He is a regular participant at the Vienna Forum on

21 Liberalerna, Johan Pehrsons tal i Almedalen, 5 July 2022.

22 Pehrson, J, L: *Separatisterna i Sverige måste knäckas*, 31 May 2022.

23 Pehrson, J, “Nu slopar vi statsbidraget till etniska organisationer”, 11 September 2023.

24 Renew Europe, *Bart Somers awarded 2016 World Mayor Prize*, 2016.

25 European Committee of the Regions, *Combating Radicalisation and Violent Extremism: Prevention mechanisms at local and regional level*, CDR 6329/2015, CIVEX, 16 June 2016.

Countering Segregation and Extremism in the Context of Integration.<sup>26</sup>

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

*Discriminatory treatment of ethnic and religious organisations*

Racism, and Islamophobia in particular, maintained its strong grip throughout 2023 as the dominant force according to which Swedish governance and social coordination is organised. The government put into practice the provisions enshrined in the Tidö Agreement, several of which make explicit references to restricting the freedom of association of religious and ethnic organisations.<sup>27</sup> Examples of provisions with such an aim include the proposal to appoint a government inquiry to explore the possibility of

a legal prohibition against foreign funding of religious communities and civil society organisations “with links to Islamism and extremism” and to “propose stricter regulations and supervision” of such organisations, taking into particular account “the interest of counter-acting Islamism and radicalisation and chart[ing] out how foreign funding of congregations and other cultural, ethnic and religious organisations are used for Islamist and separatist interests”.<sup>28</sup>

The Tidö Agreement also promises to review what measures can be taken to prevent any public funding (including national public funding) from being allocated to “ethnically defined associations or other organisations that are associated with Islamist or separatist interests.”<sup>29</sup> The agreement also specifically describes “schools with a Muslim profile” as breeding grounds for extremism and Islamism.<sup>30</sup> Between 2017 and 2023, 10 Muslim schools were shut down and dissolved, with only one remaining in

26 See, for general information on the so-called Vienna Forum, Bridge Initiative, [Factsheet: Vienna Forum on Countering Segregation and Extremism in the Context of Integration](#), 22 February 2023. Held for the first time on 28 October 2021, on the initiative of Austrian Minister for Women, Integration and Equality, Susanne Raab of the Austrian People's Party (Österreich Volkspartei), with the aim of being a centre in the fight against “political Islam” since “representatives of ‘political Islam’ are infiltrating society and trying to undermine European values,” the conference has been described by the European Network against Racism as being based on the essentialisation of Muslims with the goal of increasing surveillance and repression of the group, and has hosted a magnitude of political leaders, scholars and activists criticised for their frequent engagement with Islamophobic stereotypes and divisive, antagonistic rhetoric.

27 Sverigedemokraterna, Moderata samlingspartiet, Kristdemokraterna, Liberalerna, [Tidöavtalet: Överenskommelse för Sverige](#), 14 October 2022

28 Sverigedemokraterna et al., *supra* n. 8, 2022.

29 Ibid.

30 Ibid.

2023.<sup>31</sup> Eight of the 10 schools have been closed by the Swedish Schools Inspectorate (Skolinspektionen) after receiving restricted intelligence based on classified evidence by the Swedish Security Service that “there are risks that the students might be subjected to radicalisation”. Since the evidence is classified, it is not available for consideration by either the Inspectorate nor the affected schools, the latter of which are struggling to defend themselves against accusations whose content or nature they are not privy to, or recognise themselves<sup>32</sup>. No case of actual radicalisation has ever been presented, nor have the schools previously received other criticism by the Inspectorate, regarding, for example, the quality of education or satisfaction of its staff and pupils.<sup>33</sup>

The Liberals have also promised to create a permanent ‘anti-separatism’ organ in the Swedish Parliament.<sup>34</sup> In March 2023, the Liberals invited the Swedish academic and public commentator Sameh Egyptson to hold a seminar in Parliament, which was attended by Members of Parliament from the Liberals, the Christian Democrats,<sup>35</sup> the Moderate Party and the Sweden Democrats. According to the Bridge Initiative at Georgetown University, Egyptson is engaged in spreading conspiracy theories about an alleged Islamization of Sweden by

the Muslim Brotherhood, and has repeatedly called for Swedish Muslim organisations to be dissolved or shut down.<sup>36</sup>

Meanwhile, the term Islamophobia is itself becoming more contested, even at the executive level. In connection with a highly publicised Qur’an burning outside of a mosque in Stockholm on 30 June 2023, for example, the newly instituted Psychological Defence Agency claimed in a segment on *SVT Nyheter* that there is an ongoing disinformation campaign against Sweden internationally. They claimed it is constituted around the ‘myth’ that there exists widespread Islamophobia in Sweden.<sup>37</sup> This development actively and explicitly harms or seeks to harm the standards of rule of law, democracy and human rights in Sweden. The political organisation of minority groups and dissenting voices is increasingly curtailed, with what can only be described as an intent to fully eliminate them from public opinion. Muslim and ethnic organisations are particularly targeted and have in the last couple of years almost completely vanished in the face of overwhelming institutional opposition.

The greatest threat to ethnic organisations specifically came on 20 September 2023, when the Swedish government presented the Budget Bill

31 Asker, A., Bara en skola med muslimsk profil kvar, *Svenska dagbladet*, 25 December 2023.

32 Ibid.

33 Ibid.

34 Pehrson, J, *supra* n. X, 31 May 2022.

35 Aftonbladet, ”Politikerna har gjort muslimerna en björntjänst”, 23 February 2023.

36 Bridge Initiative, Factsheet: Sameh Egyptson, 4 May 2023.

37 SVT Nyheter, Ny desinformationskampanj mot Sverige: ”Mycket aktivitet”, 30 June 2023.

for the financial period of 2024 to the Swedish Parliament.<sup>38</sup> In contrast to previous budgets, the bill included a complete redistribution of any funds previously allocated to organisations formed on an ethnic basis, so-called ‘ethnic organisations’. Such organisations have been eligible for targeted state funding since the 1990s and have received a total of SEK 18,9 million (€1.67 million) since 2008. According to the government, which described it as a “phase-out of state subsidies”, the motivation behind the change was that “public funds set aside for integration measures must be used more efficiently and have clearer integration objectives” and that “[b]esides the special conditions that apply to the five national minorities,<sup>39</sup> the government sees no reason why funds should be allocated to organisations based on their members’ ethnicity”.<sup>40</sup> In a press release published in connection with the presentation of the Budget Bill, the Swedish Minister for Employment and Integration, Johan Pehrson, further explained the proposal by saying that “[though] Sweden is a country built on popular movements (*folkrörelser*) ... integration efforts should focus on activities, not ethnicity” and that “[it] is about money that can be used in a

better way to end social exclusion (*utanförskap*) and promote integration.”<sup>41</sup> In an op-ed published on 7 September 2023, Pehrson further described the state of play as such that “[s]ociety should not encourage ethnic segregation, but rather integration”, implying that ethnic organisations are a tool for social exclusion.<sup>42</sup> The proposal was widely criticised by several Swedish civil society and human rights organisations,<sup>43</sup> but was voted through on 7 December 2023.<sup>44</sup> In practice, the result of the new budget is that all 41 currently existing ethnic organisations in Sweden will have no available sources of public funding and, by extension, be unable to operate and imminently dissolve.

The targeted, discriminatory treatment of religious and ethnic organisations and the shrinking of such organisations’ access to public spaces is also evident from the way they are routinely demonised, securitised and stigmatised within the media and political discourse in Sweden – a development fully endorsed and acted upon by high-ranking government officials. The most apparent example of the reciprocal relationship between undue media scrutiny and summary political decision-making that infringes on the

38 Ministry of Finance, [Government presents Budget Bill for 2024](#), 20 September 2023.

39 Jews, Roma, Swedish Finns and Tornedalers. See the [National Minorities and Minority Languages Act](#).

40 Ministry of Employment, [Labour market and integration reforms – Budget Bill for 2024](#), 3 October 2023. <https://www.government.se/articles/2023/10/labour-market-and-integration-reforms--budget-bill-for-2024/>

41 Arbetsmarknadsdepartementet, [Statsbidraget till organisationer bildade på etnisk grund avskaffas](#), 7 September 2023.

42 Pehrson, J., “Nu slopar vi statsbidraget till etniska organisationer”, *Dagens Nyheter*, 6 September 2023.

43 Gelin, G., “Luktat rasism”: Kritik efter slopat stöd till etniska föreningar, *Dagens ETC*, 25 September 2023; Kroksson, H., “Liberalerna har inte förstått etniska organisationer”, *Dagens Nyheter*, 11 September 2023.

44 Sveriges riksdag, [Beslut: Utgiftsområde 17 Kultur, medier, trossamfund och fritid](#), 7 December 2023.

freedom of association of ethnic and religious organisations is the treatment of the Swedish adult education association (*studieförbund*) Ibn Rushd. Ostensibly, it is Sweden's biggest and oldest Muslim association. Since 2017, the association has been the subject of four public investigations: two by the Swedish Civil Contingencies Authority (*Myndigheten för samhällsskydd och beredskap*) under the Ministry of Justice, and two by the Swedish Council for Popular Education (*Folkbildningsrådet*).<sup>45</sup> Ibn Rushd is the only association or organisation to date to be scrutinised by public authorities in such a way.

The first report from the Swedish Civil Contingencies Authority, titled 'The Muslim Brotherhood in Sweden' stated erroneously that the management of Ibn Rushd is "completely controlled by the Muslim Brotherhood".<sup>46</sup> The report received intense criticism, including from 20-something religious scholars, who, in an open letter to the authority, lambasted the report for failing to meet evidentiary thresholds and argued that several key claims lacked empirical

support and were of a conspiratorial nature.<sup>47</sup> The authority subsequently published a statement on the social media platform Twitter<sup>48</sup> explaining that the report only reflected the opinions of its authors, not the operations of the authority nor any evidence-based investigations.<sup>49</sup> In the following report, the authority completely backed away from their previous claim that the management was controlled by the Muslim Brotherhood. However, it still criticised Ibn Rushd for hindering integration and promoting "separatism" and social exclusion by organising against Islamophobia.<sup>50</sup> The report claimed that "a problem with organisations associated with the Muslim Brotherhood is that they contribute to political and social polarisation by pitting an imagined 'us' (Muslims) against an imagined 'them' (non-Muslims)" and that "[i]t is a strategy of identity politics that pits groups against each other and thereby has a negative impact on the democratic rules of the game (sic) for public debate."<sup>51</sup> Meanwhile, positive aspects of the association's organisation, such as the even gender distribution of its board members, were described as forms of "tokenism", that is, tactics

45 Norell, M., Carlbom, A., Durrani, P., Muslimska brödrskapet i Sverige. *Myndigheten för samhällsskydd och beredskap*, 2017. <https://rib.msb.se/filer/pdf/28248.pdf>; Carlbom, A... Islamisk aktivism i en mångkulturell kontext – ideologisk kontinuitet eller förändring?, *Myndigheten för samhällsskydd och beredskap*, 2018. <https://www.slideshare.net/Johanwesterholm/aje-carlbom-msb-om-mb>; Amnå, E., När tilliten prövas: En studie av studieförbundet Ibn Rushds samhällsbidrag, *Folkbildningsrådet*, 2019; Folkbildningsrådet, *Beslut i granskningsärende*, Dnr. 22/00331, 2023.

46 Norell et al., *supra* n. 13, 2017.

47 Religionsvetenskapliga kommentarer, *Undermålig forskning i svensk myndighetsrapport*, 2 March 2017.

48 Now X.

49 Amnå, E. 2019.

50 Carlbom, A. 2018. *supra* n. 13.

51 Carlbom, A. 2018. *supra* n. 13.

used to pretend to be democratic to gain legitimacy while simultaneously working in secret to demolish democratic values.<sup>52</sup> Finally, prior to 2023, the Council for Popular Education, which distributes funds to adult education associations, initiated an investigation against Ibn Rushd as a result of the criticism that had been levied against the organisation in mostly conservative publications and from profiles within the larger anti-Islamic or anti-Islamist movement.<sup>53</sup> The report concluded that there was no evidence to support the claim that Ibn Rushd had any links to the Muslim Brotherhood or otherwise failed to fulfil the requirements necessary to be eligible for public funding, including respect for democratic values.<sup>54</sup> Despite this fact, the Social Welfare Board of Gothenburg withheld the funds distributed to Ibn Rushd by the Council for Popular Education in 2022, a decision criticised by the Swedish section of Amnesty International as an attack on the freedom of religion and freedom of association and the principle of non-discrimination.<sup>55</sup>

Ibn Rushd rose to media prominence once again in late 2023. After conducting a routine review of the study material used by its member association's study circles, the association alerted the Council of Popular Education that two identified books, which had been listed in the syllabi of five study circles, included chapters that the association considered as conflicting with the so-called prerequisite 'democracy requirements' necessary for eligibility to receive state funding, as well as the by-law values of the association itself.<sup>56</sup> The identified books included chapters which made references to anti-Semitic theories and writings endorsing corporal punishment of children. Though there was no indication that the books nor the specific chapters had been used at all, even less so in which specific context they were to have been used, Ibn Rushd recognised that their lack of documentation, itself a requirement for state funding, was substandard. They thus initiated formal proceedings with the Council with the purpose of paying back funds received corresponding to the

52 Carlbom, A. 2018. *supra* n. 13.

53 These include Aje Carlbom, who had written the previous two reports; Magnus Ranstorp, which the research project The Bridge Initiative at Georgetown University in a fact-sheet published in 2023 described as a leading voice against Muslim civil society in Sweden and a frequent disseminator of conspiracy theories regarding a supposed Islamist infiltration of leftist and green parties; Amineh Kakabaveh, who was ousted from the Swedish Left Party in 2019 after several Islamophobic and racist remarks; and Hanif Bali, a far-right media figure and former Member of Parliament for the Moderate Party who frequently posts on social media about an ongoing replacement of white Swedes in favour of migrants from the Middle East and Africa, Muslims and other predominantly non-white groups. See Tobias Hübinette, Om Hanif Balis resa från färgblind antirasism till högerradikalism, 13 December 2022.

54 Amnå, E. 2019, *supra* n. 13.

55 Amnesty International, Beslutet att neka Ibn Rushd bidrag riskerar att hota religions- och föreningsfriheten, 23 February 2023.

56 TT Nyhetsbyrån, Flera nobbar Ibn Rushd – kallas till minister, 12 December 2023.

operations of the specific study circles, which the association estimated amounted to 0.04% of its total operations. On 8 December 2023, *TV4 Nyheterna*, one of Sweden's largest news channels, published a news report concerning the events, disingenuously titling it "Taught seven-year-olds about Sharia and corporal punishment – funded by taxpayers".<sup>57</sup> In the introduction to the news segment, the channel further described the facts of the case as Ibn Rushd having, according to an investigation by the Council of Popular Education, "taught children at the age of seven that corporal punishment is acceptable, that homosexuality is a sin, and about anti-Semitic conspiracy theories" and that "Ibn Rushd is now forced to repay SEK 149,600 (€13,200) of the tax bill the association has received".<sup>58</sup> The news clipping was picked up by the biggest Swedish news agency, TT, and circulated in a number of publications, which similarly claimed that "Ibn Rushd has come under scrutiny since an investigation

report from the Council of Popular Education exposed that the adult education association taught children that corporal punishment is acceptable, that homosexuality is a sin, and about anti-Semitic conspiracy theories."<sup>59</sup>

Even though both Ibn Rushd and the Council of Popular Education denied these claims, following the publications several Swedish municipalities and regions immediately withheld future funding to any of Ibn Rushd's member associations operating in their administrative district.<sup>60</sup> Immediately following *TV4 Nyheterna's* news report, Minister for Education Mats Persson summoned Ibn Rushd to answer for the allegations in front of the Ministry of Education and Research, remarking that the reports were "repugnant" and expressed approval for the municipalities and regions cutting funding without any investigation.<sup>61</sup> As a direct result of the news publications, the Swedish government further reduced the allocated funding for adult

57 *TV4 Nyheterna*, Undervisade sjuåringar om sharia och barnaga – för skattpengar, 8 December 2023. c

58 Ibid.

59 TT, Flera nobbar Ibn Rushd – kallas till minister, 12 December 2023.

60 E Including the regions of Kalmar, see Sveriges Radio P4 Kalmar, Regionen ser över stödet till Ibn Rushd, 14 December 2023; Gävleborg, see Region Gävleborg, Region Gävleborg pausar anslaget till Ibn Rushd, 15 December 2023; Kronoberg, see Sveriges Radio P4 Kronoberg, Region Kronoberg stoppar bidrag till muslimskt studieförbund, 11 December 2023; and Skåne, see Borgerliga Treklövern i Region Skåne, Region Skåne pausar stöd till Ibn Rushd efter att granskningsrapport konstaterat allvarliga brister, 11 December 2023; and the municipalities of Malmö, see Malmö stad, Kulturnämnden pausar stöd till studieförbundet Ibn Rushd och inleder utredning, 20 December 2023; Växjö, see Växjö kommun, Växjö kommun inväntar Folkbildningsrådets granskning av studieförbundet Ibn Rushd, 19 December 2023; Oskarshamn, see Sveriges Radio P4 Kalmar, Oskarshamn pausar utbetalning till Ibn Rushd, 18 December 2023; and Helsingborg, see SVT Nyheter Helsingborg, Helsingborg och Region Skåne stoppar bidrag till Ibn Rushd, 12 December 2023.

61 Persson, M. [@matsperspektiv], "Avskyvärt! Ibn Rushds har mycket att förklar. Jag kommer kräva fler och tydligare svar än de givit hittills.", 8 December 2023 Persson, M. [@matsperspektiv], "Bra att Liberalerna i Region Skåne agerar efter de avskyvärda uppgifterna angående Ibn Rushds verksamhet.", 11 December 2023.



education associations, which had already been seriously cut, by yet another SEK 350 million (€31 million), which Persson explained by saying that “[i]t is clear that the prioritisation we made in [the 2024 Budget Bill], where we shifted money from adult education associations to real education, feels easier to justify in light of these terrible revelations”, adding that “it is not a right to receive state funding”.<sup>62</sup>

The course of events testifies to the low evidentiary standards applied to conduct by Muslim civil society organisations and how media discourse interacts with the decision-making of public bodies in ways that perpetuate discriminatory conspiracy theories, as well as how attempts to refute such accusations are ignored by both local and national authorities. Ibn Rushd was not contacted by any of the municipalities or regions before their finances were frozen, nor do they have any meaningful means of redress against such summary institutional measures.

***Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations (e.g. tax advantages for organisations with charitable or public benefit status, eligibility to receive donations via citizens’ allocation of income tax***

***to charitable causes, eligibility to use public amenities at low or no cost etc.)***

Apart from summary political rulings, Muslim civil society organisations’ access to public and foreign funding is being increasingly challenged by the adoption of legal frameworks. The European Union Fundamental Rights Agency’s indicators on the shrinking civic space for organisations working with religious minorities explicitly referenced the situation in Sweden. The most egregious example is the adoption of a bill to implement so-called ‘democracy requirements’ on the national level for organisations to be eligible for state funding, as proposed by the previous government in 2022. The bill proposed the adoption of a ‘democracy requirement’ law which would prohibit the distribution of public funding to organisations if the organisation or any of its representatives or affiliated members 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>63</sup> According to the bill, conduct that “opposed democratic governance” included, for instance,

62 Björkman, F., *Efter skandalen kring Ibn Rushd – regeringen skärper granskningen av studieförbund*, *Aftonbladet*, 14 December 2023

63 Demokrativillkorsutredningen, *Demokrativillkor för bidrag till civilsamhället*, Betänkande av Demokrativillkorsutredningen, 2019. (SOU 2019:35).

expressing support towards “undemocratic or violent regimes”.<sup>64</sup>

A majority of civil society organisations consulted during the preparation of the bill expressed concern that the proposed legislation would in practice solely, or at least disproportionately, target ethnic and religious organisations, especially Muslim civil society organisations and faith-based communities. They also criticised the political and social background against which the government inquiry was initiated, which was as a direct response to media scrutiny of the organisation *Sveriges Unga Muslimer* (Sweden’s Young Muslims), this being the actual goal of the legislation.<sup>65</sup> During the inquiry procedure preceding the bill’s presentation, several ethnic and religious organisations were interviewed. Nearly all expressed concern that they were being singularly targeted by the proposals and subjected to disproportionate and erroneous media coverage, which had led to closer scrutiny of their organisations by the authorities, especially when compared to the more lax approach taken toward other types of organisations. This included placing higher demands on them to meet various requirements. Some expressed criticism over the ways in which the Swedish Agency for Youth and Civil Society (Myndigheten för ungdoms- och civilsamhällesfrågor) had treated Muslim civil society organisations and felt that authorities,

especially municipal parliamentary bodies, had become more restrictive in their distribution of grants to religious organisations, and held prejudices and suspicions toward religious activities in general.<sup>66</sup>

In November 2022, shortly after the election of the new right-wing conservative government, the Swedish government withdrew the bill from consideration. According to representatives of the government, this action, merely two months before the proposed legislation was set to enter into force, was motivated by criticism from Christian organisations and faith-based communities which felt they would be unduly targeted by the requirements laid out. Representatives from the government parties, however, claimed that although the bill was withdrawn, they were working on a new bill which would introduce an adjusted democracy requirement whose scope would not include Christian organisations and faith-based communities. Internal division between the governing parties, however, has delayed the bill, which was set to be presented to Parliament in the autumn of 2023, until 2024.<sup>67</sup>

#### *Impact on Swedish Civil Society: Challenges Posed by Proposed Funding Adjustments*

At the end of 2023, the government introduced a reform agenda outlining its intention to

64 Demokrativillkorsutredningen, *Demokrativillkor för bidrag till civilsamhället*, Betänkande av Demokrativillkorsutredningen, 2019. (SOU 2019:35).

65 Demokrativillkorsutredningen, 2019.

66 Demokrativillkorsutredningen, 2019.

67 Demokrativillkorsutredningen, 2019.

strengthen support for civil society and human rights and democracy defenders through development aid.<sup>68</sup> However, civil society actors in Sweden have become aware of certain aspects of the government's proposed policy that raise concerns that it will actually cause the opposite effect. This concern was expressed in an open letter authored by 40 Swedish civil society organisations and sent to the Minister for International Development Cooperation, Johan Forsell.<sup>69</sup>

The concern stems from the government's plan to increase the self-financing contribution of 5% or 10% to 20%. This would have severe repercussions for Swedish civil society organisations involved in development work. However, civil society actors have not been directly consulted about such a major change and have not had access to the government's reasoning or a comprehensive analysis of the consequences of such a proposal.

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

As described above, ethnic and religious organisations do not have any recourse to seek redress or appeal funding decisions made by public authorities. 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**

### **Bans on protests**

In the wake of heightened tensions between Israel and Palestine, several European nations have leveraged current global events to enact stringent measures which, in practical terms, encroach significantly upon a number of fundamental rights and freedoms. These measures include broad prohibitions on public demonstrations, restrictions on specific symbols, national flags, attire or slogans, unjustified law enforcement interventions, and the misuse of immigration laws to deport non-citizen protesters on arbitrary grounds.

A parallel trend is discernible in Sweden, both in terms of discourse and policy. An early sign of this trend was Chalmers University of Technology's prohibition of political demonstrations on its campus. This ban extended to individuals gathering in groups and expressing political opinions in ways visible to passers-by, as well as displaying political views on posters. The Swedish Minister for Education, Mats Persson, endorsed this decision. Subsequently, in response to public outcry, the university opted to rescind the ban.

68 The government's new reform agenda for a revamped aid framework: [Bistånd för en ny era – Frihet, egenmakt och hållbar tillväxt - Regeringen.se](#)

69 Open letter to the Swedish government: [Öppet brev till regeringen: Äventyra inte civilsamhällets möjligheter att verka | ForumCiv](#)

What gives rise to deeper concerns, however, is the exploitation of the escalated situation by various Swedish parliamentarians and ministers to further their individual political motives and foster societal division. Numerous statements display a clear disregard for the principles of free speech and the right to peaceful assembly. The Minister of Civil Defence has persistently intertwined pro-Palestinian solidarity with anti-semitism, support for Hamas, and the dissemination of misinformation, and has discouraged individuals from participating in demonstrations. Furthermore, Prime Minister Ulf Kristersson characterised counterdemonstrators as ‘political saboteurs’ and ‘the street’s parliament’.<sup>70</sup>

Of particular gravity is the government’s collaboration with the Sweden Democrats in proposing the revocation of residence permits on grounds of purported lapses in ‘honourable conduct’. This proposal invokes vague and arbitrary terms such as ‘connections’ and ‘collaboration’ with ‘terrorist activities’ or ‘Islamist organisations’. Such a proposition necessitates careful consideration in light 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 that took effect in May 2023.

## ***Freedom of expression and of information***

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### ***Criminalisation of speech***

In recent years, environmental organisations such as Extinction Rebellion and Återställ våtmarkerna (Restore the Wetlands) have emerged in Sweden, gaining significant attention through their intensified protest actions. These protests are usually conducted through obstruction of road traffic. The protests are peaceful, in the sense that they do not involve elements of violence or vandalism. They have led to some traffic congestion, but measures have been taken to ensure that emergency vehicles or similar are not obstructed in their passage. No protest action has exceeded one hour, and the inconveniences caused by the protest have been limited to the specific location and duration of the protest. When climate activists have increased their level of activity, their scope for action has also become restricted, a trend which has been particularly pronounced this year.

Over 200 climate activists have received criminal convictions for their activism and civil disobedience, with 25 of them being convicted for the crime of sabotage, which carries up to four years in prison. This is despite the United Nations having placed demands on states to exercise caution when imposing restrictions on peaceful protests for climate justice. The conviction of climate activists in Sweden for the crime of sabotage is a recent phenomenon.

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70 <https://www.facebook.com/UlfKristerssonM/posts/ikväll-skulle-elisabeth-svantesson-och-jag-hålla-en-öppent-offentlig-frågestund-f/907756507376113/>

As the number of climate actions has increased during 2023, so has the number of trials and convictions. Sabotage is a crime that carries the possibility of a prison sentence, 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 strong likelihood that harsher penalties will be imposed. According to Anna-Sara Lind, a professor of public law at Uppsala University, sabotage-related convictions were virtually non-existent in cases involving demonstrations before 2022.<sup>71</sup> The fact that climate activists now risk imprisonment for the very same actions that previously would only have led to far less serious charges and fines at most, has raised criticism. Prominent legal experts argue, especially in cases of road blockades, that the constitutionally protected freedom to demonstrate carries more weight than the disruption of traffic – an aspect that does not seem to be considered in the district courts’ rulings.<sup>72</sup> Civil Rights Defenders, along with many other civil society organisations, believes that this legal development also violates the freedom of assembly as outlined in Article 11 of the European Convention on Human Rights. Many climate activists are concerned about what might happen if they continue with their actions. The risk of imprisonment and high fines is discouraging. Human rights organisations worry that activists may be effectively prevented from carrying out legitimate actions and that the space for civil society will further shrink.

## **Attacks and harassment**

### **Intimidation / negative narratives / smear campaigns / disinformation campaigns**

As described above, the criticism directed at climate activists has emanated from various political figures and government ministers expressing non-nuanced perspectives on these activists and civil disobedience in general. This ongoing discourse has led to a narrative where climate activists’ protests are portrayed as potentially causing disorder, posing security risks and as being similar to terrorists, thereby diverting attention from the core message of advocating for reformed climate policies. The political debate and the approach by the judiciary is coupled with a situation where climate activists are targeted with hate and threats, even death threats, by private individuals.

The current Minister for International Development Cooperation and Foreign Trade has expressed substantial concerns about climate activists. In connection with these concerns, the government has stated its intent to consider an increase in the penalty for sabotage from 14 days to a minimum of 12 months in prison. This proposed measure is aimed at deterring certain actions, coupled with a suggestion to introduce mandatory detention for activists who systematically block roads.

A recent incident that merits attention occurred when the Swedish Armed Forces, during a

71 DEBATT: “Om fängslande klimatdemonstrationer” - Dagens Juridik

72 Bull, T., Saboterad demonstrationsfrihet? In *Festskrift till Elisabeth Rynning*, Iustus förlag, Uppsala, 2023, p. 57.

defence exercise involving the Navy's mine-sweeping vessel, simulated a scenario in which an environmental rights organization came too close to a wetlands area. An audio recording from the exercise indicates that failure by the activists to adhere to command instructions could result in the armed forces opening fire on them. This incident is concerning for several reasons. In addition to the alarming implication that deadly force could be used against those engaged in peaceful activism, the use of climate activists in a scenario such as this could have a chilling effect on activists, possibly affecting their future plans and discouraging them from further activism.

### **Legal harassment, including Strategic Lawsuits Against Public Participation (SLAPPs), prosecutions and convictions of civil society actors**

Closer observation reveals a potential correlation between the heightened rhetoric against

climate activists and recent court rulings in which climate rights activists have been convicted of sabotage. This complex interplay underscores the need for a more nuanced understanding of the dynamics surrounding climate activism and its intersection with legal and security considerations.

### **Public participation**

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

As detailed in the section 'Process for preparing and enacting laws', 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.

## **Disregard of human rights obligations and other systemic issues affecting the rule of law environment**



### **Key recommendations**

- *The government must swiftly present a bill to the Swedish Parliament to strengthen the National Discrimination Act. Any proposed legislation should be based on the legislative proposals in government inquiry SOU 2021:94 and take into account recommendations made during the consultation process on how to shape the proposal to ensure that the police cannot avoid accountability for acts of discrimination by citing national security concerns and to include a prohibition on the use of discriminatory measures.*

- *The government must ensure that proposed legislation is in line with Sweden's international obligations and protect rights enshrined in the European Convention on Human Rights and other international agreements to which Sweden is a party.*
- *The government should task the police authority with developing working methods to prevent ethnic and racial profiling in policing and ensure that the police authority has sufficient resources to do so.*

## **Systemic human rights violations**

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

During 2023, the government and the Sweden Democrats proposed and/or enacted a range of legislative bills which negatively affect human rights and fundamental freedoms, particularly within the areas of migration policy and criminal policy.

On 1 December 2023, a law proposed by the government and the Sweden Democrats limiting the right to family reunification for beneficiaries of subsidiary protection entered into force.<sup>73</sup> This legislation is likely in violation of the right to family life, in accordance with Article 8 of the European Convention on Human Rights.

The government has appointed a committee of inquiry, which has been tasked with developing

a mandate for public servants to report undocumented migrants to the police and the Migration Agency. The government inquiry is expected to be presented by 15 January 2025 at the latest. While it remains to be seen which public servants will have this obligation, there is a real risk that healthcare professionals, social workers, and primary school staff will be included. This would in effect impede undocumented migrants from enjoying their rights to education and health care.<sup>74</sup> The UN Committee for Social, Economic and Cultural Rights has previously called on Germany, which has implemented similar legislation, to revoke that legislation in order to enable undocumented migrants to access their social and economic rights.

Furthermore, the government has appointed a committee of inquiry in November 2023, which is tasked with proposing expanded powers to deny and revoke residence permits for asylum seekers, beneficiaries of protection, and migrants who lead a so-called 'defective lifestyle'. The committee will also develop

73 <https://www.migrationsverket.se/Om-Migrationsverket/Pressrum/Nyhetsarkiv/Nyhetsarkiv-2023/2023-11-10-Skarpta-villkor-for-anhoriginvandring.html>

74 <https://www.regeringen.se/contentassets/6b1c7e2d05a9435d8143a0a1b91f4754/tillaggsdirektiv-till-utredningen-om-starkt-atervandandeverksamhet-ju-2022-12-dir.-2023-126.pdf>

proposals for how certain government agencies can access information about foreigners that enable more decisions to revoke or deny residence permits on the basis of the person having led a ‘defective lifestyle’. The committee of inquiry’s conclusions will be presented by 15 January 2025 at the latest.<sup>75</sup> The cited examples of a ‘defective lifestyle’ include participation in an extremist organisation or environment that threatens ‘fundamental Swedish values’, engaging in ‘dishonest work’, drug abuse, or being part of a ‘criminal clan.’ Experiences from other recent bills have shown that vague terms such as ‘dishonest work’ and ‘criminal clans’ risk leading to a broad and arbitrary application of the law. In practice, an individual who has family members who engages in criminal activity might then be considered part of a ‘criminal clan’ despite not engaging in criminal activities themselves. Additionally, the committee of inquiry is expected to analyse whether it is possible to also include as a basis for rejecting or denying a residence permit the expression of opinions that are deemed as seriously posing a threat to ‘Swedish democratic values’ or that are ‘system threatening’ or that may threaten the legitimacy of the public administration. If the committee proposes such language in the legal provisions, there is a real risk that the legislation will seriously threaten the freedom of expression of asylum seekers, beneficiaries of protection, and migrants.

Within the area of criminal policy, a new law is entering into force on 1 February 2024 that allows for preventive bans for individuals over

the age of 15 from certain public areas, even their own neighbourhoods and residential areas, if the police authority deems there to be a risk of gang activity involving firearms or explosives, or other criminal activity that aims to seriously impede safety in that area, and if the individual belongs to such a group and might promote such criminal activities. The individual does not need to have been suspected or accused of a crime as the prohibition is intended to be preventive in nature. The individual may be banned from accessing the area for six months and could be subject to electronic surveillance. Violations of the ban could lead to prison sentences of up to a year. Those targeted by such stay-away orders may be prevented from accessing their own homes, schools, workplaces, or leisure activities. Civil society organisations and government authorities such as the Equality Ombudsman have raised concern over the law, noting that it infringes upon the freedom of movement and the right to private and family life beyond what is necessary and proportionate.

On 1 October 2023, it became legal for authorities to use secret surveillance (wire-tapping telephones, camera surveillance, secret data interception) as a preventive measure against persons who are not suspected of having committed a crime. As a result, there was a sharp increase in the use of secret surveillance in 2023. Meanwhile, the Swedish Commission on Security and Integrity Protection, a Swedish government agency, has highlighted serious flaws in how secret surveillance is used in Sweden. Despite this, the government and the

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75 <https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/11/dir.-2023158>



Sweden Democrats have appointed a government committee of inquiry to explore legislation that enables the use of preventive wiretapping of private buildings. The inquiry was presented on 12 September 2023 and proposes legislative amendments that enable wiretapping of rooms.<sup>76</sup> Both the existing and the proposed legislation threaten the right to private life.

As last year's report noted, the government has appointed a committee of inquiry to propose legislation that will enable the establishment of stop-and-search zones. The conclusions were presented in December 2023, and the bill is expected to enter into force in March 2024. As feared, the committee has proposed the adoption of legislation enabling the establishment of stop-and-search zones in which the police can search individuals and vehicles without suspicion of a crime. Children below the age of 15 can also be searched.<sup>77</sup> The legislation opens the door for arbitrary stops and searches. In combination with the absence of guidance for police officers on how stops and searches should be conducted in a non-discriminatory way, the legislation creates a real risk of an increase in discriminatory profiling.

In 2022, the Swedish Security Service requested that the former government amend the regulation on security protection (*Säkerhetsskyddsförordningen*) in regard to mandatory security assessments of existing employees or applicants for positions that are considered sensitive from a security perspective.<sup>78</sup> The Security Police wanted the regulation to be amended to explicitly state that the security assessment of an applicant or employee 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. A connection could entail having relatives in a country other than Sweden or having a spouse or a partner who has relatives in countries outside of Sweden. The person does not need to be a citizen of that country, or even to have ever visited the country. The Security Police has also announced their intention to change their own regulation to explicitly state that such a security assessment should include a particular analysis of the type of security threat that country could pose for Sweden.<sup>79</sup>

As a result of the Security Police's request, the current government has appointed a committee

76 <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2023/10/sou-202360/>

77 <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2023/12/sakerhetszoner--okade-mojligheter-for-polisen-att-visitera-for-att-forebygga-brott/>

78 <https://www.regeringen.se/contentassets/f181fd269e5a4ff98b9446171ab23609/hemstallan---skarpta-krav-pa-underlag-vid-sakerhetsprovning.pdf>

79 <https://www.regeringen.se/contentassets/f181fd269e5a4ff98b9446171ab23609/hemstallan---skarpta-krav-pa-underlag-vid-sakerhetsprovning.pdf>

of inquiry to explore whether such amendments should be made. Their conclusions will be presented by 15 August 2024 at the latest.<sup>80</sup> If the committee of inquiry results in a bill in line with the Security Police's request, thousands of people in Sweden who have a connection to or a spouse/partner with a connection to countries such as Iran, Russia and China (which are countries that engage in espionage in Sweden) would be blocked from employment in a multitude of governmental and municipal agencies, as well as within Swedish Public Television and Swedish Public Radio. Many will also be at risk of losing their jobs, as security assessments are also done on current employees. Even more concerning, the Security Police has already been informing many government and municipal agencies of the importance of taking into account applicants' and employees' connection to certain countries. As a result, many applicants with a connection to countries such as Iran and Russia have already been denied employment in government agencies since they could not pass the security assessment based on their connection to those countries. Civil Rights Defenders is also aware of a recent case in which a public servant was reassigned from his job because he has a partner with a connection to Iran. At this time, applicants and employees who do not pass the security assessment cannot appeal the decision. This treatment is discriminatory, and if individuals with a connection to countries such as Iran, Russia or China continue to be routinely rejected during the security assessment (which generally is conducted after a job offer is made or employment has begun), employers

will likely stop offering positions to these individuals if they are unlikely to pass the security assessment.

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

The conclusions of a government-appointed committee of inquiry presented in December 2021 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, the proposal would contribute to closing a massive accountability gap if adopted. Since then, Sweden elected a new government which is supported by the Sweden Democrats. Given the Sweden Democrats' hostile approach to the National Discrimination Act, there are legitimate fears that the government will not adopt the proposal and present it to Parliament. In meetings with government officials, Civil Rights Defenders and several other stakeholders have routinely highlighted the need to move forward with the proposal but have not received any conclusive answers about the future of the proposal. The need to adopt the proposal is bigger than ever given that legislation enabling stop and search zones is envisioned to be in place in March 2024 (see above), to ensure access to justice and redress for individuals that experience discriminatory practices by law enforcement.

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80 <https://www.regeringen.se/pressmeddelanden/2023/06/en-forbattrad-process-for-sakerhetsprovningar/>

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## ***Fostering a rule of law culture***

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

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In September 2023, Civil Rights Defenders convened the third 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 'Racism and the Law' and the panel discussions examined the legal system's ability to address racial, ethnic, and religious inequality. A series of panel discussions considered issues such as the rise of radical nationalist parties throughout Europe, the effects of so-called colour-blind laws and workplace neutrality policies, and how the law can be a more effective tool in combating inequality. Speakers included academics, legal practitioners, and representatives from international organisations and civil society. The forum, which drew nearly 100 in-person participants from the Nordic and the Western Balkan countries, received overwhelmingly positive feedback.

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## **Contacts**

### ***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 19 national civil liberties NGOs from across the EU.

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