



# Assemblée générale

Distr. générale  
2 avril 2024  
Français  
Original : anglais

## Conseil des droits de l'homme

### Cinquante-cinquième session

26 février-5 avril 2024

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## Visite en Suède

### Rapport de la Rapporteuse spéciale sur la liberté de religion ou de conviction, Nazila Ghanea\*, \*\*

#### Résumé

La Rapporteuse spéciale sur la liberté de religion ou de conviction, Nazila Ghanea, s'est rendue en Suède du 11 au 20 octobre 2023. Dans son rapport, la Rapporteuse spéciale constate que la Suède est largement dotée des cadres juridiques et stratégiques nécessaires pour promouvoir et protéger l'exercice par tous du droit à la liberté de pensée, de conscience et de religion ou de conviction. Toutefois, l'adoption de mesures politiquement opportunes face à une société qui se diversifie, conjuguée à une méconnaissance de la portée de la liberté de religion ou de conviction, fragilise le cadre existant destiné à garantir le respect des droits de l'homme. La Rapporteuse spéciale souligne les préoccupations exprimées par les communautés religieuses, notamment les communautés musulmanes et juives, au sujet de la montée de l'intolérance. Elle note que, bien que certaines entités gouvernementales semblent tout à fait conscientes des problèmes décrits dans son rapport, d'autres ne reconnaissent pas qu'il s'agit de problèmes sérieux concernant les droits de l'homme ou refusent d'y prêter attention. Il est indispensable de prendre des mesures visant à répondre à ces préoccupations pour générer le changement global et systématique souhaité au sein de toutes les entités gouvernementales et de la société suédoise dans son ensemble.

\* La version originale du présent rapport a été soumise aux services de conférence après la date prévue pour que l'information la plus récente puisse y figurer.

\*\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le corps du rapport, annexé au résumé, est distribué dans la langue de l'original seulement.



## Annexe

### Rapport de la Rapporteuse spéciale sur la liberté de religion ou de conviction, Nazila Ghanea, sur sa visite en Suède

#### I. Introduction

1. In the present report, the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, reflects findings from her official visit to Sweden.<sup>1</sup> She expresses her profound gratitude to the Government for having readily accepted her request to visit, and to the Ministry of Health and Social Affairs and Ministry for Foreign Affairs for their cooperation.
2. The Special Rapporteur appreciated the constructive meetings with interlocutors from government ministries and agencies at the central and municipal levels, and with parliamentarians, members of the Supreme Administrative Court, representatives from a broad range of civil society organizations, academics, members of various religious and belief communities, representatives from the Swedish Institute for Human Rights, and many others, giving her insight into their experience, assessments and visions. The discussions, conducted in Stockholm, Malmö and Lund, were open and frank.
3. This was the second visit to a Scandinavian country under the mandate.<sup>2</sup> The Special Rapporteur was keen to understand how freedom of religion or belief is upheld – given the country's strong secular tradition, its increasing pluralism in the context of religion and belief, and separation of church and state since 2000, and to understand how the interrelatedness of freedom of religion or belief with other human rights is understood, in particular in the context of recent instances of religious intolerance.
4. The visit was fascinating and eye-opening. Regrettably, the timing presented challenges owing to the conflict in the Middle East and the consequential increase in Islamophobia/anti-Muslim hatred and antisemitism, the instances of burning the Qur'an during the year, and the killing of two Swedish nationals in a reported Islamist terrorist attack in Brussels.

#### II. Political and historical context

5. Christianity was brought to Sweden in the ninth century, and slowly replaced ancient Nordic religions, which were based on Norse mythology. Several centuries later, all Swedish monarchs were Christian, and Christianity became the official religion. Roman Catholicism was the State religion until 1527, when the Swedish State church was established as a Protestant church based on Lutheran principles, following the Protestant Reformation enacted by Martin Luther. Christianity was the declared religion of the vast majority of the Swedish population from the twelfth to the early twentieth century but demographics have changed since then.
6. From the latter half of the nineteenth century, Sweden became an increasingly secular country and the Swedish State took over many of the roles previously carried out by the Church, such as health care and education.
7. Sweden has become increasingly diverse in religion and belief, not least along with greater migration. It is estimated that in 2021, Christians comprised around 59.6 per cent of the population (of which 53.2 per cent belonged to the Church of Sweden), with 2.5 per cent belonging to other religions and 37.9 per cent not belonging to any religion. The Church of Sweden has experienced a downward trajectory in its registered membership (52.8 per cent in 2022). It has been suggested that the Church still retains high membership numbers owing to the now-discontinued practice of automatic registration. Other Christians in the country

<sup>1</sup> The Special Rapporteur wishes to warmly thank Daniel Cloney and Theo Furniss for their background research.

<sup>2</sup> The first was a visit to Denmark in 2016 ([A/HRC/34/50/Add.1](#)).

are members of Free Churches, the Catholic Church and Eastern Orthodox Churches, among others, while members of other religions include Muslims, Jews, Buddhists, Hindus and Baha'is.

8. Sweden is among the world's most secular countries, with, for example, only 23 per cent of weddings currently officiated by the Church of Sweden, compared with 80 per cent in 1970. Christian festivals remain as official holidays.

9. The Government consists of a Prime Minister appointed by the Riksdag (parliament) and a Cabinet of Ministers. The Government is assisted by government offices and over 340 government agencies, which together drive the process of legislation. The legislative branch consists of the 349-member unicameral Riksdag. There are also directly elected legislative institutions at the local, regional and European levels. The judicial branch consists of the police, the Swedish Prosecution Authority, courts, and the prison and probation system. There are three types of courts in Sweden: general, administrative and special.

10. The central Government is small and tightly knit. Sweden is divided into 290 municipalities, each with an elected assembly and council responsible for a broad range of facilities and services. The country is composed of 21 regions, each with directly elected assemblies. Each region is responsible for overseeing tasks that cannot be handled at the local level, notably health care. Regions and municipalities enjoy a very high degree of autonomy and self-direction, including in interpreting and applying the law. The national Government only provides the broad parameters and rules. What this means for freedom of religion or belief is that the environment for, and enjoyment of, religion or belief can differ noticeably across the country. Some authorities acknowledged that the strong independence of regions, municipalities and agencies can lead to poor freedom of religion or belief outcomes.

11. In the wake of several episodes of urban violence in 2013, variously blamed on an excessively liberal immigration policy and on social and economic inequality, the Sweden Democrats, a nationalist and right-wing political party, gained 13 per cent of the vote in 2014, increasing to 18 per cent in 2018 and 28 per cent in 2022. Sweden is currently governed by a coalition of right-leaning parties headed by the Moderate Party's leader Ulf Kristersson, with the next election due to take place in 2026. The coalition of the Moderate Party, Liberals and Christian Democrats is a minority Government that depends upon a confidence and supply arrangement from the Sweden Democrats based on the Tidö agreement (see para. 62 below). The latter is the biggest of the four parties in terms of number of members of parliament. The Special Rapporteur regrets the disregard of rights obligations in the policies of some of those actors.

### III. Government cooperation with the United Nations system

12. Sweden is party to most international and regional human rights treaties, including the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

13. As Sweden is a dualist country, ratification of international treaties does not lead to immediate incorporation into domestic law but requires transformation or incorporation. The European Convention on Human Rights has been incorporated into domestic law and the rights enshrined in the Convention also have constitutional protection. While the Convention on the Rights of the Child has also been incorporated into domestic law, the International Covenant on Civil and Political Rights has not. As discussed below, the Special Rapporteur urges the incorporation of the International Covenant on Civil and Political Rights into domestic law to lend support to a more robust protection of freedom of religion or belief.<sup>3</sup>

<sup>3</sup> The Human Rights Committee's most recent concluding observations noted that the International Covenant on Civil and Political Rights had not been incorporated in the domestic legal order and, as a result: (a) certain areas of domestic law were not fully aligned with the Covenant; and (b) domestic courts, while able in principle to apply the Covenant by way of an interpretative presumption, rarely invoked its provisions. The Committee also noted that municipalities and other local governance bodies seemed to lack sufficient knowledge about the Covenant (CCPR/C/SWE/CO/7, para. 4).

14. Sweden has a long-standing and strong engagement with relevant human rights mechanisms, and reports regularly on its human rights record. In concluding observations adopted by treaty bodies between 2016 and 2023 and the outcome document adopted in 2020 in the context of the universal periodic review, concerns were raised about continued reports of racist hate speech, in particular during election campaigns, in the media and online; about racist and xenophobic violence against Muslims, Jews, Swedes of African descent, Roma and the Sami; and incidents of religious intolerance, including physical attacks against persons belonging to religious minorities and attacks on their places of worship.<sup>4</sup>

15. Sweden extended a standing invitation to the special procedures of the Human Rights Council in 2001, with eight mandate holders and the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement having visited the country since that date.

16. The Special Rapporteur welcomes the Government's freedom of religion or belief initiatives at home and abroad. In 2021, Sweden hosted the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism, where approximately 60 States and organizations made around 150 pledges to strengthen the fight against antisemitism. Sweden pledged to assume, and subsequently assumed, the Presidency of the International Holocaust Remembrance Alliance in 2022 and arranged plenary meetings and conferences. The Special Rapporteur also welcomes the 2016 appointment of the Swedish Special Envoy to the Intercultural and Interfaith Dialogue of the Organization of Islamic Cooperation.

#### IV. National laws, policies, institutions and practices

17. The Constitution of Sweden includes four fundamental laws with which no other laws or ordinances may conflict: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Constitution provides for freedom to practice religion alone or in the company of others, mandates that there be no limitation of rights or freedoms on the grounds of religious opinion and instructs public institutions to combat discrimination based on religious affiliation. It promotes opportunities for the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own. No one is obliged to belong to a religious community or divulge religious beliefs in relations with public institutions.

18. Discrimination on the grounds of religion or belief is prohibited in civil law, under the Discrimination Act (2008:567), whose purpose is to combat discrimination and promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. Hate speech laws prohibit threats or expressions of contempt for persons on the basis of several factors, including religious belief. Penalties for hate speech range from fines to a prison sentence of up to four years, depending on the severity of the incident (see paras. 45–59).

19. Equality, democracy, neutrality, respect of privacy and the independence of institutions are key rights and values in Sweden. Authorities regularly describe freedom of religion or belief as private, separate and discrete. International human rights law, however, upholds rights as integral to, and reinforcing of, one another. Manifestation of freedom of religion or belief often overlaps with the freedoms of expression, assembly and association. Although the Constitution recognizes freedom of religion as absolute, it does not recognize manifestation of freedom of religion or belief as a stand-alone right. Therefore, in all cases where a claimant's right to the expression (manifestation) of freedom of religion or belief should be upheld in Sweden, under the Constitution the claimant needs to demonstrate that the right has been violated in conjunction with another right, which would suggest restrictions on and possible infringements of manifestation of freedom of religion or belief. The Special Rapporteur draws attention to the obligations under the International Covenant on Civil and Political Rights that recognize manifestation of religion or belief as key to the protection of that right. Such manifestation can only be legitimately limited in line with article 18 (3) of

<sup>4</sup> See [CRC/C/SWE/CO/6-7](#), [CAT/C/SWE/CO/8](#), [CEDAW/C/SWE/CO/10](#), [CERD/C/SWE/CO/22-23](#), [E/C.12/SWE/CO/6](#), [CCPR/C/SWE/CO/7](#) and [A/HRC/44/12](#).

the Covenant (see paras. 28–33). She also notes that the fact of the incorporation of the European Convention on Human Rights into Swedish law, and constitutional protection of rights under that Convention, including its article 9, should lend support to stronger protection of manifestation of religion or belief.

20. In addition to the general legal order, there are specific mechanisms that allow for further focus on matters that can relate to freedom of religion or belief. The Government adopted a national plan to combat racism, similar forms of hostility and hate crime in 2016, taking an integrated approach towards strategies and measures for preventing and combating racism and hate crime through improved coordination and monitoring, education and research, support for and dialogue with civil society, preventive measures online and a more active justice system. This is supplemented by specific action programmes for combating antisemitism, Islamophobia, racism against Sami people, Afrophobia and antigypsyism.

21. The Swedish Institute for Human Rights was established in January 2022 as a national human rights institution. The Institute's tasks and responsibilities are to monitor, investigate and report on how human rights are respected and implemented in Sweden; present proposals to the Government on the measures needed to ensure human rights; liaise with international organizations and otherwise engage in international cooperation; and promote education, research, development of expertise, dissemination of information and consciousness-raising in the field of human rights. The Institute's application for membership of the Global Alliance of National Human Rights Institutions is due to be evaluated in late 2024.

22. Other domestic institutions with human rights-relevant functions include the Equality Ombudsman, which was previously recognized as the main national human rights institution in Sweden. It works to combat discrimination on grounds of sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation or age, and conducts supervisory activities to ensure compliance with the Discrimination Act (see paras.45–48).

23. The Parliamentary Ombudsmen are appointed by the Riksdag with the task of reviewing the implementation of laws and other regulations in the public sector on behalf of the Riksdag and independent of the executive power. The Parliamentary Ombudsmen form one pillar of parliamentary control. They reviews courts of law and other public authorities, and their employees.

24. The Ombudsman for Children in Sweden is a government agency tasked with representing children regarding their rights and interests under the Convention on the Rights of the Child, monitoring compliance with the Convention and pushing for its implementation in municipalities, regional councils and government agencies. It holds regular dialogues with children.

25. The Swedish Agency for Support for Faith Communities is a government authority that administers the existing system of public grants to faith communities other than the Church of Sweden. The support is aimed at helping faith groups ensure the sustainability of their activities and services, and strengthening religious freedom.

26. The Living History Forum is an independent government agency for promoting democracy, tolerance and human rights, including by raising awareness of the Holocaust, and for strengthening the public will to work actively for equality between all people. It is responsible for coordination and follow-up of the work on the national plan to combat racism, similar forms of hostility and hate crime, and presents a comprehensive report to the Government annually. In order to fulfil its mandate, the Living History Forum cooperates with other government agencies and civil society organizations.

27. The Swedish National Council for Crime Prevention functions as the Government's body of expertise within the judicial system. Its mandate is to contribute to knowledge development in the criminal justice system, criminal policy and promoting crime prevention work. It is responsible for the official crime statistics and for producing, following, analysing and reporting on criminality and on the criminal justice system's responses to crime.

## V. Main findings of the visit

### A. Pressure on the public manifestation of religion or belief

28. Article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights enshrine the universal right to freedom of thought, conscience, religion or belief. In its general comment No. 22 (1993), the Human Rights Committee interprets article 18 of the Covenant.

29. This fundamental right includes the right to have, retain or change one's theistic, non-theistic, atheistic or non-religious beliefs (*forum internum*); and the right, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching (*forum externum*). The two aspects of the right are interdependent; both protect people in their ability to believe, to exchange views on those beliefs, to shape religious and non-religious convictions, and allow people to live their lives according to their conscience.

30. The freedom to manifest religion or belief encompasses a broad range of acts, including ritual and ceremonial acts giving direct expression to belief, the building of places of worship, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, the freedom to choose religious leaders, priests and teachers, the freedom to establish seminaries or religious schools, and the freedom to prepare and distribute religious texts or publications,<sup>5</sup> and is elaborated further in article 6 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The freedom to manifest religion or belief can only be limited under the very strict criteria listed in article 18 (3) of the International Covenant on Civil and Political Rights.

31. The Special Rapporteur found the understanding of religion and belief in Sweden almost exclusively focused on the dimension of the person's inner conviction. This seems to echo a Lutheran understanding of redemption through faith alone (*sola fide*) but, from the perspective of other traditions, is unduly restrictive. The ban on ritual slaughter without prior stunning of or administration of anaesthetics to the animal, and public demands to outlaw religiously motivated circumcision of male infants, serve as examples.

32. The difficulties that Jews and Muslims face in exercising their religious rites in relation to ritual slaughter of animals and male circumcision are possible examples of an overly narrow understanding of what manifestation of religion can entail. Some Muslim groups and the Official Council of Swedish Jewish Communities consider the law requiring stunning of, or administration of anaesthetics to, animals prior to slaughter in conflict with their religious practices. They note that the need to import halal and kosher foods is very costly for their communities. With regard to male circumcision, the current law stipulates that it may be performed only by a licensed doctor<sup>6</sup> or, for boys under the age of two months, by a person certified by the Health and Social Care Inspectorate, which certifies circumcisers, including mohels (individuals who perform the Jewish rite of circumcision), and requires the presence of a doctor who must administer anaesthesia to the infant. The National Board of Health and Welfare is reportedly mapping and discussing the need for revision of the regulations.

33. Calls for the banning of religiously motivated male circumcision, especially on social media, have been highly polarizing and paradigmatic of anti-minority societal discourse. Members of religious minorities reported experiencing hostility and the lack of a safe arena for communication, whether in relation to religious practices, public manifestations of religion, or highly negative stereotypes, for example of Muslims, who are often associated with terrorism and with discrimination against women. Such silent suffering, on a daily basis, results in feelings of alienation from the rest of society. In order to prevent cultural clashes and promote mutual understanding, it is imperative that more dialogue is encouraged between

<sup>5</sup> Human Rights Committee, general comment No. 22 (1993).

<sup>6</sup> Act on Circumcision of Boys (2001:499).

members of different religions and between those with and without a religious belief. A culture of open and safe communication based on trust between State authorities and religious and belief communities is crucial in addressing such questions.

## **B. Engagement with and support for religious and belief communities**

34. There is no legal requirement in Sweden for religious groups to register or seek recognition. Only faith communities registered with the Legal, Financial and Administrative Services Agencies, however, are eligible to receive government funding and tax exemptions similar to those available for non-profit organizations. The requirements for registration of a group include that it has operated in the country for at least five years, has a clear and stable structure, can function independently, serves at least 3,000 persons and operates at several locations in the country. The Special Rapporteur notes that Jehovah's Witnesses were only registered in 2019 after 12 years of litigation and were subsequently awarded compensation by the Chancellor of Justice in 2021. As of January 2024, Humanists Sweden has been accepted as a life stance organization.

35. Funding of the Church of Sweden operates differently to that of other religious organizations in the light of the fact that it was the State church until 2000, the responsibilities that it still carries, and the numerous buildings and sites it maintains.

36. Sweden offers numerous funding streams and grants to facilitate the work of religious communities, and this constitutes good practice. According to the Swedish Agency for Support for Faith Communities, funds are distributed to 46 faith communities at the national level.<sup>7</sup> Those grants are supplemented by grants available directly to faith communities at the local level (e.g. for religious buildings), and many municipalities also have different types of grants for activities (e.g. youth events) available to local faith communities.

37. The Swedish Agency for Support for Faith Communities distributes funds to the faith communities in recognition of the important role of religious diversity. Not all faith communities avail themselves of the grants and funds. Faith communities (and civil society organizations in general) expressed concern that the political environment is making access to funds more precarious and that the funds are insufficient for their needs and activities, including the need of being able to meet in safety and security. Some faith communities have sought government funding from abroad to meet shortfalls. Communities reported a sense of great suspicion from the Swedish authorities and public regarding the acceptance of such funds.

38. The Government has engaged with religious groups on the question of "democracy criteria", upon which State funding may become dependent. In December 2022, proposed changes to the laws regulating funding of religious organizations was discussed with religious groups, since eligibility for government grants would require a religious group's main source of funding to be domestic. The proposed criteria were subsequently withdrawn, and the Special Rapporteur understands that the revised proposal, entitled "State support for religious communities and civil society – uniform and legally secure conditions", was due to be submitted on 19 March 2024.

39. The Government had previously adopted a proposal calling for a committee to be established to prevent foreign funding of religious activities in order to stop the spread of extremism and non-democratic messages. The Moderate Party, the Christian Democrats and the Sweden Democrats stated in early 2022 that they wanted to ban foreign funding of faith communities. Jewish and Christian leaders reportedly stated that they believed the proposal targeted Muslims.

40. The Special Rapporteur appreciates the many examples of collaboration between religious communities in Sweden, which results in a stronger and more unified voice in public debate and, it is hoped, cooperation, dialogue and understanding. The National Interfaith Council of Sweden is composed of national representatives of different religions and its goal

<sup>7</sup> See <https://myndighetsst.se/bidrag/bidragsberattigade-trossamfund.html> (in Swedish). Funding is provided through 24 entities to 46 communities.



is to encourage goodwill and peace within Swedish society. There are also numerous local and regional projects where representatives of different religions work together to increase understanding and acceptance of religion, to reduce polarization and stereotypes, and to promote peaceful coexistence. One good practice has been the interreligious initiative Amanah, through which Jewish and Muslim religious leaders raise awareness and carry out joint outreach in schools, mainly in Malmö. The Christian Council of Sweden and the Swedish Muslim Council also bring together different groups.

41. In recent years, a number of challenges have brought freedom of religion or belief matters to the forefront for Swedish authorities, encouraging the realization that faith communities can and should be part of the solution. More authorities are communicating directly with faith communities, not only to transmit information in times of crisis but, increasingly, as part of ongoing dialogue, including meetings between representatives of faith communities and the Prime Minister and Minister for Social Affairs and Public Health. The Special Rapporteur appreciates that, in the context of the Human Rights 75 initiative, Sweden pledged to continue strengthening initiatives to combat racism and to promote freedom of expression and freedom of religion or belief, including through dialogue with faith communities in Sweden and follow-up on the Special Rapporteur's visit.<sup>8</sup>

### C. Education on religion

42. Religion is a compulsory subject in both public and private primary and lower secondary schools and a foundation subject in upper secondary schools according to the national curricula; the focus is on learning about different religions without preference for any particular religious group. Although the Education Act provides for the possibility of exemptions from mandatory elements of teaching at the request of parents or guardians for special reasons, the provision is used rarely, with just one example of exemption in case law. The Special Rapporteur heard a number of concerns about this. Independent confessional (religious) schools are supported by the Government through a voucher system and must adhere to government guidelines on core academic curricula, including that of religious education. The Special Rapporteur heard concerns that Swedish legislation has defined, and very much narrowed, the religious elements that can be upheld in such schools. Classroom teaching should have no religious elements whatsoever. Prayers or classes on a specific religion may only take place outside the class schedule and with a provision for pupils to opt out. The Government maintains that the changes<sup>9</sup> provide clarification and are aimed at upholding the freedom of religion or belief of children, extending also to non-confessional schools.

43. In late 2022, the Minister for Schools stated that the Government would not go ahead with the previous Government's proposed ban on establishing new independent religious schools. In 2021, the Swedish Schools Inspectorate was tasked with reporting on its review of confessional schools, and in 2023 it was tasked with strengthening supervision of confessional or other schools where a risk of extremism, Islamism or opposition to fundamental rights and freedoms was perceived.

44. Those meeting with the Special Rapporteur reported more frequent, unannounced and tougher inspections of confessional schools in 2023, leading to unease in the respective religious communities. Representatives from confessional schools reported a sense that their schools were viewed as being anti-democratic, promoting extremism, and less likely to be providing a safe and positive school environment. The Special Rapporteur notes that, while the Government's need to ensure compliance with national regulations and the school curriculum is understandable, and its upholding of human rights (including children's freedom of religion or belief) is commendable, this should not result in discrimination. A safe and positive school environment reflects the pluralism of its community and should be welcoming to positive values from many cultures. The projection of all positive values as

<sup>8</sup> See <https://www.ohchr.org/en/human-rights-75/pledge/human-rights-75-pledges>.

<sup>9</sup> See <https://www.regeringen.se/contentassets/0c56b9fa43ff4a468ce442c74c16aa12/tydligare-krav-pa-fristaende-forskolor-skolor-och-fritidshem-med-konfessionell-inriktning-prop-202122157/> (in Swedish).



“Swedish values” can be alienating and run counter to minority rights as upheld in the International Covenant on Civil and Political Rights. The Special Rapporteur is of the view that, in the drive to address violent extremism and societal violence, Sweden cannot afford to set aside the strength and resources that can be drawn from diversity.

## **D. Discrimination on the basis of religion or belief**

45. The Discrimination Act prohibits discrimination against individuals in a variety of ways (see para. 18) and is aimed at combating discrimination and promoting equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The office of the Equality Ombudsman oversees compliance with the Act, promotes equal rights and opportunities, and ensures that individuals subjected to discrimination obtain redress. It regularly reports on incidences of discrimination and harassment, and obstacles to equal rights and opportunities, and reports annually on the state of discrimination in Sweden, drawing from complaints filed with it. Over the past decade, it has carried out numerous studies on perceived discrimination, including on grounds of religion or belief.<sup>10</sup>

46. In the reports, it is acknowledged that discrimination is a widespread and complex societal problem. In surveys and perception studies, ethnicity (which often overlaps with religion or belief in Sweden) is the second most common ground for perceived discrimination after that of sex. Of the actual complaints filed with the Equality Ombudsman, ethnicity is also the second most common ground for discrimination, after disability. The Equality Ombudsman most commonly receives complaints relating to working life and education. Perception studies also show perceived discrimination by the police and negative portrayals of persons belonging to religious minorities, in particular Muslims, in the media. In a 2010 study, based on 100 in-depth interviews with persons who had reported discrimination, many of the participating Muslim men reported that they often felt branded as “dangerous terrorists” or as “oppressors of women” by society at large. Persons belonging to various non-conformist Christian communities reported that they sometimes felt perceived as “a bit simple” or just “generally suspicious in general” by society at large. In its 2021 report on racism, the Ombudsman for Children in Sweden, drawing on existing research, noted the prevalence of bullying or derogation based on religion or belief among schoolchildren.<sup>11</sup>

47. The Special Rapporteur notes that the Discrimination Act does not comprehensively protect all public activities. Law enforcement agencies, including police, prison, customs and migration officials, for example, are not fully covered, including in relation to their acts of authority. The Special Rapporteur was informed during her visit of an inquiry into the matter, commissioned some years ago. A report with relevant proposals was completed in late 2021<sup>12</sup> and remains with the Government for its consideration.

48. A case heard at the Swedish Labour Court in December 2023<sup>13</sup> determined that a Muslim woman working as a security guard in the Stockholm subway was not subjected to discrimination when prohibited from wearing a headscarf at work. The court noted that the employer had a neutrality policy that prohibited the wearing of visible political, philosophical or religious symbols during working hours, and held that such symbols could be perceived as provocative in certain situations by individuals with opposing sympathies and beliefs, increasing the risk of threats and violence. The Special Rapporteur notes the criticism of the ruling among legal experts, further noting how the prohibition of discrimination, including on the basis of sex and religion, is at risk of erosion when restrictions are justified on the basis of assumptions about risks.

<sup>10</sup> There are also various local and regional anti-discrimination bureaux.

<sup>11</sup> See [https://www.barnombudsmannen.se/globalassets/dokument/publikationer/om-barns-och-ungas-utsatthet-for-rasism\\_2021.pdf](https://www.barnombudsmannen.se/globalassets/dokument/publikationer/om-barns-och-ungas-utsatthet-for-rasism_2021.pdf) (in Swedish).

<sup>12</sup> See <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/12/sou-202194/> (in Swedish).

<sup>13</sup> Swedish Labour Court, Judgment No. 71/23, 13 December 2023.

## E. Instances of religious or belief intolerance

49. In Sweden it is prohibited, in a statement or other disseminated communication, to threaten or express contempt for a population group by allusion to race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression.<sup>14</sup>

50. Unlike under the International Covenant on Civil and Political Rights, a statement does not have to constitute incitement to discrimination, hostility or violence against a target group or be aimed at the destruction or limitation of the rights or freedoms of others in order to amount to an offence under the provision. It is enough for a statement to express contempt (*missaktning*) for the population group in question.

51. The protection of certain individuals and groups under domestic criminal law is based on the provision on unlawful discrimination<sup>15</sup> and the general regulation on aggravating circumstances.<sup>16</sup> According to the latter, a court must, when assessing the penalty to be given, take into consideration whether a motive for a committed offence was to insult a person or a population group on the grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression, or another similar circumstance.

52. According to the Swedish National Council for Crime Prevention, the largest share of all hate crimes are those with racist or xenophobic motives. Hate crimes on religious grounds account for 16 per cent of all hate crimes.<sup>17</sup> Muslims and Jews appear to be especially affected, but members of Christian communities, Jehovah's Witnesses and others are also affected. In addition, United Nations mechanisms, including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Working Group of Experts on People of African Descent, have raised concerns about widespread and persistent expressions and acts of racial and religious hatred in Sweden.<sup>18</sup>

53. Representatives of the police informed the Special Rapporteur that they had established cooperation with civil society organizations, municipalities, schools and academia in order to better tackle all forms of hate crime.

54. In June 2023, the Government tasked the Living History Forum with carrying out a study of schoolchildren's attitudes towards intolerance, including investigating their attitudes towards vulnerable groups such as Jews and Muslims. The design of the study should enable comparisons with the results of the Government's previously conducted attitude surveys regarding intolerance, which were held in 2004, 2009 and 2014. Previous studies have been central to the design of the Government's measures and activities aimed at schools. Representatives of the Living History Forum indicated that the study had received additional funding, as it was considered a priority for the Government.

55. The recurring burnings of the Qur'an were brought up by almost all interlocutors in the Special Rapporteur's exchanges. Across different authorities and communities, and regardless of the religion or belief of the speaker, there were expressions of disappointment and acknowledgement that such acts were offensive, disrespectful acts of provocation that had no place in Sweden or the European Union. The Government has declared that burning the Qur'an or any other book that is regarded as holy by many is offensive, disrespectful and a clear act of provocation. The Government has strongly rejected any act of intolerance and declared that such acts in no way reflect the opinion of the Government.<sup>19</sup> Over the past year, reactions to burnings of religious scriptures at demonstrations have led to riots and disturbances of public order. Together with other circumstances, this has led to a worsened national security situation for Sweden. The Government has recently decided to appoint a Chair for an inquiry into whether national security could be considered when examining

<sup>14</sup> Criminal Code, chap. 16, sect. 8.

<sup>15</sup> Ibid., chap. 16, sect. 9.

<sup>16</sup> Ibid., chap. 29, sect. 2.

<sup>17</sup> See <https://bra.se/bra-in-english/home/crime-and-statistics/hate-crime.html>.

<sup>18</sup> CERD/C/SWE/CO/22-23, E/C.12/SWE/CO/6, CCPR/C/SWE/CO/7 and A/HRC/30/56/Add.2.

<sup>19</sup> See <https://www.government.se/statements/2023/07/230720-statement-by-minister-for-foreign-affairs-tobias-billstrom/>.

permit applications and setting conditions for public gatherings under the Public Order Act (1993:1617). The inquiry will present its report by 1 July 2024.<sup>20</sup>

56. The Special Rapporteur was also informed that, in response to such provocations, the Government has prioritized dialogue with representatives of faith communities in Sweden, and has also reportedly taken steps towards dialogue and outreach at the international level.

57. During the visit of the Special Rapporteur, the first court case in relation to the Qur'an burnings was concluded, where Linköping District Court found a 27-year-old man, who had posted a video in which he burned a copy of the Qur'an, guilty of incitement to hatred against a population group. The judgment referred to the specific circumstances of the case, including the use of the same background music that was played during the terrorist attack on the mosque in Christchurch. Another case related to the burning of the Qur'an was the withdrawal of a permit to demonstrate by the police in Norrköping. The case was before the Supreme Administrative Court during the visit. The Court subsequently noted that the current provisions in the Public Order Act make a clear distinction between when a police authority can cancel and when it can stop a public meeting, and it thus found that the police authority's decision to cancel the event lacked legal support.<sup>21</sup>

58. The authorities acknowledged that United Nations human rights standards and norms were rarely referenced in jurisprudence or considered during legislative debates in Sweden. The Special Rapporteur notes that, in addition to the relevance of the International Covenant on Civil and Political Rights to the issues confronting Swedish society, many other international human rights standards and soft law are also highly pertinent, including the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; resolutions such as Human Rights Council resolution 16/18 and the associated Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief.<sup>22</sup> Sweden has strong engagement with protecting freedom of religion or belief internationally and robust engagement with the United Nations. International standards and the experience of engagement at the international level could be applied more effectively by Sweden at the national level.

59. The Special Rapporteur recognizes that attacks on holy books or religious symbols can constitute incitement, once it is ascertained that the specific case has reached the six-part threshold test of the Rabat Plan of Action, which is based on consideration of the context, speaker, intent, content, extent and likelihood of harm. Although all acts of hatred need serious attention, only those that constitute incitement can be criminalized under international law.<sup>23</sup> She notes that the recent court case in Linköping did refer to the specific circumstances of the case.

## **F. Challenges arising in the context of immigration and asylum seekers**

60. The year 2015 marked the peak of large-scale recent migration to Sweden, and the country hosts the largest refugee population in Northern Europe.<sup>24</sup> During the visit, many interlocutors described the historical homogeneity of Swedish society, the secularity of the State and its preponderantly secular mindset. A secularist ideology has also emerged more recently, which has not been able to adequately appreciate communal religious practice in the public sphere. The default understanding of religion in the country is as something that is individual and private. That understanding, however, was culturally construed at a time when the recognition of diverse minorities in Sweden was poorly developed. The State church was only disestablished in 2000, yet actors from the Church of Sweden shared how they faced

<sup>20</sup> See <https://www.government.se/press-releases/2023/08/review-of-public-order-act-to-strengthen-swedens-security/>.

<sup>21</sup> Supreme Administrative Court, case No. 2182-23, 6 November 2023.

<sup>22</sup> See also [A/HRC/55/47](#).

<sup>23</sup> Ibid.

<sup>24</sup> See Office of the United Nations High Commissioner for Refugees, "Submission for the third cycle universal periodic review of Sweden" (2019), available at <https://www.refworld.org/policy/upr/unhcr/2019/en/123098>.

criticism for making “political” statements when they engaged in social debates. The resistance to consideration of the rights of diverse communities needs careful reconsideration.

61. Sweden has generally been perceived as tolerant and open towards refugees, migrants and asylum-seekers. The current coalition Government, however, relies on the support of the Sweden Democrats, who continue to stoke fear over immigration, linking immigration to increasing violence (see para. 11). In his statement of 18 October 2022 on government policy, the Prime Minister suggested that that the country’s largest economic and social problems were due to high and unsustainable levels of immigration, failed integration and hundreds of thousands of people living in social exclusion and benefit dependence, and that a paradigm shift was taking place in Swedish migration policy.<sup>25</sup>

62. The Tidö Agreement is the basis for the cooperation between the government coalition and the Sweden Democrats, and establishes a confidence and supply arrangement between the parties.<sup>26</sup> One of the six collaborative projects under the Agreement relates to migration and integration, and proposes a drastic reduction in the quota of refugees coming into Sweden, from 5,000 each year to 900, consideration of an end to the permanent residence permit system, and the voluntary repatriation of people who are considered “not integrated”.

63. Civil society organizations expressed serious concern that several elements of the Tidö Agreement risked seriously harming the principles of the rule of law and other fundamental human rights, adding that the Agreement demonstrated an intent to create divisions between people and to stigmatize persons of non-European ethnicity. They also expressed concern that the reduction in migration flows under the Tidö Agreement may compromise the absolute protection from non-refoulement, with the refusal of religious conversion cases being a particular concern. The Special Rapporteur was informed that refugees who had faced religious persecution in a number of countries of origin felt particularly vulnerable to the risk of refoulement under the new proposals. The Special Rapporteur notes that in December 2023 the Government commissioned the Swedish Agency for Public Management to review the asylum process and cases concerning religious conversion, and she looks forward to the outcome of the review.

64. The issue of *sur place* conversions to Christianity of migrants and the subsequent treatment of their claims has attracted significant attention. A study analysing the asylum claims between 2015 and 2018 of 619 Afghan converts to Christianity outlined serious shortcomings in the processes of the Swedish Migration Agency process. A total of 68 per cent of the converts were denied asylum on the grounds that their conversions were not deemed to be genuine, despite all of them being baptized members of one of 76 churches from 64 different locations across Sweden. The report noted that the Swedish Migration Agency attributed more weight to knowledge-based answers to questions and intellectual ability rather than to evidence of belief, religious practice and involvement in church life.<sup>27</sup> Representatives of the Swedish Migration Agency indicated that they were aware of the problem and the criticism it had attracted, and that a training course on conversion and apostasy cases for their staff had been jointly developed with the Christian Council of Sweden. The Special Rapporteur also received reports about threats and beatings of religious converts in the migration centres by other residents, which she brought to the attention of the authorities.

65. Some interlocutors informed the Special Rapporteur that the national debate on the Tidö Agreement and the above-mentioned democracy criteria has led to a “name and shame culture” that resulted in self-censorship and a fear of being deported. The situation has undermined trust and discouraged the reporting of religious discrimination cases. The issues need to be addressed in a timely and serious manner.

<sup>25</sup> See <https://www.government.se/speeches/2022/10/statement-of-government-policy/>.

<sup>26</sup> See <https://www.government.se/articles/2022/11/the-governments-political-priorities/>.

<sup>27</sup> See <https://www.intoleranceagainstchristians.eu/index.php?id=12&case=2801/>.

## **G. Conscientious objection**

### **1. Conscription and military life**

66. Partial military conscription was re-established in Sweden in 2018. The law specifically exempts Jehovah's Witnesses from national military service. Other conscientious objectors may apply for unarmed military service but are in practice not inducted into the military. Armed forces guidelines allow religious headwear. Regardless of their own religious denomination, military chaplains are required to perform religious duties for other faiths or refer service members to other leaders if requested. Members of the military may observe their own religious holidays in exchange for working on public holidays.

### **2. Conscientious objection and related rights**

67. In 2020, the European Court of Human Rights found inadmissible a case brought before it by Ellinor Grimmark, a nurse who had subsequently trained as a midwife but had been denied midwifery roles owing to her religious and conscience-based refusal to carry out abortions. The Court accepted that this constituted an interference with her right to manifest her beliefs under article 9 of the European Convention on Human Rights. It found, however, that the interference was provided for by law, necessary and proportionate, holding that the provision of nationwide abortion services meant that Sweden had a positive obligation to organize its health system in a way as to ensure that the effective exercise of freedom of conscience of health professionals in the professional context did not prevent the provision of such services. The requirement that all midwives should be able to perform all duties inherent to the vacant posts was therefore not disproportionate or unjustified.<sup>28</sup>

68. Prior to her visit, the Special Rapporteur had received reports indicating that there continued to be no avenue for consideration of cases of conscientious objection among health-care providers who did not wish to take part in carrying out abortions. During meetings with officials, she was informed that solutions were usually found on a case-by-case basis, with the medical practitioners given other assignments, where possible. The Special Rapporteur notes that religious accommodations should be given appropriate consideration in a way that does not deny others access to health services.

## **VI. Specific impacts on various sectors of society**

### **A. Situation of Muslims**

69. The number of Muslims in Sweden has grown, mainly through immigration since the mid-twentieth century from South-Eastern Europe, the Middle East, North Africa and the Horn of Africa. Approximately 10 different Islamic faith organizations exist at the national level, along with several hundred local congregations throughout Sweden. A wealth of different confessional and theological branches are represented among the congregations, including Shia, Sunni, Sufi and Ahmadiyya. There are some purpose-built mosques in Sweden but also many other places of prayer, so-called basement mosques.

70. The Islamic national associations are organizations that represent local congregations and mosques at the national level. There are currently over 150 local Islamic associations in Sweden that offer houses of prayer, educational opportunities and social services. The Islamic national associations and their local congregations have been an established presence in Sweden since the 1970s. Between 150,000 and 200,000 people are active members of an Islamic congregation in Sweden.

71. In the context of human rights treaty body reviews and the consideration of the country under the universal periodic review mechanism, Islamophobia has been noted as a serious problem in Sweden.<sup>29</sup> Muslims tend to be prominently targeted for discriminatory attacks,

<sup>28</sup> See European Court of Human Rights, *Ellinor Grimmark v. Sweden*, Application No. 43726/17, Decision, 11 February 2020.

<sup>29</sup> CERD/C/SWE/CO/22-23, paras. 18 and 20; E/C.12/SWE/CO/6, para. 21; CCPR/C/SWE/CO/7, paras.



including physical assaults and arson attacks on mosques. The Human Rights Committee noted that such attacks took place in the context of chronic negative portrayals of Muslims in the media.<sup>30</sup>

72. A report by the European Network Against Racism in 2016 claimed that gendered Islamophobia undermined access to economic, political and social equality. The report stated that Muslim women were the targets of racist hate crimes, where physical and verbal attacks, harassment and violence had become normalized. That resulted in lack of safety, limited social mobility, curtailed career ambitions and reduced participation in the public arena.<sup>31</sup>

73. The tendency of Islamophobia continues to be borne out according to the most recent report of the Equality Ombudsman, which notes that Muslims, and those perceived to be Muslims, are most likely to be subjected to discrimination in working life.<sup>32</sup> The Equality Ombudsman reports that comparatively little is known about discrimination against members of other religions or beliefs.

74. In December 2022, the Supreme Administrative Court overturned the decision by two local authorities in Staffanstorps, Skåne, in 2019, to ban the wearing of headscarves in preschools and primary schools, up to year six (age 12), claiming it contravened the country's freedom of expression law.<sup>33</sup> In September 2020, the administrative court in Malmö overturned the ban of Bromölla municipality on prayer during working hours. The court stated that the ban contravened the rights of religious freedom granted by the Constitution and the European Convention on Human Rights.<sup>34</sup> The ban, which applied to all municipal employees, was passed by the local council in 2019 and was criticized by Christian and Muslim representatives.

75. Campaigns have continued to advocate for local and national bans on the Islamic call to prayer, stating that it should be banned in residential areas because individuals have the right not to be exposed to a religious message.<sup>35</sup>

76. On 16 February 2022, the Nuance Party accused social services of discrimination against Muslim families and demanded actions against social services as part of the Party's election campaign. This was in the context of an online disinformation campaign which accused social services of "kidnapping" Muslim children and placing them with non-Muslim foster families, who forced them to eat pork and drink alcohol. Demonstrations followed in Stockholm, Gothenburg and Malmö, although the Ministry for Foreign Affairs denied the claims and the Imam Council, together with the United Islamic Associations of Sweden, also spoke out against the disinformation while emphasizing that Muslim parents' concerns should be considered.<sup>36</sup> In the Special Rapporteur's meetings with authorities, they indicated that the campaign directed against Swedish social services, which began in late 2021, remained the most extensive campaign of its kind against Sweden. It had had a devastating impact on the relationship between social services and the Muslim communities, and the authorities were doing everything possible to re-establish trust.

## B. Situation of Jews

77. As of 2023, Sweden is home to approximately 20,000 Jews, of whom approximately 6,000 are registered followers of the faith, making it the largest Jewish community in Scandinavia. The community is represented by the Official Council of Swedish Jewish

16 and 22; and [A/HRC/44/12](#).

<sup>30</sup> [CCPR/C/SWE/CO/7](#), para. 16.

<sup>31</sup> [https://www.enar-eu.org/wp-content/uploads/forgotten\\_women\\_report\\_sweden\\_-\\_final-3.pdf/](https://www.enar-eu.org/wp-content/uploads/forgotten_women_report_sweden_-_final-3.pdf/).

<sup>32</sup> Equality Ombudsman, *The State of Discrimination 2023: Annual Report from the Equality Ombudsman* (2023).

<sup>33</sup> Supreme Administrative Court, *Skurup Municipality v. AA et al.*, case No. 4266-21, Judgment, 8 December 2022.

<sup>34</sup> Malmö Administrative Court, *Citizen appeal v. Bromölla municipality*, case No. 7680-19, Judgment, 11 September 2020 (in Swedish).

<sup>35</sup> <https://www.state.gov/reports/2020-report-on-international-religious-freedom/sweden/>.

<sup>36</sup> *Ibid.*

Communities. The Council was founded in 1953 by the Jewish congregations of Stockholm, Gothenburg, Malmö and Norrköping. It works at the local level to promote the acceptance of Jews within Swedish society. At the national level, it strives to promote awareness of Judaism and to monitor and address issues of importance to the Jewish religious minority and the Jewish ethnic community in Sweden.

78. Since 1999, the Jewish community in Sweden has been recognized as one of the national minorities in the country. Yiddish is an officially recognized, non-territorial minority language and an estimated 3,000 Swedish Jews, mainly Polish-born, still speak the language.

79. Antisemitism has been noted as a significant problem by treaty bodies and in the context of the universal periodic review,<sup>37</sup> with the Human Rights Committee drawing attention to the large number of incidents of religious intolerance against persons belonging to religious minorities, including Jews, and attacks against their places of worship, and the underreporting of such cases.<sup>38</sup> During the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism in 2021, the words “The Holocaust was a scam” were projected onto the main synagogue in the city. The Nordic Resistance Movement claimed responsibility for the incident.

80. In its conclusions on combating racism and antisemitism, following up on the first European Union strategy on combating antisemitism and fostering Jewish life, the European Council noted that the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism served as a reminder that no effort must be spared in fighting all forms of antisemitism, racism and xenophobia.

81. The Living History Forum has carried out several perception studies on antisemitism in Sweden. A comparative study on antisemitism in Sweden published in 2021 noted a fall in the prevalence of antisemitic attitudes and ideas in the Swedish population between 2005 and 2020. According to the Government, possible contributing factors include increased awareness and knowledge owing to educational and public awareness-raising initiatives on antisemitism, the Holocaust and other genocides. Representatives of the Living History Forum acknowledged that the picture might be incomplete owing to a lack of responses from some sectors of society, and remained concerned at the persistence of antisemitic beliefs among a significant minority of the population.

82. The reported decline in antisemitism contrasts with a widespread view among the Swedish Jews and the public at large that antisemitism is in fact on the rise, and the situation has deteriorated even further following the serious escalations in the conflict in the Middle East. The report concluded that the attitude surveys needed to be complemented by further reports, including on hate crimes, antisemitic rhetoric in political debate and the media, antisemitic propaganda on the Internet, the institutionalized nature of antisemitism within specific political and political-religious movements, and the personal experiences of antisemitism of Jews and others.

83. In 2022 on International Holocaust Remembrance Day, the Nordic Resistance Movement reportedly vandalized the building of the Living History Forum with antisemitic messages and hung banners with antisemitic messages on walls of schools and shopping centres in the cities of Borlänge and Jönköping. The Swedish Defence Research Agency published a report in 2021 entitled “Antisemitism in social media – conspiracies, stereotypes and Holocaust denial”, which mapped hate speech on social media. In the report, the Agency called for joint efforts by governments and platform companies to stop antisemitic content from appearing on the Internet, and stressed the need for preventive work and educational and awareness-raising activities to stop the spread of antisemitism online. According to the Official Council of Swedish Jewish Communities, antisemitism was a growing problem on social media and in connection with the anti-vaccine movement, with some demonstrators against coronavirus disease (COVID-19) pandemic restrictions having reportedly compared themselves to Jewish victims of the Holocaust and worn a yellow Star of David.

<sup>37</sup> CAT/C/SWE/CO/8, para. 32; CERD/C/SWE/CO/22-23, para. 10; and CCPR/C/SWE/CO/7, para. 16. See also A/HRC/44/12.

<sup>38</sup> CCPR/C/SWE/CO/7, para. 16.



84. In January 2023, the Government appointed a collaborative task force for Jewish life under the leadership of the State Secretary to the Prime Minister, to serve for the remainder of the current electoral period (until September 2026). The task force, composed of various State secretaries and representatives of the Jewish community, collaborates and conducts dialogue on preventive measures and efforts to improve the conditions for Jewish life and prevent and combat antisemitism in Sweden. In the first year of its activities it has focused on the safety and security of the community. The Government has also increased its funding for the Jewish Museum, the Official Council of Swedish Jewish Communities and the Living History Forum, and for security measures related to Jewish life and Jewish congregations.

## C. Situation of the Sami people

85. The Sami are an Indigenous People and also one of the five recognized national minorities in Sweden. The region comprising their traditional lands is called Sápmi in the northern Sami language. Some estimates suggest that between 20,000 and 40,000 Sami live in Sweden.

86. In the seventeenth century, efforts were made to Christianize Sami in Sweden. They were forced to attend church services, under threat of fines, imprisonment and even the death penalty for those who did not give up their traditional beliefs. The effort of Christianization included the burning of sacred drums and the desecration of sacred sites, and led to an almost complete destruction of traditional Sami religious expression. The persecution went hand-in-hand with State encouragement for farmers to settle on Sami territory in the very far north of Sweden.<sup>39</sup>

87. The Sami people was first recognized as an Indigenous People by the Riksdag in 1977. Following an amendment, as of 1 January 2011, the Constitution explicitly recognizes the Sami as a people, in addition to being an Indigenous People and a national minority in Sweden.<sup>40</sup> Swedish has the status of official language within the country. Five other languages, including Sami, have the status of official minority languages. Citizens are permitted to use those minority languages in certain official or judicial contexts, and Sami may be used in the contexts of childcare and elder care; children who speak Sami have the right to attend bilingual Sami schools instead of regular Swedish schools.

88. Recognition of Sami rights has gradually increased since the 1950s. The Sami Parliament was established by the Sami Parliament Act of 1992 and is both a publicly elected parliament and a government agency.<sup>41</sup> The Act on consultation on issues concerning the Sami people (2022:66) entered into force on 1 March 2022, making consultation with the Sami Parliament and Sami organizations obligatory before a decision is made in matters of particular concern to the Sami.

89. One aspect of Sami culture is reindeer herding, although it is not practised by all Sami. Too much focus on this one aspect has led to other aspects of Sami land rights being overlooked, along with free, prior and informed consent.<sup>42</sup> A continuing and complex issue is the repatriation of Sami remains and sacred objects to Sápmi, and the Special Rapporteur recognizes the significance relating to the freedom of religion or belief of such repatriation.

90. In October 2022, Archbishop Antje Jackelen issued a second public apology to the country's Indigenous Sami community for centuries of mistreatment that had contributed to what the Sami described as legitimized repression conducted by the Church of Sweden. The Sami representatives were successful in their attempts to include a traditional Sami singing style previously considered sinful, *joik*, in Church services. The Church of Sweden and its Sami Council presented an action plan to increase Sami participation and influence, strengthen Sami religious life, and include Sami children and young people, as well as increase knowledge of Indigenous rights.

<sup>39</sup> See <https://minorityrights.org/minorities/sami-3/>.

<sup>40</sup> A/HRC/33/42/Add.3, para. 36.

<sup>41</sup> Ibid., para. 37.

<sup>42</sup> See <https://minorityrights.org/minorities/sami-3/>.

91. In March 2022, the Government granted concessions for an iron ore mine in Kallak (known as Gállok to the Sami) in Norrbotten on Sami reindeer-herding land, despite massive opposition from affected Sami villages, the Sami Parliament, the Swedish environmental agency and two United Nations special rapporteurs.<sup>43</sup>

92. The Special Rapporteur welcomes the establishment, in November 2021, of a truth commission to investigate the abuses of the Sami people by the State of Sweden, which is due to report its findings in December 2025. The Truth Commission for the Sami People has been mandated to: (a) survey and examine the policies pursued towards the Sami and the actions of relevant actors in the implementation of those policies; (2) highlight the experiences of the Sami; and (3) analyse and shed light on the consequences of the policies pursued towards the Sami with regard to the living conditions, health and social life of the Sami people as a whole and as individuals, and the ability of the Sami people to preserve and develop their own culture and community life.

93. In July 2023, the Government requested that the Swedish National Council for Crime Prevention conduct a study on hate and threats against Sami persons.

## VII. Conclusions

94. Sweden possesses a strong legal and policy framework for promoting and protecting the enjoyment by all persons of the right to freedom of thought, conscience, and religion or belief. Political expediency, however, along with a lack of acknowledgement of challenges, risks undermining the substantial framework in place for addressing issues that arise in relation to the full scope of freedom of religion or belief for everyone. The Government faces a number of core challenges as it grapples with the emergence of its multi-ethnic and multireligious society. The scope of freedom of religion or belief should not be limited to the majority culture's traditional perspective of what religion in public life should look like. The parameters should be determined by human rights standards, including the rights protected under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This calls for a wholehearted and determined effort to broaden and widen the imagination and tolerance of the authorities and the public as to freedom of religion or belief. Only such an initiative can adequately address the intolerance of and discrimination against religious and ethnic minorities in Swedish society that threatens social cohesion and is provoking increasingly myopic responses that undermine equal access and enjoyment of human rights.

95. Political forces are polarizing views and exploiting questions regarding the manifestation of religion or belief, both as part of the foundation of their party ideology and for electoral gain. Sweden can reverse this unfortunate trajectory if it makes a deliberate and firm decision to do so. Sweden is already gaining extensive experience and insights into the need for specificity of protections through its various action programmes (see para. 20). While continuing to invest in the action programmes, a broader reflection of the country's learnings from the specific communities involved needs to be applied to other types of diversity in the country, whether historic or newer communities, small or large, considered proximate to the recent experience of majority Swedish religiosity or otherwise.

96. At present, even long-established and larger religious communities, including Jewish and Muslim communities, are concerned about proposed legislation and policies that seek to intervene in their affairs, and about narratives that encourage hostility and discrimination against them.

97. The Government appears quite cognizant and reflective about many of the issues of concern outlined in the present report. Other actors within government, however, do not even see the challenges or register them as human rights concerns. Some political actors are intentionally leveraging the issues of concern for political gain. In recent

<sup>43</sup> See communication SWE 2/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27057>.

years, a number of challenges have brought freedom of religion or belief matters to the fore in Swedish society. This has encouraged some Swedish authorities to realize that faith communities can be part of the solution in an ongoing dialogue, and not just recipients of State messaging during crises. This is a welcome development but the political make-up, and the high level of autonomy and independence enjoyed by municipalities, means that this is unlikely to become the dominant approach with faith communities unless there is a firm determination behind it. The Special Rapporteur notes that civil society organizations and religious communities can play a vital role in increasing inclusion, empathy, understanding and solidarity across communities.

## VIII. Recommendations

98. The Special Rapporteur notes that a human rights-based approach to addressing the challenges facing Sweden is necessary to avoid the setbacks that security-based or populist responses to tensions between communities beget. Against this background, the Special Rapporteur recommends that the Government:

(a) Incorporate the International Covenant on Civil and Political Rights into domestic law and review domestic legislation in order to ensure full compliance by all entities irrespective of their independence, especially in recognizing manifestation of religion or belief as a stand-alone right; and raise awareness about the interrelationship between article 18 of the Covenant, other human rights and the country's fundamental laws among judges, lawyers, prosecutors and public officials, at the national, municipal and local level;

(b) Strengthen understanding of the country's freedom of religion or belief obligations, including in public and in community with others, whether relating to headaddress, religious practices, worship, employment, conscientious objection, dietary practices, religious education and schooling, or other matters. Although not all claims will withstand adjudication, they must be assessed in the light of international obligations, with all limitations needing justification in accordance with article 18 (3) of the International Covenant on Civil and Political Rights;

(c) Build capacity in all authorities, at every level, to better recognize and counter discrimination based on religion or belief and provide redress;

(d) Periodically review the Criminal Code to identify provisions, processes and procedures that may perpetuate discrimination based on religion or belief;

(e) Investigate and prosecute religiously motivated hate crimes, including hate speech and physical attacks against Muslims, Jews and others; and promote awareness of the widespread nature of hate crimes on religious grounds in Swedish society;

(f) Acknowledge and spotlight the extent of Islamophobia, antisemitism and other such discrimination in Sweden, including attacks on places of worship, physical assaults, hate crimes, and discrimination that especially target women and hateful discrimination in social media and in political rhetoric, which risk becoming normalized and institutionalized, and plan how to effectively counter it;

(g) Improve the application of international human rights obligations and soft law guidance in addressing the far-reaching challenge of recurring incidents of the burning of the Qur'an, with cognizance of root causes that extend across various authorities and politicians, from the law to school curricula. The desecration of holy books and symbols may constitute incitement when independently ascertained to have reached the six-part threshold test of the Rabat Plan of Action;

(h) Consider expanding the scope of protection under the Discrimination Act, on the basis of the proposals stemming from the inquiry on the matter, to ensure that all public activities, including acts of authority by law enforcement agencies, are covered;

(i) Confront discriminatory anti-migrant and racist rhetoric that has marred politics and media and creates fear and a sense of lack of belonging for some religious communities, inhibits public participation, leads to underreporting of incidents, puts asylum-seekers at risk of refoulement, including regarding *sur place* or other conversions, and creates a climate conducive to disinformation campaigns. Rights are to be guaranteed by law, not trampled on for political ambition;

(j) Establish independent and specialized institutions that meet international standards for carrying out work to counter hate speech, and accessible mechanisms for religious and belief communities and civil society organizations to be able to report hate speech based on religion or belief;

(k) Expand awareness-raising initiatives addressing discrimination and intolerance, recognizing that they transcend religious and ethnic distinctions, and further promote religious literacy and literacy of freedom of religion or belief;

(l) Train teachers to teach the importance of freedom of religion or belief for a pluralistic, diverse Swedish society that welcomes all, as part of or alongside citizenship education;

(m) Regularly collect disaggregated data relating to religion or belief to help address the serious underreporting of violations of freedom or belief, help authorities to become aware of its prevalence, and provide an empirical basis for developing policies to enhance enjoyment of this right;

(n) Ensure that the country's multi-tiered governmental financial support for faith, which is an international good practice, is not distorted through discriminatory assumptions about different groups or politicized. Notwithstanding challenges, foreign funding for religious activities should not be considered suspect if it is legal;

(o) Continue to strengthen regular engagement and dialogue with faith communities and interfaith organizations at every level of government in an environment of trust-building and open exchange, which, among other things, stimulates religious communities and civil society organizations to report all instances of discrimination to the authorities, including the police and local authorities; and facilitate and encourage interfaith initiatives, especially those rooted in the community and set up by faith communities and civil society organizations themselves;

(p) Continue to work towards ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, while considering further measures to strengthen the access of the Sami people to influence, participation and livelihoods in full respect of their freedom of religion or belief; and take all necessary measures to ensure that Sami remains and sacred objects are repatriated to Sápmi;

(q) Strengthen the institutional setting of human rights protection, including by taking all measures necessary to allow the Swedish Institute of Human Rights to discharge its mandate in full compatibility with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).