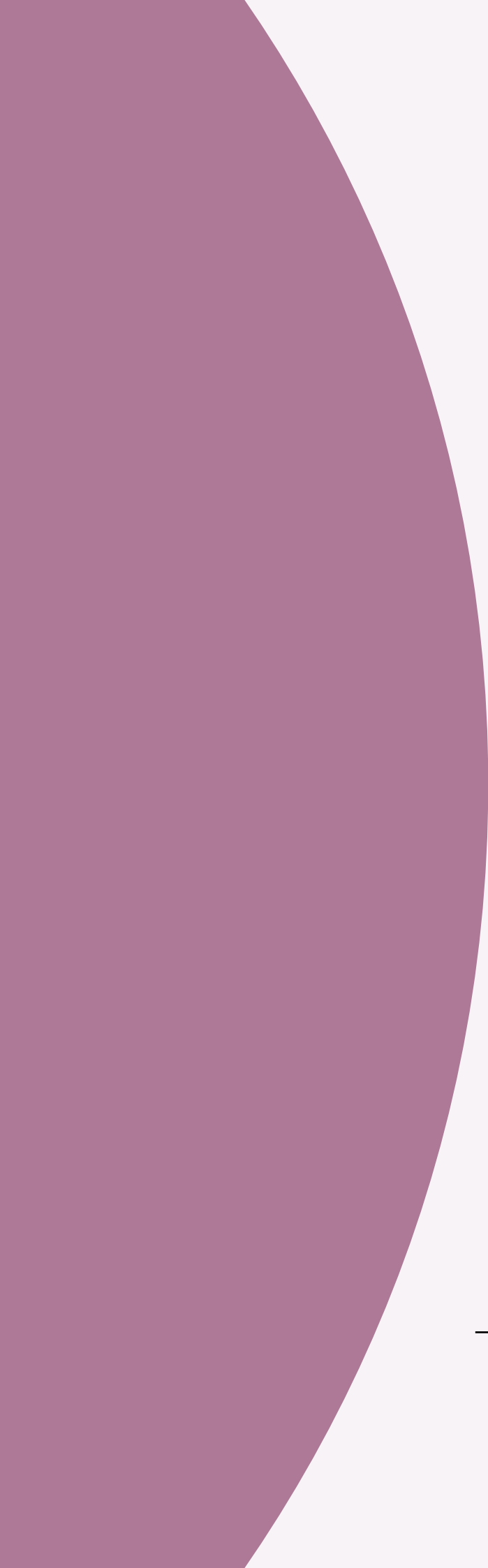


Supplementary information to the UN Committee on Economic, Social and Cultural Rights

for consideration of the seventh
periodic report of Sweden





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1. The Swedish Institute for Human Rights (the Institute) was established in 2022 as Sweden's national human rights institution (NHRI). In this report, the Institute highlights several areas where, despite several important advances since the previous review, Sweden must increase its efforts to fulfil its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The report does not reflect all relevant human rights challenges in Sweden. Thus, submissions from, among others, the Sami Parliament and the coordinated civil society alternative report are also important sources.

Limited knowledge of economic, social and cultural rights

(List of Issues (LoI) p. 4)

2. Surveys conducted by the Institute in 2022 and 2023 show that people in Sweden are generally aware of their human rights, but have little knowledge of what these rights mean in practice. In the 2022 survey, 60 per cent responded that they have very limited knowledge of the rights guaranteed by the ICESCR.¹

3. The Institute considers that the State Party should improve efforts to raise awareness regarding economic, social and cultural rights and how to effectively claim them.

Need for analysis of ICESCR and Swedish law

(LoI p. 4)

4. When Sweden ratified the ICESCR, in 1971, an overall evaluation was carried out which concluded that Swedish conditions largely met the requirements of the Convention, although there were some legal differences.² It is important that such scrutiny is applied on a regular basis.

5. The Institute is of the opinion that the State Party should carry out an in-depth review of the conformity of Swedish law with the ICESCR, given the development of standards since the 1970s.

Limited possibility to effectively claim rights

(LoI p. 4)

6. The Constitution includes several of the rights in the ICESCR. However, these are mainly formulated as political objectives rather than as rights that individuals can invoke before courts or public authorities.

7. Analyses of case law show that courts and public authorities rarely apply so-called treaty-compliant interpretation.³

8. Surveys and dialogues have revealed a widespread feeling that public authorities are unwilling or unable to act when rights are violated, and that both information about rights and legal support are difficult to obtain.⁴

9. A government inquiry (SOU 2023:40) has proposed that Sweden ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which Sweden has not yet done. Nor has Sweden ratified the Optional Protocol to the ICESCR allowing individual complaints. An analysis by the Ministry of Health and Social Affairs mentions, among other things, that economic, social and cultural rights are in the nature of objectives or programme statements, that it is difficult to assess the meaning and scope of the provisions of the Convention, and that "social, economic and cultural rights in the broad sense are a matter of political considerations in terms of the allocation of financial resources and priorities among 'rights'".⁵

10. The Institute considers that this distinction among different rights is obsolete and misleading. The Institute considers that the State Party should strengthen the possibility to effectively claim economic, social and cultural rights in Sweden. The Institute considers that Sweden should ratify the Optional Protocol to the ICESCR regarding individual complaints.

Lack of follow-up of UN recommendations

(LoI p. 4)

11. Systematic and clear management of recommendations received by Sweden from UN human rights monitoring mechanisms is lacking, partly because reporting and follow-up involve different ministries. This makes it difficult to oversee what work is being done. Following the last Universal Periodic Review (UPR), the UN High Commissioner for Human Rights encouraged Sweden to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations.

12. The Institute considers that the State Party should create a more systematic and clear follow-up of recommendations by UN human rights monitoring mechanisms. This should include cooperation with duty-bearers at different levels, as well as civil society and independent actors, such as the Institute.

Shortcomings in legislative drafting can jeopardise the rule of law

(LoI p. 4)

13. In recent years, the pace of legislation in some areas, not least in criminal policy, has been very high, and the scope for inquiries to exercise independent judgement has diminished.⁶ This means, among other things, that the consequences of a legislative proposal for the fulfilment of human rights are not investigated or reported. This is a challenge for the referral bodies, which in

some cases also had very short periods to comment on complex issues. When legislation is drafted in parallel, and there is no time to evaluate the impact of previous legislative reforms, there is also a risk that the application of the law may become unpredictable and thereby jeopardise the rule of law. In addition, the opinions issued by the Council on Legislation in the context of a prior review of a legislative proposal's compatibility with the constitution are not binding on the Government and the Parliament and can be disregarded.

14. The Institute fears that these shortcomings in the legislative process may, taken together, risk undermining the principle of good public governance and the rule of law, and by extension, human rights compliance in Sweden.

15. The Institute considers that regulation must be introduced to establish reporting obligations regarding the impact of legislative proposals on implementation of Sweden's human rights obligations under public international law.⁷

16. The Institute also supports the proposed amendment to the constitution that would require consultation with the Council on Legislation regarding constitutional proposals that concern fundamental rights and freedoms.⁸

Shortcomings in equality data

(LoI p. 2,18,19 and 23)

17. There are shortcomings in the State Report in terms of data shedding light on enjoyment of rights by different groups, and no satisfactory reasons are given for the limitations in the data. Existing register data have several limitations, but might be used to produce more information than the State Report indicates. In addition to register data, qualitative and quantitative data have been continuously collected by public authorities, civil society organisations and academia and can be used to describe and analyse differences in access to rights.

18. The Institute considers that the State Party should further investigate how equality data can be collected, analysed and used in Sweden in a rights-based manner.

Climate change and human rights (LoI p. 8)

19. An independent expert authority, the Swedish Climate Policy Council, has long stated that the rate at which Sweden reduces emissions must be increased in order to achieve the climate targets set for 2030 and net-zero greenhouse gas emissions by 2045. In its latest report, the Council expresses concern that energypolicy reforms that have been announced will lead to an increase in emissions in the near term, for the first time in at least two decades, and that the reforms focus too narrowly on the energy sector and power generation.⁹

20. The Institute considers that the State Party should revitalise efforts to achieve the target of net-zero emissions by 2045, and that the groups that are particularly impacted should be given real influence in the design of climate transition and adaptation measures, including children, young people, people with disabilities, indigenous peoples and certain national minorities.

Poverty and increasing inequality (LoI p. 2, 11)

21. Sweden has the lowest rate of material and social poverty in the EU. At the same time, the differences in material and social poverty between native- and foreign-born residents are among the greatest in the EU. In 2021, 10.3 per cent of foreign-born residents lived in material and social poverty, compared to 1.5 per cent of native-born residents.¹⁰

22. Between 2014 and 2020, the share of the population at risk of poverty increased from 14.2 to 14.7 per cent and the share of the population persistently at risk of poverty increased from 8.0 to 8.8 per cent.

This increase has particularly affected older people and foreign-born persons.¹¹

23. Official statistics do not cover several marginalised groups, including asylum seekers, people staying in Sweden under the EU Temporary Protection Directive, vulnerable EU citizens and irregular migrants.

24. The European Union Agency for Fundamental Rights (FRA) has found that over 51 per cent of Roma in Sweden live in households with severe financial difficulties. Twenty-eight per cent of Roma children grow up in material poverty.¹²

25. The City Missions in Sweden report that economic vulnerability has increased following the COVID-19 pandemic and Russia's invasion of Ukraine. New groups are affected while the condition of those already in economic hardship has worsened. Food distribution by the City Missions in the first nine months of 2023 matched the entire 2022 volume. The organisation also reports encountering more and more individuals on long-term maintenance support and that measures for irregular migrants have tripled between 2014 and 2022.¹³

26. Since the 1990s, economic inequality has increased in Sweden. In 2021, the Gini coefficient reached its highest level since measurements began in 1975.¹⁴ Growing social and economic inequality impacts people's rights and opportunities to participate in society. This was highlighted during the COVID-19 pandemic, when socio-economically disadvantaged people were particularly hard hit in terms of health, finances, and cancelled or delayed health care.¹⁵ In the 2022 general elections, voter turnout fell for the first time in two decades from 87.2 to 84.4 per cent. In areas with major socio-economic challenges, the decrease was greatest, from 67 to 58 per cent.¹⁶

27. In Sweden, social protection expenditure as a share of GDP has decreased from almost 36 per cent, in 1993 to 28 per cent in 2021.¹⁷

28. The value of public social security insurance has been declining since the early 1990s. It covers a smaller and smaller amount of lost income for those who are ill, unemployed or on parental leave. In numerous areas,

social security insurance has not kept pace with price and wage developments, which has contributed to a widening income gap between those who earn their income mainly in the form of wages and those receiving more social security insurance. Some benefits, such as child benefit and maintenance allowance, are adjusted upwards as a result of policy decisions, thus eroding their value in periods when no such decisions are taken.¹⁸

29. Many people with disabilities are fully or partially supported by sickness benefit or financial assistance, which have evolved according to a consumer price index and significantly slower than wage growth. The additional cost allowance, which aims to reimburse additional costs for people with disabilities, has a high threshold, with strict requirements for a medical certificate, as well as a limit to the amount reimbursed.¹⁹

30. The daily allowance for asylum seekers has not been increased since 1994. Several civil society organisations have long pointed out that the level is so low that it undermines the right to an adequate standard of living.²⁰

31. The Institute considers that the State should ensure sufficient social protection to fulfil the right to an adequate standard of living for all. In particular, the Institute considers that the daily allowance for asylum seekers should be increased.

32. The Institute encourages the Committee to shed light on the extent to which the increase in economic vulnerability, the decline in benefit levels and the decrease in overall spending on the social safety net constitute a retreat from the ICESCR.

33. The Institute encourages the Committee to ask the State Party how it ensures the obligation to make full use of its available resources to fulfil the rights under the Convention.

34. The Institute welcomes the Government's announcement, in its national human rights strategy, that it intends to promote a "human rights-integrated budget process", and encourages the Committee to ask the State Party how this is being implemented.

Discrimination

(LoI p. 12)

35. Discrimination is a widespread societal problem in Sweden.²¹ In response to the Committee's recommendation²² to include social status and political opinion into the list of prohibited grounds of discrimination in the Discrimination Act, the State Party has referred to a government inquiry (SOU 2021:94). However, the inquiry was not tasked to include new grounds of discrimination, but rather with proposing how to make protection against discrimination in public sector as comprehensive as possible. The inquiry proposed an amendment to the Discrimination Act to ensure that the prohibition against discrimination applies not only to public sector treatment of the populace, but also to decisions in relation to individuals, interventions in connection with the enforcement of decisions, and other exercise of official authority.

36. The Institute considers that the State Party should extend the protection against discrimination in the Discrimination Act in accordance with the conclusions of inquiry SOU 2021:94. The Institute encourages the Committee to follow up its question regarding steps to harmonise the Discrimination Act with Article 2 (2) of the ICESCR.

The right to housing

(LoI p. 12, 18, 19)

37. Current research shows that existing law is not sufficient to ensure that all residents have their right to housing fulfilled. To ensure universal access to the right to housing, laws must be amended and all actors involved need to work in a more coordinated way.²³

38. Sweden's report does not include information on discrimination against Afro-Swedes and Muslims in the housing market. According to the Equality Ombudsman, most complaints in the housing sector concern discrimination on the basis of ethnicity or disability.²⁴ A study by the FRA shows that Roma are often discriminated against in the housing market, and that

60 per cent of Roma and Travellers live in overcrowded conditions, compared to 15 per cent of the general population.²⁵ Overcrowding is also evident among people born outside Europe.²⁶ Landlords often impose high income requirements on their tenants and sometimes do not accept sickness or activity benefits as income, which generally affects people with disabilities.²⁷ Another problem is the lack of accessibility in the provision of housing, which is not addressed in the Discrimination Act.²⁸

39. With regard to homelessness, it is a problem generally that available support is currently intended mainly to address emergencies rather than provide long-term solutions. Comprehensive national data regarding the number of adults and children living in homelessness and informal settlements in Sweden, as well as their living conditions, is also lacking. The report referred to by the State Party regarding the number of homeless people did not include people without a residence permit, asylum seekers or EU migrants. The report only counts homeless people who are known to social services and who do not find temporary housing with workarounds such as itinerant or short-term housing. The report does not directly include children, it only indicates the number of homeless adults with children under the age of 18.

40. In recent years, the number of so-called structurally homeless people, i.e., those unable to find housing for financial reasons, has risen sharply, and they often receive only emergency assistance from social services. In this group, families with foreign background and women exposed to violence are over-represented.²⁹

41. According to the Ombudsman for Children in Sweden, the right of children to good and safe housing is weakly protected in Sweden. The year 2018 saw a reversal of a previous positive trend, and since then the number of children and adults facing eviction has increased, mostly due to back rent.³⁰

42. The Institute encourages the Committee to ask the State Party what measures it intends to take to ensure the right to housing, including removing the impediments preventing certain groups from accessing the housing market without discrimination.

The right to work

(LoI p. 12–15)

43. Significant differences in wages and pensions between women and men in Sweden persist. In 2022, the pay gap between women and men stood at 9.9 per cent, a figure that has remained virtually unchanged since 2019.³¹ On average, women's pensions are 30 per cent lower than men's, due to persistent inequalities in working life and parenthood. The levelling out of these differences proceeds slowly.³²

44. Individuals with Arabic or Muslim names, especially men, face widespread discrimination in the labour market, for example in recruitment, promotion and task allocation.³³ Compared to others with the same level of education, Afro-Swedes have lower wages, significantly more days of unemployment, more difficulty in advancing to higher positions with higher wages, and are overrepresented in low-status and low-wage occupations.³⁴ A 2022 survey by the FRA shows that almost a quarter of Roma in Sweden have experienced discrimination in the labour market. Among women responding to the survey by the FRA, 42 per cent reported being in paid employment, while the corresponding figure for men was 52 per cent. The study also shows that every third Roma or Traveller youth (aged 16–24) was neither working nor studying at the time of the study.³⁵

45. The Swedish Work Environment Authority has shown that foreign-born persons in Sweden generally experience poorer work environments than native residents, and are twice as likely to experience victimisation in the workplace.³⁶ Research indicates that people with disabilities tend to be excluded from recruitment processes.³⁷ People with disabilities are, on average, less satisfied with their work environment than those without a disability.³⁸ LGBTQI youth people are more likely to be unemployed and experience unfair treatment at work than other young people. LGBTQI youth also find that violations of other social norms, such as having a foreign background or a disability, further hinder their opportunities in the labour market.³⁹ An experimental study shows that transgender people are at high risk of discrimination in recruitment processes.⁴⁰

46. Labour exploitation is a major and growing problem in Sweden. A growing group derives the main part of their income from various forms of gig work, and some of these are excluded from social safety nets and insurance, as they have precarious employment and salary conditions.⁴¹ The trade union Transport has highlighted the poor working conditions of food suppliers and others. Foreign-born persons and youths are overrepresented in gig work, few are unionised and collective agreements are almost non-existent.⁴²

47. A review by eight public authorities shows that the risk of human trafficking and exploitation in the labour market remains high and the trend is increasing. Under-reporting is also deemed to be extensive. Many do not receive help from support services because they do not themselves report being exploited. Exploited groups include asylum seekers and irregular migrants. Exploitation occurs in sectors such as personal care, agriculture and forestry, berry picking, poultry farms and construction. Workers are sometimes forced to live at their workplaces and work for minimal or no wages to cover debts incurred in the course of their employment, while they may face physical or sexual violence, as well as the threat of deportation.⁴³ Victims of exploitation usually lack legal support and have limited opportunities to recover their lost wages if they are not union members, which is rarely the case for migrant workers. Furthermore, trade union support for irregular migrants is limited.⁴⁴

48. Since 2019, Sweden has a zero vision policy aimed at preventing any fatalities due to workplace accidents. In 2023, more than 60 workplace-related fatal accidents were reported, which is the highest number since 2011.⁴⁵

49. An inquiry has been commissioned to consider measures to prevent the exploitation of labour migrants. Legislative and regulatory changes have been made as a result.⁴⁶ For example, the maintenance requirement for labour migrants has been increased, which in practice means a doubling of the income requirement.⁴⁷ The Government's impact assessment states that this may exacerbate the already uneven gender distribution by granting fewer women work permits compared to men. It can also have negative

consequences for people with reduced working capacity, such as pregnant women and people with disabilities.⁴⁸

50. The Institute encourages the Committee to ask the State Party what measures it intends to take to combat discrimination in the labour market.

51. The Institute considers that the State Party must take full account of the perspectives and human rights of victims in any measures to combat human exploitation, and encourages the Committee to pose questions to the State Party in this regard.

52. The Institute considers that Sweden should ratify the International Labour Organization Convention 190 concerning the elimination of violence and harassment in the world of work (see SOU 2021:86).⁴⁹ The Institute also considers that the State Party should investigate extending effective protection against violence and harassment to migrant workers, their families and people in Sweden working in the informal economy or otherwise without necessary authorisations.

The right to education (LoI p. 12, 23)

53. Differences in performance between student groups and schools in Sweden have been growing for some time. Schools are unable to compensate for differences among students in terms of their circumstances. More needs to be done to empower all students to develop adequate knowledge and abilities, regardless of gender, gender identity, ethnicity, place of residence, or socio-economic background.⁵⁰ School segregation has a significant impact on students' future prospects, including educational attainment, employment, health and the risk of becoming involved in crime.⁵¹

54. Numerous complaints to the Equality Ombudsman in the field of education concern harassment, by teachers as well as students, related to religion

or other beliefs. For example, Muslim girls are harassed for wearing a veil. There are also examples of students who report being harassed because they are Jewish, or are perceived as Jewish.⁵²

55. Many children experience harsh racist jargon at school.⁵³ For example, Afro-Swedes are reported to be victims of Afrophobia.⁵⁴ The 2022 survey by the FRA shows that 20 per cent of Roma parents in Sweden reported experiencing discrimination in the past year in contacts with school authorities.⁵⁵

56. LGBTQI people are more vulnerable than other youth to different types of victimisation at school, from both students and teachers. People with intersex variations, transgender people and LGBTQI people with disabilities are more affected than others. Stereotypical gender norms persist in schools, and education on LGBTQI issues is lacking. Transgender people report being unable to access gym classes as changing facilities are not available.⁵⁶

57. The Swedish school system is divided into several types of schools, where children with disabilities are mainly divided between compulsory primary and lower-secondary schools and schools for children with intellectual disability. Regardless of the type of school, children with disabilities are less likely than other children to have their right to education realised.⁵⁷ Most children with disabilities attend primary and lower-secondary school. However, research shows that primary and lower-secondary school curricula are designed in a way that excludes many children, which means they lack preconditions to achieve a passing grade, regardless of access to support.⁵⁸ The instruction in primary and lower-secondary school is not always accessible, and many children do not receive the support they need.⁵⁹ Children with intellectual disabilities usually attend alternative schools. Many of these schools fail to provide the best conditions for pupils to develop knowledge, and many teachers lack the proper qualifications.⁶⁰ Six months after graduating from an upper-secondary school for children with intellectual disability, only one in ten pupils was employed and one in three did not work, study or have daily activities.⁶¹

58. The Government has announced that it will investigate whether to introduce a duty for municipalities and public authorities to provide information to the Migration Agency or the police when coming into contact with irregular migrants.⁶² Civil society and labour organisations in Sweden have reacted strongly to this, and see serious risks to the ability of irregular migrants to enjoy the right to education, a concern shared by the Institute.

59. The Institute encourages the Committee to ask the State Party what measures it intends to take to ensure the right of all children to education regardless of their status, and to combat discrimination and segregation in schools.

The right to health (LoI p. 12, 20)

60. Different groups perceive their health differently. Around 80 per cent of those with post-secondary education report good health, compared to around 60 per cent of those with only primary and lower-secondary education.⁶³ People with disabilities experience poorer health compared to the general population, and women with disabilities rate their health as poorer than men with disabilities.⁶⁴ Sami⁶⁵ and Sweden Finns⁶⁶ report suffering from long-term illness at a higher rate than the rest of the population. Among these groups, there is also a higher proportion who have seriously considered or attempted suicide compared to the rest of the population. Thirty-eight per cent of Roma in Sweden report suffering serious limitations due to ill health, compared to 13 per cent of the total population in Sweden. Life expectancy in 2019 was 80.6 years for the population of men in Sweden and 84.1 years for women. It was 69 years for Roma and Traveller men and 74 years for women.⁶⁷ LGBTQI youth mainly experience poorer mental health compared to other young people, but they also report poorer physical health. Several reports describe an increase in mental health problems, especially among adolescents and young adults, with girls and young women being overrepresented.⁶⁸

61. Access to health care also differs. Stereotypes related to ethnicity in health care entail that people are not treated according to their specific needs, which can lead to worsened treatment or no treatment at all.⁶⁹ The Government's Action programme to combat Afrophobia describes experiences of offensive treatment in health care, including maternity care. Fourteen per cent of Roma report feeling discriminated against in the health sector.⁷⁰ Not receiving medical care despite needing it is more common among people with disabilities than the general population.⁷¹ Among transgender people who need gender-affirming treatment, long waiting times and lack of knowledge are perceived as significant problems. Some intersex people have felt compelled to undergo treatment to meet the binary gender norm, or have not been informed about treatment options.⁷²

62. Civil society organisations have highlighted specific gaps in health care for young women. Distances to the nearest maternity hospital vary across Sweden, and research has shown that the longer the distance to maternity care, the greater the risk for both mother and child.⁷³ Challenges in terms of skills supply and staffing in maternity care also remain significant. Factors such as country of origin and birth, level of education and economic status also impact complications during pregnancy and labour.⁷⁴

63. Health and social care for the elderly and support for their self-determination face many challenges in Sweden. This population is growing as life expectancy increases. This development places great demands on the State to organise and coordinate elderly care, through municipalities and regions, which ensures access to high-quality care for all who need.

64. There are serious shortcomings in palliative care. One survey shows that 75 per cent of the deceased have no documented end-of-life discussions aimed at enabling people to influence the final stages of their lives. Medication management in special housing for the elderly is also lacking. Many receive medicines that should be avoided, potentially causing unnecessary side effects, poor health and unnecessary hospitalisations.⁷⁵

65. The Government has announced that the right to publicly funded interpretation services in health care will be limited for those possessing a residence permit and Swedish citizens, and that the default will be that individuals will primarily pay for interpretation services.⁷⁶ This proposal risks limiting rights, increasing medical risks and worsening the health of affected patients.

66. Access to health care for adult asylum seekers in Sweden is currently limited to emergency care and care that cannot be postponed. The term 'health care that cannot be postponed' has long been criticised by various stakeholders for being unclear and thus allowing for arbitrary assessments and difficult ethical considerations on the part of healthcare professionals.⁷⁷

67. As previously mentioned, the Government is examining the possibility of introducing a duty to provide information among municipalities, public authorities, the Migration Agency or the police when they come into contact with irregular migrants. This can pose serious risks to the ability of irregular migrants, and especially children, in realising the right to health care.

68. The Institute encourages the Committee to ask the State Party what measures it intends to take to ensure the right to the highest attainable standard of physical and mental health, the right to accessible and equitable health care, and to combat stereotypical and abusive treatment and discrimination in health care.

Cultural rights (LoI p. 12, 24)

69. The Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaiset has noted that the State's assimilation policy in the 19th and 20th centuries resulted in numerous abuses against the minority group. The Commission urges the Government to initiate a dialogue with the minority group regarding a public apology, as well as to review land, water, hunting and fishing rights.⁷⁸

70. People belonging to national minorities experience difficulties in using and developing their languages. Many young people lose their language and cultural identity, which affects their opportunities for education and development. The Swedish National Agency for Education has particularly highlighted shortcomings in information provided to students and their guardians regarding the possibility of receiving mother tongue instruction in the national minority languages.⁷⁹

71. Planned cuts to direct government funding for associations for adult education risk having a major impact on access to culture, especially in sparsely populated areas. Associations for adult education provide continuing professional development as well as access to employment for a wide range of people, including people with disabilities and foreign-born persons, who would otherwise be isolated from the labour market.⁸⁰

72. Several reports show that artistic freedom in Sweden is impacted by political control.⁸¹ Just over a third of municipal and regional museum directors report that officials or politicians have tried to influence the content of exhibitions.⁸² There are also reports of external hostility towards and threats made against libraries in connection with story hours featuring drag-show performers.⁸³

73. The autonomy of universities is a fundamental condition for academic freedom. In a recent ranking, Sweden ranks significantly lower than other Nordic countries in terms of the organisational autonomy of universities, largely due to the Government's statutory influence over universities in the appointment of board members and the election of university presidents.⁸⁴

74. The Institute encourages the Committee to ask the State Party what measures it intends to take to ensure cultural rights, including the right of national minorities to language and culture, artistic freedom, academic freedom and the autonomy of universities.

Indigenous rights

(LoI p. 6–10)

75. An act on consultation in matters of special importance to the Sami people (2022:66) entered into force in March 2022 and was an important step towards formalising the requirement for consultation in legislation and official decisions. However, the act, which in its design is weaker than the principle of free, prior and informed consent of indigenous peoples, has numerous shortcomings and limitations. For example, it does not cover civil contracts or actual behaviour. In addition, important decision-making bodies, such as environmental assessment delegations at county administrative boards, are excluded. Nor does the act permit an appeal in the event that consultation is inadequate or not made at all. It is therefore unclear to what extent Sami representatives can try this right to consultation in court or how case law in this area will develop. Despite the challenges faced by Sami communities in terms of both climate change and the industrial expansion of the climate transition, no additional funding has been allocated to Sami communities to support their participation in consultation processes.⁸⁵

76. Legislation to address the negative impact of companies on human rights, along with legal requirements to exercise due diligence in operations and value chains in line with international standards, is still lacking in Sweden. This also applies to state-owned companies in sensitive sectors, such as natural resource extraction, whose activities involve risks in relation to the human rights of the indigenous Sami people.

77. The 2023 interim report by the Reindeer Husbandry Committee regarding hunting and fishing in reindeer pasturage does not present any explicit proposals to adapt relevant legislation to the findings of the so-called 'Girjas judgment' regarding the exclusive right and disposal of hunting and fishing by Sami villages. This is partly due to political opposition to more radical changes concerning the current system of hunting and fishing grants.

78. The Institute encourages the Committee to ask the State Party what measures it intends to take to

ensure that Sami representatives have a substantive possibility to participate in consultations, such as adequate resources. The Institute encourages the Committee to ask the State Party what measures, in addition to the Reindeer Husbandry Committee, it intends to take to ensure that legislation complies with case law established in the field of indigenous peoples' rights, in particular by the Girjas judgment. The Institute considers that the State should introduce requirements for state-owned companies to carry out human rights due diligence.

Rights for asylum seekers, persons covered by the EU's Temporary Protection Directive and irregular migrants

(LoI p. 2, 14, 17, 18)

79. The Government has launched several initiatives that risk undermining the rights of asylum seekers, people covered by the EU's Temporary Protection Directive, and irregular migrants. As previously mentioned, the Institute considers that the low level of daily allowance for asylum seekers should be increased and that there are major risks regarding the proposed duty of municipalities and public authorities to provide information about irregular migrants to the Migration Agency or the police, which is currently under investigation. The Institute has opposed proposed amendments to the Aliens Act to tighten certain conditions for family reunification and to limit the possibility of residence permits on humanitarian grounds, as there was no sufficient analysis of the compatibility of the proposals with Sweden's international human rights obligations.⁸⁶ In addition, the Institute considers that the proposed requirement for asylum seekers and persons covered by the EU's Temporary Protection Directive to live in designated asylum accommodation in order to be entitled to financial support and the opportunity to work, implies restrictions on the right to housing and an adequate standard of living.⁸⁷ The Government has decided to investigate whether asylum seekers should be directed to stay within a specific geographical area and whether asylum seekers can be required to cover or

contribute to the costs of their own reception in terms of accommodation, food and health care, and whether the possibility of working during the asylum-application period should be delayed.⁸⁸ The Government also plans to investigate a potential ban on municipalities providing financial support (emergency assistance) to irregular migrants.⁸⁹

80. The Institute considers that legislative amendments impacting the rights of asylum seekers, persons covered by the EU's Temporary Protection Directive and irregular migrants must be fully compatible with Sweden's international human rights obligations. The Institute encourages the Committee to clarify the extent to which the State Party has an obligation to fulfil the rights under the Convention for persons belonging to these groups.

The Paris Principles

(LoI p. 5)

81. In April 2023, the Institute applied for membership in the Global Alliance of National Human Rights Institutions (GANHRI). In this context, the Institute has analysed the potential for full implementation of the Paris Principles, supported by contributions from the international community. The overall conclusion is that the outlook is to be considered favourable, but not a foregone conclusion. Among other concerns, it is unclear whether the law fully fulfils the requirements of the Paris Principles regarding the appointment, remuneration and dismissal criteria for board members. The law does not explicitly require the Parliament to receive and consider the Institute's reports, although this has already begun to be realised in practice. There are also concerns regarding the lack of protection for the Institute's independence and financial autonomy.

82. The Institute encourages the Committee to ask the State Party what measures it intends to take to provide sufficient conditions for the Institute to fulfil the Paris Principles and obtain membership and A status in GANHRI.

Endnotes

- ¹ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023*, 2023.
- ² Govt. bill no. 125 year 1971.
- ³ Maria Grahn Farley, “Fördragskonform tolkning av MR-traktat,” SvJT 2018 p. 450.
- ⁴ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023*, 2023.
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