

# Franet National contribution to the Fundamental Rights Report 2020

**Sweden**

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## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	<a href="#"><u>A national institution for human rights was proposed</u></a> . The institution is to be established as a national authority under the government on 1 January 2021. The overall task of the institution is to independently (from the government, but also from other actors) promote the ensuring of human rights in Sweden.
<b>EU Charter of Fundamental Rights</b>	<b>Mentioning of the charter:</b> Article 47 and 48 of the charter were mentioned in the ruling of case <a href="#"><u>B 184-19</u></a> in the Supreme Court where the defendant appealed a decision made by the Court of Appeal and argued that the court should be disqualified from continuing a main hearing.
<b>Equality and non-discrimination</b>	<b>Established parentage on equal terms:</b> Changes in the <a href="#"><u>Parental Code</u></a> even out the difference in rules of established parentage for different sex and same sex couples. Also, additional amendments have clarified how parentage can be established for persons who have changed legal gender identity.
<b>Racism, xenophobia &amp; Roma integration</b>	The government established an all-party commission of inquiry tasked with investigating into the <a href="#"><u>prohibition of racist organisations</u></a> .  <b>Legal measures directly addressing Roma/Travellers inclusion:</b> Amendments to the <a href="#"><u>Act on National Minorities and National Minority Languages</u></a> expanded the administrative authorities' duties vis-a-vis the national minorities including Roma/Travellers. For instance, municipalities and regions are required to inform the national minorities of their rights.
<b>Asylum &amp; migration</b>	<b>Extension of temporary legislation:</b> <a href="#"><u>The act on Temporary Restrictions on the Possibility to Be Granted Residence Permits in Sweden</u></a> was extended two more years until 2021. <a href="#"><u>Proposed amendments</u></a> to the <a href="#"><u>Act on the reception of asylum seekers and others</u></a> Act on the reception of asylum seekers and others will limit asylum seekers' possibilities to find <a href="#"><u>private accommodation</u></a> in socio-economically challenged areas.
<b>Data protection and digital society</b>	<b>Changes in workload and mandate at the Swedish Data Protection Authority:</b> The Swedish Data Protection Authority's mandate was expanded in relation to the implementation and enforcement of GDPR and the <a href="#"><u>Act with Supplementary Provisions to the EU General Data Protection Regulation</u></a> Both the number of incoming cases and the need of preventive activities have increased .
<b>Rights of the child</b>	<b>Procedural safeguards for children who are suspects in criminal proceedings:</b> The Swedish parliament adopted amendments to the <a href="#"><u>Swedish Code of Judicial Procedure</u></a> and the <a href="#"><u>Swedish Detention Act</u></a> in May 2019, to better comply with the EU Directive 2016/800.

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

In 2018, the Swedish parliament approved a government bill proposing that gender identity and sexual expression should be added to the legislation on agitation against ethnic groups (hate speech) as regulated in the Freedom of the Press Act (*Tryckfrihetsförordning [1949:105]*)<sup>1</sup> and in the Penal Code (*Brottsbalk [1962:700]*)<sup>2</sup>. At the same time, the terms were added to the provisions on unlawful discrimination in the Penal Code. Thus, the crimes agitation against ethnic groups (*hets mot folkgrupp*) and unlawful discrimination now also include the acts of threatening, expressing contempt or discriminating against transgender persons. These additions clarify that the courts must consider that a crime has so-called aggravated circumstances if the motive behind the crime has been to violate a person because of their gender identity or sexual expression and as a consequence also decide on harsher punishments. The amendments on unlawful discrimination in the Penal Code entered into force on 1 July 2018. However, the legislative changes regarding agitation against ethnic groups as regulated in the Freedom of the Press Act and the Penal Code entered into force on 1 January 2019.<sup>3</sup>

In 2018, a special inquirer was assigned by the Ministry of Culture (*Kulturdepartementet*) to investigate the possibility to establish a national institution for human rights, in line with the Paris Principles. The inquiry's final report was presented to the government in February 2019.<sup>4</sup> The main proposal was that a national institution for human rights, called Sweden's national institution for human rights (*Sveriges nationella institution för mänskliga rättigheter*) should be established as a national authority under the government on 1 January 2021. The overall task of the proposed institution is to independently (from the government, but also from other actors) promote the securing of human rights in Sweden (*främja säkerställandet*). The report including these proposals was remitted to relevant actors for comments. Over 100 comments were submitted to the government by the end of May 2019 from civil society organisations, universities, national authorities, regions and municipalities/cities.<sup>5</sup>

On 1 January 2019, a new act, the Act on accessibility to digital public service (*Lag [2018:1937] om tillgänglighet till digital offentlig service*) was introduced, with the aim to implement the Directive (EU) 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public

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<sup>1</sup> Sweden, Freedom of the Press Act (*Tryckfrihetsförordning [1949:105]*), 5 April 1949, [available here](#)

<sup>2</sup> Sweden, Penal Code (*Brottsbalk [1962:700]*), 21 December 1962, [available here](#)

<sup>3</sup> Sweden, Committee on the Constitution (*Konstitutionsutskottet*) (2018) Expanded criminal law protection for transgender people (*Ett utvidgat straffrättsligt skydd för transpersoner*), [available here](#)

<sup>4</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Proposal for a national institution for human rights in Sweden (*Förslag till en nationell institution för mänskliga rättigheter i Sverige Ds 2019:4*), Memorandum, 22 February 2019, [available here](#)

<sup>5</sup> The comments/opinions can be found at the government webpage [available here](#)

sector bodies. The act addresses how webpages and mobile applications shall become more accessible, in particular for persons with disabilities.<sup>6</sup>

On 1 January 2019, several amendments to the Parental Code entered into force.<sup>7</sup> An amendment of the regulations on parenthood after assisted fertilisation abroad makes the regulations the same for both same sexed as different sexed couples. Special regulations were also introduced focusing on how parentage can be established for persons who have changed their legal gender identity.

For same sexed couples consisting of two women the changes means that the parentage for the woman, who have not given birth to the child, can be established through a confirmation statement also in cases where the child has been conceived through assisted fertilisation at clinics abroad. Thus, a same sexed partner no longer needs to go through the process of adopting the child to become its other parent. However, the clinic abroad must be competent and the child must have the right to take part of information about the donor's identity. In cases where these requirements are not fulfilled, the child still needs to be adopted by the other parent, as if the child was conceived through a private insemination in the home. Consequently, the same criteria applies for same sexed and different sexed couples when it comes to establishing parentage. One remaining difference is the presumption of fatherhood, that is, that the man in a different sexed marriage automatically is considered to be the father. There is no equivalent presumption of parentage for same sexed married couples.

Another amendment to the Parental Code (*Föräldrabalk [1949:381]*),<sup>8</sup> which entered into force on 1 January 2019 concerns the rules on how parentage shall be established for persons who change their legal gender identity. This has previously not been clear and thus open for interpretations. As of 1 January, the Parental Code clearly stipulates that persons who have changed their legal gender identity have the right to claim a parental designation (mother or father) that conform with their legal gender identity. A man who gives birth to a child is thus registered as father. When a person, who is already a parent, changes legal gender identity, the data in the population registration shall be changed both for the parent and the child.

In January, the Equality Ombudsman (*Diskrimineringsombudsmannen*) launched a new digital guide to support employers' work with the so-called active measures (*aktiva åtgärder*) to prevent discrimination.<sup>9</sup> The guide includes information on chapter 3 of the Discrimination Act (*Diskrimineringslag [2008:567]*) focusing on active measures<sup>10</sup> and shows how employers can develop such measures. The new guide was developed after a 2018 survey, which showed that over 60 percent of the employers were not aware of the new rules and requirements of chapter 3, included in the

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<sup>6</sup> Sweden, Act on Accessibility to Digital Public Service, (*Lag [2018:1937] om tillgänglighet till digital offentlig service*), 1 January 2019, [available here](#)

<sup>7</sup> Sweden, Parental Code, (*Föräldrabalk [1949:381]*), chapter 1, section 6 expires, amendments made to chapter 1, sections 3, 5, 8 - 15 and the headings before sections 1, 3, 7 - 10 and 15 in the same chapter, 1 January 2019, [available here](#)

<sup>8</sup> Sweden, Parental Code, (*Föräldrabalk [1949:381]*), chapter 1, section 6 expires, amendments made to chapter 1, sections 3, 5, 8 - 15 and the headings before sections 1, 3, 7 - 10 and 15 in the same chapter, 1 January 2019, [available here](#)

<sup>9</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019) New guide helps employers prevent discrimination (*Ny guide hjälper arbetsgivare förebygga diskriminering*), press release 14 January 2019, [available here](#)

<sup>10</sup> Discrimination Act (*Diskrimineringslag [2008:567]*), chapter 3, 1 July 2016, [available here](#)

Discrimination Act in 2016. The same survey also showed that many employers requested guidance on how to work with active measures.

In January, the Equality Ombudsman appealed a verdict of Malmö District Court (*Malmö tingsrätt*) in a case where the city of Malmö had decided to not to declare one of the wives in a same sexed marriage as the parent of the child who was conceived by assisted conception in Denmark. The District Court ruled that the city's treatment of the couple in question and its decision in the case could not be considered to be related to their sexual orientation. According to the Discrimination Ombudsman, the verdict of the District Court was incorrect, since the decision in fact must be considered to be a mistreatment based on sexual orientation.<sup>11</sup> After the first appeal, the case was processed by the Scania and Blekinge Court of Appeal (*Hovrätten över Skåne och Blekinge*), which confirmed the ruling of the District Court. According to the new verdict, the special treatment in relation to a different sexed couple was motivated by the child's right to knowledge about their genetic origin, and thus the city's decision cannot be considered to be discriminating.<sup>12</sup>

On 28 March 2019, the government proposed to raise the age limit of the protection of employment through amendments in the Employment Protection Act (*Lag [1982:80] om anställningsskydd*).<sup>13</sup> After the amendments persons have the right to remain employed until 69 years (the earlier age limit was 67 years). Thus, the employer may lay off an employee without any justification through a simplified process of notice after the employee turns 69. The same amendments also apply for persons with time-limited employments, which cannot be changed into permanent contracts after the age in question. The legislative changes will enter into force in two steps. The first amendment to the Employment Protection Act, which will enter into force on 1 January 2020 raises the age to 68 years. On 1 January 2023, the age limit will be increased to 69 years.

A public inquiry on the governing and monitoring of the disability politics/policy presented its final report to the government in May 2019.<sup>14</sup> The inquiry's aim was to survey the managing and monitoring of the government's policy on disabilities introduced in 2017. The inquiry report identifies seven especially relevant policy areas in relation to rights of persons with disabilities and proposes that each area should be linked to a specific authority which will have a coordinating responsibility for the policy area in relation to the general public. The relevant areas defined in the inquiry report were;

- work and provision;
- education and lifelong learning;
- transport;
- culture;

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<sup>11</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019) The Equality Ombudsman appeals verdict on denied parenthood (*DO överklagar dom om nekat föräldraskap*), 11 January 2019, [available here](#)

<sup>12</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019) The Court of Appeal fixes verdict on parentage (*Hovrätten fastställer dom om föräldraskap*), 7 October 2019, [available here](#)

<sup>13</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) The protection of employment extended until the employee turns 69 years (*Anställningsskyddet förlängs tills den anställda fyllt 69 år, Prop 2018/19:91*), Government Bill, 2 April 2019, [available here](#)

<sup>14</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), (2019), Administrative efficiency in disability politics (*Styrkraft i funktionshinderspolitiken SOU 2019:23*) Public Inquiry, 8 May 2019, [available here](#)

- health services and medical care;
- social welfare and security;
- accommodation, the built environment and community planning.

The report proposes that the Swedish Agency for Participation (*Myndigheten för Delaktighet*) shall assume the overall responsibility for the follow-up/monitoring and analysis. In addition, the inquiry report suggests that universal design shall be a guiding principle, that knowledge of the living conditions of persons with disabilities shall increase, and that a national coordinator of the national disability policy shall be appointed.

In July 2019, the government assigned the Equality Ombudsman (*Diskrimineringsombudsmannen*) with the task to increase the general public's knowledge about active measures against abusive treatment, including measures to combat sexual harassment through information campaigns.<sup>15</sup> The assignment also tasks the Equality Ombudsman to further develop the digital platform that was developed as part of a 2018 government assignment. The assignment focused on certain information campaigns for combatting sexual harassment and was carried out in collaboration with the Swedish Work Environment Authority (*Arbetsmiljöverket*).<sup>16</sup> Today, the digital platform in question collects information on the provisions of the Discrimination Act (*Diskrimineringslag [2008:567]*)<sup>17</sup> and the Work Environment Act (*Arbetsmiljölöag [1977:1160]*)<sup>18</sup> and disseminates this information via the platform. In the realisation of the assignment, the Equality Ombudsman shall also consult with the Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*). The assignment shall be reported to the Ministry of Employment by 1 April 2020.

On 1 July 2019, the possibility to transfer parental allowance (*föräldraersättning*) from a parent to another close person was expanded. The expansion means that a parent's cohabiting partner will be able to receive parental allowance and be on parental leave without any requirements of marriage or any mutual children with the parent in question. This extension is intended to simplify life for other parental constellations than heterosexual couples who also are the biological parents of their children.<sup>19</sup>

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<sup>15</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Assignment to the Equality Ombudsman on special informational measures, (*Uppdrag till Diskrimineringsombudsmannen om särskilda informationsinsatser A2019/01324/MRB*), Government Assignment, 8 July 2019, [available here](#)

<sup>16</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2018) Assignment to the Equality Ombudsman on special informational measures on the work to combatting sexual harassment (*Uppdrag till Diskrimineringsombudsmannen om särskilda informationsinsatser gällande arbetet mot sexuella trakasserier Ku2018/00556/DISK*), Government Assignment, 19 March 2018, [available here](#)

<sup>17</sup> Sweden, Discrimination Act (*Diskrimineringslag [2008:567]*), 5 June 2008, [available here](#)

<sup>18</sup> Sweden, Work Environment Act (*Arbetsmiljölöag [1977:1160]*), 1 July 1978, [available here](#)

<sup>19</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) The Government's work for LGBTQ-persons equal rights and possibilities (*Regeringens arbete för hbtq-personers lika rättigheter och möjligheter*), Information material, 28 June 2018, [available here](#)



During 2019, the Equality Ombudsman is scrutinizing employers within the hotel and restaurant business to ensure that they have the required guidelines and routines for preventing harassment, sexual harassment and reprisals in place.<sup>20</sup>

All universities must work with active measures to counteract discrimination of students and applicants. The Equality Ombudsman has initiated its supervision of the universities to check if they meet the requirements of the Discrimination Act (*Diskrimineringslag [2008:567]*)<sup>21</sup>, especially the provisions in the Act that focuses on the educational organisers' work with active measures. The work will include work against sexual harassment and the possibility to combine studies with parenthood.<sup>22</sup>

On 22 September 2019, a judge of the Supreme Court (*justitieråd*) was appointed by the government to review the Discrimination Act<sup>23</sup> to assess how the Act functions in practice and how it may be improved.<sup>24</sup> It should also be noted that the government has now twice given new directives to a separate public inquiry, which is working on revisions of the Discrimination Act in order to make it more efficient.<sup>25</sup> The committee has now been given until 1 October 2020<sup>26</sup> to finish its task of proposing changes and amendments to the Act. This the same deadline as the review of the judge of the Supreme Court.

On 26 September 2019, the Ministry of Employment (*Arbetsmarknadsdepartementet*) hosted a consultation meeting (*sakråd*) focusing on measures aimed at combatting and preventing discrimination on the grounds of gender, gender identity and expression, ethnicity, religion or other beliefs, disability, sexual orientation or age.<sup>27</sup> 17 local anti-discrimination bureaus and/or organisations were invited to participate in the meeting. At the consultation meeting, the anti-discrimination bureaus handed over a joint petition to the Minister for Gender Equality. In the petition the bureaus call for increased funding and clearer directions for Sweden's anti-discrimination policies and future work.<sup>28</sup> The anti-discrimination bureaus claim that they carry an unacceptably great responsibility for assisting individuals who have been victims of discrimination to seek redress. They argue that civil

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<sup>20</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) (2019) DO reviews hotel and restaurant business (*DO granskar hotell- och restaurangbranschen*), 20 February 2019, [available here](#)

<sup>21</sup> Sweden, Discrimination Act (*Diskrimineringslag [2008:567]*), 1 January 2018, [available here](#)

<sup>22</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019), Work against discrimination important at Universities (*Arbete mot diskriminering viktigt på högskolor*) 10 June 2019, [available here](#)

<sup>23</sup> Sweden, Discrimination Act (*Diskrimineringslag [2008:567]*), 1 January 2018, [available here](#)

<sup>24</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019), The Government wants sharper sanctions on discrimination and harassment (*Regeringen vill se skarpare sanktioner mot diskriminering och trakasserier*), Press release, 24 September 2019, [available here](#)

<sup>25</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2018) An efficient and purposeful review of the Discrimination Act (*En effektiv och ändamålsenlig tillsyn över Diskrimineringslagen Dir. 2018:99*), Committee Directive, 30 August 2018, [available here](#)

<sup>26</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Amendment directive to An efficient and purposeful supervision of the Discrimination Act (*Tilläggsdirektiv till utredningen En effektiv och ändamålsenlig tillsyn över diskrimineringslagen Dir. 2019:63*), Committee Directive, 24 September 2019, [available here](#)

<sup>27</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Discussion meeting with the anti-discrimination bureaus (*Sakråd med antidiskrimineringsbyråerna*), 25 September 2019, [available here](#)

<sup>28</sup> Sweden, Civil Rights Defenders (2019) Sweden needs to assume greater responsibility to reduce discrimination (*Sverige behöver ta större ansvar för att minska diskrimineringen*), 26 September 2019, [available here](#)



society cannot and shall not assume tasks that should be the state's responsibility. In the petition, the anti-discrimination bureaus list a number of areas of concern. They specifically address the need for a clear long-term plan for the work against discrimination, so they can plan their operations accordingly. Another area concerns the division of responsibilities between the anti-discrimination bureaus and the Equality Ombudsman (*Diskrimineringsombudsmannen*), and the funding of the legal costs. The anti-discrimination bureaus maintain that the fact that the actor that loses a case has to pay the legal costs of both parties reduces the possibilities for the agency to ask for adequate sums in compensation in the cases that actually make it to court. This in turn means that the possibility of redress and adequate levels of compensation decreases for the persons who have been exposed to discrimination.

On 1 October 2019, the anti-racist foundation Expo initiated a project that at the time of writing is called *Faktaalternativet* but which likely will be changed at a later stage. The project's overall goal is to strengthen the public debate against racism and xenophobia. Expo will do this by making academic research focusing on central themes in the public debate accessible for the general public. The project also includes one or several seminars.<sup>29</sup> The target group is opinion-formers and the interested general public. The project is funded by the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*).<sup>30</sup>

On 18 November 2019, Malmö District Court (*Malmö Tingsrätt*) found a school guilty of direct discrimination and inadequate accessibility. The school administration openly doubted whether a boy with the highly functional autism would be able to continue his education in a regular elementary school even though he had finished his pre-school education at the same school. The school administration also expressed its doubts despite the fact that a medical examination of the boy showed that he would be able to attend regular education. When the boy started elementary school, the school administration withdrew a lot of the assistance previously provided for the boy. This withdrawal of assistance has led to a situation where the boy cannot manage his school situation. At the time of writing (28 November), the verdict has not gained legal force.<sup>31</sup>

## **2. Research findings, studies or surveys on either experiences of discrimination or rights awareness**

Study: *Joint submission to the UN Universal Periodic Review of Sweden*, carried out by Civil Rights Defenders 2019.<sup>32</sup> In relation to discrimination, the report includes recommendations concerning the role of the Equality Ombudsman in order to enable the authority to assure that all individuals who have been discriminated against get redress. The same report also highlights the discrimination and hatred affecting different groups in Swedish society e.g. Roma, Sami, Afro-Swedes and Muslims. The report also proposes to widen the scope of the Discrimination Act<sup>33</sup> to also cover the law enforcement

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<sup>29</sup> Sweden, Expo, 2019, Data collected in writing through e-mail correspondence, 24 October 2019

<sup>30</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*, MUCF), 2019, We have received funding (*Vi har fått bidrag*), [available here](#)

<sup>31</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019) Direct discrimination and inadequate accessibility at preschool in Malmö (*Direkt diskriminering och bristande tillgänglighet vid en förskola i Malmö*), [available here](#)

<sup>32</sup> Sweden, Civil Rights Defenders (2019) [Joint submission to the UN Universal Periodic Review of SWEDEN 35th Session of the UPR Working Group of the Human Rights Council January 2020](#), 18 July 2019

<sup>33</sup> Sweden, Discrimination Act, (*Diskrimineringslag [2008:567]*), 1 January 2018, [available here](#)

authorities. This will make it possible to seek redress in cases of racial/ethnic profiling. Furthermore, it will make it possible for religious, national and ethnic minorities to exercise their right to a fair trial and to an effective remedy on equal terms.

Scientific article: *Undoing the unspeakable: researching racism in Swedish healthcare using a participatory process to build dialogue*. A study on the presence of racism in the Swedish healthcare sector. The study builds on participatory processes and 'interprets the fragmentary nature of the evidence of racialising processes and the difficulty of reporting racist discrimination in terms of structural violence.'<sup>34</sup>

Scientific article: *Can immigrants counteract employer discrimination? A factorial field experiment reveals the immutability of ethnic hierarchies*<sup>35</sup>

The study aims to answer how pervasive the Swedish labor market discrimination against immigrants is, and the options available for policymakers and migrants to reduce this discrimination? The study builds on a field experiment on employer discrimination in Sweden. According to the study, there is little systematic evidence showing that immigrants can do much to reduce discrimination. Rather, the study shows that the callback rates (being invited to a job interview) decline drastically with the degree of ethno-cultural distance, leaving Iraqis and Somalis, especially if they are male, with much reduced employment chances. The findings highlight the fact that the individual immigrants have few tools at their disposal to escape discrimination. Consequently, the efforts to reduce discrimination must address the employers' prejudices.

Scientific article: *The Challenge of Recruiting Underrepresented Groups – Exploring Organizational Recruitment Practices in Sweden*.<sup>36</sup>

The article explores organisational recruitment practices from human resources (HR) experts' narratives and discusses the challenges of recruiting underrepresented groups in relation to these practices. The study shows that the common organisational recruitment practices in place to counteract discrimination do not necessarily enhance diversity. Furthermore, recruitment practices that work radically to enhance diversity are often seen as discriminatory. The article concludes that there is no effective practice for the recruitment of underrepresented groups in the labour market, which poses a dilemma for HR experts and is a challenge for the Swedish labour market in general.

Scientific paper: *Not for you! The cost of having a foreign-sounding name in the Swedish private housing market*<sup>37</sup>

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<sup>34</sup> Sweden, Bradby, Thapar-Björkert, Hamad & Ahlberg (2019) '[Undoing the unspeakable: researching racism in Swedish healthcare using a participatory process to build dialogue](#)' in *Health Research Policy and Systems*, vol 17

<sup>35</sup> Sweden, Vernby & Dancygier (2019) '[Can immigrants counteract employer discrimination? A factorial field experiment reveals the immutability of ethnic hierarchies](#)' in *PLoS One* (14:7)

<sup>36</sup> Sweden, Osman & Thunborg (2019) '[The Challenge of Recruiting Underrepresented Groups – Exploring Organizational Recruitment Practices in Sweden](#)' in *Nordic Journal of Working Life Studies* (9:1)

<sup>37</sup> Sweden, Molla, Rhawi & Lampi (2019) '[Not for you! The cost of having a foreign-sounding name in the Swedish private housing market](#)' in *Working Papers in Economics No. 777* from University of Gothenburg

The paper is based on a field experiment in which the researchers investigated whether there existed discrimination in the Swedish private rental housing market, and if so, whether there are differences based on the name of an apartment applicant. A correspondent test was used, by random sendings of equivalent applications from four fictitious, highly educated, and “wellbehaved” male applicants to private landlords who had posted for-rent ads on Swedish leading buy-and-sell website Blocket.se. Every advertiser received two different applications from two applicants with names signalling different ethnicities, namely Swedish, Arab/Muslim, Eastern European, and East Asian. The applicants applied for rental objects in the three largest metropolitan areas in Sweden. The results clearly confirm the previous findings that the person with a name associated with the dominant ethnic group received the most call backs from the private landlords, and especially that the Arab/Muslim-sounding name yielded a significantly lower call back rate than the member of the dominant ethnic group

In March 2019, the Swedish Research Council (*Vetenskapsrådet*) called for project proposals for research on racism and discrimination.<sup>38</sup> The purpose of the project grant is to give researchers the freedom to formulate the research questions, concepts, methods and implementation independently, and carry out a specific research task within a limited period.<sup>39</sup> The Swedish Research Council granted funding to a research project at the Linneaus University called “To support diversity at the labour market – which measures are most efficient? Experimental studies in cooperation with companies and organisations”. (*Att främja mångfald på arbetsmarknaden – vilka åtgärder är mest effektiva? Experimentella studier i samarbete med företag och organisationer*).<sup>40</sup>

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<sup>38</sup>Sweden, Swedish Research Council (*Vetenskapsrådet*), 2019, Project grant for research on racism and discrimination (*Projektbidrag för forskning om rasism och diskriminering*), [available here](#)

<sup>39</sup> Data collected in writing via email correspondence with the Swedish Research Council (*Vetenskapsrådet*), 2019, 25 September

<sup>40</sup> Sweden, Linneaus University (Linnéuniversitetet), 2018, 44 millions to the Linneaus University (44 miljoner till Linnéuniversitetet), [available here](#)

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

In July 2019, the government established an all-party commission of inquiry (*parlamentariskt sammansatt kommitté*) with the aim to review a possible prohibition of racist organisations.<sup>41</sup> According to section 24 of chapter 1 of the Instrument of Government (*Regeringsform [1974:152]*) it is possible to introduce such a prohibition. The section stipulates that the freedom of association may be limited if the aim of an organization is to persecute people on the grounds of their ethnic background, skin colour or other similar circumstances.<sup>42</sup> The other lawful limitations of the freedom of association relates to associations with military purposes. Sweden ratified the UN Convention for the Elimination of All Forms of Racial Discrimination already in 1972. The convention includes an article on the prohibition of racist or extreme right-wing associations. Sweden has so far entered a reservation against this article. The argument has been that this type of prohibition would be a limitation of the freedom of speech and the right for everyone to argue for his or her conviction. However, the question will now be reviewed and legally examined by the all-party commission of inquiry. In this respect, it must also be noted that any kind of discrimination, whether based on gender, ethnic origin, colour or sexual orientation is expressly forbidden in the Instrument of Government (*Regeringsform [1974:152]*), Chapter 2, sections 12–13<sup>43</sup>.

On the International Day of the World's Indigenous Peoples, 9 August 2019, Sami relics were returned from Swedish museums at a ceremony in Lycksele. In connection to this event, the parliamentary under-secretary of the Minister of Culture and Democracy held a speech in which she declared that a Sami truth commission will be appointed, and that the dialogue around the creation of this commission has started.<sup>44</sup>

In October, the Sami Council (*Samerådet*) declared that they are currently producing a new language app together with EU:s Erasmus programme. This app will allow the user to learn different minority languages, such as Northern Saami, in an accessible way.<sup>45</sup>

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<sup>41</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Prohibition of racist organisations (*Förbud mot rasistiska organisationer Dir. 2019:39*), Committee Directive, 4 July 2019, [available here](#)

<sup>42</sup> Sweden, Instrument of Government (*Regeringsform [1974:152]*), chapter 1, section 24, paragraph 2, 1 January 2011, [available here](#)

<sup>43</sup> Sweden, Instrument of Government (*Regeringsform [1974:152]*), chapter 2, sections 12–13, 1 January 2011, [available here](#)

<sup>44</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Speech by secretary of state at the ceremony in Lycksele for returning of Sami relics (*Tal av [statssekreterare] på ceremonin i Lycksele för återbördandet av samiska kvarlevor*), 12 August 2019, [available here](#)

<sup>45</sup> Sweden, Swedish Radio (SR) - Saami radio and SVT Sápmi, 2019, Brand new app with several minority languages available soon (*Snart finns flera minoritetsspråk i helt ny app*), [available here](#)

In late August 2019, the government allocated extra funding of 1 million SEK (€93,200) to the Living History Forum (*Forum för levande historia*) for additional measures during 2019<sup>46</sup> as a part of the authority's on-going assignment within the framework of the national plan to combat racism and hate crime.<sup>47</sup> The extra funding supports the Living History Forum's knowledge and awareness-raising activities, such as trainings for public servants and school staff on issues on racism, communication and dissemination of material on anti-Semitism in a historical perspective. There is no final report available on the additional measures taken during 2019. However, it is confirmed that pupils are included in the measures, through classroom activities and a pilot project focusing on systematic work with basic values.

Forum for Living history has also developed information material on racism directed to school staff and other professions<sup>48</sup> as well as specific material on anti-Semitism for teachers to use in the classroom.<sup>49</sup>

On 26 September 2019, the Ministry of Employment (*Arbetsmarknadsdepartementet*) hosted a consultation meeting (*sakråd*) on the efforts to combat and prevent discrimination on the grounds of gender, gender identity and expression, ethnicity, religion or other beliefs, disability, sexual orientation or age.<sup>50</sup> 17 Anti-discrimination bureaus-and/or organisations were invited to the meeting.

## **2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia**

The Swedish Security Service's (*Säkerhetspolisen*) Annual report for 2018<sup>51</sup>, stated that xenophobic and radical nationalistic opinions and ideas have increased in society, mainly via the internet. This increased the concern for growing radical nationalism including radical and violent groups. According to the government, persons with these opinions and ideas as well as explicitly racist organisations spread anti-Semitic, Islamophobic and Afrophobic messages. Consequently, in September 2019 the government decided to strengthen the national strategy to combat racism and hate crime by adding an extra 10 million SEK (€934,063) on an annual basis from 2020.<sup>52</sup> In the initial assignment, the activities of the plan were planned to end in the end of 2019, and a total of 7.8 million SEK was budgeted, with 2.6 million SEK (€240,000) earmarked for 2019.<sup>53</sup>

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<sup>46</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) The Living History Forum is allocated 1 million SEK for measures against racism (*Forum för levande historia får 1 miljon för insatser mot rasism*), Press release, 29 August 2019, [available here](#)

<sup>47</sup> Sweden, Ministry of Justice, Ministry of Culture (*Justitiedepartementet, Kulturdepartementet*) (2016) A comprehensive approach to combat racism and hate crime (*Nationell plan mot rasism, liknande former av fientlighet och hatbrott*), Information material, [available here](#)

<sup>48</sup> Sweden, Living History Forum (*Forum för Levande Historia*) (2019) Speak about racism (*Prata rasism*), [available here](#)

<sup>49</sup> Sweden, Living History Forum (*Forum för Levande Historia*) (2019) Anti-Semitism – then and now (*Anti-Semitism – då och nu*), [available here](#)

<sup>50</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Discussion meeting with the anti-discrimination bureaus (*Sakråd med antidiskrimineringsbyråerna*), 25 September 2019, [available here](#)

<sup>51</sup> Sweden, Swedish Security Service (*Säkerhetspolisen*) Swedish Security Service 2018 (*Säkerhetspolisen 2018*), [available here](#)

<sup>52</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Historical effort against racism and for LGBTQ rights (*Historisk satsning mot rasism och för hbtq-personers lika rättigheter*), Press release, 8 September 2019, [available here](#)

<sup>53</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) Assignment to the Living History Forum to coordinate and follow up the national plan to combat racism and similar forms of hostility and hate crimes and change of assignment,

In the beginning of 2019, the project *Hate no More* run by the Portuguese Association for Victim Support (APAV) was finalised. The Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) was a partner in the project. The project's main goal was to create tools to raise awareness on hate crimes and hate speech, through the creation of multidisciplinary training for professionals which includes the victim's perspective.<sup>54</sup>

In January, Svea Court of Appeal (*Hovrätten*), a 42-year old man was sentenced to a conditional sentence combined with a daily fine for hate speech (*hets mot folkgrupp*). The man was found guilty of hate speech for his statement "All Muslims are terrorists" on Facebook.<sup>55</sup> In his appeal, the man claimed that he once had been abducted by Al-Qaida for two hours, which he meant should be seen as an extenuating circumstance. The Court's ruling confirmed the sentence of Södertälje District Court. During the previous mandate period, the man was engaged as politically appointed deputy for the Sweden Democrats in a municipal company in Södertälje. After the verdict in the District Court, the man left his mission after a meeting with the company's management.

In February 2019, the government presented several initiatives to combat antisemitism and increase the security of the Jewish minority.<sup>56</sup> These are carried out both by the Government and by the national agencies on the Government's instructions. To mention a few;

- The Swedish Police Authority (*Polismyndigheten*) has raised its ambition when it comes to hate crimes. A national contact point is now in place as well as democracy and hate crime groups in Stockholm, Gothenburg and Malmö. When necessary, the Swedish Police Authority will increase its surveillance and take other security measures to protect Jewish lives and interests.
- The Swedish Prosecution Authority (*Åklagarmyndigheten*) has initiated changes to enhance the quality of its work to combat hate crimes.
- The Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) has been assigned the task to conduct an in-depth study of antisemitic hate crimes in Sweden.

In the spring budget 2019, the category Measures against discrimination and racism etc. covered actions against discrimination, racism, xenophobia, homophobia and related forms of intolerance and also actions to promote equal rights and possibilities for LGBTQ-persons. To complete the already started initiatives to increase LGBTQ rights further, the budget stated that additional funding was required. An extra 4 million SEK (€373,625) was therefore allocated to the category.

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(Uppdrag till Forum för levande historia att samordna och följa upp den nationella planen mot rasism, liknande former av fientlighet och hatbrott samt ändringar av uppdragDiarienummer: Ku2016/02633/DISK), Government Assignment, 28 September 2016, [available here](#)

<sup>54</sup> Sweden, Apoio á Víctima (2019) Conference Hate No More – Support to victims of hate crime, [available here](#)

<sup>55</sup> Sweden, Expo (2019) Stated "all Muslims are terrorists" – the former SD representative is now convicted (*Hävdade att "alla muslimer är terrorister" – nu döms den före detta SD-företrädaren*), 11 January 2019, [available here](#)

<sup>56</sup> Sweden, Government Offices of Sweden (*Regeringskansliet*) (2019) Measures to combat Anti-Semitism and increase security, 7 February 2019, [available here](#)



In the same press release, the government announced its intention to strengthen its work with LGBTQ rights. According to the government, same-sexed couples remain at risk to be caught in the middle since the legislation is not adapted to all family constellations. LGBTQ persons suffer from mental health issues to a greater extent than the population at large and the situation for trans persons are especially worrying. Consequently, the government declared that it will develop a national action plan for LGBTQ rights and possibilities, which will complement other activities. An extra 14 million SEK (€1,307,690) will be allocated to this budget category to cover the work with the action plan on an annual basis. For 2021 and 2022, an extra reinforcement is planned of another SEK 10 million (€934,063) per year.<sup>57</sup>

In August 2019, the government assigned the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) with the task to strengthen the conditions for creating safe meeting places for young LGBTQ persons.<sup>58</sup> The Agency's 2019 youth survey showed that young LGBTQ persons are more exposed to bullying and violations than other youths. Furthermore, 24 percent of young LGBTQ persons have stopped participating in leisure activities because they fear ill-treatment. The survey is called *Different Realities (Olika verkligheter)*<sup>59</sup> and investigates how young LGBTQ-persons look upon their ... compared to others. The results show worrying patterns, such as that it is overall more common that young LGBTQ-persons experience that their living conditions are limited and restricted. It is also more common among young LGBTQ-persons to not feel safe, both in their homes and in public places. This affects the mental health of the youths.

In May 2019, the Swedish Council for Crime Prevention (*Brottsförebyggande rådet, BRÅ*) presented a report on anti-Semitic hate crimes.<sup>60</sup> The study showed how anti-Semitic hate crimes typically look like, who the perpetrators are etc.. The purpose of the study was to form the basis for the authority's continuing work on the topic.

In 2018, the Equality Ombudsman (*Diskrimineringsombudsmannen*)<sup>61</sup> and the Agency for Labour Environment (*Arbetsmiljöverket*)<sup>62</sup> were instructed to launch special information campaigns to raise employer's general knowledge on violations related to unequal treatment, discrimination, harassment and sexual harassment. These information efforts should be seen in the light of a recent survey which showed that over 50 percent of Swedish employers were unaware of the amendments to the Discrimination Act in 2017, which introduced the requirement for all employers to work pro-

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<sup>57</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Historical effort against racism and for LGBTQ rights (*Historisk satsning mot rasism och för hbtq-personers lika rättigheter*), Press release, 8 September 2019, [available here](#)

<sup>58</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Assignment to strengthen the conditions to create meeting points for young LGBTQ persons, Government Assignment, (*Uppdrag att stärka förutsättningarna att skapa mötesplatser för unga hbtq-personer A2019/00000/MRB*), Government Assignment, 2 August 2019, [available here](#)

<sup>59</sup> Sweden, Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*) (2019) *Different Realities (Olika verkligheter)*, 23 December 2019, [available here](#)

<sup>60</sup> Sweden, Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, Brå*) (2019) *Anti-Semitic hate crimes (Antisemitiska hatbrott Rapport 2019:4)*, [available here](#)

<sup>61</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*), 2019, Employer's responsibility for sexual harassment (*Arbetsgivarens ansvar för sexuella trakasserier*), [available here](#)

<sup>62</sup> Sweden, Swedish Agency for Labour Environment (*Arbetsmiljöverket*), 2019, Sexual harassment shall never be accepted (*Sexuella trakasserier får aldrig accepteras*), [available here](#)



actively against discrimination (the so-called active measures of chapter 3 in the act). An example of the joint actions of the Equality Ombudsman and the Agency for Labour Environment has now been published in the form of information material and check lists.<sup>63</sup> T

In the end of May 2019, a public inquiry presented its final report to the government. The inquiry was tasked with reviewing the criminal legislation on racist and similar symbols and should, if necessary, also propose amendments.<sup>64</sup> The final report stated that the assessment of the public inquiry, based on its examination of practice, was that the current criminal legislation on racist and similar symbols is appropriately designed. Thus, the provisions on hate speech (*hets mot folkgrupp*) will not be amended and no special prohibition against the use of certain symbols will be introduced.

In the government's programme (*regeringsförklaringen*) presented in the Swedish parliament on 10 September 2019, the Prime Minister stated that "racism has no place in Sweden".<sup>65</sup> He also pointed out that the rights of the national minorities will be promoted. Furthermore, the prime minister explicitly addressed anti-Semitism and the presence of such thoughts in the Swedish history, in extreme right groups, in parts of the left and in Islamic fundamentalist milieus. In 2020, Sweden will host an international conference on remembrance of the Holocaust.<sup>66</sup>

In the end of September 2019, Malmö District Court (*Malmö Tingsrätt*) found a person who wrote derogatory statements about refugee children and immigrants in general on Facebook guilty of hate speech (*hets mot folkgrupp*).<sup>67</sup> The man was active in a xenophobic Facebook group called "Stand up for Sweden" (*Stå upp för Sverige*). In this group the man wrote "Out with them! Parasites and cockroaches."<sup>68</sup> on the topic of refugee children. The man got a conditional sentence in combination with a daily fine of 40 days à 50 SEK (€5).<sup>69</sup>

On 4 September, the government organised a consultation meeting (*sakråd*) on Sweden's third Universal Periodic Report.<sup>70</sup> Representatives from 90 different civil society organisations and interest groups were invited to the meeting. On 14 October 2019, Sweden submitted its third Universal Periodic Report to the UN.<sup>71</sup>

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<sup>63</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2019) Counteract and prevent sexual harassment at your workplace (Motverka och förebygg sexuella trakasserier på din arbetsplats) [available here](#)

<sup>64</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Racist symbols. Review of practice and analysis (*Rasistiska symboler. Praxisgenomgång och analys SOU 2019:27*), Public Inquiry, 29 May 2019, [available here](#)

<sup>65</sup> Sweden, Prime Minister's Office (*Statsrådsberedningen*) (2019) Government's programme 10 September 2019 (*Regeringsförklaringen den 10 september 2019*), [available here](#)

<sup>66</sup> Sweden, Prime Minister's Office (*Statsrådsberedningen*) (2019) Government's programme, 10 September 2019 (*Regeringsförklaringen den 10 september 2019*), [available here](#)

<sup>67</sup> Sweden, *Dagens Nyheter*, 2019, Sentenced - called refugee children cockroaches (*Kallade flyktingbarn för kackerlackor – döms*), 26 September 2019, [available here](#)

<sup>68</sup> In Swedish: "Ut med dom! Parasiter och kackerlackor".

<sup>69</sup> The information about the sentence was acquired through e-mail correspondence with Malmö District Court, 28 November 2018

<sup>70</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Consultation meeting on Sweden's national UPR-report (*Sakråd om Sveriges nationella UPR-rapport*), 22 August 2019, [available here](#)

<sup>71</sup> Sweden, Government Offices (*Regeringskansliet*) (2019) National report from Sweden in the third cycle of the Universal Periodic Review (*Nationell rapport från Sverige inom ramen för den tredje cykeln av Universal Periodic Review*), 14 October 2019, [available here](#)

In the Budget Bill, the government proposed to allocate an additional 10 million SEK (€932,200) to work against racism and hate crimes, as a politically prioritised area.<sup>72</sup> On 6 November, the Minister for Gender Equality held a consultation meeting (*sakråd*) with actors from civil society on the topic.<sup>73</sup> The Budget Bill also proposed to allocate an additional 5 million SEK (€466,100) for so-called remembrance trips to the memorial places of the Holocaust in 2020, and another 6 million SEK (€559,300) yearly for 2021 and 2022. The Budget Bill states that such remembrance trips contribute to the young persons' understanding of the uttermost consequences of racism and undemocratic orders.<sup>74</sup> In early October, the Government assigned the Swedish Police with an informational mission on racism and hate crime.<sup>75</sup> The assignment includes the developing and dissemination of information in the form of different educational materials. It could for example be the dissemination of pedagogic material on hate crime and other crimes, which threaten the democracy in schools all over the country. When carrying out its assignment, the Swedish Police shall cooperate with concerned actors, both other authorities and civil society actors.

Later in October, the government assigned the Swedish National Council for Crime Prevention (*Brottsförebyggande Rådet, Brå*) the task of conducting an extended study on islamophobic hate crimes.<sup>76</sup> The study will illuminate the character of hate crimes with islamophobic motives in order to strengthen the preventative work against islamophobia and racism in general. The authority will collect knowledge and experiences from relevant civil society organisations and concerned authorities. The National Council for Crime Prevention will also apply a gender equality perspective in the study. The end date of the assignment is 31 March 2021.

In October, the persons from the nazi organisation NMR (*Nordiska motståndsrörelsen*) who were charged with hate speech or agitation against an ethnic or other national group (hets mot folkgrupp) were acquitted.<sup>77</sup> In September 2017, the persons in question participated in a manifestation arranged by NMR in Gothenburg. During the demonstration they wore uniformlike clothes, shields and banners with the so-called T-rune, a symbol worn by nazis in Germany in the 1930's. The demonstrators chanted nazi bywords and carried enlarged photos of Swedish celebrities, several with Jewish background, with the text "offender" (förbrytare) across the photos. According to the ruling of Gothenburg District Court (Göteborgs tingsrätt), it cannot be proven that the T-rune is so strongly linked to the nazi movements during the 1930's and 40's and the ideas on racial ascendancy and race hate of that time, that the use

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<sup>72</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2019) Budget Bill 2020 (*Budgetproposition för 2020 Prop. 2019/20:1*), 18 September 2019, [available here](#)

<sup>73</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Consultation meeting with civil society on the work against racism and hate crime (*Sakråd med civilsamhället om arbetet mot rasism och hatbrott*), 15 November 2019, [available here](#)

<sup>74</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2019) Budget Bill 2020 (*Budgetproposition för 2020 Prop. 2019/20:1*), 18 September 2019, [available here](#)

<sup>75</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) The Government gives the Swedish Police informational assignment on racism and hate crime (*Regeringen ger Polismyndigheten informationsuppdrag om rasism och hatbrott*), press release, 3 October 2019, [available here](#)

<sup>76</sup> Sweden Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) The Government assigns the Swedish National Council for Crime Prevention to deepen the knowledge on islamophobic hate crimes (*Brottsförebyggande rådet får i uppdrag att fördjupa kunskapen om islamofobiska hatbrott*), press release 17 October 2019, [available here](#)

<sup>77</sup> Sweden, Civil Rights Defenders, 2019, The trial against NMR – this has happened so far (*Rättegången mot NMR- detta har hänt hittills*) 23 September 2019, [available here](#)

of the symbol can be considered to be a form of agitation against an ethnic or other national group. Furthermore, the district court states that the overall impression of the demonstrators actions was not of such nature that it obviously could be linked to the nazi movement during the 1930's and 40's as stated by the prosecutor. The court also stated that the public announcement of an affiliation to or sympathy for NMR it cannot be considered to be agitation against an ethnic or other national group.<sup>78</sup>

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<sup>78</sup> Sweden, Gothenburg Administrative Court (*Göteborgs Tingsrätt*), 2019, Sentence in the case on NMR's demonstration in Gothenburg 30 September 2017 (*Dom i målet om NMR:s demonstration i Göteborg den 30 september 2017*), [available here](#)

## Chapter 3. Roma integration

### 1. Measures and developments addressing Roma/Travellers segregation

In December 2018, the National Board of Housing, Building and Planning (*Boverket*) received a Government assignment to continue to its work against discrimination of the Roma minority in the housing market. The authority initially received the assignment to counteract discrimination on the housing market for the period 2016–2018.<sup>79</sup> During this period, the National Board of Housing, Building and Planning has developed a network constituted of representatives from the Roma minority, landlords and property owners. This network has produced an educational material together with the authority. The education that consists of a web-based course is complemented with seminars which is supposed to be led by a Roma educationer. The education, aimed at local housing companies, landlords or property owners, was initiated in 2018. The web-based course has three parts. The first part consists of information about the Roma minority, the Government's strategy for Roma inclusion, the Discrimination Act and the National Minority Act. The course material consists of several filmed interviews with Roma representatives, the responsible minister and the government's special inquirer on minority policy. The second part of the course treats the situation for the Roma minority today, the historical discrimination against Roma in Sweden, and different kinds of antiziganism. In the third part of the training, three fictional examples are presented to initiate reflections on one's own behaviour, unconscious and conscious discrimination, prejudices and norms. The course ends with a forward-looking section focusing on how the company/organization can proceed its work for anti-discrimination.<sup>80</sup>

The National Board of Housing, Building and Planning (*Boverket*) continued its work against discrimination during 2019 in collaboration with Roma representatives and the County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*) and in consultation with the Equality Ombudsman (*Diskrimineringsombudsmannen*). The state funding for 2019 amounts to 430,000 SEK (€40,293). So far, the National Board of Housing, Building and Planning has noted that the target group for the web-based education (local housing companies, landlords or property owners) has not shown much interest to take part of the education, despite the authority's promoting efforts. The authority has received comments from the target group showing that they want a more general education on discrimination since they believe that other groups are equally or even more exposed to discrimination in the housing market. Consequently, they do not want to focus exclusively on the Roma minority.<sup>81</sup> The National Board of Housing, Building and Planning has sent an evaluation to the participants who

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<sup>79</sup> Sweden, Ministry of Culture (*Kulturdepartementet*), Assignment to The National Board of Housing, Building and Planning to continue to work against discrimination against the Roma minority on the housing market (*Uppdrag till Boverket att fortsätta med en insats för att motverka diskriminering av romer på bostadsmarknaden*), Government Assignment, 20 December 2018, [available here](#)

<sup>80</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*) (2019) Roma inclusion, Annual report of 2018, (*Romsk inkludering, årsrapport 2018*), [available here](#)  
Data also collected in writing via email correspondence with an official at The National Board of Housing, Building and Planning (*Boverket*) 2019, 19 October.

<sup>81</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*) (2019) Roma inclusion, Annual report of 2018, (*Romsk inkludering, årsrapport 2018*), [available here](#)

have finished the course. The results show that many of the participants have appreciated the fact that the seminars were led by persons from the Roma minority.<sup>82</sup> The majority of the participants that attended the education from the municipal housing company Lunds Kommuns Fastighets AB, appreciated the education. They found that the education increased their knowledge about the issue and that it was good to discuss and reflect on the subject in relation to their daily work.<sup>83</sup>

## 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

Amendments to the Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*) entered into force on 1 January 2019. Some of the changes that applies to the Roma minority are presented below:

- Municipalities and county councils/regions must adopt goals and guidelines for their minority policy work.<sup>84</sup> This has not been mandatory before the amendments introduced in 2019.
- Municipalities and county councils/regions must inform the national minorities about their legally defined rights and also about the responsibilities the public sector has in relation to these minorities.<sup>85</sup> Earlier, the National Minority Act only required that such information should be given *when needed*. The Government bill proposing the amendments stressed the fact that the municipalities and county councils/regions always need to inform the national minorities of their rights.<sup>86</sup> The obligation does also include national authorities, which is of significant importance for the national minorities and the use of the national minority languages.
- The administrative authorities (*förvaltningsmyndigheter*) with special responsibilities towards one or more national minorities must give them the possibility to influence all matters that affect them. Consequently, they shall consult with the national minorities on all such issues as far as possible. Earlier, the act only stipulated that the administrative authorities should consult *with representants* of the minorities. The amendments also clarifies that such dialogues/ consultations shall be structured in a way that allows the authorities to seriously consider the opinions and needs of the national minorities in their decision-making processes.<sup>87</sup>
- The administrative authorities (*förvaltningsmyndigheter*) shall promote the possibilities of minority children and youth to influence and be consulted on matters that affect them.

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<sup>82</sup> Data collected in writing via email correspondence with an official at The National Board of Housing, Building and Planning (*Boverket*) 19 October 2019. Two companies on the housing markets, which have given the authority positive feedback are the municipal housing companies Lunds Kommuns Fastighets AB and AB Övikshem.

<sup>83</sup> Data collected in telephone conversation with an official at Lunds Kommuns Fastighets AB, 4 December 2019.

<sup>84</sup> Sweden, Act on National Minorities and National Minority Languages, (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 5b, 1 January 2019, [available here](#)

<sup>85</sup> Sweden, Act on National Minorities and National Minority Languages, (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 3, 1 January 2019, [available here](#)

<sup>86</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2018) A Strengthened Minority Policy (*En stärkt minoritetspolitik, Prop. 2017/18:199*), Government Bill, 21 March 2018, [available here](#)

<sup>87</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 5, 1 January 2019, [available here](#)

Furthermore, the authorities shall adjust their consultation forms to suit the situations and conditions of children and youth.<sup>88</sup> Previously, children and youths were not specifically mentioned in the Act in relation to consultations.

- Local authorities (*municipalities*) shall offer care for the elderly in Romani Chib, provided that they have access to staff with knowledge of these languages.<sup>89</sup> This was previously only the duty of administrative areas in relation to some national minorities, but not for the Roma minority. The municipalities must also consider the needs of the elderly to maintain their cultural identity.<sup>90</sup>

In June 2019, a public inquiry tasked with investigating how a national centre for Roma questions can be established presented its final report to the government. The inquiry proposed that the government shall establish a committee authority (*nämndmyndighet*) – the Authority for Roma Issues (*Myndigheten för romska frågor*). The proposal is that this new authority shall be placed under another host authority. The new authority shall have a national responsibility to promote the human rights of the Roma national minority. This national responsibility also includes to support the work against anti-ziganism. The new authority shall perform its work in close contact with the Roma minority to ensure a local anchoring of its work and an adequate geographical distribution.<sup>91</sup> The public inquiry report has been sent to relevant actors for comments.

In July 2019, the Government assigned the Institute for Language and Folklore (*Institutet för Språk och Folkminnen*) with the task to develop proposals for a long-term joint programme for the conservation of the national minority languages Finnish, Jiddish, Meänkieli and Romani Chib.<sup>92</sup> The aim of the programme is to strengthen the possibility for the national minority languages to revitalise and live on as vital languages in Sweden. The assignment shall be reported to the Ministry of Culture by 15 May 2020.

Between 2016–2019, the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) has been tasked by the government to coordinate and follow up measures taken within the framework of the national strategy for Roma inclusion. As a part of the strategy for Roma inclusion, five municipalities<sup>93</sup> have developed their work for Roma inclusion with Government grants during the period in question. Furthermore, seven state agencies have had assignments to take different

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<sup>88</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 5a, 1 January 2019, [available here](#)

<sup>89</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 18a, 1 January 2019, [available here](#)

<sup>90</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), section 18b, 1 January 2019, [available here](#)

<sup>91</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Sustainability and order in the work ahead – an authority on Roma issues (*Långsiktighet och stadga i arbetet framåt - en myndighet för romska frågor Ds 2019:15*), Memorandum, 9 July 2019, [available here](#)

<sup>92</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Assignment to the Institute for Language and Folklore to develop proposals for programme regarding conservation of the national minority languages (*Uppdrag till Institutet för språk och folkminnen att utarbeta förslag till handlingsprogram för bevarande av de nationella minoritetsspråken Ku2019/01339/CSM*) Government Assignment, 3 July 2019, [available here](#)

<sup>93</sup> The Municipalities are called development Municipalities (*utvecklingskommuner*) and they are Borås, Gävle, Haninge, Stockholm and Uppsala.



measures in order to reach the goals of the strategy.<sup>94</sup> During the period, the County Administrative Board of Stockholm has published annual reports including the measures taken within the strategy for Roma inclusion. As 2019 is the last year in this period, why this year's report will also include a summary of the whole period. The aim of this overview of all measures taken during the period is to enable the government to draw better conclusions. As a basis for this summary the County Administrative Board of Stockholm has sent the municipalities 16 questions.<sup>95</sup> The questions pick up the selection criterias<sup>96</sup> used to decide which municipalities that should be granted Government grants.<sup>97</sup> The questions' aim is among other things to find out:

- what measures the municipalities have taken during the period;
- how they have organised their work;
- what effects the measures taken have had on the Roma Minority;
- how the Roma Minority has been involved in the measures;
- how the municipalities will continue to work with Roma inclusion; and
- in what way the municipalities have worked with a rights-based approach.<sup>98</sup>

In June 2019, the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) received extra funding for its work with Roma Inclusion when an additional 1,300,000 SEK (€121,258) was allocated to the authority.<sup>99</sup> There were two reasons for this additional funding. The authority shall document the experiences and knowledge acquired by the municipalities, which received state funding to work with Roma inclusion during the years of 2012–2019 (a total of ten municipalities).<sup>100</sup> The authority shall also carry out capacity-strengthening activities towards Roma girls and women in order to strengthen their possibilities to organise themselves and participate in society.<sup>101</sup> The authority

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<sup>94</sup> The Agencies are: Swedish Public Employment Service (*Arbetsförmedlingen*), The National Board of Housing, Building and Planning (*Boverket*), Swedish National Agency for Education (*Skolverket*), National Board of Health and Welfare (*Socialstyrelsen*), Swedish Arts Council (*Kulturrådet*), Institute for Language and Folklore (*Institutet för språk- och folkminnen*) and Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor*)

<sup>95</sup>Data collected in writing via email correspondence with the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) 2019, 19 October

<sup>96</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) Government Decision (*Regeringsbeslut*) Ku2016/00159/DISK, Funding to Development Municipalities [unofficial translation] (*Bidrag till utvecklingskommuner för romsk inkludering*) 26 May 2016, [available here](#):

<sup>97</sup> The criterias were; Political support and political will, Anchoring the application to Roman civil society, Need (based on the situation of the Roma in the municipality), Long-term perspective and opportunity to integrate development work into the municipality's regular structures and operations, If there existed an intended municipal organization with someone responsible for the development work, Implementation capacity (eg opportunities for systematic knowledge acquisition, method development), Financial and personnel conditions, Collaboration partners (eg civil society, county council).

<sup>98</sup> Data collected in writing via email correspondence with the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) 2019, 19 October

<sup>99</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) The government takes further steps towards strengthened Roma Inclusion (*Regeringen tar ytterligare steg för stärkt romsk inkludering*), press release, 5 June 2019, [available here](#)

<sup>100</sup> Besides the Development Municipalities (*utvecklingskommuner*) Borås, Gävle, Haninge, Stockholm and Uppsala, there were five Pilot municipalities who received Government grants during the years 2012-2015 and those were Luleå, Malmö, Helsingborg, Linköping och Göteborg.

<sup>101</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) The government takes further steps towards strengthened Roma Inclusion (*Regeringen tar ytterligare steg för stärkt romsk inkludering*), press release, 5 June 2019, [available here](#)



arranged a first network meeting during the autumn of 2019. The aim of the meeting was to give Roma girls and women the opportunity to reflect on their involvement in society and to provide them with tools to strengthen their local work. The meeting also aimed to enable Roma girls and women from different parts of the country to meet and be inspired by each other.<sup>102</sup> After this first meeting, two other meetings is supposed to follow during the autumn of 2019. The coming meetings will focus on providing Roma girls and women with information and guidance on i.e. how to form a company or association.<sup>103</sup> The County Administrative Board of Stockholm has employed two persons with the mission to work with these tasks during the autumn of 2019. The material with the experiences from the ten municipalities will be published in the beginning of year 2020.<sup>104</sup>

On the international Roma day on 8 April, the Minister of Culture and Democracy spoke at a commemoration arrangement in Stockholm.<sup>105</sup>

In June 2018, the government assigned the National Board of Health and Welfare (*Socialstyrelsen*) with the task to develop information campaigns focusing on national minorities and the minority languages.<sup>106</sup> The information campaigns are to be directed towards municipalities, county councils/regions, healthcare providers and other relevant actors. The information will focus on the Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*)<sup>107</sup> and how this act should be applied in the daily work of the social services. Special focus will be on the care for the elderly and the general healthcare sector. As a result of this assignment, the National Board of Health and Welfare (*Socialstyrelsen*) published an information leaflet on their official website in December 2018.<sup>108</sup> The information was distributed to the social services and sectors working with care of elderly persons in all Swedish municipalities. The information sheet contains a summary of the amendments of the Act, which and are of relevance for the social services and healthcare sector and which entered into force on 1 January 2019<sup>109</sup>. As a complement, the National Board of Health and Welfare (*Socialstyrelsen*) participated in several national and regional conferences during the spring of 2019 to provide information on the amendments to the act.

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<sup>102</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) Invitation to Roma women and girls to attend a network meeting with the aim to strengthen local activities during the Autumn of 2019 [unofficial translation] (*Inbjudan till romska kvinnor och flickor att delta i en nätverksträff i syfte att främja lokala aktiviteter under hösten 2019*) 27 June 2019, [available here](#)

<sup>103</sup> Sweden, The official Swedish webpage with information about the rights of national minorities as well as updates on measures taken to ensure those rights, [www.minoritet.se](http://www.minoritet.se), *The mission that will strengthen the agency for Roma women* [unofficial translation] (*Uppdraget som ska stärka romska kvinnors egenmakt*) [available here](#)

<sup>104</sup> Data collected in writing via email correspondence with the County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) 19 October, 2019

<sup>105</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Minister of Culture and Democracy spoke at the commemoration of the international Roma day (*Amanda Lind talade vid högtidlighållande av romernas internationella dag*), 9 April 2019, [available here](#)

<sup>106</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2018) Government assignment to the National Board of Health and Welfare to initiate support regarding national minorities (*Uppdrag till Socialstyrelsen att ge stöd i fråga om nationella minoriteter*), Government Assignment, 28 June 2018, [available here](#)

<sup>107</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), 11 June 2009, [available here](#)

<sup>108</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2018) National Minorities and Minority Languages (*Nationella minoriteter och minoritetsspråk*), Information sheet, 21 December 2018, [available here](#)

<sup>109</sup> Sweden, Act on National Minorities and National Minority Languages (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), 1 January 2019, [available here](#)

The conferences was planned and organised by the County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*) and the Sami Parliament of Sweden (*Sametinget*).<sup>110</sup>

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<sup>110</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2019) The need of knowledge about the strengthened Act on Minority rights (*Behovet av kunskap om den stärkta minoritetslagen*), [available here](#)

## Chapter 4. Asylum, visas, migration, borders and integration

### Unaccompanied children reaching the age of majority

Area of support	Description
<b>Residence permit</b>  <b>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</b>	<p><i>Please explain whether unaccompanied children (non-asylum seekers and asylum seekers) get temporary permits and if they expire when turning 18. Please elaborate on which type of permit is granted when they reach 18 years and under which conditions (e.g. being enrolled in education, or having an employment contract.)</i></p> <p>In May 2018, the government proposed an extension of the Act on temporary restrictions of the possibility to be granted residence permits in Sweden (<i>Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige</i>)<sup>111</sup>. The extension entered into force on 20 July 2019 and will last until 19 July 2021.<sup>112</sup> This means that there is nothing new to report on the procedures for unaccompanied children (non-asylum seekers and asylum seekers) and residence permits.</p>

<sup>111</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), 2019, Extension of the Act on temporary restrictions of the possibility to be granted residence permits in Sweden (*Förlängning av lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige Prop. 2018/19:128*), Government Bill, 9 May 2019, [available here](#)

<sup>112</sup> Sweden, Act on temporary restrictions on the possibility to be granted residence permits in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), 20 July 2019, [available here](#)

- One of the major changes in the area of migration during the period, which mainly affects unaccompanied children are the amendments to section 16 of the Act on temporary restrictions on the possibility to be granted residence permits in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*)<sup>113</sup> These amendments have increased the possibilities for unaccompanied children, who have recently turned 18 to be granted residence permits – if they arrived in Sweden before 24 November 2015. The changes have made it possible for aliens who had received, or were about to receive expulsion decisions, to be granted temporary residence permits for studies at upper secondary level (*gymnasieutbildning*) if the persons in question:
  - applied for asylum before or on 24 November 2015 at the latest;
  - were registered as children at arrival;
  - received their expulsion decisions after 15 months or more counted from the day that the applications for resident permits were registered by the Migration Agency;
  - were 18 years or older (or assessed to be 18 years or older) when the expulsion decisions were made;
  - were still residing in Sweden when their applications for residence permit (for studies) were made;
  - were studying or had the intent to study full-time at upper secondary level schools or at upper secondary schools for special needs education, or at vocational training program (*yrkesutbildning*) within local adult education programs (*komvux*);

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<sup>113</sup> Sweden, Act on temporary restrictions on the possibility to be granted residence permits in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), section 16, 1 July 2018, [available here](#)

- had not committed any crimes.

Applications for such residence permits were only possible once and during a given period. Over 7000 persons had been granted such residence permits by September 2019.<sup>114</sup>

The length of the residence permits granted in accordance with the amendments to the legislation differs and depends on a number of factors;

If you have had a residence permit due to need of international protection, distressing circumstances or impediments to enforcements (including lack of ordered reception [*ordnat mottagande*] in the country of origin), you can apply for an extension before the residence permit expires. If you are between 18 and 25 years old and enrolled in a national program for upper secondary school or comparable forms of education, you have the right to get the permit extended for the entire duration of the studies, plus six months. This is only if your permit would otherwise be shorter or if you would not at all be able to get an extension for the same reasons as the first time. If you are enrolled in introductory education that aims to make you qualified for upper secondary school, you can get a permit of 13 months even if you cannot get extended for the same reason as the time before. If you applied for asylum as an unaccompanied child and have had a residence permit because there was no ordered reception in the country of origin, you can get permit for introductory programmes already when you have turned 17.

- If you already have had a residence permit because of upper secondary studies (*gymnasiestudier*), you can still apply for extended residence permit according to the same rules. The permit can then come to cover the entire duration of the studies plus six months, if you are enrolled in a national program for upper secondary school or comparable forms of education, or 13 months if the education you are enrolled in is an introductory program. To get an extended permit, you need to declare that you actively have participated in the studies.

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<sup>114</sup> Sweden, Swedish Migration Agency (*Migrationsverket*), 2019, Data collected through email correspondence 11 September 2019

• There is a special rule for persons who applied for asylum as unaccompanied children before or at the latest on 24 November 2015; If you have had a residence permit because there is no ordered reception (*ordnat mottagande*) in the country of origin, and the permit cannot be extended anymore, you can get a residence permit for up to four years if you are enrolled in upper secondary school, regardless of which program.

• If you have had a residence permit for the entire duration of studies, but have not completed them, it is possible to get it extended for the remaining time plus six months, if you have participated actively in the studies and not turned 25. The same goes if you have had a four year residence permit, but not completed your studies.

• If you have or have had a residence permit because of studies, but can no longer get a residence permit, because you have turned 25 or because you have completed your studies, you need to find work. If you can show that you can provide for yourself through employment or a business of your own, you can get a permanent residence permit.

With the exception of the residence permits mentioned above, temporary permits are the only kind of residence permits granted for persons with international protection status in Sweden. Persons who are granted refugee status are granted three years-long residence permits, whilst subsidiary protection status holders are granted permits that last for 13 months. These temporary permits may be extended after a new application. The possibility to be granted permanent residence permits is related to the ability to provide for oneself. Persons who is able to show that they can provide for themselves may have their temporary permits changed to permanent ones.

Many stakeholders have expressed concern over the situation for the young persons who have received temporary residence permits for studies at upper secondary level in accordance with the legislative amendments of the Act on Temporary Restrictions of the Possibility to be Granted Residence Permits in Sweden, mentioned above.<sup>115</sup> The

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<sup>115</sup> Sweden, Act on Temporary Restrictions on the Possibility to Be Granted Residence Permits in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), section 16, 1 July 2018, [available here](#)

Swedish Association of Local Authorities and Regions, SALAR (*Sveriges Kommuner och Landsting, SKL*) stresses that the regulations are vague and unclear, which makes it difficult for the local authorities to implement them in a satisfactory manner. Both SALAR and the National Board of Health and Welfare (*Socialstyrelsen*) have stated that the affected stakeholders remain unclear of the types of education that are included in the law and which are not. Neither the Migration Agency nor the Swedish National Agency for Education (*Skolverket*) know exactly which types of studies that are intended to be covered by the law, beyond traditional studies at upper secondary level. This is especially true for the different types of vocational training programmes. It is important that the target group receive the information on which studies that is covered as soon as possible since many of the persons who have received residence permits for studies have received 13 months residence permits, and have to apply for extensions of their permits. To have a chance to get their residence permits extended, they need to be enrolled in an education programme covered by the law at the time they turn in their applications.<sup>116</sup>

The County Administrative Boards (*Länsstyrelserna*) conducted a national survey of this group – young persons who have residence permits for studies – during the spring of 2019.<sup>117</sup> The survey's aim was to find out how the situation are for unaccompanied young persons with residence permits for study, what resources that are available for them at local level and the extent to which they are able to get assistance from the local social services.<sup>118</sup> The survey shows that 71 percent of municipalities estimate that a low proportion of the target group (0–20%) lacks permanent housing. However, 15 municipalities estimate that over 40 percent of the them lacks permanent housing – of them seven municipalities estimate that as many as 81–100% of the target group lacks permanent

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<sup>116</sup> Sweden, Swedish Radio (*Sveriges Radio, SR*) (2019) Unclear what types of education that will permit the right to stay (*Oklart vilka utbildningar som ger rätt att stanna*), 16 June 2019, [available here](#)

<sup>117</sup> Sweden, the County Administrative Boards (*Länsstyrelserna*) (2019) With residence permit to study – National survey on the situation for unaccompanied young persons with residence permits to study (*Med uppehållstillstånd för studier – Nationell kartläggning av situationen för ensamkommande unga med uppehållstillstånd för studier*), [available here](#)

<sup>118</sup> Sweden, the County Administrative Boards (*Länsstyrelserna*) (2019) With residence permit to study – National survey on the situation for unaccompanied young persons with residence permits to study (*Med uppehållstillstånd för studier – Nationell kartläggning av situationen för ensamkommande unga med uppehållstillstånd för studier*), [available here](#)



	<p>housing. Access to local measures aimed at facilitating the housing situation for the target group differs between the municipalities. 31 percent have neither group housing nor the private housing alternatives available. The municipalities do not provide housing to the target group via social leases.<sup>119</sup></p> <p>Furthermore, the survey shows a lack of support and assistance available at local level for the target group. Nearly two-thirds of municipalities (61%) report that they neither have any psychosocial support nor outreach activities for the group in question. According to the report, this situation is alarming, especially since data from the Red Cross and the National Board of Health and Welfare respectively show that there is a widespread mental ill-health among the target group.<sup>120</sup></p>
<p><b>Guardianship (representative under Reception Conditions Directive Article 24.1)</b></p>	<p><i>Please elaborate on how the role of guardians is affected when the child reaches 18, and of any initiatives to expand the guardian’s support, for example transforming the guardian into a ‘mentor’ supporting the child until a certain age.</i></p> <p>In Sweden, the right to a legal guardian (<i>god man</i>) expires when the child turns 18. In July 2019, the Government appointed a special inquirer to review the rules concerning legal guardians.<sup>121</sup> The special inquirer shall present proposals on how to increase the possibilities to monitor the work of the appointed legal guardians and how to create better conditions that encourage competent persons to become legal guardians. The inquirer shall investigate the possibilities to establish a national registry of legal guardians. She shall also, among other things, suggest how legal guardians can be assured increased and improved professional support, how children can complain about the behaviour of their legal guardians and also request a change of guardian. The inquirer shall also consider ongoing work in the EU, especially in relation to the common European asylum system. In relation to</p>

<sup>119</sup> Sweden, the County Administrative Boards (*Länsstyrelserna*) (2019) With residence permit to study – National survey on the situation for unaccompanied young persons with residence permits to study (*Med uppehållstillstånd för studier – Nationell kartläggning av situationen för ensamkommande unga med uppehållstillstånd för studier*), [available here](#)

<sup>120</sup> Sweden, the County Administrative Boards (*Länsstyrelserna*) (2019) With residence permit to study – National survey on the situation for unaccompanied young persons with residence permits to study (*Med uppehållstillstånd för studier – Nationell kartläggning av situationen för ensamkommande unga med uppehållstillstånd för studier*), [available here](#)

<sup>121</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), 2019, Guardianship to trust – an overview of the rules of legal guardians and deputys (*Ställförträdraskap att lita på – en översyn av reglerna om gode män och förvaltare Dir. 2019:44*), Committee Directive, 18 July 2019, [available here](#)

	<p>unaccompanied children, the special inquirer shall also analyse the rules of chief guardians (<i>överförmyndare</i>), which at the moment is a municipal responsibility.</p> <p>Furthermore, the special inquirer shall analyse to what extent unaccompanied children, who already have a right of residence residence (for example, citizens of other EU Member States) have a need of legal guardians when they arrive in Sweden. The inquirer shall also decide whether the rules on guardianship for these children need to be amended. Overall, the special inquirer shall answer if and how the children’s perspective can be strengthened in relation to the legal guardians. The final report shall be presented to the Government by 24 February 2021.</p>
<p><b>Accommodation</b></p> <p><b><i>Reception Conditions Directive</i></b></p> <p><b><i>Article 24.2</i></b></p>	<p>In May 2019, the Government announced that Swedish municipalities will once again receive temporary financial support for the accommodation of young asylum seekers living there. The financial support allocated to municipalities are supposed to allow unaccompanied children, who have turned 18 during the asylum process, to remain in the municipalities where they have been living, instead of being transferred to one of the Migration Agency’s accommodation centres once they turn 18. For 2019, the total sum to be allocated to the municipalities is 195 million SEK (€18,442,000).<sup>122</sup></p> <p>On 24 September 2019, the Government presented a bill to the parliament proposing that the possibility for asylum seekers to arrange their own accommodation (<i>eget boende, EBO</i>) shall be severely limited – in certain areas.<sup>123</sup> The argument behind the proposal is that asylum seekers in general find housing in areas already characterised by segregation and overcrowding – thus increasing the problems in these areas. To address the negative effects of the private housing alternative, the government bill proposes that asylum seekers who still</p>

<sup>122</sup> Sweden, Government Offices of Sweden (*Regeringskansliet*) (2019) Temporary financial support for municipalities will allow for unaccompanied youths to stay during the asylum process (*Tillfälligt kommunbidrag låter ensamkommande unga bo kvar under sin asylprocess*), 17 May 2019, [available here](#)

<sup>123</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) A socially sustainable accommodation for asylum seekers (*Ett socialt hållbart eget boende för asylsökande Prop. 2019/20:10*), Government Bill, 24 September 2019, [available here](#)

	<p>choose to find privately arranged accommodation in so-called socio-economically challenged areas, will be denied the daily allowance (<i>dagsersättning</i>) for asylum seekers distributed by the Migration Agency. Presently, this allowance is granted to all asylum seekers regardless of their housing arrangement in accordance with the Act on the reception of asylum seekers and others (<i>Lag [1994:137] om mottagande av asylsökande m.fl.</i>)<sup>124</sup> While the bill stated that the proposed legal change will not affect unaccompanied children directly, the group may still be indirectly affected by the changes. The bill states that unaccompanied children will not lose the possibility to get a daily allowance or any other special allowance. Unaccompanied children are assigned to a municipality on arrival. This assigned municipalities have the responsibility to provide the children with accommodation. In the bill, the government states that the legal amendments shall clarify that the withdrawal of daily allowance will not concern unaccompanied minors. However, the proposal to limit the possibility to arrange one's own accommodation in certain areas may affect the municipalities decisions on where to accommodate unaccompanied children. The government bill was approved by the parliament and the changes will enter into force on 1 January 2020.</p>
<p><b>Return</b> <b>Return Directive, Article 10</b></p>	<p><i>Please explain whether there are any special measures to prepare unaccompanied children for a return procedure and whether young adults receive any form of free assistance during eventual return procedures</i></p> <p>In order to return an unaccompanied child Swedish authorities must guarantee that there is a so-called arranged reception in the country of origin, e.g. that someone there will receive the child and also be responsible for its well-being. The Migration Agency attempts to find some kind of family reunification in these cases; to find a parent or other close relative who receives the child. If this cannot be arranged, the Migration Agency contact the social services in the country in question to engage them in arranging the reception. This means that the social services try to locate parents or relatives in the country of origin, and if they cannot find them, the social services will</p>

<sup>124</sup>Sweden, Government Offices of Sweden (*Regeringskansliet*) (2019) The Government wants to change the regulations regarding privately arranged accommodation for asylum seekers, (*Regeringen vill ändra reglerna om eget boende för asylsökande*), press release, 5 June 2019, [available here](#)

	<p>function as an arranged reception alternative. For young adults who have turned 18 there are no requirements of any arranged reception. They are treated like any other adult.<sup>125</sup></p> <p>The Migration Agency will only work with the return of persons who choose to return voluntarily. If persons do not show up at Migration Agency meetings, or in other ways show that they will not cooperate, the Migration Agency hands over these cases to the Police.<sup>126</sup></p> <p>When it comes to voluntary return the young adults are appointed a contact administrator at the Migration Agency, who will be responsible for arranging their return. The Migration Agency administrator will call the returning person to several preparatory meetings. During these meetings, the contact administrator and the young person (and his/her legal guardian if under 18) will how the Migration Agency can assist persons who return voluntarily, how the reception in the home country will be and other steps that need to be taken to enable a return. Staff from the Migration Agency will accompany the returning persons to their countries of origin. In some cases the contact administrators can assist with applications for economic support or other kinds of support which an individual may need to get reinstated in his/her country of return.</p> <p>See promising practice for more on returning processes. However, it is not common that responsible stakeholders have the possibility to prepare the former unaccompanied children for a return to the extent that the project run by the municipality of Strömsund does, mentioned as a promising practice.</p>
<b>Others</b>	<i>e.g. special permissions to stay based on education or employment programme, etc.</i>

<sup>125</sup> Sweden, Swedish Migration Agency (*Migrationsverket*), 2019, Data collected through email correspondence, 26 September 2019

<sup>126</sup> Sweden, Swedish Migration Agency (*Migrationsverket*), 2019, Return – what happens then? (*Återvändande – vad händer då?*), [available here](#)

## Chapter 5. Information society, data protection

### 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

The Swedish Data Protection Authority (*Datainspektionen*) is the national regulatory authority (*tillsynsmyndighet*) of the General Data Protection Regulation, GDPR (*Dataskyddsförordningen*) and the Swedish regulation complementing GDPR, the Act with Supplementary Provisions concerning the EU General Data Protection Regulation (*Lag [2018:218] med kompletterande bestämmelser till EU:s dataskyddsförordning*)<sup>127</sup> in short referred to as the Data Protection Act (*Dataskyddslagen*).

#### Changes in workload at the Swedish Data Protection Authority

The general development and activities are presented in the authority's "Annual Report 2018" (*Årsredovisning 2018*)<sup>128</sup> published in February 2019. These data are complemented with an interview<sup>129</sup> with a representative of the Swedish Data Protection Authority.

New tasks for the Swedish Data Protection Authority in relation to the requirements of GDPR are:

- Notification of data protection officer (*dataskyddsombud*) and contact information to him/her,
- Reports on incidents regarding personal data (*personuppgiftsincidenter*),
- Petitions for legal reviews (*begäran om laglighetskontroller*),
- Petitions for preliminary consultations (*begäran om förhandssamråd*)
- Code of conducts and criterias for accreditation (*uppförandekoder och kriterier för ackreditering*)

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<sup>127</sup> Sweden, Act with Supplementary Provisions to the EU General Data Protection Regulation (*Lag [2018:218] med kompletterande bestämmelser till EU:s dataskyddsförordning*), 19 April 2018, [available here](#)

<sup>128</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*), Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>129</sup> Data collected through telephone interview with a representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

- Binding corporate regulations (*bindande företagsbestämmelser*)<sup>130</sup>

The annual report states that the Data Protection Authority's preventive and supportive workload has increased as a result of the implementation of GDPR, since both private persons and actors in the public and private sectors have been in need of support on how the regulation will affect them. In 2018, the authority handled over 25,000 cases (*ärenden*) as compared to the approximately 8,000 cases of 2017.<sup>131</sup> The cases mainly consisted of written questions from private and public businesses asking for support on different matters (11,800 cases), notifications of data protection officers (7,600 cases), and reports on incidents regarding the processing of personal data (2,300 cases).<sup>132</sup> The number of cases increased gradually during the spring of 2018 and reached its peak when the regulation entered into force. According to the representative from the Swedish Data Protection Authority, this increase of cases has continued in 2019.<sup>133</sup> The current number of cases (as of 12 September 2019) is already higher than the total number of cases in 2018, and the authority predicts that the number of errands will have doubled by the end of the year in comparison to 2018.<sup>134</sup> According to the interviewee, this development may be related to a higher level of awareness among different actors, which in turn has made the authority's administration more complex than it was before the implementation of GDPR.<sup>135</sup> The representative explained that the administration of complaints is handled differently in the different Member States because of the differences in national legislations and traditions, something which affects the authority when dealing with cross-border cases. The Swedish Data Protection Authority primarily searches for general patterns of the complaints in order to analyse what the necessary actions should be, rather than handling the cases one by one, which would be more time and resource consuming.<sup>136</sup> To be able to deal with the increased number of cases, the Data Protection Authority has hired more employees. The number of employees increased from 57 to 87 during 2018. Since the employees' competences are highly coveted by other actors, many of the authority's employees find other job opportunities and leave the authority. By the end of 2018, 70 percent of

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<sup>130</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*), Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>131</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*), Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>132</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) Annual Report 2018 (*Årsredovisning 2018*) 22 February 2019, [available here](#)

<sup>133</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>134</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>135</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>136</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

the authority's employees had only worked there for 18 months or less.<sup>137</sup> Measures to develop more effective processes and procedures were initiated during 2018 and continue in 2019.<sup>138</sup>

So far, there has not been any increase of appeal cases. However, the representative from the Swedish Data Protection Authority maintains that this is just a question of time, since the authority is authorised to issue sanctions – something, which is likely to give different actors reasons to appeal.<sup>139</sup> The first sanction for violating the provisions of GDPR in Sweden was issued by the authority in August 2019 and has consequently been appealed to Stockholm Administrative Court (*Stockholms Förvaltningsrätt*) in September 2019.<sup>140</sup> This expected increase of appeals will affect the authority since it will mean that the cases will carry on for a longer period than before. It will also mean that the authority's legal department will be involved in more oral proceedings. Thus, the authority will need more competence in this area.<sup>141</sup>

Other important activities mentioned by the representative at the Swedish Data Protection Authority are the authority's conferences,<sup>142</sup> which are arranged in order to share the authority's experiences and knowledge with persons who either handle or are interested in protection of personal data and integrity. The authority will share the results of its "National integrity report",<sup>143</sup> which highlights important lessons on how the GDPR has affected the protection of personal integrity. The authority's representative mentioned that these activities are part of the authority's new Government mandate<sup>144</sup> to account for developments in the area of integrity related to IT every fourth year.<sup>145</sup> The first report is due on 1 October 2020.<sup>146</sup>

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<sup>137</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) Annual Report 2018 (*Årsrapport 2018*), 22 February 2019, [available here](#)

<sup>138</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>139</sup> Telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>140</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*), Sanctions for facial recognition at school (*Sanktionsavgift för ansiktigenkänning i skola*), 21 August 2019, [available here](#)

<sup>141</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>142</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*), Three conferences with focus on data protection and integrity (*Tre konferenser sätter fokus på dataskydd och integritet*), 4 April 2019, [available here](#)

<sup>143</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) National integrity report 2019 (*Nationell integritetsrapport 2019*), [available here](#)

<sup>144</sup> Sweden, Ordinance on Instructions for the Swedish Data Protection Authority (*Förordning [2007:975] med instruktion för Datainspektionen*), section 1, 1 September 2019, [available here](#)

<sup>145</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 12 September 2019

<sup>146</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) The Swedish Data Protection Authority is instructed to report developments in the area of integrity (*Datainspektionen ska redovisa utvecklingen på integritetsområdet*), Press release, 4 July 2019, [available here](#)



The Swedish Data Protection Authority was granted an increase of 30 million SEK (€2,770,000) in funding from the Government Budget in 2017. In 2018 the Authority had a total of 85.3 million SEK (€7,880,000) in Government funding,<sup>147</sup> out of which approximately 90 percent was used for activities related to GDPR.<sup>148</sup> The authority was granted 94.4 million SEK (€8,720,000) in Government funding in 2019.<sup>149</sup>

On the matter of whether the Swedish Data Protection Authority has relations with civil society organisations specialised, or active, in data protection, the authority representative clarified that even though such organisations are very much appreciated by the authority they do not have any relations in the sense that they are involved in each other's work. However, they are of course support each other. The interviewee described how the Swedish Data Protection Authority is invited to speak at arenas and fora arranged by civil society organisations where they are given the opportunity to speak about their mandate as a national authority. The interviewee stressed that the authority always must consider what is appropriate, so that its duties are not mixed up with work of civil society actors.<sup>150</sup>

#### Supervisory authorities within the judiciary

The Swedish Data Protection Authority (*Datainspektionen*) is not competent to supervise the data processing of courts acting in their judicial capacity. Nevertheless, the interpretation of "courts acting in their judicial capacity" is not totally clear, according to a legal expert at the authority. The legal expert explained that it is not given what should be excepted from the authority, hence there is an ongoing debate with the European Data Protection Board with the aim to clarify a harmonized interpretation of the concept – a debate, which of course is of interest for the Data Protection Authority.<sup>151</sup>

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<sup>147</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>148</sup> Sweden, Swedish Data Protection Authority (*Datainspektionen*) (2019) Annual Report 2018 (*Årsredovisning 2018*), 22 February 2019, [available here](#)

<sup>149</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2018) Appropriation directions of the fiscal year of 2019 regarding the Swedish Data Protection Authority (*Regleringsbrev för budgetåret 2019 avseende Datainspektionen, Ju2018/05279/Å*) Government Decision, 20 December 2018, [available here](#)

<sup>150</sup> Data collected through telephone interview with representative at the Swedish Data Protection Authority (*Datainspektionen*), 19 November 2019

<sup>151</sup> Data collected through e-mail correspondence with legal representative at the Swedish Data Protection Authority (*Datainspektionen*), 22 November 2019

In Sweden, the Parliamentary Ombudsmen (*Riksdagens ombudsman, Justitieombudsmannen, JO*) and the Chancellor of Justice (*Justitekanslern*) are responsible for supervision of the judiciary. This is regulated in chapter 13, section 6 of the Instrument of Government (*Regeringsform [1974:152]*)<sup>152</sup> and section 1 of the Act concerning the supervision exercised by the Chancellor of Justice (*Lag [1975:1339] om justitekanslerns tillsyn*)<sup>153</sup>.

The Office of the Chancellor of Justice (*Justitekanslern*) is responsible for settling claims for damages which are brought against the state as of the provisions of article 82 of GDPR as well as the provisions of:

- Chapter 7, section 1 of the Act with Supplementary Provisions to the EU General Data Protection Regulation (*Lag [2018:218] med kompletterande bestämmelser till EU:s dataskyddsförordning*)<sup>154</sup>
- Chapter 7, section 1 of the Crime Data Act (*Brottsdatalag [2018:1177]*)<sup>155</sup>
- Chapter 2, section 6 of the Act on processing of personal data in the armed forces' Defence intelligence and military services (*Lag [2007:258] om behandling av personuppgifter i försvarsmaktens försvarsunderrättelseverksamhet och militära säkerhetstjänst*)<sup>156</sup>
- Chapter 2, section 5 of Act on processing of personal data in the foreign intelligence and development operations of the National Defence Radio Establishment (*Lag [2007:259] om behandling av personuppgifter i Försvarets radioanslats försvarsunderrättelse- och utvecklingsverksamhet*)<sup>157</sup>

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<sup>152</sup> Sweden, Instrument of Government (*Kungörelse [1974:152] om beslutad ny regeringsform*), ch. 13, section 6, 1 January 2011, [available here](#)

<sup>153</sup> Sweden, Act concerning the supervision exercised by the Chancellor of Justice (*Lag [1975:1339] om justitekanslerns tillsyn*), section 1, 15 December 1975, [available here](#)

<sup>154</sup> Sweden, Act with Supplementary Provisions to the EU General Data Protection Regulation (*Lag [2018:218] med kompletterande bestämmelser till EU:s dataskyddsförordning*), ch. 7 section 1, 19 April 2018, [available here](#)

<sup>155</sup> Sweden, Crime Data Act (*Brottsdatalag [2018:1177]*), ch 7 section 1, 20 June 2018, [available here](#)

<sup>156</sup> Sweden, Act on processing personal data in the armed forces' Defence intelligence and military service (*Lag [2007:258] om behandling av personuppgifter i Försvarsmaktens försvarsunderrättelseverksamhet och militära säkerhetstjänst*), ch. 2, section 6, 10 May 2007, [available here](#)

<sup>157</sup> Sweden, Act on processing of personal data in the foreign intelligence and development operations of the National Defence Radio Establishment (*Lag [2007:259] om behandling av personuppgifter i Försvarets radioanstalts försvarsunderrättelse- och utvecklingsverksamhet*), ch. 2, section 5, 10 May 2007, [available here](#)

This responsibility is assigned to the Office of the Chancellor of Justice as of the Ordinance on the Administration of Claims for Damages against the State (*Förordning [1995:1301] om handläggning av skadeståndsanspråk mot staten*).<sup>158</sup> Thus, the Office of the Chancellor of Justice (*Justitekanslern*) handle all claims relating to cases where personal data have been handled in an unlawful manner by a national authority (under the Government). This responsibility was earlier regulated by the Personal Data Act (*Personuppgiftslag [1998:204]*)<sup>159</sup>

A representative of the Office of the Chancellor of Justice stated that the number of incoming errands has increased since May 2018 when GDPR entered into force. The numbers below includes all claims, both in relation to the courts and the national authorities:

- 2014: 47 reported claims,
- 2015: 54 reported claims,
- 2016: 37 reported claims,
- 2017: 43 reported claims,
- 2018: 86 reported claims,
- 2019: 111 reported claims (as of 16 November 2019)<sup>160</sup>

Eventhough the number of reported claims has increased during the past 18 months, the representative of the Office of the Chancellor of Justice stated that the implementation of GDPR has not necessitated any changes in organisation, neither has there been any need for an increase in funding or employees so far. Nevertheless, other tasks within the Office of the Chancellor of Justice have been down prioritised to allow for the preparation of necessary policy documents relating to GDPR.<sup>161</sup> Consequently, the authority has established a working group which will follow the development in this area.<sup>162</sup>

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<sup>158</sup> Sweden, Ordinance on the Administration of Claims for Damages against the State (*Förordning [1995:1301] om handläggning av skadeståndsanspråk mot staten*), 7 December 1995, [available here](#)

<sup>159</sup> Sweden, Personal Data Act (*Personal Data Act*), 29 April 1998, [available here](#) Data collected through e-mail correspondence with representative at the Office of the Chancellor of Justice (*Justitekanslern*), 28 November 2019

<sup>160</sup> Data collected through e-mail correspondence with representative at the Office of the Chancellor of Justice (*Justitekanslern*), 28 November 2019

<sup>161</sup> Data collected through e-mail correspondence with representative at the Office of the Chancellor of Justice (*Justitekanslern*), 28 November 2019

<sup>162</sup> Data collected through e-mail correspondence with representative at the Office of the Chancellor of Justice (*Justitekanslern*), 28 November 2019

An representative of the Parliamentary Ombudsmen (*Riksdagens ombudsman, Justitieombudsmannen, JO*) clarified that even though its organisation is rather small the authority has been able to handle the increased workload brought on by the implementation of GDPR with the existing staff. The Parliamentary Ombudsmen has assigned a data protection officer who has handled the increased workload as a part of his/her job. All in all, the interviewee stated that the Parliamentary Ombudsmen has been able to be handle its extended mandate without any increase of resourses.<sup>163</sup>

## 2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
SE	Independent State Institution	Study	The Swedish Government has instructed Statistics Sweden (Statistiska centralbyrån, SCB) to survey the use of artificial intelligence and use of big data in companies and public administration (including national authorities, municipalities, regions as well as universities and colleges). The instruction states that there is a lack of statistics on use of	Yes	No	Sweden, Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) "Government mandate to survey the use of artificial intelligence and analysis of large amounts of data in Sweden" ( <i>Uppdrag att kartlägga användningen av artificiell intelligens respektive analys av stora datamängder i Sverige, I2019/01964/D</i> ), Government mandate, 27 June 2019, <a href="#">available here</a>

<sup>163</sup> Data collected through e-mail correspondence with representative at the Parliamentary Ombudsmen (*Riksdagens ombudsman, Justitieombudsmannen, JO*), 29 November 2019

			AI and big data both within Swedish companies and the public sector. This makes it difficult to assess which measures which should be taken and where.			
SE	Independent State Institution	Study	The Swedish Agency for Economic and Regional Growth ( <i>Tillväxtverket</i> ) is assigned with the task to survey the conditions needed for increasing the ability of small and medium-sized enterprises to use data as a strategic resource. The assignment shall be conducted as a qualitative study and literature review in order to identify the sectors in which there is the greatest potential for developing such work and where data-driven business development would have the greatest potential. Based on the survey's results, the Agency for Economic and Regional Growth shall direct awareness-raising efforts to selected target groups in order to reach companies that has the potential to use data strategically to develop the business	Yes	Yes (Information security, personal integrity )	Sweden, Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) "Government mandate to promote the ability of small and medium-sized enterprises to use data as a strategic resource" ( <i>Uppdrag att främja små och medelstora företags förmåga att använda data som strategisk resurs, Dnr: I2019/01966/D</i> ), Government mandate, 21 August 2019, <a href="#">available here</a>

			and innovative services which can help in solving societal challenges but lack the relevant knowledge.			
SE	Independent State Institution	Other project	The Swedish Agency for Public Management ( <i>Statskontoret</i> ) has identified several recurring obstacles, which makes it difficult for certain groups to use the national authorities' open data. The Agency for Digital Government ( <i>Myndigheten för Digital Förvaltning, DIGG</i> ) has been assigned the task to improve the public sector's ability to make open data accessible, to pursue open and data-driven innovation, and increase the public sector's ability to apply artificial intelligence. The authority will have particular focus on security, including information security, confidentiality and integrity issues will be. DIGG will establish ways to support and highlight development projects aimed at increasing the public administration's ability to make open data available, conduct	Yes	Yes (Security, information security, confidentiality and integrity )	Sweden, Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) "Government mandate to increase the capacity of public administration to make open data available, operate open and data driven innovation and use of artificial intelligence" ( <i>Uppdrag att öka den offentliga förvaltningens förmåga att tillgängliggöra öppna data, bedriva öppen och datadriven innovation samt använda artificiell intelligens</i> ), Government mandate, 2 May 2019, <a href="#">available here</a>

			open and data-driven innovation and use of artificial intelligence in collaboration with Sweden’s Innovation Agency ( <i>Sveriges innovationsmyndighet, Vinnova</i> ).			
SE	Independent State Institution	Report	The Swedish National Digitalisation Council ( <i>Digitaliseringsrådet</i> ) is tasked with the promotion of the implementation of the government’s digitalisation strategy since 2017. The Council presented its final status report in September 2019. During the period 2018–2019, the Council has produced progress reports on the strategy’s interim objectives and presented them to the Minister for Digital Development. These reports highlight the central challenges Sweden faces and include a number of proposals for possible measures to meet these challenges.	Yes	Yes	Sweden, Swedish National Digitalisation Council ( <i>Digitaliseringsrådet</i> ) “Status report on digital guidance” ( <i>Lägesbild av digital ledning, Dnr: 19-5942</i> ), published in June 2019, <a href="#">available here</a>
SE	Business	Other projects	AI Sustainability Centre was launched in January 2019 as a result of an innovation project financed by Sweden’s innovation agency	Yes	Yes	Sweden, AI Sustainability Centre ( <i>AI Sustainability Center</i> ) <a href="#">available here</a>

			Vinnova ( <i>Sveriges innovationsmyndighet, Vinnova</i> ) during the period April 2018 – January 2019. The main purpose of the Centre is to develop a multidisciplinary hub addressing ethical and societal issues in relation to AI.			
SE	Government	Study	<p>An appointed special inquirer (<i>särskild utredare</i>) is instructed to review the requirements of the revised directive, 2003/98/EC and propose how these shall be met.</p> <p>The inquiry is instructed to:</p> <ul style="list-style-type: none"> <li>- Carry out a review and evaluation of the Act on further use of public administration documents (<i>Lag [2010:566] om vidareutnyttjande av handlingar från den offentliga förvaltningen</i>).</li> <li>- Analyse the need for legal changes in order to implement the revised directive, 2003/98/EC and ensure appropriate national regulation which, from a legal perspective, promotes and supports the work</li> </ul>	Yes	Yes (Integrity)	Sweden, Ministry of Infrastructure ( <i>Infrastrukturdepartementet</i> ) Committee Directive ( <i>Kommittédirektiv</i> ) “Better conditions for access to and further use of open data and public digital information” ( <i>Bättre förutsättningar för tillgång till och vidareutnyttjande av öppna data och offentlig digital information, Dir. 2019:20</i> ), 14 May 2019 <a href="#">available here</a>



			<p>of the public sector in making open data and other public digital information available.</p> <p>- Analyse how to design a clearer regulation on tax collection and submit proposals for necessary constitutional amendments.</p> <p>The assignment must be reported no later than 15 May 2020.</p>			
SE	Government	Report	<p>The Ministry of Enterprise and Innovation published a national plan on life science (<i>En nationell strategi för life science</i>) on 12 December 2019 which includes 30 main objectives on the topic. The purpose of the plan is to improve the populations health status, develop healthcare and strengthen economic prosperity. To enable such innovation and use of a large amount of data, one of the Government's main objectives is to ensure effective and secure exchange of personal data. The Government believes that regions and municipalities need better conditions for sharing patient</p>	Yes	Yes (Integrity, security)	Sweden, Ministry of Enterprise and Innovation ( <i>Näringsdepartementet</i> ) "A national strategy for life science" ( <i>En nationell strategi för life science, N2019.06</i> ), 12 December 2019, <a href="#">available here</a>

			<p>data between different healthcare providers, and further states that the starting point is to strengthen the data-based development while continue delivering good and secure health care as well as respecting personal integrity and meeting the requirement of information security. This is why a special inquiry was appointed to review certain issues related to personal data management in social services and health care activities (see section below).</p>			
SE	Government	Study	<p>An appointed special inquirer (<i>särskild utredare</i>) is instructed to review certain personal data management issues in social services and health care activities.</p> <p>The inquiry is, among other things, instructed to review the possibilities:</p> <ul style="list-style-type: none"> <li>- to introduce direct access within and between certain activities in social services and health care,</li> <li>- to an expanded information transfer for quality development</li> </ul>	Yes	Yes (Personal integrity, privacy)	Sweden, Ministry of Health and Social Affairs ( <i>Socialdepartementet</i> ) Committee Directive ( <i>Kommittédirektiv</i> ) "Review of certain issues related to personal data management in social services and health care activities" ( <i>Översyn av vissa frågor som rör personuppgiftshandling i socialtjänst- och hälso- och sjukvårdsverksamhet, Dir. 2019:37</i> ), 27 June 2019 <a href="#">available here</a>

			<p>between e.g. health care providers and municipal boards,</p> <ul style="list-style-type: none"> <li>- to introduce breach of confidentiality rules for handling of certain personal data in social services and health care,</li> <li>- giving agents access to patient records.</li> </ul> <p>The assignment must be reported no later than 31 May 2021.</p>			
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\*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

1 \*\* for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

### 3. Data retention

Legislation on data retention relating to crime prevention and integrity was reformed to conform with the EU legislation in 2019.<sup>164</sup> The legislative changes were adopted by the Swedish Parliament on 19 June 2019 and entered into force on 1 October 2019. The following two acts have been amended:

- Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*)<sup>165</sup>
- Act on Gathering of Data in Electronic Communication as Part of Intelligence Gathering by Law Enforcement Authorities (*Lag [2012:278] om inhämtning av uppgifter om elektroniska kommunikation i de brottbekämpande myndigheternas underrättelseverksamhet*)<sup>166</sup>

The legislative changes were initiated as a result of the European Court of Justice's ruling in the so-called Tele2 case, in which the Court of Justice stated that the Swedish legislation was too extensive and thus not in line with the EU legislation. The amendments have been made to limit the extent of the data retention and the retention period for such data. The amendments also include a provision stipulating that a law enforcement authority (*brottbekämpande myndighet*) must get a decision of approval from a prosecutor before they are allowed to obtain information on electronic communication in intelligence activities (*underrättelseverksamhet*).<sup>167</sup>

A representative from the Swedish Post and Telecom Authority (*Post- och telestyrelsen*) confirmed that the following checkboxes are correct as of Swedish legislation,<sup>168</sup> regarding data retention and the template referred to in FRA guidelines<sup>169</sup>.

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<sup>164</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019), Data retention regarding crime prevention – adaptations to EU law (*Datalagring vid brottbekämpning – anpassningar till EU-rätten, prop 2018/19:86*), Government Bill, 28 March 2019, [available here](#)

<sup>165</sup> Sweden, Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*), chapter 6 section 16a and 16d, [available here](#)

<sup>166</sup> Sweden, Act on Gathering of Data in Electronic Communications as Part of Intelligence Gathering by Law Enforcement Authorities (*Lag [2012:278] om inhämtning av uppgifter om elektronisk kommunikation i de brottbekämpande myndigheternas underrättelseverksamhet*), section 2, 3, 4 and 5, [available here](#)

<sup>167</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019), Data retention regarding crime prevention – adaptations to EU law (*Datalagring vid brottbekämpning – anpassningar till EU-rätten, prop 2018/19:86*), Government Bill, 28 March 2019, [available here](#)

<sup>168</sup> Data collected through e-mail correspondence with Swedish Post and Telecom Authority (*Post- och telestyrelsen*), 3 October 2019

<sup>169</sup> <https://fra.europa.eu/en/theme/information-society-privacy-and-data-protection/data-retention>

EU Member state	Draft legislative amendments introduced					Legislative amendments in force			
	Wider review of access	Access to data more precisely defined	Retention periods specified	Requirement to store data	Text not public	Wider review of access	Access to data more precisely defined	Retention periods specified	Requirement to store data
SE							X	X	X

Brief description of the three aspects marked for the new legislation<sup>170</sup>:

- Access to data is defined in more precise terms: Operators covered by the Electronic Communications Act (*Lag [2003:389] om elektronisk kommunikation*)<sup>171</sup> shall retain data generated or handled via telephone, messages via mobile network connection point as well as via internet access. Operators shall store data on subscription and other relevant data which is necessary for tracking and identification: source of communication, ultimate goal of communication, date, time, duration of communication, type of communication, communication equipment and location of mobile communication equipment at the beginning and the end of communication.<sup>172</sup> The Swedish Post and Telecom Authority has also proposed regulations

<sup>170</sup> Data collected through e-mail correspondence with Swedish Post and Telecom Authority (*Post- och telestyrelsen*), 28 November 2019

<sup>171</sup> Sweden, Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*), ch. 6, section 16 a, 1 October 2019, [available here](#)

<sup>172</sup> Sweden, Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*), ch. 6, section 16 a, 1 October 2019, [available here](#)

on extended retention for operators that use network address translation methods. These regulations are expected to enter into force on 1 April 2020.<sup>173</sup>

- The retention periods are specified: Retention periods (*lagringstid*) vary depending on the type of data retained. Data generated or handled via telephone or messages (such as sms or mms) via mobile network connection points must be retained for six months. Location data must be retained for two months. Information generated or processed via internet must be retained for ten months. If the data can identify the equipment where the communication is finally transferred from the actor responsible for the data retention to the individual subscriber, the data must only be stored for six months.<sup>174</sup>
- Requirement to store data: Operators engaged in reporting activities are required to store data for law enforcement purposes as of chapter 2 section 1 of the Electronic Communications Act (*Lag [2003:389] om elektronisk kommunikation*)<sup>175</sup>. The security rules that apply when storing data are set out in the Swedish Post and Telecom Authority's (*Post- och telestyrelsen*) regulations and general advice on safeguards for processing of data for law enforcement purposes, the Swedish Post and Telecom Authority's code of statutes (*Post- och telestyrelsens författningssamling, PTSFS 2012:4*)<sup>176</sup>.

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<sup>173</sup> Sweden, Swedish Post and Telecom Authority (*Post- och telestyrelsen*), "Referral - Proposal on regulation on other data that shall be retained to enable identification of subscriber and registered user when using NAT-technique (*Remiss – förslag till föreskrifter om vilka andra uppgifter som ska lagras för att identifiera abonnent och registrerad användare vid användning av NAT-teknik*), published 16 September 2019, [available here](#)

<sup>174</sup> Sweden, Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*), ch. 6, section 16 d, 1 October 2019, [available here](#)

<sup>175</sup> Sweden, Act on Electronic Communications (*Lag [2003:389] om elektronisk kommunikation*), ch. 2 section 1, 12 June 2003 [available here](#)

<sup>176</sup> Sweden, Swedish Post and Telecom Authority (*Post- och telestyrelsen*), Swedish Post and Telecom Authority code of statutes (*Post- och telestyrelsens författningssamling, PTSFS 2012:4*), issued 24 October 2012, [available here](#)

## Chapter 6. Rights of the child

### 1. Procedural safeguards for children who are suspects in criminal proceedings

<b>Legislative changes</b>	<p>On 22 June 2016, the Swedish Government decided to initiate a public inquiry tasked with analysing how the Swedish legislation corresponds to the EU Directive 2016/800 on Procedural Safeguards for Children who are Suspects or Accused Persons in Criminal Proceedings (Children’s Directive). In September 2017, the public inquiry presented its final report<sup>177</sup> stating that the Swedish legal system, overall, corresponds to the Children Directive. Yet, the inquiry recommended some smaller amendments in order to make the legislation correspond fully to the Children’s Directive.<sup>178</sup> The Swedish parliament adopted the amendments to the Swedish Code of Judicial Procedure (<i>Rättegångsbalk [1942:740]</i>)<sup>179</sup> and the Swedish Act on Detention (<i>Häkteslag [2010:611]</i>)<sup>180</sup> on 8 May 2019. The amendments entered into force on 11 June 2019.</p> <p>The amendments of chapter 21, section 3a and section 9a of the Swedish Code of Judicial Procedure (<i>Rättegångsbalk [1942:740]</i>)<sup>181</sup> correspond to article 6 and 18 of the Children’s Directive, dealing with the rights of suspected children to be assisted by a lawyer. The amendments will make it possible for a prosecutor to declare a certain defence counsel as unsuitable. The court in question will then be able to delegate the task to another person who will become the defence counsel instead of the one the suspected child chose in the first place<sup>182</sup>.</p> <p>Furthermore, the amendments of chapter 2, section 3 of the Act on Detention (<i>Häkteslag [2010:611]</i>)<sup>183</sup> correspond to article 12 in the</p>
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<sup>177</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2017) The Rights of the Child in criminal procedures; Implementation of the EU Children’s Directive and two other criminal proceeding concerns, (*Barnets rättigheter i ett straffrättsligt förfarande m.m; Genomförande av EU:s barnrättsdirektiv och två andra straffprocessuella frågor, SOU 2017:68*), Public Inquiry, 5 September 2017, [available here](#)

<sup>178</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2017) The Rights of the Child in criminal procedures; Implementation of the EU Children’s Directive and two other criminal proceeding concerns, (*Barnets rättigheter i ett straffrättsligt förfarande m.m; Genomförande av EU:s barnrättsdirektiv och två andra straffprocessuella frågor, SOU 2017:68*), Public Inquiry, 5 September 2017, [available here](#)

<sup>179</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk [1942:740]*), 18 July 1942, [available here](#)

<sup>180</sup> Sweden, Act on Detention (*Häkteslag [2010:611]*), 11 June 2019, [available here](#)

<sup>181</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk [1942:740]*), chapter 21, section 3a and 9a, 11 July 2019, [available here](#)

<sup>182</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2017) The Rights of the Child in criminal procedures; Implementation of the EU Children’s Directive and two other criminal proceeding concerns, (*Barnets rättigheter i ett straffrättsligt förfarande m.m; Genomförande av EU:s barnrättsdirektiv och två andra straffprocessuella frågor, SOU 2017:68*), Public Inquiry, 5 September 2017, [available here](#)

<sup>183</sup> Sweden, Act on Detention (*Häkteslag [2010:611]*), chapter 2, section 3, 11 June 2019, [available here](#)



	Children’s Directive. These amendments clarify that children who reach the age of 18 while in detention, should not be moved to a detention centre for adult detainees but should be able to remain with detainees who are under 18.
<b>Policy developments</b>	Nothing to report
<b>Other measures or initiatives</b>	Nothing to report

## 2. Legal and policy measures or initiatives developed about child internet safety

### Legal and policy measures in relation to the adoption of the Audiovisual Media Services Directive

In June 2018, the Swedish Government appointed a special inquirer<sup>184</sup> (*särskild utredare*) with the task to propose constitutional amendments and other measures necessary for the implementation of the amended Audiovisual Media Services Directive. The inquirer presented its final report to the government (*En moderniserad radio- och tv-lag: genomförande av ändringar i AV-direktivet, SOU 2019:39*)<sup>185</sup> in August 2019. The report is currently on referral to relevant consultation bodies such as authorities, companies, organisations and other stakeholders. The last day to respond was 22 November 2019<sup>186</sup>.

A short summary of the main proposals relating to article 6a and 28b in the amended Directive:

#### Article 6a:

When implementing the 2010 Audio-visual Media Service Directive, Sweden decided to take appropriate legislative measures which went beyond the requirements of that directive. Chapter 5, section 3 of the Radio and Television Act (*Radio- och tv-lag [2010:696]*) stipulates that programs provided by media service providers (*beställ-TV*), and which contain pornography or realistic and gratuitous violence, must be provided in ways that minors will be unable to watch them<sup>187</sup>. In the 2010 Audio-visual Media Service Directive, this kind of measures was only required for regular television, but Sweden decided to regulate this also

<sup>184</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2018) The Government appoints an inquiry to review the Swedish Radio and Television Act, (*Regeringen tillsätter utredning att se över den Svenska radio- och tv-lagen*), Press release, 28 June 2018, [available here](#)

<sup>185</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>186</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) Referral of A Modernised Radio and Television Act, (*Remiss SOU 2019:39 En moderniserad radio- och tv-lag*), 23 August 2019, [available here](#)

<sup>187</sup> Sweden, Radio and Television Act (*Radio- och tv-lag [2010:696]*), chapter 5, section 3, 17 June 2010, [available here](#)

for media service providers (*beställ-TV*). For this reason, the public inquiry report stated that the current legislation in Sweden already meets the requirements of article 6a.1 of the 2018 version of the Directive. Consequently, no further legislative amendments are needed<sup>188</sup>.

However, the public inquiry recommended that section 2 and 3 of chapter 5 of the Radio and Television Act shall merge into one section. Presently, section 2 regulates provisions regarding programmes containing gratuitous violence and pornography in regular television and section 3 regulates the same for media service providers. The inquiry stated that there are no reasons to divide these provisions into two sections<sup>189</sup>.

Furthermore, the public inquiry proposed the introduction of a new provision in section 3 of chapter 5 of the Radio and Television Act relating to the requirements of article 6a.2 of the Directive. This provision will stipulate that media service providers, which broadcast content which may cause harm to minors, must provide sufficient information to the viewers about the content and describe its potential harm. The Swedish Media Council (*Statens medieråd*) will work for a business-wide system of information which may be used by media service providers<sup>190</sup>.

To ensure that personal data of minors collected by media service providers is not used for commercial purposes, the public inquiry proposed a supplement to section 3a of chapter 5 of the Radio and Television Act<sup>191</sup>. This supplement will clarify that personal data of minors collected to ensure that minors do not have access to programmes that include gratuitous violence and pornography may not be used for other purposes. The regulation will be monitored by the Swedish Data Protection Authority (*Datainspektionen*)<sup>192</sup>.

#### Article 28b:

The public inquiry stated that “video-sharing platform” does not exist as a concept in the current Swedish legislation, even though the phenomenon exists in real life. Currently, the content made available on such platforms are regulated by different laws. However, the public inquiry argued that some amendments are necessary to implement the changes in the Audio-

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<sup>188</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>189</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>190</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>191</sup> Sweden, Radio and Television Act (*Radio- och tv-lag [2010:696]*), chapter 5, section 3a, 17 June 2010, [available here](#)

<sup>192</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

visual Media Service Directive<sup>193</sup>. The inquiry proposed to widen the area of application of the Radio and Television Act (*Radio- och tv-lag [2010:696]*) to also include video-sharing platforms. These amendments should be made to section 1 of chapter 1 of the Radio and Television Act<sup>194</sup>. Furthermore, the inquiry proposed an addition of a new chapter – chapter 5a – in the Radio and Television Act including eight sections on video-sharing platforms. With the introduction of this new chapter, the inquiry considered that the requirements of article 28b of the Directive will be met<sup>195</sup>.

#### Initiatives by civil society organisations

The foundation Make Equal works to promote equality in Sweden. The organisation recently initiated a digital support service against online hatred, so-called the Online Hatred Help (*Näthatshjälpen*)<sup>196</sup>. Make Equal states that every fourth internet user in Sweden avoids expressing their political views online for fear of online hatred, which in itself is a challenge to democracy. The website is founded by the Swedish Agency for Youth and Civil Society (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) and targets both civil society organisation and individual internet users. The website contains factual texts, guides and tips for persons who are exposed to online hatred. It also includes tools for organisations that want to work against online hatred<sup>197</sup>. Furthermore, Make Equal maintains that every third young person in Sweden has been subject to online hatred but they rarely report these threats or hate online to the police. To make it easier to report such crimes, the foundation has added a police report form to its website so provide everyone who is exposed to online hatred easy access to a reporting option<sup>198</sup>.

Another initiative taken by a civil society organisation is an information campaign aimed at parents in Sweden focusing on how they can talk to their children about internet safety<sup>199</sup>. The organisation Children's Right in Society (*Barnens rätt i samhället, BRIS*) has published a book "Handbook to online parents" (*Handbok för nätföräldrar*) and launched a website with the same name in corporation with the Prince Carl Philip's and Princess Sofia's Foundation

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<sup>193</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>194</sup> Sweden, Radio and Television Act (*Radio- och tv-lag [2010:696]*), chapter 1, section 1, 17 June 2010, [available here](#)

<sup>195</sup> Sweden, Ministry of Culture, (*Kulturdepartementet*) (2019) A Modernised Radio and Television Act, implementation of amendments of the Audiovisual Media Services Directive, (*En moderniserad radio- och tv-lag, genomförande av ändringar i AV-direktivet, SOU 2019:39*), Public Inquiry, 16 August 2019, [available here](#)

<sup>196</sup> Sweden, Make Equal (2019) Online Hatred Help (*Näthatshjälpen.se*), [available here](#)

<sup>197</sup> Sweden, Make Equal (2019) Make Equal releases digital support against online hatred (*Make Equal släpper digitalt stödverktyg mot näthat*), press release, 2 May 2019, [available here](#)

<sup>198</sup> Sweden, Make Equal (2019) New tool enables digital police report against online hatred (*Nytt verktyg möjliggör digital polisanmälan mot näthat*), press release, 31 May 2019, [available here](#)

<sup>199</sup> Sweden, Children's Right in Society (*Barnens Rätt i Samhället, BRIS*) (2019) How to become a present parent online – BRIS and Prince Carl Philip's and Princess Sofia's Foundation releases handbook for online parents (*Så blir du en närvarande förälder på nätet – Bris och Prinsparets stiftelse släpper handbok för nätföräldrar*), press release, 12 February 2019, [available here](#)

(*Prinsparets stiftelse*).<sup>200</sup> The aim is to help parents initiate conversations with their children about what their lives are like online. This will enable the parents to be there as a support if something difficult happens to their child. The book is sent to all 10-year old children in Sweden and to their parents as well. It is also possible to download an English version of the book on the website<sup>201</sup>.

### The Swedish Media Council

Since 2013, the Swedish Media Council (*Statens medieråd*) has the government's mandate to run the No Hate Speech Movement, a campaign initiated by the Council of Europe and implemented in European countries during 2013–2014. The Swedish Government has decided to extend the national campaign until 2020.<sup>202</sup> The focus is on awareness-raising on racism and similar forms of hostile attitudes online. The campaign aims at mobilising young people to combat hate speech and promote human rights online<sup>203</sup>

### The Swedish Police Authority

In January 2019, the Swedish Police Authority (*Polismyndigheten*) declared its aim to increase its capability to investigate cases of sexual abuse of children on line. All seven regions in Sweden cooperated in developing new national guidelines on the issue. These guidelines should have been implemented during the spring of 2019 but so far they have been down-prioritised in favour for other measures, such as competence and education activities in all regions. The Swedish Police Authority also works to establish regional IT-crime centres (*IT-brottscentrum*) with excellence in investigating internet-related sexual abuse of children. The plan is that these centres will have around 100 specialised investigators in place by 2020<sup>204</sup>.

### The Government

In July 2019, the Government presented a bill proposing legislative amendments to increase the penalties for exploitation of children through the purchase of sexual services. In the bill, the government proposed that the minimum penalty (*minimistraff*) should be changed from fines to imprisonment. The maximum penalty (*maximistraff*) was proposed to be increased from two to four year of imprisonment<sup>205</sup>. The government stated that the proposals are based

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<sup>200</sup> Sweden, Children's Right in Society (*Barnens Rätt i Samhället, BRIS*) Handbook for online parents (*Handbok för nätföräldrar*), [available here](#)

<sup>201</sup> Sweden, Children's Right in Society (*Barnens Rätt i Samhället, BRIS*) Handbook for online parents (*Handbok för nätföräldrar*), [available here](#)

<sup>202</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2017) Assignment to the Swedish Media Council concerning the campaign No Hate Speech Movement (*Uppdrag till Statens medieråd om kampanjen No Hate Speech Movement*), Government Assignment, 16 Mars 2017, [available here](#)

<sup>203</sup> Sweden, Swedish Media Council (*Statens medieråd*) No Hate – For those who want to prevent online hatred among young people (*No Hate – för dig som vill förebygga nåthat bland unga*) [available here](#)

<sup>204</sup> Sweden, Swedish Police Authority (*Polismyndigheten*) (2019) Increased capacity to examine internet-related child abuse (*Ökad förmåga att utreda internetrelaterade övergrepp mot barn*), press release, 11 January 2019, [available here](#)

<sup>205</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Criminal proceedings against the exploitation of children through the purchase of sexual acts (*Straffrättsliga åtgärder mot utnyttjande av barn genom köp av sexuell handling, prop. 2018/19:157*), Government Bill, 11 July 2019, [available here](#)

on the fact that the use of the internet has increased the opportunities for adults to contact children for sexual purposes<sup>206</sup>. Furthermore, the internet is a growing arena for prostitution contacts, especially in the relation to young persons<sup>207</sup>.

The Government bill was accepted by the Swedish parliament on 14 November 2019<sup>208</sup>.

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<sup>206</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Criminal proceedings against the exploitation of children through the purchase of sexual acts (*Straffrättsliga åtgärder mot utnyttjande av barn genom köp av sexuell handling, prop. 2018/19:157*), Government Bill, 11 July 2019, [available here](#)

<sup>207</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Criminal proceedings against the exploitation of children through the purchase of sexual acts (*Straffrättsliga åtgärder mot utnyttjande av barn genom köp av sexuell handling, prop. 2018/19:157*), Government Bill, 11 July 2019, [available here](#)

<sup>208</sup> Sweden, Swedish Parliament (*Sveriges Riksdag*), Committee of Justice (*Justitieutskottet*), Criminal law measures against the exploitation of children through the purchase of sexual acts (*Straffrättsliga åtgärder mot utnyttjande av barn genom köp av sexuell handling*), 2019/20:JuU7 [available here](#)

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

No specific legislative measures have been taken on a national level to further adopt the Victims' Rights Directive, during 2019.

Generally speaking, there is a great number of activities related to awareness-raising (preamble 62 of the Directive) and increased knowledge (article 25). For example, an awareness-raising campaign directed to young people about the new sexual offense legislation was launched in 2019. It was developed by the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) as part of a government assignment.<sup>209</sup>

The Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) co-operates with County Administrative Board of Östergötland (*Länsstyrelsen Östergötland*) and the Ministry for Foreign Affairs (*Utrikesdepartementet*) with the campaign Missing (*Saknad*).<sup>210</sup> The campaign is directed towards professionals working with honour-related violence and suppression.

There are also ongoing activities and new measures taken by actors working with law enforcement for example, a new method book has been developed by the police authority focusing on investigating violence in close relationships<sup>211</sup>. The Prosecution Authority is also revising some of its handbooks<sup>212</sup>. The National Council for Crime Prevention (*Brottsofferförebyggande rådet*) has presented a report on how the justice system deals with sexual offense legislation.<sup>213</sup>

During 2019, Sweden participated in the work carried out by European Network Victims (ENVR) to collect comparative data on compensation schemes of the member states. The Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) also participated in an expert panel for the study on the 2004 Compensation Directive<sup>214</sup>, and has also been involved in the

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<sup>209</sup> Sweden, Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*), Free will only (*Frivilligt*), web information/education, [available here](#)

<sup>210</sup> Sweden, County Administrative Board of Östergötland (*Länsstyrelsen Östergötland*), Duties and possibilities when a pupil is missing (*Skyldigheter och möjligheter när en elev saknas*), web-based information campaign [available here](#)

<sup>211</sup> The method book is not public. Information on its existence required from the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) via e-mail 20 September 2019.

<sup>212</sup> Information required from the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) via e-mail 20 September 2019.

<sup>213</sup> Sweden, National Council for Crime Prevention (*Brottsofferförebyggande rådet*) (2019) Rape from report to verdict – A study of the judicial system's work with rape cases (*Våldtäkt från anmälan till dom- En studie av rättsväsendets arbete med våldtäktsärenden*), [available here](#)

<sup>214</sup> In conjunction with a special advisor to the former president of European Commission on Compensation to victims of crime, with a specific regard to victims of terrorism Strengthening victims' rights: from compensation to reparation.

forthcoming report from Victim Support Europe on a Policy paper on compensation (articles 9,16, 26 of the directive).<sup>215</sup>

In May 2019, a new website was introduced by the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) directed to journalists, politicians, writers, artists, researchers and influencers.<sup>216</sup> The website was developed on commission from the government, which tasked the authority with developing a training and information material supporting individuals subjected to hate in public debates and also improving professionals preparedness to support such victims. In October 2019, the authority will present new material about support to participants subjected to hate and intimidation. This assignment was part of the framework of the government's action plan for free speech launched in 2017<sup>217</sup>.

The Victim Support Sweden (*Brottsofferjouren*) has been granted government funding and funding from the Swedish Agency for Youth and Civil Society Issues (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) for the project Unafraid democracy (*Orädd demokrati*). The project is a co-operation between the Swedish police authority and Victim Support Sweden aimed at increasing the inclination to report hate crime.<sup>218</sup>

In 2018, the government assigned Barnafriid, the National Centre for Knowledge on Violence against Children at Linköping University with the task to evaluate Children's houses (*Barnahus*)<sup>219</sup> in Sweden. The background is that all Barnahus must fulfil some national criteria established in 2009. The evaluation report was published in March 2019. The evaluation showed clear regional differences which indicate that the right to support and care may not be equal for all children in Sweden. Furthermore, the national criteria were considered to be obscure and professionals like forensic specialists, child paediatricians and child psychiatric expertise were not always available in all Barnahus.<sup>220</sup> (articles 18, 20, 24, 25 of the Directive)

The public inquiry appointed by the government to look into the issue of a possible criminalising of the act of allowing children to witness violence committed by and against

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<sup>215</sup> Information required from the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) via e-mail 20 September 2019.

<sup>216</sup> Sweden, Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*), Do not fall silent (*Tystna inte*), website [available here](#)

<sup>217</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) Action plan against hate and threats against journalists, elected representatives and artists (Handlingsplan mot hat och hot mot journalister, förtroendevalda och konstnärer), 2017. [available here](#)

<sup>218</sup> Sweden, Swedish Agency for Youth and Civil Society Issues (*Myndigheten för ungdoms- och civilsamhällesfrågor, MUCF*) Six million SEK in funding to decrease threats and hatred in the public discourse (*Sex miljoner i bidrag att minska hot och hat i det offentliga samtalet*) press release [available here](#)

<sup>219</sup> Children's houses are safe and child-friendly environments where children who are suspected of to be victims of crimes Can be at the centre of the investigation process. The purpose is that the child shall be able to tell his/her story in one place and not be transferred between different authorities having to repeat the story to many different persons.

<sup>220</sup> Sweden, National Centre for Knowledge on Violence against Children (*Barnafriid*), Linköping University (2019) Final report – evaluation of children's houses 2019 (*Slutrapport – utvärdering av barnahus 2019*) [available here](#)



persons close to them presented its final report in June 2019.<sup>221</sup> The final report proposes that a new penal provision on violation of a child's integrity shall be introduced in Chapter 4 of the Penal Code (*Brottsbalk [1962:700]*)<sup>222</sup>. The new provision entails a special criminal responsibility for a person who commits a criminal act against a person close to them when the act is witnessed by a child, if the act is liable to harm the security or trust felt by the child in relation to either of these persons.<sup>223</sup> The report has been sent to relevant actors for comments. The deadline for comments was on 19 September 2019.

## 2. Violence against women

On 18 July 2019, the government appointed a special inquirer tasked with investigating the need for specific penalty regulations for honor related crimes and oppression, and if need be, suggest other more efficient ways of handling such crimes within criminal law.<sup>224</sup>

On 19 July 2019, the Government appointed a special inquirer, who will review the minimum penalty for violation of integrity offences (*fridskränkingsbrott*) and also review the legislation regarding restraining orders. The final report shall be presented to the government on 30 September 2020.<sup>225</sup> The inquiry shall also consider if any measures needs to be taken in relation to Sweden's commitment to the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence).

The National Centre for men's violence towards women (*Nationellt center för kvinnofrid, NCK*) has developed a web-based course, primarily aimed at persons working in the social services. However, it may also be used by professionals in healthcare, professional care, schools, the judiciary and by the general public. It is free of charge.<sup>226</sup> The centre is also involved in the development of a university course on advanced level about men's violence against women. The National Board for Health and Welfare (*Socialstyrelsen*) has developed new sections on violence in close relations in its webguide (*Kunskapsguiden*).<sup>227</sup> The sections are parts of the National Board of Health and Welfare's (*Socialstyrelsen*) assignment to coordinate a special

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<sup>221</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Criminal law protection of children, who have witnessed crimes between persons close to them and against urging or otherwise influencing children to commit suicide (*Straffrättsligt skydd för barn som bevittnar brott mellan närstående samt mot uppmning och annan psykisk påverkan att begå självmord, SOU 2019:32*), Public Inquiry Report, 12 June 2019, [available here](#)

<sup>222</sup> Sweden, Penal Code (*Brottsbalk [1962:700]*). 21 December 1962, [available here](#)

<sup>223</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Criminal law protection of children, who have witnessed crimes between persons close to them and against urging or otherwise influencing children to commit suicide (*Straffrättsligt skydd för barn som bevittnar brott mellan närstående samt mot uppmning och annan psykisk påverkan att begå självmord, SOU 2019:32*), Public Inquiry Report, 12 June 2019, [available here](#)

<sup>224</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) Criminal liability for honour related violence and oppression (*Straffansvar för hedersrelaterat våld och förtryck, Dir. 2019:43*), committee directive, 18 July 2019, [available here](#)

<sup>225</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) A strengthened protection against men's violence against women (*Ett förstärkt skydd mot mäns våld mot kvinnor*), Press release, 19 July 2019, [available here](#)

<sup>226</sup> Sweden, National Centre for men's violence towards women (*Nationellt center för kvinnofrid, NCK*) Web course about violence (*Webbkurs om våld*), web-based education [available here](#)

<sup>227</sup> Sweden, National Board for Health and Welfare (*Socialstyrelsen*) Violence in close relationships (*Våld i nära relationer*), web-based information [available here](#)

initiative providing training to the social services and similar operations focusing on men's violence against women and violence in close relationships.<sup>228</sup> Within the same framework, the Swedish Equality Authority (*Jämställdhetsmyndigheten*) has been responsible for producing a number of information films.<sup>229</sup> The films are based on five non-industry-related #metoo protests. The groups behind these metoo protests, i.e. older women, women in prostitution and human trafficking, women with substance abuse problems and women with disabilities all focus on the lack of correct treatment and support from the authorities. The film premiered on 11 June 2019 and were inaugurated by the Minister of Gender Equality followed by panel discussions between spokespersons from the different protest groups.

The National Council for Crime Prevention (*Brottsförebyggande rådet*) has studied the practical implementation of the criminal offence gross violation of a woman's integrity (*grov kvinnofridskränkning*).<sup>230</sup> The offence was included in the Criminal Code (*Brottsbalk [1962:700]*)<sup>231</sup> in 1998. The term refers to a specific domestic violence offence and aims to capture the continuum of psychological, physical and sexual violence which women face at the hands of men who have been or still are their spouse or live-in intimate partner. The study shows that during the last ten years the number of reported crimes and solved crimes have decreased substantially. The authority presents a number of plausible explanations for this situation. For example, the police register offenses in subcategories rather than as the main offense to a larger extent than before. The decline in the number of solved cases is explained as a part of a general decline of the solution rate of crimes against individuals. The report concludes that the criminal justice system has become better in managing violence in close relations but there remains difficulties in addressing this kind of violence in a holistic way.

In connection to the Christmas holidays, the ministry of Foreign Affairs (*Utrikesdepartementet*) and the National Agency for Education (*Skolverket*) are launching a joint advert campaign against honour-related violence.<sup>232</sup> The campaign will be visible in the public transport systems in Stockholm, Gothenburg and Malmö as well as in social media and is directed to youths, who run the risk of being detained abroad against their will. The background for this campaign is the fact that the Ministry for Foreign Affairs increasingly is contacted by young persons, who are detained abroad against their will. The cases may include different kinds of force, for

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<sup>228</sup> Sweden, National Board for Health and Welfare (*Socialstyrelsen*) Violence in close relationships (Våld i nära relationer), web-based information [available here](#)

<sup>229</sup> Sweden, Swedish Gender Equality Authority (*Jämställdhetsmyndigheten*) First showing #metoo films (*Premiärvisning #metoo-filmer*), public webpage [available here](#)

<sup>230</sup> Sweden, National Council for Crime Prevention (*Brottsförebyggande rådet*) Gross violation of a woman's integrity – the management of the crime and the development in the legal chain 1998–2017 (*Grov kvinnofridskränkning – Brottets hantering och utveckling i rättskedjan 1998–2017*), [available here](#)

<sup>231</sup> Sweden, Criminal Code (*Brottsbalk [1962:700]*), 21 December 1962, [available here](#)

<sup>232</sup> Sweden, Ministry for Foreign Affairs (*Utrikesdepartementet*) (2019) The Ministry for Foreign Affairs and the National Agency for Education launch campaign against honour related violence, (*UD och Skolverket lanserar kampanj mot hedersförtryck*) press release, 27 November 2019, [available here](#)

example forced marriages or so called 'travels of discipline' (uppfostringsresor)<sup>233</sup>. The Ministry of Foreign Affairs has noted that the number of cases increase around the school holidays. The aim of the campaign is to provide youths with information on where they can turn for advice and assistance if they run the risk of being forced into a marriage against their will<sup>234</sup>.

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<sup>233</sup>Sweden, Ministry for Foreign Affairs (*Utrikesdepartementet*) (2019) The Ministry for Foreign Affairs and the National Agency for Education launch campaign against honour related violence, (*UD och Skolverket lanserar kampanj mot hedersförtryck*) press release, 27 November 2019, [available here](#)

<sup>234</sup>Sweden, Ministry for Foreign Affairs (*Utrikesdepartementet*) (2019) The Ministry for Foreign Affairs and the National Agency for Education launch campaign against honour related violence, (*UD och Skolverket lanserar kampanj mot hedersförtryck*) press release, 27 November 2019, [available here](#)

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

In July 2019, the Government appointed a special public inquirer to review the rules and regulations for legal guardians and administrators.<sup>235</sup> The inquirer will propose how to increase the supervision in this area, strengthen the individual's position and protection and also create conditions that enable competent persons to assume role of legal guardian. The inquirer will among things consider the possibilities to establish a national registry of legal guardians. She will also propose how to make it easier for individuals, who have legal guardians to submit complaints on the conduct and professionalism of their guardians. The inquirer shall consider ongoing work at EU level, especially in relation to the common European asylum system. The assignment must be reported to the Ministry of Justice (*Justitiedepartementet*) by 24 February 2021.

A public inquiry<sup>236</sup>, called "the LSS-inquiry" (*LSS-utredningen*) tasked with reviewing the personal assistance compensation (*assistansersättning*) for certain persons with disabilities, which they are entitled to in accordance with the Social Insurance Code (*Socialförsäkringsbalk [2010:110]*)<sup>237</sup>. The inquiry also reviewed the Act concerning support and service for persons with certain functional impairments (*Lag [1993:387] om stöd och service till vissa funktionshindrade, LSS*)<sup>238</sup>. The public inquiry presented its final report to the government in January 2019.<sup>239</sup> The report proposes a number of legislative changes, and also a new name of the Act on support and services for certain persons with disabilities (*Lag om stöd och service till vissa personer med funktionsnedsättning*), instead of the current Act concerning Support and Service for Persons with Certain Functional Impairments (*Lag [1993:387] om stöd och service till vissa funktionshindrade*). The report also proposes that the state assumes full responsibility for the personal assistance. Today, the responsibility and costs for this type of assistance are divided between the state and the municipalities. On this topic, the special public inquirer commented "A shared responsibility runs the risk of not being anyone's responsibility"<sup>240</sup>. Furthermore, the

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<sup>235</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2019) Guardianship to trust – a review of the rules concerning legal guardians and deputies (*Ställföreträdarskap att lita på – en översyn av reglerna om gode män och förvaltare Dir. 2019:44*), Committee Directive, 18 July 2019, [available here](#)

<sup>236</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2016) Review of the support according to LSS and the assistance allowance, directive for an inquiry (*Översyn av insatser enligt LSS och assistansersättningen, Dir. 2016:40*), Committee Directive, 26 May 2016, [available here](#)

<sup>237</sup> Sweden, Social Insurance Code (*Socialförsäkringsbalk [2010:110]*) 4 March 2010, [available here](#)

<sup>238</sup> Sweden, Act on support and services for certain persons with disabilities (*Lag [1993:387] om stöd och service till vissa funktionshindrade, LSS*), 27 May 1993, [available here](#)

<sup>239</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Review of the support according to LSS and the assistance allowance (*Översyn av insatser enligt LSS och assistansersättningen, SOU 2018:88*), Public Inquiry, 10 January 2019, [available here](#)

<sup>240</sup> Sweden, Swedish National Television (*Sveriges Television*) (2019) The LSS-inquiry: The state shall take the full responsibility for personal assistance, (*LSS-utredningen: Staten ska få hela ansvaret för personlig assistans*), retrieved 3 September 2019. The sentence in Swedish is: "Ett delat ansvar riskerar att bli ingens ansvar." [available here](#)

inquiry proposes three new kinds of support services for persons with disabilities. These support services are supposed to be: 1) personal service and assisted living for persons, who live in other kinds of accommodations than group or service accommodations; 2) educational and pedagogic support aimed at persons with severe and lasting physiological disabilities; and 3) personal support to children, which aims at offering children with disabilities and their families more adequate measures than the current ones. The introduction of the third support service leads to the exclusion children under the age of 16 from the right to personal assistance. Instead the children and their caregivers is supposed to turn to the municipality, which will provide the new kind of service – personal support to children. The inquiry suggests that legislative changes shall enter into force on 1 January 2022. The inquiry has been heavily criticised by disability rights groups, as well as politicians.<sup>241</sup> The critic is mainly focused around cutting children’s right to personal assistance and making it a municipal concern. This, critics say, runs the risk that every of the 290 municipalities will make their own interpretation of the responsibility towards children with disabilities, and their families, and the system risks to be very unequal, depending on which municipality you live in. At the time of writing, the inquiry has not been referred for consultation. Instead, the issue on personal assistance was added to the new government’s list of policy areas for the coming mandate period, agreed upon by the governing parties and the Liberals and the Center Party.<sup>242</sup> In this agreement the goal of this policy area is stated as “everyone who has a right to support shall get it”.<sup>243</sup>

Another public inquiry focusing on the governing and monitoring of the disability politics/policy presented its final report to the government in May 2019.<sup>244</sup> The inquiry’s aim was to review the managing and monitoring of the government’s disability policy, which was decided in 2017. The inquiry report identifies seven especially important areas for the rights of persons with disabilities and suggests that each of these policy area shall be linked to a specific authority, which also will have the coordinating responsibility for the area in relation to the general public. The areas defined in the inquiry report were;

- work and provision;
- education and lifelong learning;
- transport;
- culture;
- health services and medical care;
- social welfare and security;
- accommodation, the built environment and community planning.

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<sup>241</sup> Sweden, *Fokus* (2019) The LSS inquiry is severely criticised (*LSS-utredningen kritiseras hårt*), [available here](#)

<sup>242</sup> Sweden, Sector political agreement between the Swedish Social Democrat Party, the Center Party, the Liberals and the Swedish Green Party, number 64 (*Sakpolitisk överenskommelse mellan Socialdemokraterna, Centerpartiet, Liberalerna och Miljöpartiet de gröna*) (2019) [available here](#)

<sup>243</sup> The sentence in Swedish is: “Alla som har rätt till stöd ska få det”

<sup>244</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Administrative efficiency in disability politics (*Styrkraft i funktionshinderspolitiken SOU 2019:23*) Public Inquiry, 8 May 2019, [available here](#)

It is suggested that the Swedish Agency for Participation (*Myndigheten för Delaktighet*) assumes the overall responsibility for follow-up/monitoring and analysis. In addition, the inquiry report suggests that universal design shall be guiding principle, that the knowledge of the living conditions of persons with disabilities shall increase, and also that a national coordinator of disability politics shall be appointed.

In the spring budget, which was presented in April 2019, the government added 150 million SEK (€13,912,600) to the appropriation for state-funded personal assistance. With this addition, the total funding for this appropriation is 24,986,588 SEK (€2,311,100).<sup>245</sup> The appropriation is used to cover state-funded assistance for persons with disabilities in accordance with the Social Insurance Code (*Socialförsäkringsbalk [2010:110]*),<sup>246</sup> and the Act on the introduction of the Social Insurance Code (*Lag [2010:111] om införande av socialförsäkringsbalken*).<sup>247</sup> The Swedish parliament stated that the government should come back to the parliament with a legislative proposal, which guarantees that breathing and nasogastric intubation are included in the “basic needs” which a person can get personal assistance for in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments (*Lag [1993:387] om stöd och service till vissa funktionshindrade*)<sup>248</sup>. The government replied by presenting a memorandum<sup>249</sup> on the need for personal assistance in relation to breathing and nasogastric intubation, thus suggesting that breathing and nasogastric intubation shall be added to the list of basic needs that a disabled person can get assistance for, as defined in the Act concerning Support and Service for Persons with Certain Functional Impairments.

However, in June 2019, the government presented a bill to the parliament where only breathing is proposed to be included in the list of basic needs which gives a person right to personal assistance in accordance with the Act concerning support and service for persons with certain functional impairments.<sup>250</sup> In the bill, the government refers to a Supreme Court ruling, which establishes that nasogastric intubation is considered to already be included in the basic need “meals”, thus, making it unnecessary to add nasogastric intubation to the list of basic needs.<sup>251</sup>

In February 2019, the government announced raised ceilings for wage subsidiaries and sheltered work with public employers. The decision means that the ceiling of the chargeable wage cost is

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<sup>245</sup> Sweden, Spring budget 2019 (*Vårändringsbudget 2019 2018/19:99*), Government Bill, 5 April 2019, [available here](#)

<sup>246</sup> Sweden, Social Insurance Code (*Socialförsäkringsbalk [2010:110]*), chapter 51, section D, 1 July 2019, [available here](#)

<sup>247</sup> Sweden, Act on Introduction of the Social Insurance Code (*Lag [2010:111] om införande av socialförsäkringsbalken*), 1 January 2019, [available here](#)

<sup>248</sup> Sweden, Act concerning Support and Service for Persons with Certain Functional Impairments (*Lag [1993:387] om stöd och service till vissa funktionshindrade*), 15 March 2019, [available here](#)

<sup>249</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Need of assistance with breathing and nasogastric intubation (*Behov av hjälp med andning och sondmatning*), Memorandum, 21 February 2019, [available here](#)

<sup>250</sup> Sweden, Act concerning Support and Service for Persons with Certain Functional Impairments (*Lag [1993:387] om stöd och service till vissa funktionshindrade*), 15 March 2019, [available here](#)

<sup>251</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Personal assistance for breathing aid (*Personlig assistans för hjälp med andning, Prop. 2018/19:145*), Government Bill, 27 June 2019, [available here](#)



raised from 18,300 SEK (€1,701) to 19,100 SEK (€1,775) from 1 April 2019. Consequently, employers will receive a higher compensation if they hire a person with reduced work ability, which is supposed to improve the employers' conditions for hiring persons with disabilities.<sup>252</sup>

On 21 March 2019, the government decided on several assignments to increase support for children and adults with disabilities.<sup>253</sup>

The Swedish Agency for Participation (*Myndigheten för delaktighet*) was tasked with surveying the accessibility to assistive devices for leisure activities and suggest how a more active free time for persons with disabilities can be encouraged at local and regional level. The agency can use at the most 2,000,000 SEK (€185,101) and shall submit its report by 31 March 2020.<sup>254</sup>

The National Board for Health and Welfare (*Socialstyrelsen*) was tasked with collecting and disseminating good examples of agreements between school principals and caregivers, since this is an area where the responsibility question is not clear. The responsibility of the provision of support is shared between the municipalities and regions and the state. The National Board for Health and Welfare can use at the most 900,000 SEK (€83,295) during 2019 and shall submit its final report by 30 June 2020.<sup>255</sup>

Furthermore, the National Board for Health and Welfare was tasked with collecting and publishing data and statistics on the area of assistive devices (*hjälpmedel*) and the accessibility such devices with the aim to follow up the different kinds of aid that are prescribed, and the costs entailed. There is little or no national data on the area of assistive devices, making it difficult to monitor the development nationally. The National Board of Health and Welfare can use at the most 1,500,000 SEK (€138,826) in 2019. The final report shall be submitted by 1 February 2021, and a progress report shall be submitted by 3 February 2020.

The Swedish Agency for Health and Care Services Analysis (*Myndigheten för vård och omsorgsanalys*) received a Government assignment to review the prescriptions of non-medical devices for habilitation and rehabilitation. The aim is to find out how common it is to prescribe non-medical devices, why this vary on a national basis, and what the effects of this variation might have on the health authorities (*sjukvårdshuvudmän*). The Agency for Health and Care

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<sup>252</sup>Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2019) Wage subsidiaries for persons with disabilities are raised (*Lönebidrag för personer med funktionsnedsättning höjs*), Press release, 21 February 2019, [available here](#)

<sup>253</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019), Several government assignments for increased support to children with disabilities (*Flera regeringsuppdrag för ökat stöd till barn med funktionsnedsättning*), Press release, 21 March 2019, [available here](#)

<sup>254</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Assignment on accessibility to aid for leisure activities and active free time for persons with disabilities (*Uppdrag om tillgänglighet till hjälpmedel för fritidsaktiviteter och aktiv fritid för personer med funktionsnedsättning S2019/01379/FST* ), Government Assignment, 25 March 2019, [available here](#)

<sup>255</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Assignment on coordination between principals concerning aids for children with disabilities (*Uppdrag om samordning avseende hjälpmedel för barn med funktionsnedsättning S2019/01377/FST* ), Government assignment, 25 March 2019, [available here](#)



Services Analysis can use at the most 1,500,000 SEK (€138,826) during 2019. The final report shall be submitted by 14 May 2020.<sup>256</sup>

In May 2019, the government tasked Statistics Sweden (*Statistiska Centralbyrån, SCB*) with the development and presentation of statistics on the living conditions for persons with disabilities.<sup>257</sup> Furthermore, the authority shall make an overview of the definitions of the term *funktionsnedsättning* (disability), and present a definition that can be used as a basis for national statistics and surveys. Statistics Sweden shall also map and analyse the authority's assessment of further areas that must be developed when it comes to statistics on persons with disabilities. In addition, the authority shall propose how the work to systematically report, develop and improve statistics within this area shall be organised and prioritised. In its work Statistics Sweden shall have dialogues with the Swedish Agency for Participation, the disability movement and other relevant actors e.g. the Public Health Agency of Sweden (*Folkhälsomyndigheten*). Statistics Sweden can use up to 700,000 SEK (€64,925) during 2019.

The assignment shall be reported to the government by 28 February 2020 and by 28 February 2021.

In June 2019, the Swedish Agency for Participation (*Myndigheten för delaktighet*) launched the digital tool Focus Participation (*Fokus delaktighet*) to support the national authorities in their work to make their work accessible for persons with disabilities and enable them to prioritise and develop their accessibility work in a practical manner.<sup>258</sup>

An special inquirer (*utredare*) was appointed by the Government in July 2018 to make a review of the profession personal assistant (*personlig assistent*<sup>259</sup>). The aim is to investigate the conditions of personal assistants employed by municipalities, private companies, in user cooperatives or who are assistants employed directly by the person in need of the assistance. The inquirer shall highlight the personal assistants' opportunities to introduction, information and further training and, if necessary, propose measures to improve the situation. In its press release, the Government stressed that the inquiry is important both for the assistants and for the persons in need of assistance.<sup>260</sup> The work is on-going and the final report shall be submitted by 20 January 2020.

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<sup>256</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Several government assignments for increased support to children with disabilities (*Flera regeringsuppdrag för ökat stöd till barn med funktionsnedsättning*), Press release, 21 March 2019, [available here](#)

<sup>257</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2019) Assignment regarding statistics on living conditions for persons with disabilities (*Uppdrag avseende statistik om levnadsförhållanden för personer med funktionsnedsättning S2019/02245/FST*) Government assignment, 5 May 2019, [available here](#)

<sup>258</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2019) New tool shall make authorities accessible (*Nytt verktyg ska göra myndigheter tillgängliga*), Press release, 3 June 2019, [available at](#)

<sup>259</sup> A personal assistant is a person works with assisting a person with disabilities, who is in need of support in the daily life. The assistance is granted as a social benefit either by the state or by the municipality.

<sup>260</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2018) The employment situation for personal assistants are being reviewed, (*Arbetssituationen för personliga assistenter ska utredas, Dir. 2018:35*), Press release, 28 July 2018, [available here](#)

The County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) received an assignment from the government to support the municipalities and regions in their work within the area of disability. The authority shall also organise a platform for municipal and regional measures/actions within the area of disabilities. Municipalities and regions can receive funding to strengthen their work with increasing accessibility and participation for persons with disabilities. The County Administrative Board of Stockholm will arrange lectures and training opportunities to increase knowledge on CRPD and the national disability policy.<sup>261</sup>

On the 22 October 2019, the government submitted Sweden's combined second and third report to the UN Committee on the Rights of Persons with Disabilities<sup>262</sup>. In 2020, the disability movement will publish their views on how Sweden fulfils the rights of CRDP in a so-called alternative report.<sup>263</sup>

The Swedish National Association for People with Intellectual Disability, (*För barn, unga och vuxna med utvecklingsstörning, FUB*) has presented a report that shows that the economic situation for persons with intellectual disabilities is more problematic than for any other groups. The reasons are among others the high taxes on activity and/or sickness allowances and the very high rents of flats in group homes (assisted living).<sup>264</sup>

The Swedish Agency for Participation (*Myndigheten för Delaktighet*) and the Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) published a report on gender aspects on the economy of persons with disabilities.<sup>265</sup> The report shows that the situation for women with disabilities are worse than the situation for men with disabilities, both when it comes to participation on the labour market and in relation to working conditions. This in turn leads to a situation where women with disabilities have lower incomes and fewer possibilities to be independent. Since women with disabilities generally have lower incomes, there are also shortcomings in the educational system that delays and limits the establishment on the labour market for young women with disabilities. There are also other decisive differences between women with disabilities and comparable groups when it comes to participation on the labour market, especially when it comes to women who have a limited ability to work. These women commonly experience long-term unemployment, and fewer transition from this stage to employment. There are also big differences between women and men with disabilities in relation

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<sup>261</sup> Sweden, County Administrative Board Stockholm (*Länsstyrelsen Stockholm*) Disabilities (*Funktionshinder*), [available here](#)

<sup>262</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) CRPD – submission of the combined second and third report of Sweden (*Sveriges sammanslagna andra och tredje rapport till FNs kommitté för konventionen om rättigheter för personer med funktionsnedsättning*), 22 October 2019, [available here](#)

<sup>263</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) (2018) UN asks questions to the Swedish Government on UN-convention (*FN ställer frågor till Sveriges regering om FN-konvention*), 17 October 2018, [available here](#)

<sup>264</sup> Sweden, Swedish National Association for People with Intellectual Disability (*För barn, unga och vuxna med utvecklingsstörning, FUB*) (2019) Caught in Poverty – Income and expenditure for adult persons with intellectual disabilities (*Fångad i fattigdom – inkomst och utgifter för vuxna personer med intellektuell funktionsnedsättning*), [available here](#)

<sup>265</sup> Sweden, Swedish Agency for Participation (*Myndigheten för Delaktighet*) and Swedish Gender Equality Agency (*Jämställdhetsmyndigheten*) (2019) Economic equality for women with disabilities (*Ekonomisk jämställdhet för kvinnor med funktionsnedsättning*), [available here](#)

to work, among persons with disabilities, who work there are significantly fewer women than men who work full time. 40 percent of the group women with disabilities and with limited ability to work report that they experience different forms of discrimination at work because of their disabilities. The report presented three important areas for change; 1) political measures for the modern labour market that can meet the individual's different conditions and needs; 2) measures to strengthen the knowledge on what the target group considers to be obstacles for equal treatment, and how to work against discrimination in the labour market; and 3) systematic work with gender equality and a disability perspective among the concerned actors.

The NGO submission in relation to Sweden's third universal periodic review states that there is an evident lack of human rights-based approaches to disability issues – both in the government and in national, regional and local authorities. Furthermore, the submission states that persons with disabilities experience systematic discrimination in their daily life, when it comes to accessibility, denial of the rights to assistance and on the labour market.<sup>266</sup>

The number of persons, who have state-funded personal assistance continues to decrease. According to the Swedish Social Insurance Agency (*Försäkringskassan*),<sup>267</sup> the number is down to the same numbers as in 2006, 14,500 persons were granted state-funded personal assistance in 2018, compared to 16,200 in 2014. The authority's report also shows that the funds granted for adjusting cars to work for persons with disabilities, have decreased substantially, from 354,000,000 SEK (€ 2,408,000) in 2013, to 94,000,000 SEK (€8,830,000) in 2018. According to the Swedish National Association for People with Intellectual Disability (*För barn, unga och vuxna med utvecklingsstörning, FUB*) the reason for these cutbacks is to be found in the government's appropriation direction (*regleringsbrev*) to the Swedish Social Insurance Agency in 2016.<sup>268</sup> The contrast between article 19 in the CRPD on the right to a independent life and this on-going decreases of funding is stark, something which is stressed by among other the civil society organisation Equally Unique (*Lika Unika*).<sup>269</sup> Furthermore, the right to independence for persons with disabilities is not a part of the Swedish debate on personal assistance. According to Equally Unique, the decisions on decreased funding are always presented exclusively from a healthcare perspective.

The Budget Bill<sup>270</sup> for 2020 declares that everyone shall have equal opportunities to work and live a good life regardless of functionality. Therefore, the government aims to present a government bill, which proposes that all elements of breathing and nasogastric intubation

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<sup>266</sup> Sweden, Swedish Disability Rights Federation (*Funktionsrätt Sverige*) (2019) Joint NGO-submission UPR Sweden 2020, [available here](#)

<sup>267</sup> Sweden, Swedish Social Insurance Agency (*Försäkringskassan*) (2019) The social insurance in numbers 2019 (*Socialförsäkringen i siffror 2019*), 17 June 2019, [available here](#)

<sup>268</sup> Sweden, Swedish National Association for People with Intellectual Disability (*För barn, unga och vuxna med utvecklingsstörning, FUB*) Funding for car support and personal assistance continue to fall (*Bilstöd och personlig assistans fortsätter att rasa*), 25 June 2019, [available here](#)

<sup>269</sup> Sweden, Equally Unique –Swedish Federation Human Rights for Persons with Disabilities (*Lika Unika – Federationen mänskliga rättigheter för personer med funktionsnedsättning*), Information required via e-mail correspondence, 6 September 2019

<sup>270</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2019) Budget Bill for 2020 (*Budgetproposition för 2020 Prop. 2019/20:1*), Government Bill, 18 September 2019, [available here](#)

support shall give a person right to personal assistance. The future bill will also propose an increase in the funding available for state assistance allowances. Furthermore, the Budget Bill declares that the government wants to improve the adjustment of cars to persons with disabilities, to increase the suitability of the service. However, the bill does not mention anything about increased funding in this area.<sup>271</sup>

## 2. CRPD monitoring at national level

There is no structure in place for the monitoring of the CRPD in Sweden. The public inquirer, who reviewed the circumstances for establishing a national human rights institution in Sweden<sup>272</sup> also proposed that the monitoring function (article 33(2) of the Convention) shall be placed at the new institution. If the proposal is accepted by the government and the parliament the institution will be running by 1 January 2021.

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
SE	Ministry of Social Affairs and Health ( <i>Socialdepartementet</i> )	High-Level Interministerial Working Group led by the Division for social care of the Ministry of Health and Social Affairs ( <i>Socialdepartementet</i> )	Not established/designated

<sup>271</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2019) Budget Bill for 2020 (*Budgetproposition för 2020 Prop. 2019/20:1*), Government Bill, 18 September 2019, [available here](#)

<sup>272</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Proposal for a national institution for human rights in Sweden (*Förslag till en nationell institution för mänskliga rättigheter i Sverige Ds 2019:4*), Government Bill, 22 February 2019, [available here](#)

## Annex 1 – Promising Practices

<b>EQUALITY AND NON-DISCRIMINATION</b>	
Thematic area	Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
Title (original language)	Fokus delaktighet
Title (EN)	Focus Participation
Organisation (original language)	Myndigheten för delaktighet, MFD
Organisation (EN)	Swedish Agency for Participation
Government / Civil society	Government
Funding body	Swedish Agency for Participation (Myndigheten för delaktighet)
Reference (incl. url, where available)	Sweden, Swedish Agency for Participation ( <i>Myndigheten för delaktighet</i> ), Focus Participation – a tool for accessible authorities ( <i>Fokus delaktighet – Ett verktyg för en tillgänglig myndighet</i> ), Press release, 3 June 2019, <a href="#">available here</a> URL to the online tool: <a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The tool was launched on 3 June 2019 without any end date.
Type of initiative	Online tool for authorities to enable their work to become more accessible
Main target group	National authorities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Focus Participation (Fokus delaktighet) is a digital tool aimed to support authorities in their efforts to improve their accessibility for persons with disabilities. In order to be able to ensure participation and equality for all it is essential that the national authorities are also accessible for all. The tool starts with a web-based questionnaire with 23 questions concerning three different areas; 1) operations and activities ( <i>verksamhet</i> ), 2) information and communication ( <i>information och kommunikation</i> ) and 3) premises ( <i>lokaler</i> ). The questions are based on the stipulations of the Ordinance on National Authorities' Responsibility for the Implementation of the Disability Policy ( <i>Förordningen (2001:526) om de statliga myndigheternas ansvar för genomförande av funktionshinderpolitiken</i> ) <sup>273</sup> . After an authority has answered the questions in the questionnaire, the tool will evaluate how accessible the authority when it comes to its operations and activities, information and communication and its premises. The authority is given a score of percentages of accessibility

<sup>273</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*), Regulation (2001:526) about state agencies responsibility to implement the disability policy, (*Förordningen (2001:526) om de statliga myndigheternas ansvar för genomförande av funktionshinderpolitiken*), 14 Juni 2001, [available here](#)

	<p>followed with an explanatory text with comments and suggestions focusing on what the authority in question can do to improve its accessibility further.</p> <p>The tool has two main purposes:</p> <ol style="list-style-type: none"> <li>1) to illuminate the national authorities' own work for increased accessibility and to improve their understanding on what they can do better and how;</li> <li>2) to collect data on the accessibility of the national authorities to the Swedish Agency for Participation. The authority has the government's mandate to monitor and follow up all national authorities' work with accessibility and the tool enables direct data collection to the Agency for Participation. Through the tool the Swedish Agency for Participation will get yearly updated overviews of the accessibility of all national authorities.</li> </ol>
Highlight any element of the actions that is transferable (max. 500 chars)	A web-based questionnaire buildin on national legislation on accessibility is an easy way to highlight every actor's responsibility to work for participation and equality.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The tool is not an one off activity, since the purpose of the tool is to use it yearly from now on. The usage of the tool may have a real impact on the accessibility of national authorities since they will have to look over their own accessibility each year and then take actions according to their score i.e. their level of accessibility.
Give reasons why you consider the practice as having concrete measurable impact	Since the tool is going to be used for monitoring and gathering data on the accessibility of all Swedish national authorities, it will probably be able to measure its impact on a regular basis.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	This idea can easily be transferable to other countries' national authorities, but also to other actors such as hospitals, schools, libraries etc.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Since the tool is going to be used for monitoring and gathering data on the accessibility of all Swedish national authorities, it will probably be able to measure its impact on a regular basis.

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Radikalisering och demokrati: att lära av Utøya.
Title (EN)	Radicalisation and democracy: to learn from Utøya
Organisation (original language)	Teskedsorden – en röst för mångfald
Organisation (EN)	The Order of the Teaspoon
Government / Civil society	Civil society
Funding body	Swedish Agency for Youth and Civil Society Issues (Myndigheten för ungdoms-och civilsamhällesfrågor, MUCF)
Reference (incl. url, where available)	<a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The start date of the project is 1 October 2019. The project will run through the school year and end with a visit to Utøya in June 2020.
Type of initiative	Dialogue-oriented information campaign aimed at changing values and attitudes
Main target group	Pupils in secondary school (högstadiet)
Indicate level of implementation: Local/Regional/National	Local, six municipalities are included in the project
Brief description (max. 1000 chars)	The Order of the Teaspoon (a civil society organisation) will provide concrete tools for school staff in the participating municipalities on how to engage young persons in dialogues on radicalisation, extremism, democracy and human rights. The aim is that the participant teachers will get the best possible conditions to help pupils in secondary school to change their attitudes, recognise the significance of democratic dialogue, and make such dialogue part of the school's everyday activities. The Swedish municipalities that will work with the project are chosen because of their experience of extreme right-wing violence and remaining support for extreme right-wing and anti-democratic movements. The municipalities are Avesta, Höör, Klippan, Skellefteå, Trollhättan and Kungälv.
Highlight any element of the actions that is transferable (max. 500 chars)	The idea to provide teachers and other school staff with designated time and tools to enable dialogue on important topics in schools are transferable, as are the themes of the dialogue; radicalisation, extremism, democracy and human rights.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable in that the aim is to change attitudes among young persons who are exposed to extreme right-wing and anti-democratic ideas. If these attitudes are changed to an understanding of and respect for democracy and human rights, it is a very good investment for the future and thus sustainable.
Give reasons why you consider the practice as having concrete measurable impact	The practice could be measured by attitude polls among the pupils before the start of the project and after the project to see if anything has changed among the pupils.
Give reasons why you consider the practice as transferrable to other	It is transferable in that other member states also have the same challenges in growing extreme right-wing and anti-democratic



settings and/or Member States?	movements, and also since schools are a natural and important place where young persons meet and mix.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project structure connects four teachers or other staff from the schools in the above mentioned municipalities directly to the project. In the beginning of the spring term of 2020, the participants of the project will meet up in Stockholm for trainings and discussions. Thereafter, the group will structure its work thematically, based on the participating school's respective needs. The Order of the Teaspoon will provide the participants with material, reflection questions and suggestions on exercises and workshops to perform together with the pupils. The school year is concluded with a trip to Utøya, Norway. At Utøya, the participant will get training in cooperation with European Wergeland Centre (EWC). EWC was founded by the European Commission and Norway, and work with democracy trainings within the entire EU. Among other things, EWC is arranging trainings in democratic citizenship, which takes as a starting point the tragic events in Oslo and on Utøya 22 July 2011.
Explain, if applicable, how the practice provides for review and assessment.	It provides for review and assessment in inclusion of the concerned teachers and other school staff, in focus groups and/ or interviews for example. The same could also be done with the pupils.

Thematic area	<b>ROMA INTEGRATION</b> Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Romska hälsoinspiratörer
Title (EN)	Roma Health Motivators
Organisation (original language)	Romska Ungdomsförbundet
Organisation (EN)	The Roma Youth Association
Government / Civil society	Civil Society
Funding body	In 2019, the Roma Youth Association (Romska Ungdomsförbundet) was granted funding from the Swedish Agency for Youth and Civil Society Issues (Myndigheten för ungdoms och civilsamhällesfrågor, MUCF) for the project Young Roma Health Motivators in Halmstad (a city in the south west of Sweden) (Unga romska hälsoinspiratörer i Halmstad). They received 443,500 SEK (€41,140). The organisation has received funding from the same authority for the same practice although in other Swedish cities (e.g. Borås and Gävle). There might also be other funding bodies, since the organisation works in cooperation with several authorities and associations.
Reference (incl. url, where available)	Sweden, Roma Youth Association ( <i>Romska Ungdomsförbundet</i> ), Roma Health Motivators ( <i>Romska hälsoinspiratörer</i> ), <a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The practice started in 2015 and is still running at the time of writing.
Type of initiative	An educational initiative focusing on the improvement of health.
Main target group	Young Romas, both female and male



Indicate level of implementation: Local/Regional/National	Local/National. The practice is carried out in different municipalities. It is run by the Roma Youth Association, which is located in Malmö, but has 40 local units in different parts of Sweden.
Brief description (max. 1000 chars)	<p>The Roma Youth Association educates young Roma persons to become health motivators. The training focuses on how to improve the health awareness among young Romas. The young Roma persons are educated in mental and physical health issues and addictions and the importance of good nutrition, exercise, dental health, etc.<sup>274</sup> They are also trained in presentation skills and the motivational interviews. The training is based on peer education complemented by experts in the different subjects. The participants in the courses are supposed to create small groups in their own contexts and inspire the persons in these groups to lead more healthy lives.<sup>275</sup></p> <p>At the moment fifteen youth and young adults in the Roma minority are trained in Halmstad. In total, about 500 persons have been trained by the Roma Youth Association and these have in turn informed and met approximately 5,000 persons.<sup>276</sup></p>
Highlight any element of the actions that is transferable (max. 500 chars)	Transferable elements are the peer education complemented by persons with expert skills. This element increases the chance that the participants finds the training more engaging and acceptable (when its spread, communicated and designed by peers and only complemented experts). Another transferable element is the training of trainers and the idea that the trained young persons form smaller groups in their own contexts to discuss and increase their knowledge on the subject.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	<p>The practice can be considered sustainable because the initiative comes from young persons in the Roma minority, which indicates that the target group itself considers health improvement to be important to them. The fact that the group develop and market the programme themselves means that they will have a strong feeling of ownership. This in turn improves the probability that the practice will be sustainable over time.</p> <p>Another reason for the practice’s sustainability is that the organisation has developed an education material, which can be used over and over again. Furthermore, and most importantly, the organisation educates and empowers local youths which in turn can help educating and empowering other young persons in their municipality.</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>The focus of the practice is to increase knowledge about the importance of health. Through this knowledge the persons in the group will be able to make more qualified life choices including health choices.</p> <p>The project was developed by persons in the Roma minority. The participants in the project are given the opportunity to influence the orientation and content of the project as the needs and conditions differs between municipalities and between the different Roma groups.</p>
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	This practice’s model can be used for other subjects and other contexts. The main keys are to analyse what the needs are (defined by persons within a group), to complement the group’s own knowledge (on the subject or on how to run the project) if needed, to find ways to effectively spread the information, to train persons within the group and to establish local groups.

<sup>274</sup> Sweden, Roma Youth Association (*Romska Ungdomsförbundet*) Roma Health Motivators (*Romska hälsoinspiratörer*), [available here](#)

<sup>275</sup> Sweden, Liedholm M, Lindberg G (2017), Education for Roma Health Motivators in Gävle 2017. Evaluation based on a participant inquiry (*Kurs för romska hälsoinspiratörer i Gävle 2017. Utvärdering på basis av en deltagarenkät*), [available here](#)

<sup>276</sup> Sweden, Data collected in writing via email correspondence with the Roma Youth Association (*Romska Ungdomsförbundet*) 2019, 26 October

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	This has already been explained, since the beneficiaries have a central role in the practice.
Explain, if applicable, how the practice provides for review and assessment.	In Sweden, we cannot find data on the ethnicity of Swedish citizens, which makes it impossible to evaluate changes in the health situation of young Romas using statistics. However, it is possible to evaluate the practice using qualitative methods, e.g. by interviewing a selection of participants asking them if they have experienced any changes in their own health situation and how they have experienced the education. It is also possible to measure how many young Romas that attend the training as well as the number of smaller local groups, which could be used to measure the practice's spread. The practice has been reviewed. The most recent review was made in 2017 and focused on the education in Gävle. <sup>277</sup> There was also an evaluation made in 2015, which evaluated the practice in three localities, the cities of Stockholm and Gothenburg as well as the Region Skåne. <sup>278</sup>

Thematic area	<b>Asylum, visas, migration borders and integration</b> Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	Projekt Barnets bästa vid återvändande (Project the Child's best interest in return processes)
Organisation (Government / Civil society) in charge of promising practise (original language/English )	The municipality of Strömsund (Strömsunds kommun) is the project owner. The Swedish Migration Agency (Migrationsverket) and the County Administrative Board of Jämtland (Länsstyrelsen Jämtland) are partners.
Funding body	Asylum, Migration and Integration Fund – AMIF
Reference (incl. url, where available)	<a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2017 – 31 December 2020

<sup>277</sup> Sweden, Liedholm M, Lindberg G (2017), Education for Roma Health Motivators in Gävle 2017. Evaluation based on a participant inquiry. (*Kurs för romska hälsoinspiratörer i Gävle 2017. Utvärdering på basis av en deltagarenkät*), [available here](#)

<sup>278</sup> Olsson K, Agardh A (2015), Roma health motivators; Skåne, Göteborg and Stockholm, Project evaluation (*Romska hälsoinspiratörer; Skåne, Göteborg och Stockholm, Projektutvärdering*) Socialmedicin och global hälsa Kliniska vetenskaper, Malmö Lunds universitet (not found online).

Main target group	Unaccompanied children in the asylum process or children who have received negative decisions on their asylum applications but who have not yet returned to their country of origin.
(around 1000 characters)	The project's aim is to facilitate the returning process, both for the individual child and for the professionals who meet and support the children. The returning process is a complex procedure which involves many different actors. To improve the situation for the children, different measures have to addressing the professionals and volunteers who are directly involved in supporting the children in their returning process. To raise the quality and address the main problems, the project will arrange activities that increases the competence and cooperation among the involved actors. The project will work with at least 15 municipalities during the run of the project. The municipality of Strömsund has the overall responsibility for the project, which includes establishing and running a support office for the participating municipalities. The Migration Agency is responsible for the development of an informational package and a web-based training programme aimed at the municipal actors. The authority will also support the municipal support office, participate with expertise during conferences and trainings, and provide networks for data collection and the spreading of results. The County Administrative Board of Jämtland is responsible for disseminating of the project results and providing the project with the cooperational structures of the authority – including the municipalities which are not participating in the project. The County Administrative Board will also contribute with knowledge and experience.
Indicate level of implementation: Local/Regional/National	Local; at least 16 municipalities shall be included in the project.
Indicate success factors – why has the practice effectively promoted integration?	While the practice does not promote integration, it supports children to prepare themselves for their return and also ‘get relevant support during this preparation. The project was also mentioned as a good practice in UNICEF’s report Child Sensitive Return. <sup>279</sup> This report states that there are “... positive examples of local-level interest and a commitment to supporting unaccompanied and separated children, both through cross-sectoral co-operation and support in preparing the child to return to their country of origin. This is particularly evident in the municipality of Strömsund, which is also supporting 16 other municipalities across Sweden to increase its capability in this regard.” <sup>280</sup>
If the initial funding of the initiative ended, how has the initiative been continued/followed-up?	The funding of the initiative has not ended yet.
Explain, if applicable, how the practice is being reviewed and assessed.	
Does the initiative apply to both asylum seekers and protection status	Yes, the initiative applies both to asylum seekers and protection status holders (whose residence permits are about to expire), but does not specifically address the transition from one to the other.

<sup>279</sup> Sweden, UNICEF (2019) Child-sensitive return Upholding the best interests of refugee and migrant children in return and reintegration decisions and processes in Sweden, [available here](#)

<sup>280</sup> Sweden, UNICEF (2019) Child-sensitive return Upholding the best interests of refugee and migrant children in return and reintegration decisions and processes in Sweden, [available here](#)

holders – and/or support the transition from one to the other?	
Does the initiative specifically support persons in need of international protection as they turn 18? If so, which type of support is provided?	Yes, the initiative does supports the target group as they turn 18. The project brochure states that the persons in the target group often have turned 18 by the time they receive the final negative decisions on their asylum applications. For these persons, the return preparation experience will depend on whether they have been able to prepare for what it means to go through a return process as adults. <sup>281</sup>

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	AI Innovation of Sweden
Title (EN)	AI Innovation of Sweden
Organisation (original language)	Lindholmen Science Park AB
Organisation (EN)	Lindholmen Science Park
Government / Civil society	Government
Funding body	AI Innovation of Sweden is funded by Sweden’s Innovation Agency (Vinnova), Region Västra Götaland and Founding Partners (about 40 stakeholders representing industry, the public sector and academia).
Reference (incl. url, where available)	<a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Lindholmen Science Park was granted funding for the project in December 2018, and the project will finish in November 2021.
Type of initiative	Collaboration in innovation, including education aimed at the general public.
Main target group	Targets groups are individuals, team from academia, industry and public sector with interest in AI-related research and innovation. Thematic areas are: technical products and systems; finance and business administration; life science, healthcare and medicine; public administration, law, humanities (including ethics), and art.  AI Innovation of Sweden launched the free online course “Elements of AI“ (AI Utmaningen) which target group is the general public. The aim is to educate one percent of the Swedish population.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	AI Innovation of Sweden states its overall objective as serving “as an engine for the Swedish AI ecosystem that fuels the Swedish economy and attracts leading global expertise who intend on making a significant impact in their field”. It is a national initiative aiming to stimulate innovation and the use of AI in Swedish business and welfare sectors, as

<sup>281</sup> ”Inte sällan har barnet hunnit fylla 18 år då beskedet om bifall eller avslag kommer. I de fallen är det en stor skillnad för individen i vilken mån han eller hon fått möjlighet att förbereda sig för vad det innebär att genomgå en asyl- och återvändandeprocess som vuxen.”

	well as raising awareness and knowledge about AI in Swedish society in general. The aim of the online course “Elements of AI” is to reach one percent of the Swedish population.
Highlight any element of the actions that is transferable (max. 500 chars)	Collaboration between different actors to enable stimulation of innovation in relation to AI is transferable and necessary for a sustainable practice of AI since the field cannot only include engineers in the innovation process. The welfare sector is a necessary collaboration partner in such innovation to ensure that AI meet societal challenges in ways that do not infringe personal integrity etc. The online course “Elements of AI” is also a transferable and meets the purpose of sustainable use of AI as general knowledge about AI is necessary to enable the general population to be aware of its effects and usage. This is an important part of making AI a part of a democratic society where people are aware of how certain developments will infringe their rights and integrity in a more digitalised world.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Please see above.
Give reasons why you consider the practice as having concrete measurable impact	If AI Innovation of Sweden as well as the online course “Elements of AI” is known by the general public, we consider that it will have an impact as people are made more aware of what AI can be and how to be aware of rights that might be conflicted in the use of AI.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The online course “Elements of AI” is available in English, hence transferrable in other Member States as it is.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N.a
Explain, if applicable, how the practice provides for review and assessment.	As AI Innovation of Sweden is financed by Sweden’s innovation agency (Vinnova), it will be regularly reviewed during the first period of implementation. No such report available just yet.

Thematic area	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	Handbok för nätföräldrar
Title (EN)	Online Parenting Guide
Organisation (original language)	BRIS (Barnens Rätt i Samhället) & Prinsparets stiftelse
Organisation (EN)	Children´s Right in Society & Prince Carl Philip’s and Princess Sofia’s Foundation
Government / Civil society	Civil society

Funding body	The Marcus and Amalia Wallenberg's Memorial Fund (Stiftelsen Marcus och Amalia Wallenbergs Minnesfond) and the Gålö Foundation (Gålöstiftelsen).
Reference (incl. url, where available)	<a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The guide was sent to all 10-year old children in Sweden and their parents in February 2019. The website where you can download the book in Swedish and English is still available.
Type of initiative	Guide for parents on how to discuss internet safety with their children and talk about their everyday lives online
Main target group	Parents of children, who are online.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Barnens Rätt I Samhället, BRIS (Children's Right in Society) in collaboration with the Prince Carl Philip's and Princess Sofia's Foundation ( <i>Prinsparets stiftelse</i> ) launched a book aimed at parents who want to talk to their children about their everyday lives online. Most children want to talk to an adult about their online experiences but many of them believe that adults would not understand their reality. In the book, children and teens share their own stories and thoughts about what happens online. The book also includes tips and advice from experts and counsellors. The aim is to teach parents what children do online and what they think is positive and negative, which situations that can be tough and difficult – and how parents may help and support their children. The book was sent to all 10-year old children and their parents in Sweden, but is also available as an online-version in Swedish and English to download.
Highlight any element of the actions that is transferable (max. 500 chars)	The concept as such, developing a guide for parents on how to deal with their children's lives online is transferable to other member states since they probably have the same challenges. The idea to educate parents in such issues and encourage them to be more involved in their children's everyday lives online is a positive initiative that others can follow. More practically, the initiative is easy to transfer since the book is available in English to download for free.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	To write this kind of guidebook with educational and encouraging elements is sustainable in two ways: 1) parents, or other adults, who read this book will get a better understanding and probably act differently in situations regarding their children's lives online, and 2) the book, which was sent to all 10-year old children and their parents, will probably remain in their bookshelves and be read more than once or transferred to other interested adults.
Give reasons why you consider the practice as having concrete measurable impact	The impact can be measurable when it comes to the number of books that has been sent to families in Sweden or downloaded online to be able to find out whether they have been read you have to conduct some follow-up survey.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The young generation's presence online is not only a Swedish concern. There are reasons to believe that parents' difficulties to talk to and support their children regarding their online life are similar in other member states. Thus, the initiative should be relevant in different contexts. Furthermore, it cannot only be used by parents but could also be of interest for professionals meeting young people.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the	The book are based on children's and teenagers' own stories and thoughts about what happens online. This is a way to give the children's a voice in relation to the adults in their lives. The aim is to make an impact on



design, planning, evaluation, review assessment and implementation of the practice.	parents and other adults with the children’s own stories about their online experiences in combination with expert advice.
Explain, if applicable, how the practice provides for review and assessment.	No information available.

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Tystna inte!
Title (EN)	Do not fall silent!
Organisation (original language)	(Brottsoffermyndigheten)
Organisation (EN)	Crime Victim Compensation and Support Authority
Government / Civil society	Government
Funding body	Government funding
Reference (incl. url, where available)	website <a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The website was up and running in May 2019. No end date announced.
Type of initiative	Website with training and information material
Main target group	Individuals, who are subjected to hate in public debates and online and professionals working with such victims
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The website, developed by the Crime Victim Compensation and Support Authority (Brottsoffermyndigheten), is directed to journalists, politicians, writers, artists, researchers and influencers, who often receive hate and threats in public debates and online. The website includes training and information material aimed at supporting individuals subjected to hate in the public sphere. The training and information material are also aimed at <u>improving professionals’ preparedness to support such victims.</u>
Highlight any element of the actions that is transferable (max. 500 chars)	The public discourse are hateful in many Member States and such hate threatens to silent important voices for democracy and human rights. Public figures are in general in need of support to handle the hatred they encounter. Consequently, web-based support and training such as the one in focus is needed in most countries.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	Web-based material and training have a longer sustainability than other kinds of training and publications, since they do not go out of print.
Give reasons why you consider the practice as	Many public figures are overwhelmed by the amount and severity of the hate they meet on/off-line. It is easy to feel alone, and it may be hard to know how to handle the hatred and still remain in the public eye. If these

having concrete measurable impact	types of persons can find support and methods for dealing with such hate fewer persons will fall silent, which in turn leads to a more open society.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The public discourse is hateful in many Member States and such hate threatens to silent important voices for democracy and human rights. Public figures are in general in need of support to handle the hatred they encounter. Consequently, web-based support and training such as the one in focus is needed in most countries.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	This is not clear, but it is likely that the Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) has consulted with the target groups in the development of the training material since the authority focuses on victim support.
Explain, if applicable, how the practice provides for review and assessment.	It is not easy to assess the practice's direct impact on society. However, interviews or surveys with persons, who have used the website and its material may show whether they have been helped by the practice or not.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Jag kan/Jag vet
Title (EN)	I can/I know
Organisation (original language)	Svenska Parasportförbundet och Sveriges paralympiska kommitté
Organisation (EN)	Swedish Paralympic Confederation and Swedish Paralympic Committee
Government / Civil society	Government/National Authority
Funding body	Sweden's Innovation Agency (Verket för Innovation, Vinnova)
Reference (incl. url, where available)	<a href="#">available here</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2019 – June 2021
Type of initiative	Empowering campaign
Main target group	Adults and children with disabilities
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The project consists of two parts; I can – aiming to develop a certification for accessible sports centres, and I know – aiming to strengthen the independence of children and young persons with disabilities. The aim of the overall project is to encourage persons with disabilities to engage in physical activities and sports in sports associations to a larger extent, and to create partnerships to reach aim between different actors. Within the framework of I can, three municipalities (Malmö, Östersund and Eskilstuna) will carry out a variety of measures and activities in order to increase the accessibility of different sport centres. They will also



	<p>increase the information about the accessibility of the centres. The initial idea was to develop some kind of certification for the centres, which would indicate if a facility is accessible. However, this kind of certification would require much technical information about the construction of buildings and so on, so the project team reevaluated this goal and changed direction. The municipalities will instead develop a guide that lists the centres together with a reference group of persons with different disabilities. This guide will objectively describe what is available and accessible at the respective sport centres thus enabling the potential users to decide whether it is possible for them to perform a specific sport or training at the centre in question. I know includes a mentorship programme for persons with disabilities, where children and young persons with disabilities get the chance to identify their own needs, wants and wishes with the help of a mentor, a so-called lifestyle pilot (livsstilslots). The participants will meet with the lifestyle pilots regularly during a full year. The lifestyle pilots should preferably have some kind of disability themselves as well as an adequate educational background, for example in empowerment, handicap science and public health.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The idea to develop a certification (or an accessibility guide) for the accessibility of sports centres is transferable, as is the idea to collect data on which sports centres that are accessible and disseminate this information. To develop an inventory template for sports centres together with a reference group of persons with different disabilities is also a practice that is transferable. The idea of a mentorship programme for children with disabilities is also transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</p>	<p>It is sustainable in as much as the different products of I can (an accessibility guide, an inventory template, updated information about accessibility for sports centres and so on) will remain after the end of the project. Furthermore, I know is sustainable since its effects will hopefully lead to better health and greater independence for children and young persons with disabilities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The activities and aims of I can have expressed measurable goals;</p> <ul style="list-style-type: none"> <li>• 25 good examples of accessibility solutions in different sports centres will be developed</li> <li>• A manual with both common and sport specific needs/demands will be created</li> <li>• The number of sports centres that publish information about their accessibility will increase from 57 % to 80 %</li> </ul> <p>Knowledge about how to make accessible sports centres when renovating or building new ones will be collected in a digital manual.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is transferable since the problem is likely to be similar in other Member States when it comes to the accessibility of sport and sport centres for persons with disabilities.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The I can activities will be carried out in the three municipalities mentioned above in collaboration with the Swedish Sports Confederation (Riksidrottsförbundet) and KONE, a company specialised in developing accessible elevators, stairs, doors etc. I know will be also be carried out in the three municipalities in collaboration with Umeå University, Halmstad University, Mid Sweden University and the University of Gävle.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	

## Annex 2 – Case law

Thematic area	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	10 April 2019
Reference details	<p>Stockholm District Court (Stockholms Tingsrätt)</p> <p>Case number: T 16608-17</p> <p>The case can be found on the Equality Ombudsman's (Diskrimineringsombudsmannen) webpage: <a href="#">available here</a></p>
Key facts of the case (max. 500 chars)	<p>A woman (A.A), born in 1968 started her studies on a health and social care programme within the adult education (Komvux) in 2016. She applied student membership in the labour union Kommunal but her application was denied. The union claimed that the statutes of the labour union only grant student memberships to students who attend upper secondary school programmes (gymnasieprogram) with vocational orientation, which may lead to employment in one of the union's vocational areas. However, even though A.A. studied on an adult education programme, the training would make her a trained nurse; a job that is almost exclusively organised by the union in question. By constructing the student membership in a way that only allowed students attending upper secondary school programmes to become members, the labour union indirectly imposed an age criterium on the membership since persons can only enrol in upper secondary school programmes up until 20 years. The district court found that labour union was guilty of discrimination based on age.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Equality Ombudsman (Diskrimineringsombudsmannen) which represented A.A argued that the difference between A.A and the students at upper secondary school programmes was not the training/studies in focus but her age. The union maintained that a training programme at an adult education unit is not comparable to the education at an upper secondary school, due to its different organisation. However, in other contexts the union has stated that the two educations indeed are comparable. The Equality Ombudsman claimed that A.A. had been disadvantaged in relation to persons, who are still allowed to study at an upper secondary school programme. The union maintained that A.A's age was of no relevance, and that her application for student membership had been denied only with reference to the type of training enrolled in. Thus, the union argued that A.A had not been disadvantaged in relation to any actual or hypothetical comparable person. On the contrary, the union added that A.A has other possibilities to become a union member than a student in an upper secondary school has. The union stated that A.A. was not in a comparable situation, given that the adult education programme is designed differently than the upper secondary school programme. The Court argued that the Union could not satisfactorily prove that there was no connection between A.A's age and the denial of her application for a student membership. The Equality Ombudsman's claim was thus sustained.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The case clarifies that memberships, which are tied to a form of education can be a form of discrimination on the basis of age if the person in question cannot enrol in other forms of education due to her age. Thus, it</p>

	can be discrimination to have this limitation on membership even though the association or union have not decided on any specific age limit.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The union was sentenced to pay A.A 30,000 SEK (€2,815), and to pay the Equality Ombudsman (Diskrimineringsombudsmannen) for its legal costs; a total of 9,260 SEK (€869).
Key quotation in original language and translated into English with reference details (max. 500 chars)	Den omständigheten att Förbundet infört studerandemedlemskapet med goda intentioner saknar betydelse i sammanhanget. Inte heller omständigheten att det är lagstiftaren som ställt upp åldersregler för de olika skolformerna spelar någon roll, då det är Förbundet som ensidigt utformat det villkor i Förbundets stadgar som nu prövas. Enligt tingsrätten har Förbundet därmed inte visat att det inte finns ett samband mellan A.A:s ålder och nekandet av studerandemedlemskapet. DO:s talan ska därför bifallas. (The circumstance that the union introduced the student membership with good intentions is of no relevance in this context. Nor does it matter that it is the legislator who has put up age rules for the different forms of education, since it is the union which one-sidedly designed the terms in the statutes of the union that is on trial. According to the District Court, the union has not shown that there is no connection between A. A's age and the denial of the student membership. The Equality Ombudsman's claim shall thus be sustained.)

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	25 June 2019
Reference details	District Court of Eskilstuna (Eskilstuna Tingsrätt) Case number: B 3750-18 The case can be accessed by emailing the District Court of Eskilstuna at <a href="mailto:eskilstuna.tingsratt@dom.se">eskilstuna.tingsratt@dom.se</a> and referring to the case number.
Key facts of the case (max. 500 chars)	The defendant (P.M) was administrating a Facebook group called Stand up for Sweden (Stå upp för Sverige) with racist and xenophobic content. He refused to erase posts claiming that Somali persons were “monkey heads”, describing Islam as “a virus” or including pictures of Hitler heiling. P.M. had been contacted by R.E several times and asked to remove these posts. The prosecution concerns a criminal offence in accordance with the Act on Responsibility for Electronic Bulletin Boards (Lag [1998:112] om ansvar för elektroniska anslagstavlor). <sup>282</sup> P.M claimed that he had not seen some of the posts even though they were posted in discussions started by himself. Furthermore, he maintained that he would have deleted the posts if he had seen them. The district court found P.M guilty of the offence despite his denial. Both P.M and the prosecutor appealed the ruling to the Court of Appeal (Hovrätten). At the

<sup>282</sup> Sweden, Act (1998:112) on Responsibility for Electronic Bulletin Boards, paragraph 7 (*Lag [1998:112] om ansvar för elektroniska anslagstavlor*), 1 May 1998, [available here](#)

	time of writing (26 November) the Court of Appeal has not announced day and time for the negotiation yet.
Main reasoning/argumentation (max. 500 chars)	R.E stated that he had contacted P.M and told him to remove some of the comments/posts in his facebook group. P.M maintained that he had not seen the comments in focus. Furthermore, he claimed that he had referred R.E to report any comments he opposed to Facebook's official report-function. The court could not establish that P.M indeed had seen the content in question. However, the court stated that P.M. had actively chosen to remain uninformed about the disturbing content. Since he was the group administrator, the court considered that his negligence was gross, found P.M to be guilty of the charges.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case establishes that the administrator of a Facebook group ultimately is responsible for the content in the group and has the responsibility to remove obvious hate speech (among other things) content – regardless if he/she has seen the content or not <sup>283</sup> Failing to do so, like P.M, is to be considered to be an act of intent or at least of gross negligence.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	P.M was sentenced to a conditional sentence combined with daily fines for 60 days à 320 SEK (€30) – a total of €1,800. Furthermore, because of the seriousness of the crime, P.M shall pay 800 SEK (€75) to the Crime Victim Fund (Brottsofferfonden), in accordance to the Act on Crime Victims Fund (Lag [1994:419 om brottsofferfond). <sup>284</sup> P.M must also pay the state the total cost for the public counsel; 40,250 SEK (€3,777). P.M has appealed the sentence and maintains that he is innocent. The prosecutor has also appealed claiming that while the sentence of the District Court is legitimate, the penal value of the crimes must be higher. The prosecutor argues that P.M should get a stricter sentence. <sup>285</sup>
Key quotation in original language and translated into English with reference details (max. 500 chars)	P.M har förnekat att han skulle ha sett kommentarerna i fråga. Dessa ingår i en kommentartråd till ett inlägg om somaliers intelligens. Det var P.M som la upp detta inlägg. Han har dessutom varit ganska aktiv med att göra egna kommentarer eller underkommentarer i tråden. Det är för tingsrätten uppenbart att han måste ha läst meddelandena i kommentartråden, dvs. även de med åtalet nu avsedda. Trots det har han inte tagit bort meddelandena. Det är inte fråga om ringa fall. Han kan därför inte undgå ansvar för uppsåtliga brott. Brotten är inte grova. (P.M has denied that he should have seen the comments in question. These are part of a thread of comments to a post on the intelligence of Somali persons. It was P.M who posted this (original) post. He has additionally been pretty active in posting comments or sub comments in the thread. It is obvious to the District Court that he must have read the messages in the thread of comments, that is, also those which the prosecution concerns. Even so, he has not deleted the messages. This is not a minor case. He can therefore not escape the responsibility for premediated crimes. The crimes are not gross.)

<sup>283</sup> Sweden, Act (1998:112) on Responsibility for Electronic Bulletin Boards, paragraph 5 (*Lag [1998:112] om ansvar för elektroniska anslagstavlor*), 1 September 2018, [available here](#)

<sup>284</sup> Sweden, Act (1994:419) on Crime Victims Fund (*Lag [1994:419] om brottsofferfond*), 1 February 2015, [available here](#)

<sup>285</sup> Sweden, Expo (2019) Unique sentence of Facebook group appealed (*Unik dom mot facebookgrupp överklagas*), 25 July 2019, [available here](#)

Thematic area	<p><b>ROMA INTEGRATION</b></p> <p>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.</p>
Decision date	5 March 2019
Reference details	<p>District Court of Linköping (Tingsrätten Linköping)</p> <p>Case number: T 872-18</p> <p>The case can be accessed by emailing the District Court of Linköping at <a href="mailto:linkoping.tingsratt@dom.se">linkoping.tingsratt@dom.se</a> and referring to the case number.</p>
Key facts of the case (max. 500 chars)	The case concerns a Roma family of which one of the members wore traditional kaale clothes (characterised by wide long skirts for the women). The family was in a toy store to buy some toys and noticed that they were followed around in the store by the staff. The company claimed that they did not notice the family until one of its members started to act out and became loud. However, the plaintiffs could show a video recording of the event. The district court found the toy company guilty of discrimination.
Main reasoning/argumentation (max. 500 chars)	The plaintiffs A.A and B.B argued that they were followed around in a store for no other reason than their Roma descent. They maintained that this was a clear case of discrimination against them, since the Discrimination Act states persons who outside of the private or family life offer goods, services or housing to the public are also forbidden to discriminate their customers, clients etc.. <sup>286</sup> The plaintiffs stated that when they asked the staff why they followed them around, the staff said that they intended to follow the family, since they had previously experience of situations where “other persons of their kind” had stolen things in the store. A video of the events was presented as proof by the plaintiffs. The toy store stated that they did not follow the family around, nor did they utter any statements like the ones described by the plaintiffs. Instead, they said that A.A was acting aggressively and loud before the video started to record. The court argued that content of the video made it difficult to believe the toy store’s version of the event. However, it convincingly supported the plaintiff’s story. Thus, the store’s treatment of the plaintiffs, which was clearly related to their ethnic background was considered to be to the disadvantage of the family in comparison to anyone else in a comparable situation. <sup>287</sup> Consequently, the court found the toy store guilty of direct discrimination on the ground of ethnic background, which is one of the seven grounds of discrimination established in the Discrimination Act. <sup>288</sup>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case shows the importance of having witnesses or films/tapes in cases of discrimination. The court would otherwise have had difficulties to prove which version of the event that was the truth.

<sup>286</sup> Sweden, Discrimination Act (2008:567) (*Diskrimineringslag [2008:567]*), chapter 2, paragraph 12, 1 January 2018, [available here](#)

<sup>287</sup> Sweden, Discrimination Act (2008:567) (*Diskrimineringslag [2008:567]*), chapter 1, paragraph 4, 1 January 2018, [available here](#)

<sup>288</sup> Sweden, Discrimination Act (2008:567) (*Diskrimineringslag [2008:567]*), chapter 1, paragraph 1, 1 January 2018, [available here](#)

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The toy store company was sentenced to pay damages of 30,000 SEK (€2,818) to A.A and B.B, and 15,000 SEK (€1,409) to their child, C.C. Furthermore, the company shall also pay for the legal costs of the Equality Ombudsman (Diskrimineringsombudsmannen) which represented the family.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>A.A. och B.B. har uppgett i huvudsak att personalen följde efter dem i övervakande syfte och att E.E. uppgav att anledningen till detta var att andra personer tillhörande deras folkslag stulit i butiken. E.E. och F.F. har uppgett att konfrontationen skedde i anledning av att A.A. var aggressiv och att ingen dessförinnan följt efter familjen. Sätillvida står ord mot ord. Den film som förevisats ger dock övertygande stöd för A.A. och B.B.s uppgifter. Att A.A. påstått aggressiva beteende skall ha skett före filmningen och att filmen därför ger en missvisande bild är inget som får stöd av innehållet på filmen. E.E. har också haft svårt att förklara hur hennes beteende och uttalanden skall förstås om Aktiebolaget Sagolands version av händelseförloppet var riktig</p> <p>(A.A and B.B have mainly stated that the staff followed them for monitoring purposes and that E.E claimed that the reason for this conduct was that other persons who belonged to their people had stolen from the store. E.E and F.F have stated that the confrontation took place because A.A was aggressive and that nobody was following the family prior to that. Inasmuch, it is one person's word against another's. However, the video which was shown convincingly supports the statements of A.A and B. B. That A.A's alleged aggressive behaviour took place before the filming started and that the video thus gives a misleading picture is not supported by the content of the video. E.E have additionally had difficulties in explaining how her behaviour and statements can be explained if Sagoland's [the toy store] version of the incident was correct.)</p>

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
Decision date	20 August 2019
Reference details	Sweden, Swedish Data Protection Authority ( <i>Datainspektionen</i> ), Penalty fee for facial recognition in school ( <i>Sanktionsavgift för ansiktigenkänning i skola</i> ), 21 August 2019, <a href="#">available here</a>
Key facts of the case (max. 500 chars)	<p>As noted in evaluation sheet: This is not a high court decision, but the first and therefore relevant case of the use of GDPR by the Swedish Data Protection Authority (Datainspektionen). The decision has been appealed by the municipal upper secondary school board in Skellefteå, and thus no final decision has been made.</p> <p>The case concerns an upper secondary school in Skellefteå, which used facial recognition in order to register school attendance. The Swedish Data Protection Authority (Datainspektionen) was notified of the situation by media coverage. The authority decided to inspect the municipal upper secondary school board (gymnasienämnden) to see if the usage of facial recognition was in line with the data protection regulations. The Authority examined the personal data processing carried out by the board in relation to the existing situation and also in relation to any future planned activities.</p> <p>The Data Protection Authority concluded that the upper secondary school board had processed personal data for three weeks using facial</p>



	<p>recognition to control the attendance of 22 students. Furthermore, the upper secondary school board was considering processing personal data using facial recognition for attendance control also in the future. The goal was to register the attendance at lessons in the upper secondary school in a simple and more efficient way.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The upper secondary school board stated that facial recognition had been used as the students were filmed entering a classroom. Images from the camera surveillance was compared to pre-recorded images of each participating student's face. The recorded information is biometric data in the form of facial images together with the persons' names. The data was then stored on a local computer without an internet connection, which was placed in a locked cabinet. Written approvals had been obtained from guardians and it had been possible to refrain from registering personal data, including biometric data. Thus, the School Board maintained that it was possible to not have pre-registered personal and biometric data of students who did not want to be included and matched with their biometric and personal data as part of the attendance checks.</p> <p>According to the Data Protection Authority's assessment the upper secondary school board had violated several articles in the Data Protection Regulation (Dataskyddsförordningen)<sup>289</sup>, of which the violation of articles 5 and 9 was considered more serious and also led to a higher penalty charge. The authority also took into account the fact that the violation concerned sensitive personal data of children, who were in a dependent position. Furthermore, the action had been taken to streamline operations, so the action was intentional. According to the Data Protection Authority, both these circumstances are aggravating. The authority considered the fact that the activity had only been ongoing for three weeks at the time of the inspection and had so far only included 22 students to be mitigating circumstances.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Data Protection Authority decided that the upper secondary school board in its processing of personal data violated articles 5, 9, 35 and 36 of the Data Protection Regulation (Dataskyddsförordningen)<sup>290</sup>. Due to the fact that the supervision had involved the processing of sensitive personal data concerning children, who are in a dependent relation to the upper secondary school board and that these data had been collected through camera surveillance in the student's everyday environment, the action could not be considered to be a minor violation. Thus, the penalty fee could not be changed to a reprimand. The upper secondary school board must therefore be subjected to administrative fees.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Data Protection Authority decided on the basis of an overall assessment that the upper secondary school board in Skellefteå shall pay an administrative penalty fee of 200,000 SEK (€18,742).</p> <p>The authority's decision was appealed to Stockholm Administrative Court (Förvaltningsrätten i Stockholm) in September 2019.</p>

<sup>289</sup> EU, European Parliament and Council (*Europaparlamentet och rådet*), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (*Europaparlamentets och rådets förordning [EU] 2016/679 av den 27 april 2016 om skydd för fysiska personer med avseende på behandling av personuppgifter och om det fria flödet av sådana uppgifter och om upphävande av direktiv 95/46/EG [allmän dataskyddsförordning]*), 27 April 2016, [available here](#)

<sup>290</sup> EU, European Parliament and Council (*Europaparlamentet och rådet*), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (*Europaparlamentets och rådets förordning [EU] 2016/679 av den 27 april 2016 om skydd för fysiska personer med avseende på behandling av personuppgifter och om det fria flödet av sådana uppgifter och om upphävande av direktiv 95/46/EG [allmän dataskyddsförordning]*), art 5, 9, 35 and 36, 27 April 2016, [available here](#)

Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>”Gymnasienämnden har uppgett att syftet med dessa behandlingar [personuppgiftsbehandlingar] har varit närvarokontroll. Närvarokontroll kan ske på andra sätt som är mindre integritetskränkande för eleverna. Datainspektionen anser därför att metoden, att använda ansiktsgenkänning via kamera för närvarokontroll, har varit för omfattande och genomförs för ett för den personliga integriteten för ingripande sätt och därigenom varit oproportionerlig i förhållande till ändamålet. Gymnasienämndens behandlingar har således genomförts i strid med artikel 5 i dataskyddsförordningen”</p> <p>”The upper secondary school board has stated that the purpose of these activities [the storage of personal data] has been attendance control. Attendance controls can be done in other ways that are less infringing on the students’ privacy. The Data Protection Authority therefore considers that the method, to use face recognition via camera for attendance control, has been too extensive and too interfering of personal integrity and thereby it has been disproportionate in relation to its purpose. The upper secondary school board’s activities have thus been conducted in violation of Article 5 of the Data Protection Regulation.”</p> <p>(Sweden, Data Protection Authority [Datainspektionen] [Tillsyn enligt EU:s dataskyddsförordning 2016/679 – ansiktsgenkänning för närvarokontroll av elever, DI-2019-2221], decision date 20 August 2019, available here )</p>

Thematic area	<p><b>RIGHTS OF THE CHILD</b></p> <p>Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.</p>
Decision date	12 April 2019
Reference details	<p>Sweden, Malmö District Court (<i>Malmö tingsrätt</i>), Case no. B 6694-18, can be accessed through the Court with reference to the case number: <a href="mailto:arkivtma@dom.se">arkivtma@dom.se</a></p> <p>Sweden, Malmö District Court (<i>Malmö tingsrätt</i>),” Former school employee was sentenced to imprisonment for grooming and stalking children (<i>Före detta skolanställd döms för grooming- och stalkningsbrott till fängelse</i>),</p>
Key facts of the case (max. 500 chars)	<p>During the years 2015–2018, T.S was reported by 22 different victims for grooming, stalking and other internet related crimes, as defined in chapter 4 and 6 in the Swedish Penal Code (Brottsbalk [1962:700]). All victims were girls between 9 and 14 year and many of them were at the time of the crime pupils at the school where T.S. worked. All contacts were made via social media and there was no physical contact between T.S. and any of the children.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The evidence is quite similar in all 22 cases and consists of the plaintiffs’ testimonies, screenshots of messages, pictures and other information sent to them by T.S. T.S. admitted that he had contacted the girls online via social media platforms for sexual purposes and that he knew that many of them were younger than 15. Furthermore, T.S. has repeatedly stated that he, as a result of a disability, suffers from poor memory and therefore have problems remembering which girls he contacted and exactly what he did. A psychologist report confirms that T.S. has a slight intellectual disability which makes his ability to understand the consequences of his actions and to understand the feelings and thoughts of others, very</p>



	reduced. The court states that the crime is serious and very extensive because of the high number of children and the low age of most of them. The court does, however, consider the defendant's intellectual disability, which slightly reduced the penalty.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This is not a guiding decision. However, it shows how Swedish courts argue and rules in this kind of crimes. The penalty is relatively high because of the high number of harassments and the low age of the children.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Malmö District Court (Malmö tingsrätt) found T.S. guilty of unlawful persecution, harassment, sexual harassment, attempt to exploit children for sexual posing, attempt to purchase sexual services of child and unlawful use of identity. He was sentenced to 2.5 year of imprisonment and to pay a total fee of 350,000 SEK (€3,286) in damages to the victims. The court argued that the high penal value would legitimate a longer prison sentence, but that 2,5 years imprisonment is reasonable in this case on the grounds of T.S.'s intellectual disability. Because of T. S's personal and economic situation, the legal costs remain with the state.
Key quotation in original language and translated into English with reference details (max. 500 chars)	The court argues: "The crime is in many cases serious and very extensive. The crime with the highest penal value is the unlawful persecution of plaintiff no. 9. T.S. contacted her when she was ten years old and then terrorised her for more than four years, which is an extensive crime. Aggravating circumstances in this context are that T.S., in his contact with plaintiff no. 9, often pointed out that he was monitoring her and repeatedly threatened her that he would come and get her and rape her" (Domstolen argumenterar för att: "Brottsligheten är i flera fall allvarlig och mycket omfattande. Brottet med högst straffvärde är den olaga förföljelsen av Sekretess 9. T.S. kontaktade henne när hon var tio år gammal och utsatte därefter henne på ett terroriserande sätt för omfattande brottslighet under drygt fyra års tid. Försvårande omständigheter i sammanhanget är att Tobias Svärd i sina kontakter med Sekretess 9 många gånger anspelat på att han övervakade henne samt att han flera gånger hotat med att komma och ta henne och våldta henne.")

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	11 July 2019
Reference details	Sweden, Supreme Court ( <i>Högsta Domstolen</i> ) case no. B 1200-19, can be accessed through the search engine Guiding rulings ( <i>Vägledande avgöranden</i> ) <a href="#">available here</a> by searching for the court and the case number
Key facts of the case (max. 500 chars)	The Supreme Court found a 27-year-old man, S.E.B guilty of negligent rape (oaktsam våldtäkt) of a woman while staying overnight at her home. The woman said that she had agreed he could stay overnight, but that she had made it clear she did not want to have sex. They slept in the same bed with separate duvets. Despite that, the man initiated sexual intercourse. Both the perpetrator and the plaintiff said that she was passive throughout the intercourse, and that they did not speak. The man said she "froze and did not know how to act", while the perpetrator said he was not sure whether she was awake when he first initiated sexual contact, "but [he] had the impression that she wanted to have sex" and continued because she did not tell him not to. He also said that he stopped the intercourse when he thought she didn't want to continue. The man

	<p>appealed the verdict of the Court of Appeal for Northern Norrland (Hovrätten för Övre Norrland).</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The woman stated that she at no time expressed her willingness to have sex with the plaintiff. Rather she had sent him an e-mail before his arrival stating that she did not have sex with him. The plaintiff argued that since the woman did not say anything he could not know that she did not want to have sex. Furthermore, he stated that he stopped the intercourse when the plaintiff “withdrew from him”.</p> <p>The Supreme Court argued that persons who are subjected to sexual acts against their will do not have any responsibility to say no or express their reluctance in any other way. It is the responsibility of the person who wishes to initiate sex that is responsible of finding out if the presumptive partner consents beforehand. Furthermore, the court stressed that the fact that the plaintiff and the perpetrator had agreed to sleep in the same bed should not be interpreted as a signal of the plaintiff’s intention to voluntarily participate in sexual acts. The fact that the man did interrupt the intercourse when he thought that the plaintiff did not want to participate any longer made the Supreme Court decide that the incident could not be considered to be an intentional rape but rather a negligent rape. That is, the man had no intention to rape the woman but since he did not check with her if she wanted to participate in any sexual acts his actions were negligent. Thus, S.E.B was found guilty of the crime negligent rape (oaktsam våldtäkt) in accordance with section 1 and 1a of chapter 6 of the Penal Code (Brottsbalk [1962:700])<sup>291</sup></p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>On 1 July 2018, the Penal Code’s chapter on sexual offences was amended. The amendment widened the offence rape to mean all sex without explicit consent, including situations when the victim does not actively say 'no'. The Supreme Court’s ruling clarifies how the concept explicit consent shall be interpreted and also the difference between a rape with intent and a negligent rape. Without the 2018 amendments, it is likely that the man would have been acquitted, since intent was previously required for a conviction of rape or sexual assault, and the Supreme Court found no evidence of intent.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The man faces two years and three months in jail, although this includes sentences for other crimes he was found guilty of. The penalty for the count of negligent rape was eight months imprisonment.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>In the light of what has been stated, it is proven that S.E.B also after the initial stage realized the risk that the plaintiff was not participating voluntarily. Taking into account mainly his information that he interrupted the intercourse, when he noticed that it did not feel OK, there nevertheless remain doubts as to whether S.E.B was indifferent at the time of the act to the fact that the plaintiff did not participate voluntarily in the way that is presumed for intent. The requirement of intent is thus not met.</p> <p>Then the question is whether S.E.B has been grossly negligent in the way that is presumed for criminal liability. From what has been said above, it is clear that he has realized the risk that the plaintiff did not participate voluntarily in the sexual acts. This insight remained when he conducted the acts. He has thus been deliberately negligent in relation to the fact that the plaintiff did not participate voluntarily.</p>

<sup>291</sup> Sweden, Penal Code (Brottsbalk [1962:700]), chapter 6, sections 1 and 1a, 1 July 2018.

	<p>Deliberate negligence is usually regarded as gross. In this case, there is no exceptional situation which would not make the deliberate negligence be considered gross. On the contrary, it has been a deliberate risk-taking of a serious kind. The circumstances are not such that the deed is less serious. S.E.B. should therefore be held responsible for negligent rape</p> <p>(Mot bakgrund av det anförda är det bevisat att S.E.B också efter det initiala skedet insåg risken för att målsäganden inte deltog frivilligt. Med hänsyn tagen främst till hans uppgifter om att han avbröt samlaget när han märkte att det inte kändes bra, finns det emellertid kvarstående tvivel kring huruvida Sven-Erik Brännström vid gämingstillfället varit likgiltig inför att målsäganden inte deltog frivilligt på det sätt som förutsätts för uppsåt. Kravet på uppsåt är alltså inte uppfyllt.</p> <p>Frågan blir då om Sven-Erik Brännström har varit grovt oaktsam på det sätt som förutsätts för straffansvar. Av vad som sagts i det föregående framgår att han har insett risken för att målsäganden inte frivilligt deltog i de sexuella handlingarna. Denna insikt har bestått när han genomfört dessa. Han har alltså varit medvetet oaktsam i förhållande till att målsäganden inte deltog frivilligt</p> <p>Medveten oaktsamhet är i regel att anse som grov. I detta fall är det inte fråga om någon undantagssituation där den medvetna oaktsamheten inte är att bedöma som grov. Tvärtom har det varit ett medvetet risktagande av allvarligt slag. Omständigheterna är inte sådana att gärningen är mindre allvarlig. S.E.B. ska därför fällas till ansvar för oaktsam våldtäkt.)</p>
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Thematic area	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	29 March 2019
Reference details	<p>Supreme Administrative Court (Högsta förvaltningsdomstolen)</p> <p>Case number: 7175-17</p> <p>Ruling number: HFD 2019 ref. 14</p> <p>The case can be found on: <a href="http://www.rattsinfosok.dom.se/lagrummet/index.jsp">www.rattsinfosok.dom.se/lagrummet/index.jsp</a>, by a search for the court and the case number in question.</p>
Key facts of the case (max. 500 chars)	<p>The case which was tried in the Supreme Administrative Court focuses on the Social Insurance Code (Socialförsäkringsbalk [2010:110])<sup>292</sup>, which stipulates that from the moment an insured person has had a reduced ability to work for 180 days, the insured's ability to provide for themselves shall be assessed in relation to employment common on the labour market – if there are no specific reasons against such an assessment, or if it in other aspects cannot be thought as unreasonable. The case concerns a person's sick allowance, and whether injuries following an accident should be considered to be a disability with real consequences for the person's ability to work, thus making it unreasonable to test the person's ability to work in relation to employment available on the labour market.</p>

<sup>292</sup> Sweden, Social Code (2010:110) (*Socialförsäkringsbalk [2010:110]*), chapter 27, section 1, paragraph 48, 1 July 2019, [available here](#)

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The plaintiff (P.B) worked as a trucker when he had a serious accident. P.B claimed that he should be granted sick allowance and referred to his doctor's attestation, which stated that the P. B's injuries from accident were extensive would require a long rehabilitation period. Thus, P.B argued that it was unreasonable of the Swedish Social Insurance Agency (Försäkringskassan) to request that he should undergo an assessment of his ability to work in relation to employment available on the labour market since his injuries were disabling.</p> <p>The Swedish Social Insurance Agency (Försäkringskassan) claimed that the P.B' request should be denied. The problems P.B had which were caused by his fracture could not be compared to disabilities with real consequences for the ability to work, as it is defined in relevant preparatory work. Consequently, there were no reasons to postpone the testing of P.B: s ability to work in relation to employment available on the labour market.</p> <p>The Court followed the argumentation of the Social Insurance Agency and decided that it was not unreasonable to request that P.B participated in such a test. Consequently, P. B's appeal was rejected.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The case establishes what kind of injuries or disabilities that would make it unreasonable for the Social Insurance Agency to test a person's ability to work in relation to employment that is common on the labour market in accordance with the Social Insurance Code. The court found that even if P. B's injuries were serious, they were not of such a calibre that they would make the testing unreasonable.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court rejected P. B's appeal.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>P.B:s skador var alltså tveklöst allvarliga. Det är emellertid inte fråga om sådana skador eller funktionsnedsättningar som räknas upp i förarbetena till undantaget vid oskälighet. Högsta förvaltningsdomstolen anser att skadorna och de funktionsnedsättningar som dessa har lett till inte heller är av sådan art och svårighetsgrad att de kan anses klart jämförbara med dessa. Det kan därför inte anses vara oskäligt att göra en prövning av hans arbetsförmåga mot normalt förekommande arbeten på arbetsmarknaden. (P. B's injuries was undoubtedly serious. However, they are not such injuries or disabilities that are listed in the preparatory work in relation to the excessive exception. The Supreme Administrative Court considers the injuries and the disabilities brought on by the injuries are not of such a kind and severity that they can be considered to be obviously comparable to these disabilities. Thus, it cannot be considered unreasonable to try his ability to work in relation to employment normally available on the labour market.</p>