



**Joint CSO submission for the review of Sweden submitted by  
the Swedish Foundation for Human Rights 2023**

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Antidiscrimination Agency West • Anti-discrimination Bureau Humanitas • Birth Rights Sweden • Civil Rights Center Halland • DHR • Doctors of the World • FQ – Forum, Women and Disability • Independent Living Institute • Ordfront -The Swedish Human Rights and Democracy Movement • PRO Global • Roma rights in the society national federation • Save the Children Sweden • Senior Revolt • SIOS - Cooperative body for ethnic associations in Sweden • SKPF Pensionärerna • Sociala missionen • The anti-discrimination bureau of Dalarna • The antidiscrimination bureau in Stockholm north • The antidiscrimination bureau in Stockholm south • The Association of the Swedish Deafblind • The bureau against discrimination in Östergötland • The Discrimination Agency Gävleborg • The Founders of Independent Living in Sweden • The Swedish Association for Sexuality Education • The Swedish Disability Rights Federation • The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights • The Swedish National Association for Disabled Children and Young People • Trajosko Drom • Uppsala Antidiscrimination Office • Örebro Rättighetscenter

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## General Information

1. The ICESCR has not been incorporated into Swedish law. Its material content is therefore not directly applicable in courts, but national laws shall be interpreted in conformity with the ICESCR. A government-commissioned report shows that agencies and courts tend to presume that standard interpretation of national law is in harmony with Sweden's international commitments.<sup>1</sup> They therefore tend not to independently assess whether this interpretation is aligned with international obligations. Authorities' and courts' ignorance about the Covenant, other human rights instruments and their obligations to interpret legislation in light of these, explain why individuals cannot enjoy their rights. Most ESCR do not have the same constitutional protection as CPR, as they are not part of the Swedish Bill of Rights.
2. Sweden has not ratified the Optional Protocol despite the CESCR recommendation to do so.<sup>2</sup> The decision not to ratify was preceded by an analysis concluding that ESCR are not justiciable rights, but rather vaguely formulated objectives or policy statements subject to political consideration and prioritisation in the form of resource allocations between different rights.<sup>3</sup> This conclusion is at odds with the official position of the Government, which maintains that ESCR and CPR constitute parts of the same whole in such a manner that no right can be seen as more important than another.<sup>4</sup>
3. The division of responsibilities between administrative levels and limited awareness of local authorities as to their obligations in regard to the realization of Covenant rights were issues highlighted during the pandemic.<sup>5</sup> In October 2021, the conference "The way forward, the pandemic and human rights" organised by the County Administrative Board of Jönköping and a cross sectorial working group including CSOs, issued recommendations on crises and human rights<sup>6</sup>.
4. Sweden lacks a national mechanism for follow up and its reporting procedure is ad hoc. The need for enhanced dialogue with CSOs was highlighted in the state party report to CESCR 2021. A working group with CSOs, A County Administrative Board and the Ministry of Social Affairs drafted a proposal to move from ad hoc towards a systematic national mechanism for reporting and follow up. The working process stopped after the change of government in 2022.
5. On 1 January 2022 the Swedish NHRI was established as a governmental agency, following the Parliament's rejection to assume it as a parliamentary agency.<sup>7</sup> The director is employed and the board is appointed by the government.<sup>8</sup>
6. Many proposals in the "Tidö agreement", upon which the current government is forming its policies, will, if carried through, mean that the rights as enshrined in the ICESCR will be infringed upon for certain groups of persons in Sweden. There is, *e.g.*, a proposal stipulating that newly arrived persons should need to qualify for access to the welfare system, once they have a residence permit.<sup>9</sup>

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<sup>1</sup> Sweden, Ministry of Culture, [Samlat, genomtänkt och uthålligt?](#), SOU 2011:29, (Stockholm, 2011).

<sup>2</sup> [E/C.12/SWE/CO/6](#), para 49.

<sup>3</sup> [A/HRC/44/12/Add.1](#), para. 5; Sweden, Ministry of Health and Social Affairs, *Fråga om ratificering av det fakultativa protokollet till FN:s konvention om ekonomiska, sociala och kulturella rättigheter*, Internal paper, (Stockholm, 2017).

<sup>4</sup> See for instance Sweden, Ministry for Foreign Affairs, [Human rights, democracy and the principles of the rule of law in Swedish foreign policy](#), Skr. 2016/17:62 (Stockholm, 2016), p. 27.

<sup>5</sup> [E/C.12/SWE/CO/6](#), para. 8.

<sup>6</sup> Ramboll, [Vägen framåt: Pandemins konsekvenser på de mänskliga rättigheterna](#), (Stockholm, Ramboll, 2022).

<sup>7</sup> Sweden, [The Swedish Institute for Human Rights Act](#) 2021:642 of 17 June 2021 Sweden, The Constitutional Committee, [En strategi för arbetet med mänskliga rättigheter i Sverige](#), 2017/18:KU6 (Stockholm, 2017).

<sup>8</sup> *Ibid.* sections 6–9.

<sup>9</sup> The Government Coalition, [Tidöavtalet: Överenskommelse för Sverige](#), (Stockholm, The Government Coalition, 2022.)

## Article 1

7. In 2021, a truth commission on human rights abuses committed against the Sami in Sweden was established by the Government.<sup>10</sup> In 2022, commissioners were appointed to serve on the commission, which will end its mission by December 2025. Albeit an important step forward in striving for reparations and truth seeking, there has been a lack of resources and time in the preparations, ultimately jeopardizing its success and legitimacy.
8. Regarding the principle of FPIC, an act of consultation entered into force in March 2022 which requires representatives beyond the Sami parliament to be consulted, including Sami reindeer husbandry communities representing the individual interest and the civil rights that follow from reindeer herding.<sup>11</sup> The new legislation has been criticised due to fears that it may hamper actual involvement.<sup>12</sup> It is crucial that the right to consultation is clearly affirmed, but also that resources for consultative participation are provided *ex tunc* and not upon later consideration, as suggested in the Government bill.<sup>13</sup> The reindeer husbandry communities are burdened by administrative work, legal processes, and consultations to protect reindeer grazing land, but no authorities provide them with extra resources.<sup>14</sup> If this concern is not addressed, reindeer herders will be unable to acquaint themselves with pending issues, which in turn reduces the opportunities for meaningful participation. The time spent on administration, consultation and litigation is time away from full-time work.
9. The move of the city of Kiruna allows mining activities to expand, thereby violating the Sami people's right to self-determination, disposal of their natural wealth, resources and their means of subsistence. The neighbouring communities, Laevas and Gabna, conduct a traditional way of living by reindeer husbandry which make them severely vulnerable. Their ancestral lands have been increasingly occupied, *inter alia* by the state-owned company LKAB. The principle of FPIC is scarcely considered and representatives of Laevas and Gabna have been unable to engage in meaningful participation due to insufficient resources. Failure by multi-stakeholders projects to coordinate their actions and take joint responsibility for cumulative consequences of aggregated infringements causes underestimates of their impact.<sup>15</sup>
10. The reindeer husbandry communities have experienced ignorance about domestic and international law on Sami rights. The professional expertise of reindeer herders has been devalued and their analyses censored. The Swedish Transport Administration, responsible for the infrastructural changes in Kiruna, is advocating a proposal that risks significantly complicating reindeer husbandry, despite alternatives that would be less detrimental, less expensive and gentler on nature and biodiversity. These actions generate distrust in authorities and a growing hopelessness among the affected reindeer herders.
11. In 2021 the Government appointed a parliamentary committee to propose new reindeer husbandry legislation pursuant the Girjas ruling on fishing and hunting rights. The land concerned is state owned land within Sami reindeer husbandry communities; corporate owned land is exempted. The partial State report (June 2023), notes, *i.a.*, that probably not all Sami reindeer husbandry communities could count on achieving the same rights.<sup>16</sup>

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<sup>10</sup> Sweden, The Ministry of Culture, [Kartläggning och granskning av den politik som förts gentemot samerna och dess konsekvenser för det samiska folket](#), Government Directive, Dir. 2021:103 (Stockholm, 2021).

<sup>11</sup> Sweden, [Act on Consultation on Issues Concerning the Sámi People](#), 2022:66 of 27 January 2022.

<sup>12</sup> Sveriges Radio, [Politik Sápmi – Sameradiopodden synar konsultationsplikten med samer](#), 8 October 2021, Acc. 22 December 2023.

<sup>13</sup> Sweden, The Government Offices, [En konsultationsordning i frågor som rör det samiska folket](#), Government proposition, 2021/22:19, p. 128.

<sup>14</sup> OECD, [Linking the Indigenous Sami People with Regional Development in Sweden](#), (Paris, OECD Publishing, 2019), p. 136.

<sup>15</sup> *Ibid*, p. 73.

<sup>16</sup> Sweden, The Committee on Reindeer Grazing Land, [Jakt och fiske i renbetesland](#), SOU 2023:46, (Stockholm, 2023).

### **We recommend the state to:**

- a. Provide Sami reindeer husbandry communities with sufficient resources enabling them to meaningfully participate in consultations.
- b. Develop methods for authorities and state-owned companies to improve their coordination to reduce the burden on the communities and obtain an overview of the cumulative impact that a project has on the Sami and their culture.
- c. Establish codes of conduct vis-à-vis the Sami and reindeer husbandry through ownership directives to the state-owned companies and private subcontractors that are active in Sápmi and the reindeer husbandry area.

### **Article 2**

12. The number of complaints to the Equality Ombudsman has increased significantly, from 2323 in 2016 to 4451 in 2022, but fewer cases are taken to court.<sup>17</sup> Many complaints regard islamophobia<sup>18</sup>. In 2021, for instance, the Parliamentary Ombudsmen criticised the City of Gothenburg for banning a Muslim lecturer, for opinions that supposedly could have been expressed.<sup>19</sup>
13. The human rights approach to disability has not gained momentum. The realisation of rights is regressing instead of progressing. Data indicate that in 2008-2018 the risk of poverty for PWD grew at one of the fastest rates in the EU<sup>20</sup>. The Government and the responsible agencies have not acknowledged this negative trend. Similarly, PWD are not protected in legislation against hate crimes and insults.<sup>21</sup>
14. The prohibition against discrimination in housing, social security and social services is generally not enforced. Out of 2000-3000 yearly filings of discrimination to the Equality Ombudsman in 2015-2020, only up to five cases are litigated, and some are subject to non-binding assessment. The most prevalent ground of discrimination is ethnicity, followed by disability.<sup>22</sup>
15. An increasing number of children with disabilities are placed in institutions with inexperienced staff.<sup>23</sup> Many students with disabilities finish compulsory school with insufficient grades to continue their studies, and discrimination related to deficient educational support and inadequate accessibility, is rarely litigated.<sup>24</sup>
16. Concrete action is needed to ensure that
17. Ageism towards elderly people is an overlooked, but widespread and ingrained multi-faceted phenomenon which manifests itself implicitly and explicitly in policy, practice and social norms and leads to neglect, marginalisation and exclusion. Data and research on ageism are fragmented and limited.<sup>25</sup> A 2023 study on recruitment processes confirmed that older applicants often were rejected due to their age, and more so with regard to women than men.<sup>26</sup>

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<sup>17</sup> Sweden, The Equality Ombudsman, [Statistik över anmälningar, tips och klagomål som inkommit till Diskrimineringsombudsmannen åren 2015-2022](#), (Stockholm, 2021) p. 23.

<sup>18</sup> Sweden, The Swedish National Council for Crime Prevention, [Islamophobic hate crime](#), Report 2021:3 (Stockholm 2021)

<sup>19</sup> Sweden, The Parliamentary Ombudsmen, [Criticism of the City of Gothenburg](#), [Decision](#), nr 1414-2019, 31 March 2021.

<sup>20</sup> European Disability Forum, [Poverty and Social Exclusion of Persons with Disabilities](#), European Human Rights Report Issue 4, (Brussels, EDF, 2020).

<sup>21</sup> See Sweden, the [Criminal Code](#), 1962:700 of the 21 December 1962, Chapter 16, section 8.

<sup>22</sup> Sweden, The Equality Ombudsman, [Statistik 2015-2020 – Statistik över anmälningar, tips och klagomål som inkommit till Diskrimineringsombudsmannen åren 2015-2020](#) (2021) p. 28.

<sup>23</sup> The Autism and Asperger Association, [Barn och unga med autism ska inte utsättas för tvångsvård](#), Submission to the National Board of Institutional Care, 6 February 2018.

<sup>24</sup> Sweden, The Equality Ombudsman, [Förekomst av diskriminering 2023 -Årlig rapport från Diskrimineringsombudsmannen](#), Report 2023:3, (Stockholm, 2023) p. 16.

<sup>25</sup> Office of the High Commissioner for Human Rights, [Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons](#) (Geneva, OHCHR, 2021).

<sup>26</sup> Sweden, The Equality Ombudsman, [Rekrytera utan att diskriminera](#), Report 2023:5 (Stockholm, 2023).

However, the number of complaints concerning discrimination on grounds of age does not seem to correlate with the widespread ageism in society.<sup>27</sup> Merely 489 complaints out of 3592 were age-related in 2022, and the majority of them concerned working life.<sup>28</sup> Furthermore, the rapid on-going digitalisation of Sweden makes the enjoyment of rights for elderly people increasingly difficult. Many elderly people are left behind and do not have neither the ability nor confidence to engage in digital communications.

18. Elderly persons lack political influence. People aged 65+ make up 28% of the population, but hold only 4% of the seats in parliament.<sup>29</sup> Similarly, the Roma national minority is absent in parliaments on all levels.
19. The Public Health Agency of Sweden annually conducts a national public health survey targeting persons aged 16-84 years. In 2020, an additional survey was planned but excluding +84-year-olds despite them being most affected by the pandemic. A sample of +84-year-olds were included only after serious criticism in media.<sup>30</sup>
20. Sweden has the world's oldest gender recognition law. It was ground-breaking when established in 1972, but is now outdated. It denies trans people the right to self-determine their gender, violating key human rights principles, as acknowledged, *e.g.*, by the UN High Commissioner for Human Rights.<sup>31</sup> Non-binary people cannot have their gender legally recognised, since an official gender-neutral gender alternative does not exist.

**We recommend the state to:**

- a. Take measures to raise awareness of and combat ageism, especially in working life and ensure that the digitalisation does not endanger the enjoyment of rights of the elderly.
- b. Safeguard the experience and skills of elderly persons in political decision-making processes through proper representation, *inter alia* in "councils of senior citizens".
- c. Include +84-year-olds in the Public Health Agency's annual health survey.
- d. Intensify efforts to implement a new gender recognition law, ensuring a quick, transparent and accessible mechanism based on self-determination.
- e. Ensure the complete separation between the procedure to obtain a change of legal gender and access to gender affirmative medical care.
- f. Take measures to combat islamophobic racism, hate-crimes and discrimination against muslims in all areas of society.
- g. Ensure the right to accessible education for students and children with disabilities, and take concrete action to litigate discrimination more effectively.
- h. Adopt an action plan including timeline and funding to ensure access to safe, accessible, and community-based housing to prevent re-institutionalization.

**Article 3**

21. Women, especially women with disabilities, face lower incomes than men. Similarly, women risk longer periods of unemployment and the risk is even higher for women with disabilities.<sup>32</sup>
22. Elderly persons are often forced to live on limited resources when they retire. Women aged 65 or older are at the highest risk of facing a low economic standard.<sup>33</sup>

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<sup>27</sup> Sweden, The Department of Social Affairs, [Äldre har aldrig varit yngre](#) SOU 2020:69 (Stockholm, 2020).

<sup>28</sup> Sweden, The Equality Ombudsman, [Årsredovisning 2022](#), Annual report, (Stockholm, 2023).

<sup>29</sup> Sweden, the Parliament, [Distribution of age of members and replacements to the Parliament](#), 2022, (Acc. 10 December 2023).

<sup>30</sup> Karin Thunberg, [Svensk syn på äldre sticker ut – inte bara i pandemin](#). *Svenska Dagbladet*, 3 May 2020, (Acc. 22 December 2023).

<sup>31</sup> [A/HRC/29/23](#), paras.70 and 79(i).

<sup>32</sup> Sweden, The Agency for Participation; The Gender Equality Agency, [Ekonomisk jämställdhet för kvinnor med funktionsnedsättning](#), 2019:5/2019:8, (Stockholm, 2019), p. 15.

<sup>33</sup> Sweden, The Government Offices, [Budgetproposition för 2024, Utgiftsområde 11 – Ekonomisk trygghet vid ålderdom](#), Govt. Proposition 2023/24:1, section 2.6.

## **We recommend the state to:**

- a. Work to equalise the large income differences between men and women, which are reinforced for, e.g., women with disabilities and elderly women.

## **Articles 6–7**

23. Racism and discrimination in the labour market is commonplace, including against Afro-Swedes, women wearing hijab, Roma and PWD.<sup>34</sup> Afro-Swedes with a 3-year post-secondary degree have a considerably lower disposable income than the rest of the population with the same educational level. The differences in disposable income increase as the educational level increases. Persons born in Sub-Saharan Africa with a managerial position earn 23% less than persons with a different ethnic background working in a similar position.<sup>35</sup>
24. The labour market is generally limited for transgender people.<sup>36</sup> A survey shows that 25% are unemployed or get their income from social welfare, and their unemployment rate is higher than among the general population (13% vs. 8%).<sup>37</sup> There is no mechanism to guarantee that school certificates, diplomas and certificates from employers are changed retroactively when changing legal gender, adding to the challenges faced when seeking employment.
25. The unemployment rate is higher for PWD than the general population, especially women with disabilities.<sup>38</sup> Obtaining assistive equipment for work is becoming increasingly difficult.<sup>39</sup> For PWD to get support from the Swedish Employment Agency there is a complicated and overly bureaucratic process to determine "reduced work capacity".<sup>40</sup>
26. According to administrative law, municipalities should engage unemployed PWD in "daily activities".<sup>41</sup> No fixed income is provided for engaging in such activities, and the sum is regulated entirely by the municipality.<sup>42</sup>
27. In the individual complaint *RS vs Sweden*, the CRPD found that Sweden had failed to implement its obligations according to the CRPD, primarily based on the right to reasonable accommodation in employment. The government has not implemented the recommendations from the CRPD Committee on remedies or compensation.<sup>43</sup>
28. There are a number of industries seeking permission to engage in extractive activities in Sápmi, such as new mines and wind turbines. E.g., a new planned mine in Kallak would gravely disrupt

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<sup>34</sup> Sweden, The Equality Ombudsman, [Förekomst av diskriminering 2023 -Årlig rapport från Diskrimineringsombudsmannen](#), Report 2023:3, (Stockholm, 2023), p.45.

<sup>35</sup> Sweden, Stockholm County Administrative Board, [Anti-Black Racism and Discrimination in the Labour Market](#), 2021:11, (Stockholm, 2021), p. 6.

<sup>36</sup> European Union Agency for Fundamental Rights, [Being Trans in the European Union – Comparative Analysis of EU LGBT Survey Data](#), (Vienna, EUFRA, 2014) p. 27-34.

<sup>37</sup> Sweden, The Public Health Authority, [Hälsan och hälsans bestämningfaktorer för transpersoner: En rapport om hälsoläget bland transpersoner i Sverige](#), (Stockholm, 2015).

<sup>38</sup> Sweden, Statistics Sweden, ["Proportion of employed persons smaller among persons with disabilities"](#), 2021, (Acc. 10 December 2023).

<sup>39</sup> Sweden, The agency for participation. ["Nu betalar vi två gånger för våra hjälpmedel"](#). *Via TT*. 20 January 2020, (Acc. 22 December 2023).

<sup>40</sup> Sweden, The Public Employment Service, [Förekomst av funktionsnedsättning som medför nedsatt arbetsförmåga](#), [Af-2022/0008 9266](#), (Stockholm, 2022).

<sup>41</sup> Sweden, The Social Services Act, 2001:453 of June 7 2001; Sweden, Act concerning Support and Service for Persons with Certain Functional Impairments, 1993:387 of 27 May 1993; Sweden, The National Board of Health and Welfare, [Swedish disability policy – service and care for people with functional impairments](#), 2009-126-188 (Stockholm, 2009) p. 17; Redaktionen, ["Så mycket höjs ersättningar och bidrag 2024 \(hejaolika.se\)"](#), *Heja Olika* (Stockholm), 2023, (Acc. 9 December 2023).

<sup>42</sup> Valter Bengtsson, ["32 kommuner nobbar fortfarande gratispengar till hab-ersättningen"](#). *HejaOlika* (Stockholm), 25 November 2020, (Acc. 22 December 2023).

<sup>43</sup> [CRPD/C/23/D/45/2018](#); Sweden, The Ministry for Foreign Affairs, Communication No. 45/2018, Mr Richard Sahlin v. Sweden, UDFMR2018/4/CRPD, 25 March 2021.

reindeer herding in that area.<sup>44</sup> Recent finds of “rare minerals” in Kiruna are also worrisome. Mining in Kiruna already inflict upon two Sami reindeer herding communities; 48% of Gabna’s and 61% of Laeva’s reindeer herding lands are affected.<sup>45</sup> The development risks depriving reindeer herding communities of their means of subsistence. Other professions dependent on reindeer herding industry, including tourism and traditional Sami crafts are also threatened, ‘alongside their sociocultural context and a sense of security. Furthermore, working conditions are not safe due to climate change causing *inter alia* ice breaking, and the overwhelming fear of loss of livelihood to extractive industries.

**We recommend the state to:**

- a. Initiate a nationwide plan for inclusion in the labour market and strengthen its efforts to combat unemployment among Afro-Swedes’, transgender persons’, PWD, women wearing hijab, Roma and other groups in disadvantaged situations.
- b. Amend legislation to ensure that name and gender data on relevant documents correspond with one’s ID.
- c. Abolish use of the term “reduced working capacity” and become a role model by employing PWD to a larger extent.
- d. Ensure that reindeer husbandry and thereupon dependent professions in Sápmi are not eliminated due to extractive projects.
- e. Enforce the preventive parts of the Discrimination Act.

**Article 9**

29. Deficiencies in elderly care were highlighted in the Corona commission report: insufficient staffing, poor working conditions, major shortcomings in coordination between municipalities and regions, and a deeply flawed home care service where the elderly do not receive the help they need.<sup>46</sup>
30. The Swedish Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) is under revision. If the proposal passes as it stands, severe curtailing of the rights of PWD is impending.<sup>47</sup>
31. Despite an increasing population, the expenses for social security in relation to GDP have decreased. Financial support granted due to illness or disability has been halved since 1980, whereas support to families and children has remained on the same level.<sup>48</sup> In the Covid-19 response, groups of PWD were left behind.<sup>49</sup>
32. An adequate standard of living, including food, clothing, housing, and continuous improvement of living conditions, is not the case for PWD. The gap between PWDs and the rest of the population is increasing.<sup>50</sup> Due to increased difficulty in offering personal assistance, municipalities are rebuilding institutions that belong to history. Many children risk moving into childrens’ homes, while adult PWD risk losing their self-determination and agency.<sup>51</sup>

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<sup>44</sup> [The Swedish Society for Nature Conservation](#), Gállok: Gruvan, kritiken och konsekvenserna för naturen, 13 January 2023, (Acc. 29 November 2023).

<sup>45</sup> Min Odda Giron, [Press information: Sweden’s shameless pursuit of “green minerals” generate a conflict with the Sami people](#), 13 January 2023, (Acc. 23 November 2023).

<sup>46</sup> Sweden, The Corona Commission, [Äldreomsorgen under pandemin](#), SOU 2020:80, Chapter 10.2.

<sup>47</sup> See for instance Mikael Klein, [Remissvar: Översyn av insatser enligt LSS](#), S2019/00088/SOF, Funktionsrätt Sverige, 2020.

<sup>48</sup> Sweden, The Social Insurance Agency, [Socialförsäkringen i siffror 2022](#) (Stockholm, 2022) p. 17.

<sup>49</sup> Lyngbäck and others, [The impact of Covid-19 on disabled citizens in Sweden](#), (Sheffield, University of Sheffield, 2020).

<sup>50</sup> Haydn Hammersley and others, [Poverty and Social Exclusion of Persons with Disabilities – European Human Rights Report, Issue 4](#), (Brussels, European Disability Forum, 2020), p. 38; 72–73.

<sup>51</sup> Sweden, The National Board of Health and Welfare, [Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2019](#), 2019-3-7 (Stockholm, 2019) p. 19.



33. Many applications for personal assistance are denied<sup>52</sup>. There is an overall trend of denying personal assistance<sup>53</sup>. Especially women and children are affected by this<sup>54</sup>. The problem is mainly caused by legal limitations of the right to personal assistance, meagre budgeting, and poor directives from the government to The Social Insurance Agency.

**We recommend the state to:**

- a. Control the distribution of national resources in order to strengthen elderly care and legislate to mitigate under-staffing.
- b. Invest in care staff through improved work environment and strengthened competence development.
- c. Invest in a proposed reform with permanent care contact within the home care service.
- d. Ensure that ear-marked subsidies from the state to municipalities are put to its intended use.
- e. Ensure that personal assistance is based on need and not financial status.

**Article 10**

34. Family reunion is becoming increasingly difficult, *i.a.* due to temporary residence permits and maintenance requirements. Sweden systemically denies family reunion when PWD cannot fulfil the maintenance requirement failing to earn a specified amount of money and lack access to housing of a certain size. Such decisions are made even when somebody is unable to work or has a very limited ability to work. Thus this kind of a maintenance requirement is discriminatory or disproportionately limiting the family reunion for persons with disabilities.<sup>55</sup>
35. Compulsory custody of children, under the Care of Young Persons Act (LVU), is an extraordinary measure that the state can use as a last resort when children are in danger and other less restrictive measures are considered insufficient.<sup>56</sup> The inquiries and legal proceedings vary in quality which imperils the principle of best interests of the child as well as the rule of law.<sup>57</sup> The Equality Ombudsman has recently taken action in a case of discriminatory reprimand by a school head threatening to use LVU as a punishment.<sup>58</sup> Children belonging to the national Roma minority run a greater risk than the majority to suffer and not have their needs met in these situations. Reports indicate that the Swedish social services lack understanding of the Roma community's situation and are not aware of historic and current social conditions that affect the Roma minority and its relationship with majority society. Even though there is plenty of legislation that obliges the social services to bridge this gap, they still fail to use appropriate practices.<sup>59</sup>
36. It is currently not possible for more than two legal guardians with legal parental responsibility, despite the fact that separations are common and step/bonus-parents often take a great

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<sup>52</sup> Sweden, The Social Insurance Agency, "[Database of Statistics](#)", 2023, (Acc. 22 December 2023).

<sup>53</sup> Sweden, the National Board of Health and Welfare, "[Insatser och stöd till personer med funktionsnedsättning - Lägesrapport 2023](#)", (Stockholm, 2023), p. 11; Assistanskoll, "[Statistik om personlig assistans](#)", 2023 (Acc. 21 December 2023).

<sup>54</sup> Sweden, The Social Insurance Agency, "[Vilka får assistansersättning?](#)", 2023, (Acc. 22 December 2023) ; Sweden, The Government Offices, "[Personlig assistans för samtliga hjälpmoment som avser andning och måltider i form av sondmatning](#)", Government proposition Prop. 2019/20:92, p.15; Sweden, The Government Offices, "[Personlig assistans för hjälp med andning](#)", Government proposition Prop. 2018/19:145, p. 11; Kenneth Westberg, "[Cecilia Blanck, JAG – Försäkringskassan bekräftar att de nu gör dubbla avdrag för föräldransvar](#)", *Assistanskoll* (Stockholm) 31 May 2022, (Acc. 22 December 2023).

<sup>55</sup> Rickard Olseke & The Swedish Red Cross, "[Rätten till familjeåterförening – en europeisk jämförelse](#)", (Stockholm, SRC, 2020).

<sup>56</sup> Sweden, [The Care of Young Persons Act](#), 1990:52 of 8 March 1990, sections 1 and 6.

<sup>57</sup> Mats Cato, "[När Samhället tar ett barn](#)". *Advokaten: tidskrift för Sveriges advokatsamfund*. Vol. 80, no 1 (2014), pp. 28–42.

<sup>58</sup> Sweden, The Equality Ombudsman, [Decision, DO2023/5486](#), 6 November 2023.

<sup>59</sup> The Parliamentary Ombudsmen, "[Justitieombudsmännens ämbetsberättelse](#)", Report to the Parliament, Redogörelse 2017/18:JO1, p. 444.

responsibility in the lives of Swedish children. The situation also discriminates families who do not conform to nuclear family norms.

37. Presumption of paternity can be cancelled if the child is conceived through home insemination or assisted reproduction with an unknown donor the parent who did not go through pregnancy has to adopt the child to gain legal parenthood status, leaving the family in a legal vacuum and the child with only one parent while the adoption process is ongoing.<sup>60</sup> This creates an uncertain situation for many children who risk losing their legal bond to one of their parents in case of a separation<sup>61</sup> In 2019, the Children and Parents Code was reformed, introducing separate laws for cis-men and men who changed their legal gender, resulting in a discriminatory law against trans men.<sup>62</sup>

**We recommend the state to:**

- a. Enable family reunion, including for PWD who cannot work.
- b. Ensure that the principle of the best interest of the child is taken into consideration when deciding upon compulsory custody of children.
- c. Ensure that social services have a thorough understanding of the social factors impacting the Roma population and the specific statutory rights of the Roma national minority.
- d. Make necessary changes in the parental legislation to ensure that all children have equal legal protection and access to their parents, regardless of how they were conceived, where they were born, how many parents they have and what gender their parents have.

**Article 11**

38. According to a 2015 study by the National Board of Health and Welfare, administrators believe that it is best for children that their parents work, purportedly adopting a “child perspective” when rejecting applications for financial assistance.<sup>63</sup> The study shows that it is rare for children to be heard about their own needs when maintenance support is considered. Investigations often state sweepingly that “the child perspective has been taken into account”, without mentioning the manner and extent to which it was considered or how it affected the decision.
39. The Social Services Act, subject to reform, recognises children’s right to a reasonable standard of living; yet there is no consensus on what the lowest acceptable standard is. Assessments of undocumented children’s right to have basic needs fulfilled differ significantly, even within municipalities. Knowledge about undocumented children is often deficient, and to many municipalities the Social Services Act is unclear as to which support these children are entitled to. Moreover, there is currently a state inquiry tasked with investigating how to make it illegal to provide undocumented persons, including children, with economic assistance.<sup>64</sup>
40. Housing and homelessness among migrants is still an urgent issue, especially for non-EU/EUEEA migrants without permission or right to reside, as well as for EU-migrants.<sup>65</sup>

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<sup>60</sup> Sweden, [Children and Parents Code](#), 1949:381 of 10 June 1949, Chapter 1, section 8, para. 2, and Chapter 1, section 2.

<sup>61</sup> Sandra Ehne, [På väg mot likabehandling av alla gifta par?](#) *Dagens Samhälle* (Stockholm), 12 March 2019, (Acc. 22 December 2023).

<sup>62</sup> Sweden, The Parliamentary Committee on Social Affairs, *Modernare regler om assisterad befruktning och föräldraskap*, Committee Report, [2017/18:SoU20](#), (Stockholm, 2018).

<sup>63</sup> Sweden, The National Board of Health and Welfare, [Beaktande av barnperspektiv vid handläggning av ekonomiskt bistånd – En fallstudie av tre socialförvaltningar](#), Art. No.: 2015-1-46 (Stockholm, 2015), p. 21.

<sup>64</sup> Sweden, The Government Offices, [Öka drivkrafter och möjligheter till arbete i försörjningsstödet och bryta långvarigt biståndsmottagande](#), Committee Directive, 2022:124, (Stockholm, 2022).

<sup>65</sup> Doctors of the World, [2019 Observatory Report – “Left Behind: the State of Universal Healthcare Coverage in Europe”](#). (Paris, Médecins du Monde, 2019).

41. Internationally, homelessness is common in the LGBTI community, especially among young people. There is a data gap about the situation for LGBTI people in Sweden. The official report about homelessness does not once mention the LGBTI.<sup>66</sup>
42. There is a tendency to push PWD into institutional settings, with no plan for de-institutionalisation. The mainstream housing policy lacks a universal design perspective, which in combination with lacking schemes for personal assistance and other community-based services lead to a false demand for residential quasi-institutional settings.
43. The risk of poverty of PWD in Sweden is increasing rapidly.<sup>67</sup> Many persons with intellectual disabilities are stuck in lifelong poverty.<sup>68</sup> Several regions are charging a rental fee for mobility assistive devices and medical equipment, making mitigating the effects of a disability a matter of financial standing.
44. There is a lack of housing for the elderly and risk of malnutrition. In 2019, 20% of the applications for nursing homes in Stockholm were rejected.<sup>69</sup> Staff's lack of time to activate, stimulate, feed, etc. has led to an untenable situation. Intermediate forms of housing, formerly so-called service apartments, with access to medical staff around the clock as well as common areas, no longer exist.
45. The number of families evicted and children in homelessness are increasing due to poverty. Particularly vulnerable are lone mothers with a foreign background, unaccompanied children and young people. Mental health and addiction problems are no longer the main causes of homelessness and housing exclusion, but rather low income combined with the lack of affordable housing and exclusionary mechanisms such as family size.<sup>70</sup>
46. The housing crisis in Sweden is acute and more and more children are growing up having to move frequently. Children are unsettled by constant relocation, as it becomes difficult to pursue studies, keep and maintain friendships and join recreational activities.
47. The National Board of Health and Welfare uses a broad definition of homelessness which comprises: acute homelessness, institution or supported housing, long-term housing solutions and short-term self-arranged solutions.<sup>71</sup> In its most recent study on homelessness, the Board estimated that 10,000-15,000 children experienced homelessness in 2017.<sup>72</sup> Save the Children reports that in the period 2015–2017, at least 5,390 children were homeless in 25 of Sweden's biggest municipalities and the hidden figure is worrisome.<sup>73</sup>
48. Relative poverty and economic inequality have increased in the last decade.<sup>74</sup> A Migrant background or living in a single-parent household are factors that increase the risk of growing up in poverty. Children with at least one foreign-born parent are significantly more vulnerable to fall into poverty than those with two Swedish-born parents (43.7% vs. 7.3%).<sup>75</sup> People with a foreign background are often unable to access affordable housing and therefore resort to

<sup>66</sup> Sweden, The National Board of Health and Welfare, [Hemlöshet 2017 – omfattning och karaktär](#), No.: 2017-11-15 (Stockholm, 2017).

<sup>67</sup> Haydn Hammersley and others, p. 18 f.

<sup>68</sup> The Swedish National Association for People with Intellectual Disabilities, [Ekonomisk kartläggning: Fångad i fattigdom? Inkomster och utgifter för vuxna personer med funktionsnedsättning](#) (Stockholm, Riksförbundet FUB, 2021) e.g. p. 6.

<sup>69</sup> Dagens Nyheter, "Smittan sprids snabbt på äldreboendena – många platser står lediga," *Dagens Nyheter* (Stockholm) 20 November 2020, (Acc. 22 December 2023).

<sup>70</sup> Stockholm City Mission, [Hemlöshetsrapporten 2017 - antalet barn i hemlöshet ökar](#), (Stockholm, Stockholm City Mission, 2017); Sweden, The Swedish Enforcement Authority, "Vräkningarna ökar allt fler barn berörs", press release, 27 September 2023, (Acc. 27 November 2023).

<sup>71</sup> Tove Samzelius, [A vicious circle of silent exclusion - Family homelessness and poverty in Sweden from a single-mother perspective](#), (Malmö, Malmö University, 2020).

<sup>72</sup> Sweden, The National Board of Health and Welfare, [Hemlöshet 2017 – omfattning och karaktär](#), No. 2017-11-15 (Stockholm, 2017), p. 61.

<sup>73</sup> Tove Samzelius, [En plats att kalla hemma – Barnfamiljer i bostadskrisens skugga](#), Save the Children Sweden (2017).

<sup>74</sup> Sweden, the Social Insurance Agency, [Barnhushållens ekonomi: resultatindikatorer för den ekonomiska familjepolitiken 2023](#) (FK 2023/002329), (Stockholm, 2023), pp. 28–30.

<sup>75</sup> Eurostat, ["Children at risk of poverty or social exclusion"](#), 2023, (Acc. 1 December 2023).

expensive rental accommodation, which in turn affects the disposable income and other areas of life.

49. The state party has decided upon a strategy and there was a governmental agency (2017-2022) to combat segregation and social exclusion, yet income inequality is not specifically addressed. In 2018, the Government took decisions on minor improvements concerning the child benefit and maintenance support, but these improvements do not reach all children. The daily allowance for asylum seekers, for instance, has not been adjusted since 1994 and as of 2020, this allowance will be withdrawn if the beneficiary settles in a socioeconomically disadvantaged area. Nor does the social transfers reach undocumented children or children living in households with debts. There is a worry that the policies enshrined in the Tidö Agreement will further worsen the situation.

**We recommend the state to:**

- a. Ensure that PWD can choose their place of residence.
- b. Increase the number and raise the standard of nursing homes and in the home care by, *inter alia*, allocating time and resources to perform professional and stimulating activities based on the needs of the elderly.
- c. Reintroduce service apartments for the elderly in need of assistance.
- d. Ensure that families are not forcibly relocated or evicted, and that the right of the child to adequate housing is respected.
- e. Ensure that the best interests of the child are given serious consideration in all decision-making that affects the child in matters regarding housing.

**Article 12**

50. Mental health issues are over-represented among PWD, especially among women.<sup>76</sup>
51. The Public Health Agency identifies a connection between economy and mental health, indicating differences in health between young children with different socio-economic backgrounds.<sup>77</sup> Children in socio-economically vulnerable situations run a considerably greater risk of deteriorating mental health than other children.<sup>78</sup> The Agency recognises that uncertain housing conditions are a contributing factor to mental health issues, which was highlighted in Save the Children's report.<sup>79</sup> Additional efforts on equality in school are important to reduce mental illness. The Swedish Commission for Equity in Health recommends to restore accuracy in the social transfer system and apply a greater degree of a socio-economic perspective in resource allocation models.<sup>80</sup>
52. The 2021 Doctors of the World Observatory Report reveals that non-EU/EUEEA migrants without permission or right to reside, as well as EU-migrants are not granted the same health care as citizens.<sup>81</sup> Since 2013, undocumented persons above 18 are only entitled to health and dental care that "cannot be deferred", maternity and abortion care, contraceptive advice and

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<sup>76</sup> Sweden, The Agency for Participation, [Uppföljning av funktionshinderspolitiken 2020 – del II: Statistik om förutsättningar och levnadsvillkor för personer med funktionsnedsättning](#), No. 2021:8 (Sundbyberg, 2021), p. 72.

<sup>77</sup> Sweden, The Public Health Agency, [Ojämlighet i psykisk hälsa i Sverige – Hur är den psykiska hälsan fördelad och vad beror det på?](#), No. 18112 (Stockholm, 2019).

<sup>78</sup> Sweden, The Public Health Agency, [Vår livsmiljös betydelse för en god och jämlik hälsa](#), No. 21125 (Stockholm, 2021), p. 13.

<sup>79</sup> Tove Samzelius, [En plats att kalla hemma – Barnfamiljer i bostadskrisens skugga](#), Save the Children Sweden (Stockholm, Save the Children Sweden, 2017), p. 62.

<sup>80</sup> Olle Lundberg, [The next step towards more equity in health in Sweden – How can we close the gap in a generation?](#) *Scandinavian Journal of Public Health*, Vol. 46, suppl. 22 (June 2018), pp. 19-27.

<sup>81</sup> Doctors of the World, *2021 Observatory Report – "Unheard, Unseen and Untreated: Health Inequalities in Europe today"* (Paris, Médecins du Monde, 2021), p. 24-31.

care related to the Communicable Diseases Act.<sup>82</sup> The term “care that cannot be deferred” in the law applicable to undocumented migrants is highly problematic and has been questioned by health personnel as well as by the National Board for Health and Welfare, as it is incompatible with medical professional ethics, practically inapplicable within the healthcare system and risks jeopardising the safety of the patients<sup>83</sup>. According to the experience of Doctors of the World Sweden, acting as a health provider to undocumented migrants for over thirty years, there is widespread uncertainty over how the term “care that cannot be deferred” should be interpreted within the regular health care system. E.g., medical staff are often unaware of how to deal administratively with undocumented migrants<sup>84</sup>. As a result, there is no uniform application of the Act, challenging the rule of law.

53. Information and care in relation to SRHR is not available and accessible to everyone, e.g. people staying in Sweden without necessary permits and EU migrants.<sup>85</sup> Contrary to the legislative intent in the Act on Health and Medical Services for Certain Aliens Staying in Sweden without the Necessary Permits, the Swedish Migration Board has made an interpretation which only includes contraceptives that have been prescribed by a doctor, not by a midwife that prescribes the better part of all contraceptives.<sup>86</sup>
54. Despite heavy criticism from a majority of the actors formally commenting on a bill establishing temporary residence permits as the new standard for those granted asylum<sup>87</sup>, the law, that was previously a temporary one, was made permanent and came into force in July 2021.<sup>88</sup> The temporary residence permits for those granted asylum, has severe effects on the right to the highest attainable standard of health for all. Research shows that there is a strong correlation between temporary residence permits and poor mental health, permits increasing the risk of developing depression and PTSD. It is particularly harmful for torture victims and for children, who need stability in order to benefit from adequate support and treatment.<sup>89</sup>
55. Further proof of the barriers to health care in Sweden for non-citizens, is a Collective Complaint to the European Social Committee in June 2023, accusing Sweden of systematically and structurally violating the right to health and non-discrimination for so called ‘vulnerable EU-migrants’.<sup>90</sup> Many of the destitute EU-migrants in Sweden are Roma without health insurance, due to discrimination and exclusion in their home countries<sup>91</sup>. Consequently, they are denied access to subsidised health care in Sweden. As shown in the Complaint, there is widespread confusion around what kind of healthcare that should be accorded to these EU citizens. The cases put forward as evidence in the Complaint, show that they are either routinely denied healthcare, or issued unaffordable bills for the full cost of the care, resulting in many individuals refraining from seeking health care.<sup>92</sup>
56. Another cause for concern is a number of proposals enshrined in the Tidö Agreement, which would seriously impede access to healthcare for migrants in general and undocumented

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<sup>82</sup> Sweden, [Act on Health and Medical Services for Certain Aliens Staying in Sweden without the Necessary Permits](#), 2013:407 of 30 May 2013.

<sup>83</sup> National Board of Health and Welfare, [Vård för papperslösa](#), art no. 2014-2-28, (Stockholm, 2014), p.28.

<sup>84</sup> European Social Committee, *Amnesty International and Médecins du Monde - International v. Sweden*, Complaint No. 227/2023 (ongoing), [Complaint](#), 28 June 2023, p.24.

<sup>85</sup> Sweden, [Act on Health Care for Asylum Seekers and Others](#), 2008:344 of 22 May 2008; Sweden, [Act on Health and Medical Services for Certain Aliens Staying in Sweden without the Necessary Permits](#), 2013:407 of 30 May 2013.

<sup>86</sup> Sweden, The Migration Board, *Legal Inquiry no. 1.3.4-2017-3241*, (Stockholm, 2017).

<sup>87</sup> Sweden, The Government Offices, [Tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige](#), Government proposition 2015/16:174 p.22, 26.

<sup>88</sup> Sweden, [The Aliens Act](#), 2005:716 of 29 September 2005, Chapter 5, Section 1a.

<sup>89</sup> Linda Beskow, [Humanitära konsekvenser av den tillfälliga utlänningslagen](#) (Stockholm, SRC, 2018), p. 27.

<sup>90</sup> European Social Committee, *Amnesty International and Médecins du Monde - International v. Sweden*, Complaint No. 227/2023 (ongoing), [Complaint](#), 28 June 2023, p.41.

<sup>91</sup> *ibid* p.7-8

<sup>92</sup> *ibid* p. 25

migrants in particular. The most notable is to make mandatory for public employees, including health care personnel, to report undocumented migrants to the authorities, for which terms of reference have been issued<sup>93</sup>. The proposals have been criticised by a large number of health care organisations, including health care unions.<sup>94</sup>

57. A discrimination case, pursued by the Equality Ombudsman bears witness to racial discrimination in emergency health care.<sup>95</sup> Another investigation made by the national newspaper *Dagens Nyheter* shows that patients have the de facto possibility to choose their doctor and dismiss those who look “non-Swedish” or have foreign sounding names.<sup>96</sup> Except for in some major regions, reports of discrimination in healthcare are not systematically registered or investigated.<sup>97</sup>
58. The loss of traditional areas, increasing encroachments, reduced reindeer grazing land and a harsh social climate where not least reindeer herding Sami are designated as a threat to the surrounding society contribute to increased pressure on the Sami individually and collectively. Mental health issues are prevalent among Sami people and suicides within the community are increasing due to e.g. loss of land and the ensuing loss of work, traditional knowledge, culture, social context, and eventually identity.<sup>98</sup>
59. According to guidelines and recommendations from the National Board of Health and Welfare, medically unnecessary surgeries on infants and children with intersex variations are still performed without their consent, despite criticism from the UN and human rights organisations.<sup>99</sup>
60. Understaffing in maternity care implies that one-to-one care is not always provided, although the continuous presence of a midwife is the most significant factor in terms of diminishing interventions and ensuring an overall good birthing outcome.<sup>100</sup>
61. Data from the National Board of Health and Welfare reveal that foreign-born persons run higher risk of death and severe injuries when giving birth than native Swedes.<sup>101</sup>
62. The National Board of Health and Welfare observes that municipalities failed to prevent and handle the spreading of COVID-19 in accommodations for PWD.<sup>102</sup> The Public Health Agency has been reported to the Equality Ombudsman for discriminatory policies and prejudice against the elderly who were denied emergency health care.<sup>103</sup> Fragile persons in care were at risk due to underfinanced and neglected services; many did not receive a proper medical assessment and

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<sup>93</sup> Sweden, The Government Offices, [Kommittédirektiv 2023:126](#), Terms of Reference, (Stockholm, 2023).

<sup>94</sup> The Swedish Association of Health Professionals et al (Rätt till vård-initiativet), [Rätten till vård på lika villkor får inte urholkas](#), Joint statement from the health care professions, (Rätt till vård-initiativet, 2023).

<sup>95</sup> The District Court of Gothenburg, *The Equality Ombudsman v. the Region of Western Götaland*, Case nr. T-17336-19, [Judgment](#), 26 May 2021.

<sup>96</sup> Adrian Sadikovic & Christy Chamy, ”Patienter tillåts välja läkare med enbart svenskt ursprung – över hela landet”. *Dagens Nyheter* (Stockholm), 31 July 2021, (Acc. 21 December 2023).

<sup>97</sup> Palmira Koukkari Mbenga. ”Rasism i vården kartläggs inte”. *Radio Sweden*, (Stockholm) 16 July 2020, (Acc. 21 December 2023); Elsa Henriksdotter. ”Farhågan: Stort mörkertal kring rasism inom vården.” *Radio Sweden* (Stockholm), 27 May 2021, (Acc. 21 December 2023).

<sup>98</sup> Canada, Environment and Climate Change Canada, [Woodland caribou \(Rangifer tarandus caribou\), boreal population, in Canada, Species at Risk Act Recovery Strategy Series](#) (Ottawa, 2012). Sweden, The Public Health Agency, [Hur mår samer i Sverige? – Resultat från en enkätundersökning om hälsa, livsvillkor och levnadsvanor bland samer](#), (Stockholm, 2023), p. 48–50, 68–69.

<sup>99</sup> Sweden, The National Board of Health and Welfare, [Vård och behandling vid tillstånd som påverkar könsutvecklingen \(“DSD”\) – Kunskapsstöd med nationella rekommendationer](#), Recommendations, Art. No.: 2020-4-6695 (Stockholm, 2020).

<sup>100</sup> Ellen D Hodnett and others, [Alternative versus conventional institutional settings for birth](#). *Cochrane Database of Systematic Reviews*, Issue 8, (2012).

<sup>101</sup> Sweden, The National Board of Health and Welfare, [Vård efter förlossning – En nationell kartläggning av vården till kvinnor efter förlossning](#), Report, Art. No.: 2017-4-13 (Stockholm, 2017), p. 70.

<sup>102</sup> Sweden, The National Board of Health and Welfare, [Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2021](#), Situational report, Art. No.: 2021-3-7327 (Stockholm, 2021), p. 10.

<sup>103</sup> David Hekkala, [En av vår tids största vårdskandaler](#), Lund University, 1 February 2021, (Acc. 20 December 2023).

were left without appropriate treatment.<sup>104</sup> There is, however, an ongoing inquiry into addressing the shortcomings.<sup>105</sup>

63. The unsatisfactory conditions concerning life-sustaining treatment, palliative care and end-of-life care were revealed during the pandemic, especially concerning patients in elderly care homes.<sup>106</sup> A disproportionately large part of the victims of the pandemic lived in elderly care homes. In some cases, doctors interrupted life-sustaining care without physical examination and without informing patients or relatives.<sup>107</sup> Many patients were prescribed palliative care without evidence-based support in the Health and Medical Services Act. Accordingly, there are uncertainties surrounding the confirmation of the cause of death. In some cases, relatives intervened and the elderly recovered and survived.<sup>108</sup>
64. Adequate information in foreign languages was unavailable, e.g. six of the nine first diseased in Stockholm were Somali-Swedes who had not been properly informed.<sup>109</sup> However, language barriers were not the primary cause of illness, but rather the working conditions. Many foreign-born persons work as taxi drivers, health care workers etc. and were therefore more exposed to the virus.<sup>110</sup>
65. Under the Act concerning Support and Service for Persons with Certain Functional Impairments, applications cannot be granted if the applicant is aged 66 or above. Persons in such circumstances find themselves in legal uncertainty.
66. Women aged 74+ are excluded from the screening process for breast cancer, even though age is the most significant risk factor.<sup>111</sup> Research on screening results usually omits women 69+ causing a knowledge deficit as to their specific needs and the impact of treatments, drugs etc.
67. Training on maintaining elderly patients' physical mobility is seldom included in ergonomic education for care personnel, resulting in unnecessary disabilities for the elderly and work related injuries for the staff.<sup>112</sup> A community, healthy eating habits and a meaningful everyday life promote quality of life and prevent poor physical and mental health and should therefore be included in activities that are offered to the elderly.<sup>113</sup>
68. One third of the population aged 65+ has been treated in hospitals or with psychopharmaca. Suicide numbers are higher among older generations and highest among men aged 84+. Cases of poor mental health are often detected in elderly care homes, but are rarely referred to specialists; instead psychopharmaca is prescribed.<sup>114</sup> Health questionnaires are often distributed to persons up to 84, although there are roughly 260,000 persons above 85 in Sweden.<sup>115</sup>

### **We recommend the state to:**

- a. Take steps to the maximum of its available resources to restore the accuracy in the social transfer system in order not to further jeopardise children's mental and physical health.

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<sup>104</sup> Sweden, The Corona Commission, [Summary of SOU 2020:80 Elderly care during the pandemic](#). (Stockholm, 2020).

<sup>105</sup> See Sweden, The Ministry of Health and Social Affairs, [Nästa steg Ökad kvalitet och jämlikhet i vård och omsorg för äldre personer](#). SOU 2022:41 (Stockholm, 2022).

<sup>106</sup> Sweden, The Corona Commission, [Äldreomsorgen under pandemin](#), SOU 2020:80, Report, (Stockholm, 2020), chapter 10.

<sup>107</sup> Adrian Sadikovic & Maria Ridderstedt, [Anhöriga: Vi involverades inte i livsavgörande beslut](#). *Radio Sweden, Ekot* (Stockholm), 29 September 2020, (Acc. 21 December 2023).

<sup>108</sup> Lisa Röstlund and others, [Covidsjuka Jan. 81, fick palliativ vård – blev frisk när familjen satte stopp](#). *Dagens Nyheter* (Stockholm), 19 May 2020, (Acc. 21 December 2023).

<sup>109</sup> Rebecca Randhawa. [Läkarförening larmar: Flera svensksomalier bland coronadödsfall i Stockholmsområdet](#). *SVT Nyheter* (Stockholm), 23 March 2020, (Acc. 21 December 2023).

<sup>110</sup> Ramboll, [Vägen framåt: Pandemins konsekvenser på de mänskliga rättigheterna](#), (Stockholm, Ramboll, 2022).

<sup>111</sup> Micke Jaresand and others, [Cancerfondsrapporten 2017](#), (Stockholm, The Swedish Cancer Society, 2017), p. 16.

<sup>112</sup> Sweden, the Work Environment Authority; Charlotte Wåhlin and others, [Säkrare personflyttningar, Kunskapssammanställning 2019:6](#), Practical report (Stockholm, 2019), p. 6.

<sup>113</sup> Sweden, The Public Health Agency, ["Faktorer som påverkar den psykiska hälsan hos äldre personer"](#), 2 September 2022, (Acc. 21 December 2023).

<sup>114</sup> Sweden, The National Board of Health and Welfare, [Psykisk ohälsa hos personer 65 år och äldre – Uppföljning av vård och omsorg bland äldre](#), Report, (Stockholm, 2018), p. 6, 66.

<sup>115</sup> Sweden, Statistics Sweden, [Sveriges befolkningspyramid](#), 27 December 2022, (Acc. 3 October 2023).

- b. Ensure that the highest attainable physical and mental health is fulfilled for all persons in Sweden, regardless of their legal status or health insurance.
- c. Ensure that the Act on Health and Medical Services for Certain Aliens Staying in Sweden without the Necessary Permits granting undocumented migrants the right to healthcare is implemented uniformly in all regions.
- d. Ensure that migration policies do not violate children's and torture victims' right to health.
- e. Assist the regions in developing skills to prevent ill health among the indigenous Sami and in accordance with proven methods ensure that the regions offer support for Sami who suffer from anxiety.
- f. Takes measures to ensure that information about and care in relation to SRHR is available and accessible to everyone, including those without necessary permits and EU migrants.
- g. Legally define life-sustaining treatment, palliative care and end-of-life care and ensure that decisions on these treatments are made by a doctor ensuing a physical examination.
- h. Ensure that relatives having received a patient's authorisation can make final decisions on the patient's care.
- i. Remove age limits in the Act concerning Support and Service for Persons with Certain Functional Impairments and for breast cancer screening.
- j. Ensure that elderly care personnel is equipped to offer activities that maintain capacities and prevent physical and mental illness.
- k. Ensure that elderly people access specialist care on an equal basis as others.
- l. Apply a rights-based approach to hold centralised and decentralised authorities accountable.

### Articles 13–14

69. The National Agency for Education states that schools are not sufficiently able to compensate for pupils' social background, which is confirmed by the Swedish Schools Inspectorate. The Agency observes that school segregation has increased for all socio-economic variables: the parents' level of education and income and the socio-economic index.<sup>116</sup> On a positive note, the new Education Act imposes stricter requirements for equity in the education system and emphasises the schools' compensatory assignment.<sup>117</sup> However, measures to ensure equal education for all children regardless of background are still lacking.
70. According to the Equality Ombudsman, complaints on inadequate accessibility in education are increasing.<sup>118</sup> This issue is also identified in the Swedish Schools Inspectorate's report on home-schooling during the COVID-19 pandemic. The report addresses inadequate accessibility for pupils with disabilities and for those in socio-economic vulnerability.<sup>119</sup>
71. Despite a ruling from the Supreme Court of Administration that a ban on religious veils in elementary school would violate the freedom of religion, there is political debate over it.<sup>120</sup>
72. Sexual harassment is common in schools and the preventive efforts are inadequate.<sup>121</sup>

<sup>116</sup> Sweden, The National Agency for Education, *Analys av familjebakgrundens betydelse för skolresultaten och skillnader mellan skolor – En kvantitativ studie av utvecklingen över tid slutet av grundskolan*, Report 467 (Stockholm, 2018), p. 19.

<sup>117</sup> Sweden, *The Education Act* (2010:800) of 23 June 2010.

<sup>118</sup> Sweden, The Equality Ombudsman, *Statistik 2015-2020 – Statistik över anmälningar, tips och klagomål som inkommit till Diskrimineringsombudsmannen åren 2015-2020* Rapport 2021:1, (Stockholm, 2021) p. 66.

<sup>119</sup> Sweden, The Swedish Schools Inspectorate, *Gymnasieskolors distansundervisning under covid-19 pandemin: Skolinspektionens centrala iakttagelser efter intervjuer med rektorer*, SI 2020:3264 (Stockholm, 2020), p. 11, 23.

<sup>120</sup> The Supreme Court of Administration, *HFD 2022 ref. 51 I & II, Skurups Kommun v M.S. and Others*, Judgment, 8 december 2022; see also Jomshof, R., *Slöjförbud i den svenska för- och grundskolan*, individual motion to the Parliament nr 2022/23:1131.

<sup>121</sup> Henning Eklund, "[Sextrakasserier är vanligt i skolan](#)", *Svenska Dagbladet*, 4 December 2020, (Acc. 21 December 2023).



73. Children with suspected ADHD or diabetes are less likely to be invited to visit potential new schools than children without a diagnosis.<sup>122</sup>
74. Students with Swedish as a second language are graded unfairly as opposed to native Swedish speakers.<sup>123</sup>
75. Not all children obtain primary and secondary school education, despite a statutory right to education.<sup>124</sup> The educational situation of the national minority Roma merits particular attention due to past and present exclusion mechanisms.<sup>125</sup> The long-term national strategy for Roma inclusion identifies education as one of the most important factors to achieve improved living conditions for the Roma, but does not stipulate concrete goals nor policy.<sup>126</sup> Hence, the educational opportunities of Roma children have depended more so on haphazard commitment by public agencies to counter underlying barriers to participation. These include experiences of discrimination and harassment, a lack of access to education in the Roma minority language and prejudiced practices affecting the relationship between school, social services and the family. Mutual distrust and misunderstanding destroy children's opportunities in school and prevent access to educational and other support measures that the municipality has to offer.<sup>127</sup>

**We recommend the state to:**

- a. Treat segregation between schools with the utmost seriousness and conduct an extensive analysis of the cause(s) of the inequalities.
- b. Enable schools to achieve their compensatory assignment by means of carefully pre-considered systems for differentiated support.
- c. Ensure access to quality sexuality education based on norm-critical perspectives for all young people.
- d. Ensure that all relevant actors across policy areas cooperate to ensure equity within education and the compensatory mandate.
- e. Guarantee Roma children equal access to primary and secondary school education by applying targeted measures to implement the National Roma Inclusion Strategy.

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<sup>122</sup> Ida Andersson, "[Ny Studie: Barn med adhd och diabetes diskrimineras av skolor](#)", *SVT Nyheter*, 8 May 2020, (Acc. 22 December 2023).

<sup>123</sup> Hampus Jamlo, "[Elever med annat modersmål än svenska döms orättvist](#)", *Ämnesläraren*, 5 October 2020, (Acc. 22 December 2023).

<sup>124</sup> See Sweden, [The Education Act](#) (2010:800) of 23 June 2010, Section 1, § 8.

<sup>125</sup> Neville Harris and others, "[Ensuring the Right to Education for Roma Children: an Anglo-Swedish Perspective](#)", *International Journal of Law, Policy and the Family*, Vol. 31, Issue 2, (August 2017), pp. 230–267.

<sup>126</sup> Sweden, the Ministry of Culture, *Romers rätt - en strategi för romer i Sverige*, [SOU 2010:55](#), (Stockholm, 2010).

<sup>127</sup> Marianne Liedholm & Göran Lindberg, [Romska barn i skolan](#). (Lund, Lund University, 2010); Anna-Märta Näsholm, [Romer och utbildning - Den svenska statens syn på romer ur ett utbildningsperspektiv](#) (Uppsala, Uppsala University, 2012), Focus group with Roma bridge builders from five municipalities, digital meeting on Zoom, 8 June 2021.