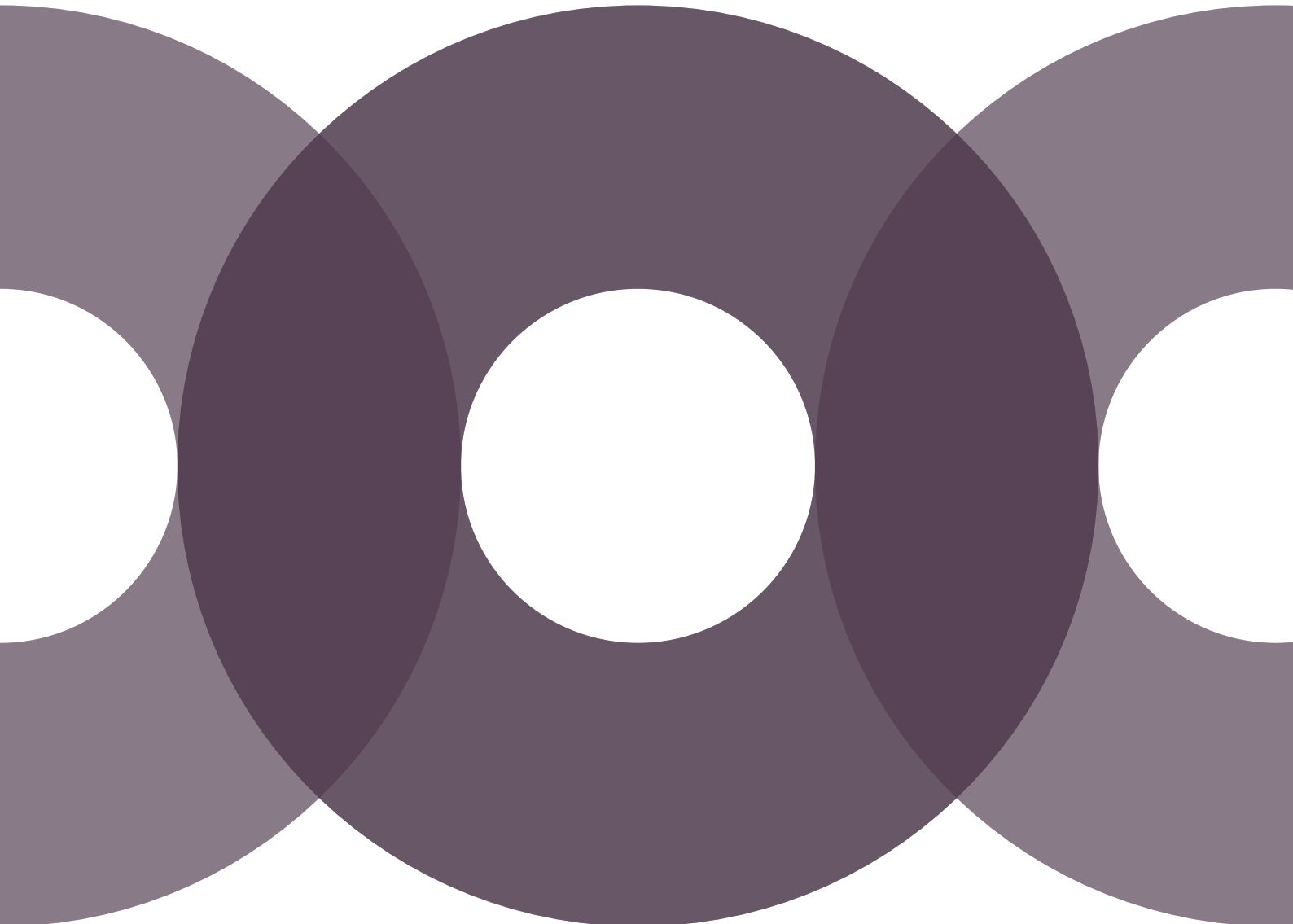




**Diskriminerings
ombudsmannen**

Submission by the Equality
Ombudsman (DO) in preparation for
Sweden's fourth review within the
framework of the Universal Periodic
Review, 2024.

Submission to Sweden's fourth Universal Periodic Review under the UN Human Rights Council



Submission by the Equality Ombudsman (DO) in preparation for Sweden's fourth review within the framework of the Universal Periodic Review, 2024

The Equality Ombudsman (DO) is a government agency that works to combat discrimination and promote equal rights and opportunities for all, regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. We receive and investigate complaints from individuals, represent individuals in court, and carry out supervisory activities on actors in various sectors of society. An important part of our mission is also various activities to promote equal treatment, such as dialogues and dissemination of knowledge. DO is independent in relation to the Government and is Sweden's designated equality body.

DO's statement in preparation for Sweden's fourth review within the framework of the Universal Periodic Review focuses on the core of our mission, which is to support individuals who have been discriminated against to obtain redress.

Strengthen individuals' access to justice

Discrimination in Sweden is widespread and affects the living conditions of many people. It occurs in all areas of society and DO receives more than 4,000 complaints of discrimination every year. Studies suggest that at least half a million people a year experience discrimination, but there is a large number of unreported cases, making it difficult to say for certain how many people are affected.¹

More actors than just DO must be involved in litigating cases if more victims of discrimination are to obtain redress and if discrimination legislation is to have a greater impact on society at large. If we have more actors who have greater opportunities to take action, this could lead to more effective anti-discrimination work.

Several factors are relevant to the question of whether discrimination disputes are litigated in court or not. These include financial aspects, such as the cost of hiring legal counsel and who ultimately has to bear these costs, as well as what information individuals and organisations have about their rights and what opportunities actors other than DO have to take action.

¹ The state of discrimination 2023 – annual report from the Equality Ombudsman: [The state of discrimination 2023 | DO](#).

In order to strengthen individuals' access to justice, DO recommends the Government to:

- create a litigation fund from which individuals or organisations working to combat discrimination can apply for funding to pay for the litigation of major discrimination cases in court.
- review the rules on legal costs in discrimination disputes, which currently entail too high a cost risk for individuals who claim that they have been subjected to discrimination and/or the (non-profit) organisations that represent them.
- increase the resources and strengthen the capacity of the anti-discrimination agencies so that they have greater opportunities to litigate discrimination cases in court.

Comprehensive protection against discrimination in the public sector

We regularly receive complaints from individuals who claim that they have been discriminated against by police officers or customs officials. Because the protection against discrimination in the public sector is not comprehensive, we currently do not have the mandate to investigate these cases.

Today, the prohibition of discrimination only applies in certain parts of the public sector. In other areas, the protection is limited to the treatment of individuals by public employees when they have contact with the government agency, such as when the agency provides information or gives advice to individuals. This is a major shortcoming in the protection against discrimination, which DO has pointed out many times, as it means, for example, that the current prohibition of discrimination does not cover actions taken by police officers or customs officials in relation to individuals.

The Government recently adopted new repressive legislation on preventive restraining orders and what are known as safety zones. A common aspect in these laws is that the police are given considerable room to manoeuvre when deciding on interventions against individuals in order to combat crime and increase security in society. DO has pointed out that these laws increase the risk of discriminatory ethnic profiling, i.e. that the police make a discriminatory selection of people who are subject to various forms of intervention, such as body searches.

The Government has announced that legislation to strengthen protection against discrimination in the public sector will be drafted, so that DO also

will be mandated to supervise the activities of the police, customs officials and others. This is necessary for an adequate protection against discrimination and DO urges the Government to:

- accelerate the drafting of legislation for comprehensive protection of individuals against discrimination in the public sector.

Increased protection against discrimination of persons with disabilities in the housing sector

Of the complaints about discrimination filed to DO the largest share concerns discrimination related to disability. Of the complaints of discrimination received in 2023, 46 percent concern discrimination related to disability. DO's analyses of complaints show that a relatively large number of complaints in the housing sector concern the discrimination form of inadequate accessibility in the Discrimination Act, which is a transposition of the requirement for appropriate measures for accessibility for persons with disabilities under Article 9 of the UN Convention on the Rights of Persons with Disabilities. A large part of these complaints does not lead to any action because the prohibition of discrimination in the housing sector does not cover discrimination in the form of inadequate accessibility. This exception to the prohibition of discrimination can make it difficult for persons with disabilities to have their needs for housing met. This issue is also often raised in DO's dialogues with civil society organisations.

A prohibition of discrimination in the form of inadequate accessibility in the housing sector contributes to ensure that persons with disabilities have access to their human rights and the opportunity for redress when the rights are violated. Such protection would also have a preventive effect and lead to increased pressure to make society accessible to all. DO therefore urges the Government to:

- amend the Discrimination Act so that inadequate accessibility is covered by the prohibition of discrimination in the housing sector.

Ensure the rights of Sami as an indigenous people

Sami are discriminated against in all areas of society. In 1977, Sweden recognised Sami as an indigenous people. However, Sweden has failed to ensure the rights of Sami as an indigenous people. This has had serious consequences, as the State leaves it to local communities and courts to resolve the problems and conflicts for which the State is responsible. Continued failure to ensure Sami rights has a negative impact on the prevalence of hatred, threats and discrimination against Sami and thus also

further worsen the living conditions of the Sami people. To ensure the rights of Sami as an indigenous people, DO urges the Government to:

- ratify ILO Convention 169 and take initiative to ensure that indigenous policy and legislation are based on the Convention and on the UN Declaration on the Rights of Indigenous Peoples.

Ambitious implementation of the new EU anti-discrimination legislation

Comprehensive and strong legal protection and robust institutions are required to ensure effective protection against discrimination. DO welcomes the new EU legislation on standards for equality bodies², which will strengthen and expand DO's role as a national equality body when the legislation is implemented in Sweden in the coming years. DO also welcomes the increased protection against gender pay discrimination that will come with the EU Pay Transparency Directive³, including increased requirements for employers to report on disparities in pay between women and men.

DO recommends that the Government:

- make an ambitious interpretation and implementation of the EU legislation on binding standards and pay transparency to strengthen the work to combat discrimination.
- support the new functions and responsibilities of DO with sufficient additional resources so that the implementation of the enhanced protection has an impact in practice.

² Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC; Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU.

³ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

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