

## United Nations Special Rapporteur on freedom of religion or belief, Nazila Ghanea

*Preliminary observations and recommendations*

*Stockholm, 20 October 2023*

As UN Special Rapporteur on freedom of religion or belief, I'm pleased to have had the opportunity to conduct this official visit to the Kingdom of Sweden from 11 October to today, 20 October 2023. This country visit to Sweden has taken place upon the invitation of the Government and I wish to express my appreciation for the invitation and the cooperation shown, in particular by the Ministry of Health and Social Affairs and the Ministry of Foreign Affairs.

In Sweden, I have met government officials from various ministries, including the Minister for Social Affairs and Public Health, the Minister for Foreign Affairs, the Minister for Justice and the Minister for Migration, as well as officials from the Ministries of Education and Research, Employment and Culture. I have also met the Speaker of Parliament and representatives of various Parliamentary Committees, the President and Justices of the Supreme Administrative Court, the Acting Prosecutor General and representatives of the Police Authority. In addition, I held meetings with the Swedish Special Envoy to the OIC, Intercultural and Interfaith Dialogue of Sweden and representatives of the Swedish Agency for Support to Faith Committees (SST), the Swedish Migration Agency, the National Council for Crime Prevention, the National Board on Health and Welfare and the National Agency for Education. I also had the opportunity to meet the Swedish Deputy Ombudsman for Children and other representatives of his team, and representatives of the Equality Ombudsman. In Lund, I met representatives of the Swedish Institute for Human Rights and the Raoul Wallenberg Institute, and in Malmö, I held meetings with representatives of the municipal authorities, the judiciary and the police.

During my visit, I also met a significant number of representatives of religious communities and organisations, faith-based actors, members of non-governmental organizations (NGOs), and academics in Stockholm, Malmö and Lund drawing from a range of universities throughout the country. I further met with representatives of the UNHCR Representation for the Nordic and Baltic Countries and wish to thank United Nations colleagues for their kind assistance in setting up this press conference. I’m grateful to all these interlocutors across national and municipal levels, governmental and non-governmental alike, for giving so generously of their time to share of their expertise and insights around this topic. I’m particularly grateful that the Swedish authorities were swift to respond to my request to visit the country and to facilitate these meetings with the authorities. We encountered great openness in being able to raise our questions regarding the full scope of the freedom of religion or belief landscape.

Purpose

The purpose of this visit has been to assess freedom of religion or belief in the country, identify existing and emerging obstacles to the enjoyment of this right and make recommendations to overcome any obstacles. Amongst the broad issues under review, has been consideration of instances of religious or belief intolerance in Swedish society. It has been a fascinating and eye-opening visit. Regrettably, the timing of the visit was also very challenging. Such events have included the burnings of the Holy Qur’an this year; the violence and the serious escalations in the conflict in the Middle East, and its potential repercussions in Sweden with regard to Antisemitism and combating Islamophobia; and the killing of 2 Swedish nationals in Brussels.

Protection

When describing some key rights and values that are upheld in Sweden’s long and proud history, the following are often shared: equality, democracy, neutrality, respect of privacy, and the independence of institutions. When addressing freedom of religion or belief, authorities often describe it as private, separate and discrete. International human rights, though, are not discrete from one another. They are integral to one another and reinforce one another. Freedom of religion or belief is a standalone right in international standards but also an “expression right” whose manifestation often includes assembly and association. The Swedish Constitution recognises freedom to practice one’s religion alone or in the company of others as an absolute right. Manifestation of freedom of religion or belief, however, is neither absolute and nor is it protected in the Constitution as a standalone right.

The International Covenant on Civil and Political Rights (ICCPR), to which Sweden is a party, provides for freedom of “thought, conscience and religion” in “worship, observance, practice and teaching”. That religion or belief can be expressed or “manifested” in a wide range of ways such as in charitable and humanitarian work, having suitable places for activities, publications, days of rest and ceremonies, and so forth.[[1]](#footnote-1) According to the ICCPR, manifestation can be limited but according to strict legal criteria which are outlined in article 18.3 and do not include national security. **It is recommended that both freedom of religion or belief, and its manifestation, be understood and protected more broadly in the Swedish legal order. The incorporation of the ICCPR into domestic law will also lend support to a more robust protection of freedom of religion or belief.**

Financial support

Sweden’s offer of access to numerous funding streams and grants to facilitate the work of religious communities needs to be recognised as a good practice. This also includes the public support of some faith schools. Funds are distributed to 24 communities at the *national* level through the Swedish Agency for Support to Faith Committees (SST). The SST notes that the distribution of funds to these faith communities is in recognition of the important role of religious diversity. Not all faith communities avail themselves of these grants and funds, and there is oversight over the dispersal of such funds. Funds to *local* faith communities are primarily dispersed by (independent) municipalities. Funds to the Church of Sweden operate differently, in light of the fact that it constituted the state church until 2000, the responsibilities that still accrue to it, and the numerous buildings and sites it maintains. **Faith communities have concerns that the political environment is making access to funds more precarious and that they are insufficient for the range of their needs and activities, and even their possibility of meeting in safety and security. There is also disquiet regarding a sense of great suspicion from the authorities when funds from other governments are used to fill any shortfall, though this is legal.** This will be discussed more in my full report.

Confessional and non-confessional schools

The inspection of confessional schools has intensified greatly in 2023 and has led to unease in the respective religious communities. These schools feel they are being viewed through an expectation that they are anti-democratic, that they promote extremism, and are less likely to be providing a “safe and positive school environment”. Indeed, the legislation is precisely tailored as such. The Government’s need to ensure compliance with the national school curriculum is, of course, important. However, legislation has now defined, and very much narrowed, the “religious elements” that can be upheld in confessional schools. The classroom teaching of confessional schools – which are open to all – is to have no religious elements whatsoever. There can be prayers, grace or classes on religion held but only outside the class schedule and with opt-out. Non-confessional schools allow no opt-outs or exemptions from classes or activities on grounds of religion or belief. **A “safe and positive school environment” reflects the pluralism of its community and is welcoming to positive values from many cultures. The drive to address violent extremism and societal violence cannot afford to set aside the strength and resources that can be drawn from that diversity.**

Respect and belonging

The ongoing burnings of the Holy Qur’an were brought up by almost all interlocutors in our exchanges. Across different authorities and communities, and regardless of their religion or belief, there were expressions of disappointment that these acts were offensive, disrespectful acts of provocation that had no place in Sweden and the EU.

During my visit, the very first court case in relation to the Qur’an burnings was concluded. Last week, Linköping District Court found a 27-year-old man who spread a video where he burned a copy of the Qur’an guilty of incitement to hatred against a population group. The judgment referred to the specific circumstances of the case, including the use of background music that has become popular in anti-Islamic circles. Another case, that is related to the police’s withdrawal of a permit to burn the Qur’an, is currently before the Supreme Administrative Court. I look forward to the outcome of this and other pending cases and will discuss it further in my full report.

**The authorities acknowledged that UN human rights standards and norms are remote and rarely referenced in the jurisprudence and political narratives in Sweden. In addition to its obligations, such as to the ICCPR, there are many other international human rights standards and soft law that can be pertinent for Sweden, not least in relation to navigating matters associated with both freedom of religion or belief and freedom of expression. I encourage a far greater engagement with these norms.** The Rabat Plan of Action, resolutions such as 16/18 and its follow up in the Istanbul Process and other soft law are highly pertinent to issues Swedish society is confronted with. Sweden has a strong engagement with freedom of religion or belief internationally and robust engagement at the United Nations, it could utilise these standards more strongly with regard to its domestic legal order and benefit far more from such a normative exchange.

Engendering trust

Key to the smooth operation of Swedish society, and indeed its policies and mechanisms, has been trust - a high level of trust between the state and society, between a small and coordinated central government and the autonomous 21 regions and 290 municipalities in the country. The Constitution upholds the right to have, adopt and change religion as an absolute right. It upholds the manifestation (expression) of religion not as a standalone right but in tandem with other rights. The Convention on the Rights of the Child and the European Convention on Human Rights as human rights treaties have been incorporated into domestic law. While the ICCPR has not been incorporated, its ratification means that it can and should guide the jurisprudence. In addition to the general legal order, there are specific mechanisms that allow for sharper attention to certain matters relating to freedom of religion or belief as understood in international human rights law. These include recognition as a national minority, and focused attention on advancement through certain action plans and programmes at the national or municipal level, including the National Action Plan on racism, similar forms of hostility and hate crime and the associated Action Programmes to combat Antisemitism, Islamophobia, racism against Sámi, along with Afrophobia and Antigypsism (Roma). I will expand on this in my full report to the Human Rights Council.

The full enjoyment of freedom of religion or belief for all rests on the authorities maintaining a sympathetic and ongoing watch on how law and practice interact with societal and political influences to impact persons and communities on the ground. In the rich landscape of Swedish life, these persons and communities have hailed from over 150 countries. **The dynamism and range of issues that arise cannot be underestimated and any complacency by the authorities at different levels of society can lead to oversight, delays in access to justice, blind spots and distrust.** This is especially so considering the long prior history of relative homogeneity, especially considering how that informed a public understanding of ‘religion’ as being highly individual and personal belief, with a fairly predictable and narrow presence in public life. To a large extent, this expected space and role for ‘religion’ has remained unchanged, whilst the presence and practice of religiosity and belief has grown exponentially. To this one must add the shift from Sweden’s high levels of secularity. One interlocutor observed that secularity is now being confused with a secularist ideology that erases religion from the public sphere.

Wider trends in society combine with secularity to create risk, and delay redress, for some aspects of freedom of religion or belief. Vigilance is required regarding religious or belief intolerance and discrimination within society. Societal harassment, discrimination and threats must not go under cover. Civil society interlocutors are also concerned that the Tidö Agreement’s reduction in migration flows may compromise the absolute protection from non-refoulement, with the refusal of religious conversion cases being a particular concern. The proposed democracy criteria which were withdrawn, but are currently being revised and due to be reintroduced later this year, are another cause for concern. Some observed the national debate on the Tidö Agreement and the democracy criteria having led to a “name and shame culture”. **It is noted that this prevalent culture creates self-censorship and a fear of being labelled and even deported. Such a culture undermines trust and discourages religious discrimination cases from being reported. It needs timely and serious address.**

Beyond neutrality

What has made addressing this matter more pressing, is the fact of large-scale recent migration to Sweden, with 2015 marking the peak. Many described to us the historical homogeneity of Swedish society and its preponderant secular mindset. The Swedish state is secular, many shared, but to this has been added a secularist ideology that has not been able to adequately appreciate more communal religious practice in the public sphere. The default understanding of religion is one that is individual and private. The role of the authorities vis-a-vis religions has understood as drawing from ‘neutrality’. However, these defaults are culturally construed by Sweden’s history. Even though the state church was only disestablished in 2000, actors from the Church of Sweden shared how their actors face criticism for making ‘political’ statements when they engage in social debates.

**Neutrality needs to be interrogated and better understood. Neutrality and equality are not shields against the enjoyment of human rights on an equal basis. Nor should they dictate a blind uniformity of treatment regardless of context. Different treatment and specificity, even special rights, are essential to ensure full access and enjoyment of human rights by all, including those holding diverse religions or beliefs. This is a well-trodden path with regard to gender and I encourage Swedish actors to utilise this insight more robustly in relation to religion or belief.**

“No data, no problem”

Disaggregated and regular data collection is essential to giving us an insight into the actual picture of the enjoyment of rights, or otherwise. It has been called for by all human rights assessment authorities from Sweden. Data is collected in Sweden but discretely when it is suspected that it is needed by a particular authority on a particular topic. The results produced by such inquiries give us a patchy and sometimes confusing insight into human rights challenges that remain. That leaves the authorities to have to assume that all human rights challenges occur in socioeconomically disadvantaged and segregated neighbourhoods. However, this assumption itself risks feeding bias. **Numerous authorities admitted that the fulfilment of their tasks would be far enhanced if there was regular data collection. It goes without saying that this would be voluntary and would rest on self-definition. The mandate lends its voice to the need for having data, hence allowing for an evidence-based approach to human rights work.**

It is not only data that is scarce. Judgements and cases regarding religion or belief are also scarce. The fact that manifestation of religion or belief is not protected as a standalone right in the constitutional framework is one factor. Another is the Discrimination Act. The Swedish Discrimination Act prohibits discrimination against individuals in a variety of areas of society. However, the protection of the Act does not comprehensively cover all public activities. For example, law enforcement agencies, including police, prison, custom and migration officials are not fully covered by this Act, including in relation to their acts of authority. **I understand that an inquiry into the matter was commissioned a few years ago, that a report was completed at the end of 2021 and remains with the Government for its review. Its release would be most helpful for consideration of religion or belief, especially in the absence of other sources.**

Outreach

In recent years, a number of challenges have brought freedom of religion or belief matters to the forefront of the mind of the authorities. This has encouraged the authorities to realise that faith communities “can be part of the solution”. More authorities are reaching out to the faith communities, not only to “give” them information in times of crises but, increasingly, to have ongoing dialogue. **It is recommended that, as already noted by some municipal and national authorities, any outreach and dialogue provide ongoing channels for exchange, learning and trust building and not only be set up episodically after crises. It should also be noted that regardless of the value of interfaith fora set up by various authorities, legitimacy and representation can be far enhanced when these fora are rooted in the community and set up by faith communities and civil society themselves.** Some faith actors noted the potential asymmetry in such dialogues and the need to be mindful that these exchanges be held at a time when community representatives can be available, with sufficient notice, and in an environment of open exchange.

Autonomy and accountability

This past decade has seen a sharp rise in violence - gang violence in neighbourhoods, against teachers, women and children. This stems from right wing and religious extremism, and gang violence, oftentimes within ethnically diverse communities. There is understandable shock and concern about this, and the question is whether freedom of religion or belief – and religious and belief communities – are to be brought in as part of the solution or kept out even further from civil society engagements and public policy responses? The political responses have differed, and continue to diverge, across actors at different levels of Swedish society. Central government is small and tightly knit. Then there are 21 regions and 290 municipalities, all enjoying a very high degree of autonomy and self-direction. Each interprets and applies the law in their own way, largely in light of the political make-up of that municipality, with the centre only providing broad parameters. **What this means for freedom of religion or belief is that the environment for, and enjoyment of, religion or belief can differ notably across the country. Accountability for compliance with human rights standards at all levels, and the means of ensuring alignment with human rights, needs strengthening. A strong cross-party support for freedom of religion or belief would ensure a stronger framework for its promotion and protection.** This could be well supported by a freedom of religion or belief action plan and national focal point.

Conclusion

These are my preliminary findings, and I will submit my report, containing my full observations and recommendations from my visit to Sweden to the UN Human Rights Council in March 2024.

I count on the continued cooperation of all relevant authorities in my follow up and stand ready to be of any assistance in advancing these objectives.

Thank you.

1. 1981 Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief. [↑](#footnote-ref-1)