



3 December 2020

Ministry for Foreign Affairs

Department for International Law, Human Rights
and Treaty Law

**Sweden's submission to the thematic report on Anti-Muslim
hatred / "Islamophobia" and the right to freedom of thought,
conscience and religion or belief**

Muslims within the State

No official record regarding the religious affiliation of the population in Sweden exists. Estimates from surveys suggest that the number of persons identifying as Muslims range between 200 000 to 500 000.¹

Estimates suggest that Sunni Muslims represent the main Muslim group, often with roots in Arab-speaking countries and Somalia, Turkey and Bosnia. The Shia Muslims often have migration background in Iraq, Afghanistan and Lebanon. Approximately 40 % of the Muslims have grown up in Sweden, 10 % in other parts of Europe and 50 % in countries in the rest of the World.²

The Sunni and Shia population have many subgroups among them (Sufi brotherhoods, different confessional movements, etcetera). There is also a group of Muslims with background in the Ahmadiyya Muslim Community.

¹ *Religion och religiositet bland utlandsfödda*. Wadensjö, Eskil & Tibajev, Andrev. The survey is based on statistics from Levnadsnivåundersökningen (approx: The standard of living survey), <https://www.sofi.su.se/forskning/tre-forskningsavdelningar/lnu>

² *Ett mångreligiöst Sverige i förändring*, Myndigheten för stöd till trossamfund (2020), s. 27

Recognising, protecting and promoting respect for the right to freedom of thought, conscience and religion or belief

The Swedish constitution recognizes everyone's right to freedom of religion.³ The Constitution further states that "the public institutions shall combat discrimination of human beings on the basis of gender, skin colour, national or ethnic origin, linguistic or religious affiliation, disability, sexual orientation, age or other circumstances pertaining to the individual."⁴ Additional provisions for the protection of individuals are made in the Discrimination Act. A government agency, The Equality Ombudsman (DO) is charged with overseeing the rights of individuals and, when needed, further their case in courts.⁵

Sweden is a party to major United Nations core human rights conventions. Sweden is also a party to the European Convention on Human Rights, and the Convention is a part of Swedish law and can be directly invoked before Swedish courts.

Restrictions of the right of Muslims to manifest their freedom of religion or belief

All citizens are guaranteed the freedom of religion and freedom of expression by the Constitution. The freedom of religion is an absolute right that cannot be limited unless the Constitution is first amended. There are no specific restrictions made for Muslims to manifest their freedom of religion or belief.

Religious slaughter of animals

Swedish law does not allow for the slaughter of animals without prior anesthesia. This includes the ritual slaughter practices of Muslims (and Jews). Muslims abattoirs in Sweden all slaughter their meat accordingly. There are no restrictions regarding importing halal meat into Sweden.

³ Chapter 2, article 1 of the Instrument of the Government

⁴ Chapter 1, article 2 of the Instrument of the Government

⁵ <https://www.do.se/other-languages/english/>

Religious symbols, forms of dress and other personal representations

The constitutional rights to freedom of expression applies to all citizens equally. There are no restrictions on the right to display religious symbols, dress etc.

In recent years, there have been attempts to limit the use of headscarves, and some municipalities recently decided that the headscarf worn by Muslim women and girls will not be allowed in public schools. The administrative court of Malmö recently ruled that such a ban is violating the freedom of religion as formulated in the Constitution and the ECHR.⁶

Parental liberties regarding religious education of Muslim children

There are no such legal restrains, nor any other attempts by the State to restrain such activities. The Government has initiated an investigation about privately run independent schools, that will look into the question of restricting the establishment of new independent schools with religious profiles. This comes in the aftermath of a public debate about independent schools with Islamic profile.

Holidays or days of rest in accordance with the Islamic faith

Most national holidays in Sweden are in essence Christian holidays. As an employee, you are generally entitled to choose your personal vacation days freely, as long as sufficient notice is given to the employer. Therefore, Muslims can, as other minorities, choose to use vacation days for their religious holidays.

The situation might be a more difficult for pupils at the nine-year compulsory school, as well as at high school level. These schools are administrated by the local municipalities, and each municipality decides individually how they will deal with leave application at public schools.

⁶ <https://www.svt.se/nyheter/lokalt/skane/forvaltningsratten-upphaver-slojforbudet-i-skurup>

Attacks on places of worship by Muslims and restrictions on their construction, maintenance or use

Research from 2018 shows that 59 percent of the Muslim centres/mosques in Sweden have been exposed to some form of physical damage and more than one in every fourth centre/mosque have been exposed to physical damage more than ten times. Furthermore, research shows that 67 percent of the Muslim centres/mosques have received some sort of threat, but that only one third of the threats were reported to the police. Different reasons for not reporting are given, but a prominent and reoccurring reply is the feeling that a report will not lead to any prosecution.⁷

The State does not put any restrictions on the construction, maintenance or use of Muslim places of worship. However, decisions to build new places of worship regularly causes public debates and demonstrations.

Islamic cultural sites

There are no Islamic cultural sites in Sweden. It is possible that given the increase of Muslim population, certain sites might become a part of the Muslim cultural heritage in Sweden, e.g., mosque buildings, graves of prominent personalities, etcetera.

Islamic education

It is possible to receive public funding in order to operate a privately-run independent school. Such independent schools could have a religious profile, and indeed there are a number of such schools. Education in independent schools has to follow the national curriculum.

To be allowed to start an independent school, and have the right to public funding, the Swedish Schools Inspectorate must approve an application from the natural or legal person who wants to run the school. Approval must be given if the applicant through experience or otherwise has acquired insight into the regulations that apply to the education, has the financial means to comply with the regulations that apply to the education, and otherwise has the prerequisites to follow the regulations that apply to the education. Furthermore, it is required that the applicant is otherwise deemed

⁷https://www.myndigheten.se/download/18.182b0287164fc3c41d6ae889/1536906107204/Cemfor2018_muslimskaforsutsatthet.pdf

suitable. Another prerequisite for the Schools Inspectorate to approve an application is that the establishment does not result in adverse effects in the long run for students and the school system in the community the independent school is supposed to set up in.

According to a government inquiry (SOU 2019:64), based on the national school register, there were about 70 schools (compulsory schools and upper secondary schools) with a denominational orientation (independent faith schools) in October 2019 of which about 10 schools had a Muslim orientation. (There is no data on possible occurrence of classes outside the formal school system, as that sort of activities are not regulated.)

The education in public schools must be non-denominational. For privately run independent schools, the teaching must be non-denominational, but the education in other respects may have a denominational orientation (for example, morning prayer before school starts in the morning). Pupils participation in denominational elements must be voluntary.⁸

As far as university education is concerned, there are courses and programmes about Islam and Muslim culture available at different universities in Sweden, most prominent of them being Lund University and Uppsala University. Universities in Sweden are essentially state agencies, and as such these university educational programmes and courses are funded and recognized by the State. However, it should be noted that these are not theological seminaries and thus the purpose of the course is not to educate Muslim clergy.

Furthermore, Sweden also has a system of folk high schools, educational institutions for adult learning. Such institutions are funded by the State. These folk high schools can have different profiles, and there is one with a Muslim profile (Kista folkhögskola). This particular institution is also the first in Sweden to offer a diploma course in Muslim Chaplaincy.

Domestic laws, policies, practices to protect against or respond to discrimination against Muslims

A society free from discrimination is a goal for the Swedish Government. The Equality Ombudsman (DO) is a government agency that works on

⁸ Chapter 1, Section 7 of the Education Act [2010:800]

behalf of the Swedish parliament and Government to promote equal rights and opportunities and to combat discrimination. The following URL contains more information about the Ombudsman, discrimination and how to make a complaint: <https://www.do.se/other-languages/english/>. Employers and educational providers must take preventive measures against discrimination promote equal rights and opportunities for all. At the local level, Anti-discrimination offices offer support and legal advice to individuals. These offices have an important role in combatting discrimination.

Further, Sweden has comprehensive legislation on hate crime in place. A person who, in a statement or other communication that is disseminated, threatens or expresses contempt for a population group by allusion to race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression is guilty of agitation against a population group according to The Swedish Criminal Code. The Criminal Code also provides for aggravated sentencing where a motive for a crime was to insult a person or a population group on one of those grounds, or another similar circumstance.

The Swedish Police Authority has raised its ambition in tackling hate crime and other crimes that threaten human rights and fundamental freedoms. This includes introducing a national contact point on these issues, and there are now democracy and hate crime groups in the three metropolitan police regions and additional resources have been allocated all over the country in every police region. Besides investigating crime, the designated resources will work with support to victims of crime, internal training, collaboration and other measures to create reassurance and trust.

From 2018 onwards, the Swedish Police Authority allocated SEK 10 million in special funding for measures including strengthening existing efforts to increase bringing the perpetrators of crimes against democracy and hate crime to justice, clearer coordination, strategic work and follow-up. The Swedish Police Authority also stepped up efforts to combat IT-related crime, including hate crime. National resources are being further expanded and regional IT crime centres are being set up.

Representation and participation in public life

There is no national census that takes into account the religious faith of the citizens of the nation. Similarly, no record is kept of the religion or faith of individuals in different governmental bodies, agencies, institutions or similar. However, in certain circumstances, Muslim faith communities will be included when the Government sends out a proposal to circulation for comment. There are also regular consultations with civil society organisations on issues relating to Islamophobia and other forms of racism.

Hate speech by politicians

The right to freedom of expression applies to all citizens, including politicians. Any limitations, such as hate speech laws, likewise applies to all citizens. The laws against hate speech includes hate speech based on religious belief. There is no specific law that protects only Muslims, the Muslim category is equally protected under the law as other minorities.

Online hate speech

Since hate speech can be a criminal offence in Sweden, for example as agitation against an ethnic group, incidents are investigated.

Regarding monitoring, the Centre for preventing violent extremism has compiled lists of symbols used in online and offline communication for practitioners to be better equipped to recognize violent extremist propaganda and messages online and offline. The Government has also tasked the Swedish Defence Research Agency to map and analyse violent extremist propaganda in digital environments. These both actions have increased the knowledge about the content of online propaganda.

The Government is providing financial support to civil society organizations for activities to combat racism and similar forms of intolerance, including fighting hate speech online. This includes Nät-hatsgranskaren (NH, approx: Hate Speech Online Detector) that is active in identifying hate speech online and reporting it to online companies and the Police. NH has provided information and evidence in investigations that eventually has led to convictions for hate speech online. Another organisation to be mentioned is EXPO, founded by author Stieg Larsson in 1995. EXPO gathers

information about racist groups, networks and phenomena, produces the quarterly Expo Magazine, and delivers education.

The Swedish Police is involved in cooperation with social media companies such as Facebook and Twitter for the purpose of investigating cybercrime.

The Act on Responsibility for Electronic Bulletin Board provides a criminal responsibility for suppliers of electronic bulletin boards to remove or make inaccessible messages whose content is obviously such as is referred to certain provisions of criminal law, *inter alia* agitation against a population group and unlawful threat.

Countering Violent Extremism

A fundamental premise underlying all work against violent extremism is that human rights, democracy and the principles of the rule of law are respected. This also applies to protection for personal privacy. Violent extremism may only be countered by means that are appropriate in an open, democratic society governed by the rule of law. Each measure must be proportionate to its purpose, both when it comes to new general regulations and to application of the regulations to a specific action. Rights may only be restricted to meet aims that are acceptable in a democratic society and only by using such measures as are necessary, appropriate and proportionate.

The Swedish Security Service describes violent extremism as based on individuals' intentions and ability to commit crimes in order to change society. Violent right-wing, violent left wing and violent Islamist extremism are held together by their respective common beliefs and see crime as a legitimate part of the ideological struggle. They believe that it is not possible to change society through the democratic system. According to them, other more direct and radical methods are required, often violent ones, even if it means violating rights of individuals.

State mechanism for reporting/recording incidents of anti-Muslim hatred or discrimination

There is no specific State mechanism for reporting anti-Muslim hatred or discrimination against Muslims. However, complaints can be submitted to the Equality Ombudsman: <https://www.do.se/other-languages/english/submit-information-and-complaints/>. The Swedish

National Council for Crime Prevention publishes statistics on police reports with an identified hate crime motive. As such, they do keep records on anti-Muslim hate crimes. In 2018, 562 Islamophobic hate crimes were identified.

In 2017, the State commissioned the Agency for Support to Faith Communities to carry out informational seminars amongst the Muslim communities in order to encourage reporting of anti-Muslim hate crimes and discrimination.

In 2019, The Swedish National Council for Crime Prevention was commissioned to carry out a specialized study on Islamophobic hate crimes to be presented by the end of March 2021. It will highlight the nature of Islamophobic hate crime focusing on perpetrators and aiming to obtain better data to strengthen preventive work.

Information on who the perpetrators of hate crimes are and percentage of prosecutions that are successful

According to Swedish law, no general register of people's ethnicity, religious affiliation or sexual orientation can be kept, so it is difficult to estimate the size of the groups of people covered by the hate crime motives or to conduct more extensive targeted investigations.

Of the 440 identified hate crime reports with an Islamophobic motive from 2016, 6 percent constituted person-based clearances, which means that a person had been linked to the offence by means of a decision to prosecute, by having accepted a summary sanction order or by having been granted a waiver of prosecution. The low person-based clearance rate is not unique for crimes motivated by hate. The types of offence that mainly occur, such as molestation and defamation generally have a low person-based clearance rate. Hate crime is also generally hard to investigate and demands special expertise. Identifying and being able to prove the motive is a major challenge for investigators and prosecutors.

Since hate crimes are not a specific crime, but are defined by the perpetrator's motives, it is also difficult to make the incidence of hate crimes visible in criminal statistics, especially through the whole process from reported crime to conviction. Therefore, it is not possible to discern what percentage of persecutions of hate crimes in which Muslim identity was an aggravating factor are successful. For hate crimes in general there is an old

study from 2002 in which 46 of 291 persecutions of hate crimes lead to an increased penalty since the court recognised hate as a motive for the crime.

Provided security for Muslim schools and cultural or religious sites

There is no specific protection for Muslim schools or cultural sites. However, the Legal, Financial and Administrative Services Agency is commissioned with distributing financial aid for civil society organizations in need of enhancing their security. Faith communities are included amongst such organizations, amongst them Muslim Faith communities.

Furthermore, in 2019 the Agency for Support to Faith Communities was commissioned by the Government to work with Muslim faith communities in order to help them enhance their security measures in mosques, centres and prayer halls.

The Swedish Police Authority and the Swedish Security Service work closely together with corresponding authorities in other countries. The authorities continuously assess potential threats and are prepared to take measures when deemed necessary. This includes both safety-enhancing measures and arrangements to heighten security.

During the period 2018–2020, the Swedish Government financed security-enhancing initiatives in schools with a threat directed at them. Grants for security-enhancing measures could be given if there was a significant risk of violence against the school or against pupils or staff where a motive was to offend a person, an ethnic group or another such group of persons.

State practices to remove barriers and promote tolerance

The Government Agency for Support to Faith Communities has a general assignment to promote dialogue between the Government and faith communities, but also to create spaces where different actors, including faith communities, can come together and dialogue with each other.⁹ Although interfaith dialogue as such is not a part of what the Agency does, it does facilitate such activities by arranging workshops, training courses and meeting spaces.

⁹https://www.myndighetsst.se/download/18.440531b11679264f35318f37/1545036061171/Info.folder_engelska_1%C3%A5gupp1%C3%B6st_maj2018.pdf

The Agency is also tasked with raising knowledge about the safety of mosques and Muslim congregations, as well as different actors' exposure to Islamophobia and hate crimes. The Government Agency for Support to Faith Communities has developed a model for producing risk analyses and safety-enhancing measures that are tested by congregations in several municipalities. The agency notes that the relations between cooperating authorities and the Muslim congregations are strengthened through the work and that this creates conditions for new forms of work and greater mutual trust.

In 2016, the Swedish Government adopted a National plan to combat racism, similar forms of hostility and hate crime (<https://www.government.se/492382/contentassets/e6047ff54c00452895005f07e2e2ba39/a-comprehensive-approach-to-combat-racism-and-hate-crime>). The governmental agency The Living History Forum is responsible for coordinating and following up the National plan.

The Government is strengthening the National plan with SEK 10 million per year from 2020. This will provide scope for continued and new measures within the framework of the plan's five strategic areas: more knowledge, education and research, improved coordination and monitoring, civil society: greater support and more in-depth dialogue, strengthening preventive measures online and a more active legal system.

As part of the National plan, The Living History Forum has been tasked with carrying out a major education initiative on different forms of racism, i.a. Islamophobia. Target groups include school staff and other public employees, e.g. at the Swedish Police Authority, the Swedish Public Employment Service, the Swedish National Insurance Office and Social Services.

Since 2016, the Swedish Research Council has been running a research programme on racism amounting to SEK 20 million a year in partnership with the Swedish Research Council for Health, Working Life and Welfare (Forte). In early 2019, the Swedish Research Council made a further call for proposals for grants under this programme.

The Ombudsman for Children in Sweden has, based on the UN Convention on the Rights of the Child, been tasked with producing and compiling

knowledge about children and young people's exposure to different forms of racism including Islamophobia.

Tackling extremism

It is difficult to predict which individuals in a society that are at risk for radicalisation to violent extremism and therefore also which groups in a society which are more vulnerable than others. Research shows that some of those who are involved in violent extremism gets involved at a young age, but adults can also get involved. Education could be a protective factor, but those involved violent extremism have not always failed in school. Research also shows that prisons could be a place for radicalisation and recruitment. There is also research evidence showing that violent extremist groups use different digital platforms to reach out with their message and using online discussion forums for recruitment. Measures have been taken to strengthen the preventive work in all these areas. Training and support to staff is essential, as to social workers and professionals working with youth in special residential homes. There is a need for a whole society approach, as it is impossible to prevent radicalization based solely on one actor. The Government has therefore established a National Centre for Preventing Violent Extremism at the National Council for Crime Prevention. The Centre has among other things the task to give support to professionals working at local level, to strengthen and develop national cooperation in order to increase the effectiveness of the preventive work and to develop knowledge about violent extremism and about preventive measures.

Extremism in the political system is not an issue for Sweden.