

SWEDEN

By the Swedish National Forum for Voluntary Organisations

Summary:

*Conditions for civil society in Sweden are good and characterised by a **high level of public trust**, a robust framework for dialogue with state officials and good economic viability. These factors enable civil society in Sweden to be an integral component of the democratic, social and economic fabric and act as a watchdog in the rule of law landscape. This was also evident during the COVID-19 pandemic, as the sector played a crucial role in responding to the health and social challenges that emerged with the support and praise of public authorities. Generally, the functioning rule of law infrastructure enables civic organisations to appeal against wrongful implementations and ensures accountability. While the **right to association** is protected by the Constitution, in the past years, laws on terrorism and anti-money laundering have progressively changed the relations between the public authorities and civil society and diminished mutual trust. New measures passed in 2021 regarding the “criminalisation of participation and support of terrorist organisations” and “democratic principles” go in this direction, raising worries among civil society over increasing state interference with the right to association.*

*There have also been growing challenges, particularly for those organisations working with or composed of Muslim people and migrants. **Delegitimising and stigmatising campaigns** against Muslim and migrants civic organisations and rights defenders carried out by representatives of far-right groups and parties have led to their growing marginalisation and exclusion from the public debate. Additionally, following such defamatory campaigning, municipalities have engaged in long reviews, often showcasing procedural flaws, and refused funding to religious (particularly Muslim) or ethnic organisations selectively. In several instances, wider **reviews of funding regulations** have been triggered, affecting the access to funding of civic organisations, including those working with LGBTI and women’s rights. These developments produce a chilling effect in the participation in crucial but sensible public debate while at the same time marginalising voices of vulnerable target groups. They also represent a worrying challenge to the sector’s sustainability as part of the rule of law infrastructure and democracy. The rise of hate and verbal and physical threats and attacks against ethnic minorities and people engaging in civil society is also a concerning phenomenon.*

Institutional landscape and safe space (including state duty to protect and right to freedom from fear)

Anti-rights voices become more prominent in the media and political sphere

According to media reports, "*alternative*" anti-rights media have set up a system of harassing and threatening members of the board and employees of the Swedish Press, Radio and Television Authority, which decides which media are eligible for state support.¹ Several of these media outlets receive funding from the board, impacting the media landscape and the agenda-setting.

Additionally, the most prominent conservative party (Moderaterna), the Christian Democrats, and the Liberal Party have officially started to negotiate with the far-right party the Sweden Democrats in order to be able to possibly form a conservative government after the elections scheduled to take place in September 2022. This development represents a significant shift from when all parties refused cooperation with the Sweden Democrats due to their neo-Nazi background as well as their extremist positions and anti-Semitic and anti-Muslim remarks.² Civil society fears that such cooperation risks further legitimising and mainstreaming anti-rights narratives in the public space.

¹ <https://www.expressen.se/nyheter/ledamot-sluar-i-protest-mot-stod-till-hatsajter/>

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https://www.euractiv.com/section/politics/short_news/a-swedish-right-wing-government-starting-to-become-likely-scenario/

³ See for example:

<https://www.dn.se/sthlm/bombliknande-foremal-upptackt-utanfor-stockholms-moske/>

Hate negatively affects the democratic space, creates a chilling effect limiting participation

The last data on hate crimes show a growing trend. Numerous instances of religiously and racially motivated hate crimes took place also in 2021, including threats,³ vandalism, physical assaults and attacks on places of worship and organisations supporting immigrants. Many civic organisations also testify that those involved in their activities are exposed to hatred and threats.⁴ Several individuals have been getting police protection after such episodes.⁵

A 2021 report by five umbrella organisations writes: "*More and more associations are being forced out of the public debate, and particularly hard hit are organisations minority groups and minority elected representatives. The situation is serious, and action is needed to protect people's right to organise and ensure civil society's vital democratic role as a check on power, an influencer and a bearer of ideas. Hate and intimidation directly impact the ability of organisations to participate in public. For example, 14% of the organisations surveyed in the LSU study said they have cancelled planned activities - this includes cancellation of participation at the Almedalen Week and the Book Fair, and the absence of debate and social media. Some organisations even report that they have stopped outreach activities. At the same time, more and more organisations are putting more resources into preventive work - resources that should, of course, be spent on other things that now have to be prioritised away (unofficial translation from Swedish).*"⁶ These developments produce a chilling effect in

⁴ <https://nysta.nu/v-rt-material/delrapporter/delrapport-vidga-det-demokratiska-utrymmet>

⁵ One example:

<https://www.svt.se/nyheter/lokalt/jonkoping/uttalade-sig-efter-vetlanda-dadet-far-polisskydd>

⁶ <https://nysta.nu/v-rt-material/delrapporter/delrapport-vidga-det-demokratiska-utrymmet>

participating in crucial but sensible public debate while marginalising the most vulnerable voices. They also represent a challenge to mobilise public engagement in civil society activities and negatively affect the sector's sustainability as part of the rule of law infrastructure.

The regulatory environment for and implementation of civic freedoms

New measures risk increasing state interference with the right to association

In Sweden, there is a high degree of participation in civil society. There are more than 250,000 non-profit associations, organisations and foundations,⁷ and 75,9% of Swedes over 16 years of age have at least one membership in civil society organisations.⁸ In 2019, 4,140,000 (more than 50% of the adult population), volunteered on a regular basis, totaling 735 million hours.⁹

The Constitution protects freedom of association. However, in the past years, laws on terrorism and anti-money laundering have progressively changed the relations between the public authorities and civil society, increasing state interference with the right to association.

The report mentioned above on civic space in Sweden explains: "*In recent years, a series of policy measures have been put forward to reduce the risks of, among other things, money laundering and terrorist financing in Sweden. In parallel with this, the forms of grants for civil society organisations have been reviewed. Since*

2017, three investigations have been launched to create clearer conditions or criteria for government grants to civil society organisations: the Inheritance Fund Inquiry, the Faith-Based Society Inquiry and the Democracy and the Civil Society Inquiry. The latter presented a report in 2019 with proposals for uniform and unambiguous democracy conditions that will govern all state funding to civil society. All of these measures have in common that they indicate a shift in the relationship between the state and civil society organisations based on a lower level of trust than prevailed in the past. Even when the measures aim to protect democracy, there are also obvious risks that, in our view, need to be carefully considered. Strengthened control also brings limitations to freedoms and rights, restrictions that may ultimately risk harming democracy rather than strengthening it¹⁰ (unofficial translation from Swedish)."

Since this report was launched, the new criteria for 'respecting democracy' is getting implemented in municipalities and regulations of government agencies, going in this direction. The Government has decided on additional directives to the Inquiry of support for civil society (Directive 2020: 117) in order to analyse and take a position on the establishment of a support function with expertise on pro-violence extremism and anti-democratic environments that will be able to assist authorities in conducting in-depth reviews of, for example, a grant-seeking organisation. The Swedish civil society has raised warnings that this may lead to stigmatisation and very severe effects for democratic oppositional and minority organisations if this function does not have a

⁷ <https://www.scb.se/hitta-statistik/statistik-efter-amne/naringsverksamhet/naringslivets-struktur/civila-samhallet/pong/statistiknyhet/det-civila-samhallet-2019/>

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<https://www.scb.se/contentassets/f2b3fc79f6a540de>

[8faa29860dc8722f/nv0117_2019a01_br_nvftbr2101.pdf](https://www.scb.se/contentassets/8faa29860dc8722f/nv0117_2019a01_br_nvftbr2101.pdf)

⁹

https://www.scb.se/contentassets/1a42dfc068af410ca86aaefdb7815d22/nv0117_2019a01_sm_xftbr2101.pdf

¹⁰ ibidem

very high level of quality.¹¹ The report was submitted on 21 December 2021 and is under revision by the ministry of culture.

New laws criminalising participation and support of terrorist and racist organisations raise risks for freedom of association

The governmental proposal titled *Freedom of association and terrorist organisations* (Prop. 2021/22:42) proposes changes to the Constitution to criminalise the participation in and support of terrorist organisations. It is a more extensive law than the previous "*association with terrorist organisation*" (passed in March 2020). Civil society is concerned that the measure would not be effective in the law's stated objective. Instead, it would enable greater interference with freedom of association, posing a significant risk that organisations with democratic aims, and individuals engaged in international oppositional groups, might unfairly be classified as terrorist organisations.¹²

Another proposal of law from the governmental Committee on the Prohibition of Racist Organizations that is still under consultation (SOU 2021:27) has also been heavily criticised from civil society for similar reasons. The criticism raised stressed that legislation that criminalises the expression of racism in Sweden already exists, but its application has significant shortcomings; thus, authorities should tackle these shortcomings

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<https://www.altinget.se/civilsamhalle/artikel/utredar-e-vill-ha-stodfunktion-vid-kontroll-av-foreningars-extremism>

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<https://www.jpinfo.net/se/kunskap/nyheter4/forening-sfriheten-begransas--forslagen-for-oss-mot-en-brytpunkt/>

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<https://monitor.civicus.org/updates/2021/09/18/csos-fear-ban-racist-organisations-will-restrict-freedom-association/>

¹⁴ Several reports by the Swedish Civil Contingencies Agency (MSB) från 2017 and 2018 accusing several

instead of modifying the Constitution, which risks jeopardising the freedom of association of any organisation if applied with a different intention.¹³

Delegitimising, stigmatising and defunding civic organisations of ethnic minorities

While freedom of association is generally protected in practice, there have been growing challenges, particularly for those organisations working with Muslim people and migrants.

Far-right groups and politicians have carried out defamatory campaigns targeting Muslim activists and organisations for their alleged religious "*extremism*" and putting pressure on those engaging with them.¹⁴ As a result, it is increasingly difficult for them to participate in civil society activities. These campaigns have led to court cases and complaints to the Parliamentary Ombudsperson. For example, in early 2021, the Ombudsperson criticised the city of Gothenburg's decision to request the organisers of the Pride festival to exclude a Muslim woman from a panel discussion in 2018.¹⁵ Additionally, such campaigns have triggered revisions of the funding for civic organisations in several municipalities, leading to the exclusion of specific organisations (religious, political, ethnic, particularly Muslims, but also organisations for women's and LGBT+ rights, who are

Muslim organizations for extremism/islamism according to the Muslim Brotherhood. The ideology is described mainly as non violent and democratic, but extreme due to, among other things, support of an illegitimate "multi culturalism" and using accusations of racism and islamophobia as a weapon. See for example

<https://www.msb.se/sv/publikationer/islamisk-aktivism-i-en-mangkulturell-kontext--ideologisk-kontinuitet-eller-forandring/>

¹⁵ <https://www.svt.se/nyheter/lokalt/vast/goteborgs-stad-kritiseras-av-jo-kvinna-fick-inte-delta-i-panelsamtal>

increasingly considered 'extreme') from funding.

One case is the longstanding 'reviewing' of the Muslim study organisation Ibn Rushd. Their economy, activities, ideology and other aspects have been reviewed by several instances, for example, the public agency for study associations and the city of Gothenburg because of suspicions raised from 'the public'. Several procedural flaws have characterised such a review process;¹⁶ for example, documents that have been kept secret, making it impossible for them to defend themselves. The reviews were unable to confirm any suspicions. On the contrary, Ibn Rushd has been called "*the most well-functioning out of the ten existing study associations*" by a member of the Council for popular adult education, and it is also the one with the most considerable reach among low-income citizens, youth and immigrants, which shows its important role in democracy. Still, it has lost funding in several municipalities due to the 'controversies', with negative repercussions on many Muslim grassroots organisations depending on Ibn Rushd for their local activities.

The framework for civic organisations' financial viability and sustainability

The economic viability of the sector is good, but the sector's budget has been affected by the pandemic

¹⁶ <https://demokratisktgotteborg.nu/>

¹⁷ <https://socialforum.se/civilsamhallet-kan-forlora-11-miljarder-pa-coronakrisen/>;
<https://www.givasverige.se/covid-19/pressmeddelande-civilsamhallet-kan-forlora-1-1-miljarder-pa-coronakrisen/>;
<https://socialforum.se/civilsamhallets-organisationer-under-stor-press-nar-coronapandemin-begransar-social-verksamhet/>

The economic and financial viability of the sector is good compared to other European countries. Nevertheless, the support is being increasingly conditional to the state's priorities. The increasing administrative burden also represents a challenge, especially for small grassroots organisations, demanding an increasing professionalisation of the sector. A sizable part of the funding is for new or innovative activities, making it difficult for sustaining activities that are well functioning.

The Covid-19 pandemic and related restrictions had a huge impact on the sector's budget. Many organisations reported reduced income and new additional costs while at the same time experiencing an increased need for interventions and activities. Already in April 2020, the expected loss amounted to 1.1 billion SEK.¹⁷ While the Government included the sector in the support measures available to the business sector, *de facto*, it was difficult for most organisations to access them because support responded to the business model, not the non-profit logic.¹⁸ For example, only entities "*paying VAT*" could access some of the support, which excludes civil society or the requirement that civil society had to prove "*being democratically constituted*" excluded foundations from support but not companies. The government also provided 100 million funds to the sector to tackle the social consequences of the crisis¹⁹ and increased the Swedish Agency for Youth and Civil Society (MUCF) budget for civic activities tackling racism. The civic sector is also partially

¹⁸ <https://socialforum.se/ny-sammanstallning-visar-pa-stor-framtidsoro-bland-civilsamhallets-organisationer-till-foljd-av-corona/>;
<https://socialforum.se/omstallningsstodet-maste-ta-hansyn-till-civilsamhallets-forutsattningar/>

¹⁹ <https://www.government.se/press-releases/2020/05/sek-100-million-to-support-particularly-socially-vulnerable-people-and-combat-isolation-among-the-elderly-during-the-coronavirus-pandemicny-sida/>

included as a beneficiary of the National Recovery and Resilience Plan.

The right to participation and dialogue between the civic sector and governing bodies

The civil dialogue framework is formalised and was only partially affected by the pandemic

Since 2017, the civil dialogue framework is formalised by a national compact called Överenskommelsen based on six principles: autonomy and independence, dialogue, quality, sustainability, openness and transparency, and diversity.²⁰ Sweden has also adopted the European code of good practice.²¹ The framework is generally implemented. Nevertheless, effective cooperation would require the authorities' deeper knowledge and greater understanding of civil society's conditions and forms of organisation and its contribution to democracy.

During the pandemic, the functioning of the dialogue was partially affected, especially on support measures for the economy. For example, the civil society employer organisations (Fremia and Arbetsgivaralliansen) were not invited to the negotiations between the trade unions and the employers. When the Swedish agency for agenda 2030 reviewed policy implementation,

it did not invite any civil society actor to the evaluation.

Recommendations

A coalition of five umbrellas of civil society organisations, NYSTA, which includes the Swedish National Forum for Voluntary Organisations, highlights four priorities²² to widen civic space in Sweden:

- A two-third majority, instead of the simple 51% majority, should be required in two consecutive Parliamentary resolutions with public parliamentary elections in between to change the constitution to protect our constitutional rights and freedoms.
- Simple, predictable and transparent democratic principles should be required to access funding without increasing the administrative burden on civil society organisations.
- The Government should protect the independence and autonomy of civil society and civic education activities and refrain from undue interference and control of civic engagement.
- The Government should ensure the inclusion of civil society in the policy-making process through dialogue and consultation as set up by the national compact and provide increased and long-term resources to civil society networks for this engagement.

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<https://www.regeringen.se/artiklar/2017/05/regeringens-och-svenska-civilsamhallsorganisationers-gemensamma-ataganden-for-starkt-dialog-och-samverkan-inom-utvecklingssamarbetet/>

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https://www.mucf.se/sites/default/files/2012/09/Cod_ebrochure.pdf

²² <https://nysta.nu/v-rt-material/delrapporter/delrapport-vidga-det-demokratiska-utrymmet>