

## Sweden: Freedom of Religion or Belief and minority rights

Submitted to the Human Rights Council ahead of the Universal Periodic Review of Sweden during the UPR 35<sup>th</sup> session. Submission date: 16 July 2019

### Report submitted by:

- **Swedish Evangelical Alliance (SEA).** The Swedish Evangelical Alliance is part of the WEA and EEA. It was originally founded in 1846 and re-started in 2001 as a continuation of the Swedish Lausanne Committee. At present, SEA functions mainly as a think tank, writing articles and producing materials in areas such as Evangelical Identity, Human Dignity, Freedom of Religion, Speech and Consciousness, Christian Faith and Other Religions, and Marriage and Family. It also functions as a bridge builder between different parts of Swedish Christianity – mainly, although not exclusively, within the Evangelical camp.
- **European Evangelical Alliance (EEA).** The EEA is an alliance of more than 50 European grassroots national and transnational evangelical movements from all Protestant traditions present in 35 European countries. The EEA serves as a platform for common action and a voice for Europe's 15+ million Evangelicals.
- **World Evangelical Alliance (WEA).** The WEA was founded in 1846 in London and has special ECOSOC Consultative Status since 1997. Today, the WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.
- **European Centre for Law and Justice (ECLJ).** The ECLJ has held special ECOSOC Consultative Status since 2007. It engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation. The ECLJ advocates in particular for the protection of religious freedom and the dignity of the person with the European Court of Human Rights and other mechanisms afforded by the United Nations, the Council of Europe, the European Parliament, the Organization for Security and Cooperation in Europe (OSCE), and others.

For additional information, please contact: Michael Mutzner, WEA Permanent Representative to the United Nations in Geneva at [geneva@worldea.org](mailto:geneva@worldea.org) or +41.22.890.1030

### World Evangelical Alliance

P.O. Box 7099  
Deerfield, IL 60015  
USA

C/O RES, CP 23  
Av. Sainte Clotilde 5  
1211 Geneva 8  
Switzerland

W. [worldea.org](http://worldea.org)  
F. [fb.com/worldea](https://fb.com/worldea)  
T. @WEA\_UN  
Y. [youtube.com/worldevangelicals](https://youtube.com/worldevangelicals)

## **I. Hate crimes towards members of religious communities**

1. During its UPR in 2015, Sweden received no less than 26 recommendations relating to Freedom of religion or belief and accepted 23. Most of these recommendations asked Sweden to combat hate crimes and hate speech towards religious minorities, including islamophobia, and requested also that Sweden adopts preventing measures to promote tolerance and dialogue through education and other affirmative actions.
2. While immigration has been a major source of population growth and of development for Sweden, embracing diversity, pluralism and freedom for all is both a societal and political challenge in a country where 25% of the population has a foreign background (foreign-born and children of migrants). The social and political tensions increased following the year 2015, when Sweden received over 160'000 asylum seekers. Data from the Swedish National Council for Crime Prevention (NCCP) reported 6,984 hate crimes in 2015 and 6,415 hate crimes in 2016. In 2016, 72% of the hate crimes concerned xenophobic crimes, 9% concerned sexual orientation, 7% were Islamophobic attacks, while 5% of the registered hate crimes had "Christianophobic" motives.
3. The number of hate crimes registered by the NCCP as "Christianophobic" is significant and rising, with 200 Christianophobic hate crimes in 2012, 388 in 2015 and 289 in 2016. While only 4 violent crimes were registered in 2012, there were 32 Christianophobic hate crimes classified as violent in 2016, a 700% increase. Christianophobic attacks concern in particular, but not exclusively, asylum seekers (see section II. Attacks on Christian asylum seekers in Swedish asylum centers).
4. In November 2016, the Ministry of culture and the Ministry of justice published the "*Nationell plan mot rasism, liknande former av fientlighet och hatbrott*"<sup>1</sup> ("National plan to combat racism, similar forms of hostility and hate crime"), a notable development to combat hate crimes and hate propaganda. However, while specific affirmative measures and funds are provided to combat a multitude of categories of hate crimes, including Afrophobia, anti-Gypsism, racism against Sami, Islamophobia, Anti-Semitism, homophobia, transphobia, the plan does not specifically foresee researching, discussing and preventing Christianophobic attacks. According to international law, *all* vulnerable groups facing targeted attacks should deserve special protection.

### **Recommendation:**

5. Extend its National Action Plan against racism and hate crimes to include specific measures to combat *all* categories of hate crimes, including also specific affirmative measures to combat attacks against Christians.

## **II. Attacks on Christian asylum seekers in Swedish asylum centers**

6. In the context of the record influx of asylum seekers to Sweden in 2014 - 2015, the overcrowded refugee centers sometimes have proven to be difficult to control, leaving vulnerable asylum seekers belonging to minorities at the mercy of a violent and hostile social environment. A number

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<sup>1</sup> National plan to combat racism, similar forms of hostility and hate crime, Government Offices of Sweden, 2017, <https://www.government.se/492382/contentassets/e6047ff54c00452895005f07e2e2ba39/a-comprehensive-approach-to-combat-racism-and-hate-crime>

of violent incidents were reported, such as the case of a new Christian convert who was stabbed by a fellow asylum-seekers on the same day he was to be baptized at the New Life Church, a member of Sweden's Evangelical Free Church. The victim had, prior to the incident, begun wearing a cross.<sup>2</sup>

7. In 2017, Open Doors Sweden conducted a nationwide survey<sup>3</sup> of vulnerable Christians in asylum centers. The questionnaire-based survey is based on interviews with 123 persons who fled to Sweden and arrived there after July 1, 2012, who either were Christians before they came to Sweden or after their arrival and who experienced religiously motivated persecution in Sweden due to their Christian faith. 77% of them had at some point in their lives converted to Christianity from another faith. A large majority of them originated from Iran, Afghanistan and Syria. In total, they reported 512 separate incidents in Sweden, including death threats, sexual assaults, and other acts of violence. Most of the perpetrators were other asylum seekers. However, only 10% of the incidents were reported to the police. Victims feared reprisals or assumed that the police would not take action. 53% of all participants in the survey reported that they had been attacked violently at least once because of their Christian faith. 45% reported that they had received at least one death threat, and 6% reported that they had been sexually assaulted. A very disturbing fact is also that over a third of all the 123 survey participants reported incidents where the perpetrators were official translators and interpreters, and sometimes also staff at the refugee shelter, or even case workers from the Swedish Migration Agency.
8. Measures taken by the government to protect Christian converts have been insufficient. Despite earlier promises by the Minister of Culture and Democracy,<sup>4</sup> the "National action plan against racism, similar forms of hostility and hate crimes" fails to address the situation of Christian refugees being attacked at asylum centers, while specific measures and affirmative action for other vulnerable groups are provided.

**Recommendations:**

9. Take affirmative action to protect asylum seekers who converted from one religion to another and whose conversion is making them vulnerable to attacks by members of the religious faith they formerly adhered too.
10. Thoroughly investigate religious based discrimination and harassment of asylum seekers by other asylum seekers or by public personnel, including translators, in refugee centers.

**III. Discrimination against former Muslim asylum seekers who have converted to Christianity**

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<sup>2</sup> This case is also mentioned in the 2016 US Department of State International Religious Freedom Report <https://www.state.gov/reports/2016-report-on-international-religious-freedom/sweden/>

<sup>3</sup> <https://www.opendoors.se/Admin/Public/DWSDownload.aspx?File=%2fFiles%2fFiles%2fSE%2fRefugeeReport2017.pdf>

<sup>4</sup> During a debate in Parliament in February 2016, MP Maria Abrahamsson (M) asked the then Minister for Culture and Democracy, Alice Bah Kuhnke, about the attacks on Christian refugees and the government's response. The minister answered this would be included in the upcoming action plan. [https://www.riksdagen.se/sv/webb-tv/video/fragestund/fragestund\\_H3C120160225fs](https://www.riksdagen.se/sv/webb-tv/video/fragestund/fragestund_H3C120160225fs)

11. In a recent study by the Swedish Pentecostal movement<sup>5</sup>, asylum cases concerning 619 Christian converts from Afghanistan were reviewed. They applied for asylum in Sweden between 2015 and 2018. They had all been baptized as Christians and became members of Evangelical churches in Sweden. 503 of them explicitly asked for asylum because they considered themselves in danger due to their conversion to Christianity. Yet 70 percent of the 619 converts from Afghanistan were denied asylum. Their faith was not seen as genuine in 68% of the cases. However, it is troubling that decisions varied greatly based on in which part of Sweden the decision was made and which judge reviewed the case. The lay judges in the Swedish Migration Court, which handles appeals, are appointed by political parties. Lay judges from the nationalist Sweden Democrats decided against granting asylum to Christian converts in 93 percent of the cases, while lay judges appointed by the Left Party decided against granting asylum to the same category of asylum seekers in only 15 percent of the cases.
12. The Swedish Migration Agency (SMA), which evaluates applications for residency and citizenship, has been known to ask asylum seekers with a Muslim background who have converted to Christianity, complex or inadequate questions on theology that are unfit to test the authenticity of the inner faith and conviction of the person.<sup>6</sup> Thus, the procedures favors those with the intellectual ability to reflect on their faith, and does not focus properly on the authenticity of their conversion and the associated risks of persecution. The study authored by the Swedish Pentecostal movement on Afghan converts also showed that the SMA holds a dubious and inconsistent position on the public nature of faith, as converts are presumed to be able to choose to keep their faith private and secret. Finally, the converts' membership and involvement in local churches is given negligible or nonexistent weight.<sup>7</sup> Unfortunately, the testimony of churches and pastors, which would seem an important source to assess the authenticity of the faith of the new believer, is not taken into account.<sup>8</sup> However, other vulnerable groups such as asylum cases concerning LGBTQ-persons do benefit from the involvement of a specialist.<sup>9</sup>
13. Overall, this study indicates a politicized and arbitrary procedure on asylum cases of Christian converts that does not comply with international law and with international standards for refugee status determination.<sup>10</sup>

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<sup>5</sup> "Konvertitutredningen. Rapport om Migrationsverkets hantering av konvertiters asylprocess", March 2019 <https://www.pingst.se/content/uploads/2019/03/konvertitutredningen.pdf>; See also English summary:

"Inquiry into the Asylum Processes of Religious Converts in Sweden", March 2019

[https://www.pingst.se/content/uploads/2019/03/Konvertitutredning\\_summary\\_in\\_english.pdf](https://www.pingst.se/content/uploads/2019/03/Konvertitutredning_summary_in_english.pdf)

<sup>6</sup> These include questions such as explaining what the doctrine of the trinity is or knowing the number of sacraments (Catholic doctrine), or the number of books in the New Testament, questions many genuine Swedish churchgoers would be unable to answer.

<sup>7</sup> Ibidem note 5

<sup>8</sup> The SMA agency often outright dismisses written letters from pastors who testify that the asylum seeker is a regular churchgoer and has been baptized.

<sup>9</sup> "Equal Rights and opportunities for LGBT persons in Sweden", Government Offices of Sweden, <https://www.government.se/4a0326/contentassets/b9aa1c9ecc4d4cc6899409d75bcb1a70/equal-rights-and-opportunities-for-lgbt-persons-in-sweden.pdf>

<sup>10</sup> When the SMA commented on the study, the chief legal officer said: "We are a secular government authority that has to test whether or not the belief is genuine. The job of the church, and the free church, is whether or not people should be part of the congregation." When asked how the agency can evaluate if a person is a genuine Christian, he answered: "It is almost a philosophical question. I can only say that that's our job [not the Churches]". <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=7194784>

## Recommendations:

14. Further investigate the handling of asylum cases of persons fearing for persecution on the basis of religious motives, evaluate the consistency of the procedures and methods to guarantee a fair and due process and provide appropriate remedy for cases that would not have been handled according to international standards on refugee law.
15. Provide the necessary training and technical expertise for a proper evaluation by migration officers of the claims of asylum seekers who have left one faith for another and consider them as belonging to a vulnerable group that needs special attention.

## IV. Conscientious objection of midwives and other hospital staff's unable to perform abortions

16. While the Swedish Abortion Act of 1974<sup>11</sup> is silent about the matter of conscientious objection, the preparatory work of (Prop.1974:70 s 76 ff<sup>12</sup>) stipulates clearly that freedom of conscience shall be granted to healthcare professionals who cannot participate in abortions for moral or religious reasons. However, in practice, Sweden is one of the rare countries where conscientious objection for medical personal unable to participate in abortions due to their convictions, is not respected. The European Court of Human Rights has not contested this right in its jurisprudence<sup>13</sup>, while the Parliamentary Assembly of the Council of Europe<sup>14</sup> affirmed that no person shall be coerced or discriminated against because of a refusal to perform abortions. It has to be noted that Sweden however voted "no" to this resolution.
17. In 2013, Swedish midwife Ellinor Grimmark was denied an extension of her contract at Höglandssjukhuset women's clinic in southern Sweden because she refused to perform abortions, for reasons of conscience.<sup>15</sup> Grimmark had sought employment to work with childbirth and postnatal care, not to work at a gynecological department. Abortion services are usually planned and are only a very limited part of the work at a women's clinic. The late abortions, performed in the maternity ward, represent only one percent of all abortions and are always planned. Despite the fact that the requirements of Grimmark could have been reasonably met by the clinic, no compromise was found.
18. After exhausting all internal remedies, her case was brought at the European Court of Human Rights, together with the case of another midwife, Linda Steen. The case is pending. Meanwhile,

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<sup>11</sup> <https://www.legislationline.org/documents/id/16379>

<sup>12</sup> <https://data.riksdagen.se/fil/EAEA39A2-89DD-44EB-AA60-8E9BC34E7A6C>

<sup>13</sup> For example, *R.R. v Poland*, 27617/08, May 26<sup>th</sup> 2011, § 206; *P. and S. v. Poland*, 57375/08, October 30<sup>th</sup> 2012, § 106-107. Moreover, the Court has ruled that the possibility to change jobs was not sufficiently effective to protect the right to freedom of conscience in *Eweida and others v. the United Kingdom*, 48420/10, 15 January 2013, § 83.

<sup>14</sup> "No person, hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion, the performance of a human miscarriage, or euthanasia or any act which could cause the death of a human foetus or embryo, for any reason." <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17909>

<sup>15</sup> Webpage: The Case of Ellinor Grimmark, <https://humanrightslawyers.eu/human-rights/our-cases/the-case-of-ellinor-grimmark/>

Ellinor Grimmark has decided to work in Norway, where midwives and doctors are granted the right to conscientious objection.

**Recommendation:**

19. Respect the freedom of conscience of medical personnel by applying a principle of reasonable accommodation with their requests not to contribute to acts going against their inner convictions and provide for the right to exercise conscientious objection.