



Ref: CommHR/NM/sf 040-2017

**Committee on the Constitution**

Riksdag  
Parliament of Sweden

Strasbourg, 23 October 2017

Dear Members of the Committee on the Constitution,

In my capacity as Council of Europe Commissioner for Human Rights, I recently carried out a visit to Sweden to examine a number of human rights issues, in particular the human rights of migrants, including asylum seekers and refugees, and the human rights of persons with disabilities. While I intend to follow up on these issues in a report to be prepared later this year, I would like to take the opportunity to raise with you a number of issues with regard to the establishment of a national human rights institution in Sweden, which I understand is currently being discussed in the Swedish Parliament and your Committee in particular.

I welcome the fact that the establishment of a national human rights institution, in accordance with the *Principles relating to the Status of National Institutions* adopted by the UN General Assembly in 1993 (the Paris Principles), was one of the recommendations made during the Universal Periodic Review by the UN Human Rights Council in 2015 which was accepted by Sweden. However, during my recent visit several interlocutors raised concerns about the slow pace of the process and the apparent inclination towards the creation of a small institution within an already existing structure.

I encourage your Committee to be ambitious with its plans and create an institution that is adequately funded, fully independent and effective, in accordance with the Paris Principles and with the Council of Europe Committee of Ministers Recommendation R (97) 14 on the establishment of independent institutions for the promotion and protection of human rights.

Effective national human rights institutions are crucial for promoting awareness of human rights and ensuring the protection of human rights at the national level. Recognising this important role, my mandate as Council of Europe Commissioner for Human Rights includes the task of facilitating the activities of these institutions and their establishment in member states where they do not yet exist.

I would like to draw your attention to the fact that a national human rights institution established in accordance with the Paris principles should, in particular, be given as broad a mandate as possible. The mandate should be clearly set forth in the legislation. The institution should be pluralistic, independent from the government and not be subject to financial control which might affect its independence. Furthermore, it should be equipped with adequate funding. The institution should be competent for reporting on the human rights situation at the national level, providing advice to the government, the parliament or any other relevant body at its own initiative, raising awareness, and co-operating with other national human rights institutions and international organisations.

On the basis of my experience of working with similar institutions already established in other member States of the Council of Europe, I believe that a national human rights institution with these characteristics would very usefully complement the existing legal and institutional framework in place for the protection and promotion of human rights in Sweden. By strengthening protections at national level, this step would also enhance the proactive role Sweden already plays in the promotion and protection of human rights at the international level.

Lastly, I should like to recall that particular attention should be given to involving civil society in this process. In this regard, the Paris Principles underline the fundamental role played by the non-governmental organizations in expanding the work of the national institutions. The role and involvement of local authorities in the implementation of human rights would also merit detailed attention.

I would be very pleased to provide you with any further advice or support needed to this end and would be grateful if you could keep me informed about the next steps in this respect.

I look forward to receiving your reply and to continuing a constructive dialogue and co-operation with you.

Yours sincerely,

A handwritten signature in blue ink, reading "Nils Muižnieks", followed by a horizontal line.

Nils Muižnieks