

Human Rights Complicity in Contemporary Manifestations of Racism: An Analysis of Sweden's Efforts to Combat Honor-Based Violence

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In the article, I examine how the ideologization of human rights contributes to their complicity in contemporary forms of racism by rendering racism invisible and overlooking the risks of indirect discrimination. The analysis is contextualized by an examination of the political discourse surrounding Sweden's efforts to combat honor-based violence, where human rights and gender equality are invoked. I argue that their invocation can be interpreted as an example of the ideologization of human rights through nationalistic rhetoric and politics, with human rights being framed as "Swedish values." This interpretation of human rights risks limiting their critical potential, turning human rights into a tool for self-justification and domination rather than a genuine framework for addressing social injustices.

Introduction

Contemporary societies legitimize human rights violations in various ways: by referencing the need for legal and social order, by invoking national and international security, by appealing to traditional values, or by prioritizing the economic benefits of the majority, to name a few. Regardless of whether a political regime is democratic or nondemocratic, minorities remain particularly vulnerable to human rights violations. Paradoxically, some of these violations are even justified through reference to human rights themselves, as new laws and policies are enacted in the name of protecting these rights. While human rights frameworks are intended to uphold equal dignity for all and to serve as a framework for limiting the power of the state, certain interpretations can inadvertently reinforce racial hierarchies and inequalities. This article explores the intersection of human rights and racism, examining the underlying understandings of human rights that contribute to their complicity in contemporary forms of racism.

Drawing on critical human rights theory, I argue that human rights are always in danger of becoming ideologized and instrumentalized for the advancement of political goals and thus contribute to the complicity of human rights in contemporary forms of racism by rendering racism invisible and overlooking the risks of indirect discrimination. I begin with a critique of human rights, focusing on the dangers posed by their ideologization. The second section explores racism as a systemic form of exclusion,

emphasizing its operation through denial and colorblindness. This is followed by an analysis of a case from Sweden, where there are strong reasons to interpret the case as manifestation of racism. In conclusion, I discuss the problem of contradictory interpretations of human rights that allow human rights to be deployed to legitimize exclusion and domination.

Human Rights as Ideology

The critical theory of human rights offers a framework for understanding human rights and challenging their origins, ideological foundations, and dominant interpretations in contemporary political discourse. This critical approach arises from the recognition of an inherent tension: while human rights possess emancipatory potential and a critical impetus, they are also embedded within structures of Western political, economic, and cultural dominance.¹ Historically, those in power have often invoked human rights hypocritically to justify and legitimize injustices. Examples range from colonialism and civilizing missions to the Responsibility to Protect doctrine and legitimizations of humanitarian interventions in the name of human rights protection. Due to the historical legacy of human rights appropriation for the purpose of domination, it is essential to scrutinize political discourse surrounding human rights to mitigate the risk of their ideologization.²

Previous analyses of human rights ideologization have primarily focused on two key issues: the Eurocentrism of human rights and their convergence with neoliberalism. Postcolonial scholars such as Makau Mutua, Gayatri Spivak, and Chandra Mohanty argue that the international human rights regime is deeply rooted in Western values and Western historical contexts. Mutua, in particular, contends that the Eurocentric bias leads to a failure to recognize alternative perspectives and lived experiences. For human rights to effectively address injustices and uphold the principles of justice, non-discrimination, and equality, this Eurocentrism must be abandoned.³

The second critique of human rights ideologization examines the historical and conceptual links between human rights and neoliberalism. In her influential book *The Morals of the Market: Human Rights and the Rise of Neoliberalism*, Jessica Whyte argues that neoliberalism promotes a distinct morality in which human rights play a central role primarily by preserving and ensuring the functioning of competitive markets.⁴

Both critiques highlight how human rights are often depoliticized and framed as an ideologically neutral set of norms and principles. The process of depoliticization can lead to a reductionist interpretation of human rights, which, together with the invocation of their neutrality, opens the door to the ideological appropriation of human rights in service of the interests of those in power. The importance of understanding human rights as political has previously been discussed in detail by such scholars as Wendy Brown,

¹ Nascimento, Amos and Lutz-Bachmann, Matthias: *A Critical Theory of Human Rights*, Routledge, Boca Raton, FL 2018.

² Fine, Robert: *Debating Human Rights, Law, and Subjectivity: Arendt, Adorno, and Critical Theory*, in Rensmann L. & Gandesha S. (eds.) *Arendt and Adorno: Political and Philosophical Investigations*, Stanford University Press, Stanford 2012, 157.

³ Mutua, Makau: *Human Rights: a Political and Cultural Critique*, University of Pennsylvania Press, Philadelphia 2002, 6.

⁴ Whyte, Jessica: *The Morals of the Market: Human Rights and the Rise of Neoliberalism*, Verso, London 2019.

Michael Goodheart, Nicola Perugini and Neve Gordon. Brown writes that recognizing the political dimension of human rights allows us to see that, like any political project, human rights can evolve beyond their initial aims and actions.⁵ This perspective acknowledges that the objectives of human rights are shaped by social contexts and may shift over time. If we accept this view, it then becomes essential to critically scrutinize and evaluate the human rights project itself, considering the specific social contexts that shape and have shaped its development.

Racism as a System of Exclusion

Today, a plurality of theoretical perspectives on racism exists, including conceptualizations of racism as an ideology, a system, and a practice. While a comprehensive analysis of these perspectives is beyond the scope of this article, I will address the relationship between racism and human rights – specifically, how human rights can become compatible with racism. Answering this question requires two steps: first, examining how contemporary racism operates, and second, analyzing the interpretations of human rights that align with racial and discriminatory practices. I will begin with the first.

Étienne Balibar identifies linguistic obscurity as a critical condition shaping contemporary understandings and analyses of racism. Historically, racism has been understood as an ideology tied to specific instances of genocide and apartheid, such as the Holocaust, segregation in the United States, and apartheid in South Africa. These historical experiences serve as reference points for studying and understanding racism in today's society. Condemned as an unequivocal evil, racism is often attributed to others rather than acknowledged within one's own community, shaping the way it is analyzed. ⁶ As Dimitrina Petrova observes, "racism is rarely a self-description; it is mostly a label applied to groups or individuals by others."⁷ This process of othering follows a binary logic, where the demonization of others is often accompanied by a reinforced positive self-image. In constructing this self-image, condemnation of racism and the promotion of a human rights culture frequently play a central role.

According to Stefan Jonsson, the defining characteristic of racism is exclusion. His analysis shows that the basis for exclusion is not fixed: it can shift from biological race to ethnicity, religion, culture, or language. While the forms that racism takes may change over time, its core function – regulating and controlling populations through mechanisms of inclusion and exclusion – remains constant.⁸

Jonsson argues that exclusion has both cultural and economic motives, shaped by references to both cultural and economic values. The economic dimension is evident in migration politics, where restrictive policies are often legitimized by asserting the limited economic capacity of welfare states to support refugees and migrants. The cultural dimension is reflected in the construction of cultural hierarchies, where the values of the

⁵ Brown, Wendy: "The Most We Can Hope For . . .": Human Rights and the Politics of Fatalism, in *The South Atlantic Quarterly*, Vol. 103, No.2-3, 2004, 461.

⁶ Balibar, Étienne: Racism Revisited: Sources, Relevance, and Aporias of a Modern Concept, in *Comparative Racialization*, Vol. 123, No. 5, 2008.

⁷ Petrova, Dimitrina: Racial Discrimination and the Rights of Minority Cultures, in Fredman Sandra (ed.) *Discrimination and Human Rights*, Oxford University Press, Oxford 2001, 49.

⁸ Jonsson Stefan: Rasism och nyrasism i Sverige 1993–2003, i Mattsson, Katarina & Lindberg, Ingemar (red.): *Rasism i Europa – kontinuitet och förändring*. Agora, Stockholm 2004, 50.

national culture are portrayed as incompatible with those of migrants. One example of cultural racism is the belief that immigrant groups threaten the national culture, based on the assumption that they are either unwilling or unable to integrate and assimilate. 9 Jonsson urges us to “examine the outrageous self-contradiction inherent in the global system of exclusion unfolding before us, the fact that contemporary racism often operates under the guise of protecting universal values”¹⁰ (my translation). Human rights are among these universal values, and paradoxically, they may contribute to perpetuating racism by legitimizing exclusion.

Racism encompasses not only racist attitudes and ideologies but also social practices and institutions that perpetuate racial inequalities, even in the absence of explicit racial beliefs or convictions. In line with critical race theory, I emphasize the importance of addressing colorblindness as a component of racist structures. Colorblindness refers to the use of seemingly neutral language, such as in legal provisions, that, while not explicitly racist, results in discriminatory effects. The concept of colorblindness assumes that everyone is treated equally, without regard to race or ethnicity. This idea is often invoked in legal and political contexts to support claims of equal treatment and the protection of rights. However, it overlooks the ways in which racism operates in contemporary societies and how racial inequalities are systematically and institutionally reproduced. 11

Colorblindness is rooted in the presumed neutrality of laws and politics, which, in reality, implicitly uphold whiteness as the ideal while devaluing anything that does not conform to this standard. 12 Colorblindness is also linked to the denial of racism. Teun van Dijk argues that denial of racism operates through a combination of positive self-presentation and negative other-presentation. Positive self-presentation involves the portrayal of values such as tolerance, along with the moral and legal dismissal of racism. As van Dijk notes, “...since discrimination and racism are legally and morally prohibited, most Western countries share the official belief that therefore discrimination and racism no longer exist as a structural characteristic of society or the state” 13 (my emphasis). In other words, racism is perceived as incompatible with official ideologies, as well as with dominant democratic and humanitarian norms and ideals. The result is a positive self-image or national myth of tolerance that makes it much harder for minorities to challenge existing inequalities.

Having outlined some key dimensions of racism as a system of exclusion, I will now address the second question: which interpretations of human rights are compatible with racism and discriminatory practices? The intersection of racism and human rights has already been touched upon in this section. It has been argued that racism often operates under the guise of universal human rights, with these rights being used to legitimize exclusion. Another point of intersection involves the denial of racism through reference to human rights, particularly in framing the state’s self-image as one that condemns racism and upholds human rights. Several analyses of racism in Western states highlight this

⁹ Ibid., 51.

¹⁰ Ibid., 74.

¹¹ Zamudio, Margaret, et al. *Critical Race Theory Matters: Education and Ideology*, Taylor & Francis Group, 2010. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/uu/detail.action?docID=592906>, 22.

¹² Zamudio et al, op.cit., xviii.

¹³ Van Dijk, Teun A.: Discourse and the denial of racism, in *Discourse & Society*, 1992, Vol. 3, No. 1, 95.

problematic condition, which ultimately renders racism invisible.¹⁴ So, how are human rights understood and interpreted in this context?

Human rights and human rights language can be and are appropriated and used as tools to promote different political goals. The invocation of human rights and gender equality by nationalist ideologies is not a new phenomenon and has been witnessed in many national contexts, including Sweden. For instance, women's rights and gender equality were invoked to justify military intervention in Afghanistan. A narrative about "saving" Muslim women and the construction of Muslim women as victims without agency fits well into the Orientalist discourse. The discourse of women's emancipation from patriarchal oppression and advocacy for women's rights has also made up part of a nationalist rhetoric in France. This rhetoric, which is directed against the Muslim minority, invokes the ideals of gender equality and *laïcité*, using them as a frame of reference for evaluating issues related to religious symbols, particularly the legislative regulation of veiling.¹⁵ The underlying motive concerns the perceived threat to French national identity from Muslim and other migrants.

When human rights are appropriated for nationalist purposes, they become interpreted as a feature of a particular nation – a part of a national and cultural identity, a set of national values. National belonging based on birth, skin color, religion, or language automatically implies an embrace of, and respect for, certain values. Simultaneously, non-belonging automatically implies a lack of respect for human rights and gender equality.

The discourse surrounding human rights as national values is constructed in opposition to other cultures, which are presumed to represent different values, thereby creating cultural hierarchies with racist implications. The appropriation of human rights for the purpose of creating an "imagined community" becomes an effective way to legitimize hierarchies and subordination between those cultures that embrace human rights and those who do not. This interpretation of human rights as national values aligns closely with a nationalistic, exclusive notion of a people who share the same traditions and values. As the example of France shows, the political goal of invoking women's rights and gender equality ideals is to provide cover for restricting migration in favor of an ethnically and culturally homogenous society.

Contemporary Manifestations of Racism in Sweden: A Case of Honor-Based Violence

Drawing on the critical theoretical tradition, I will now examine the political discourse surrounding Sweden's efforts to combat honor-based violence, where human rights and gender equality are often invoked. I argue that this discourse can be interpreted as an example of the ideologization of human rights through nationalistic rhetoric and politics, as human rights are framed as "Swedish values." The discourse on Swedish values, once a hallmark of nationalist rhetoric, has now been adopted by mainstream political parties across the spectrum. While nationalist parties, such as the Sweden Democrats, explicitly promote a racist agenda aimed at creating a homogeneous society, liberal parties adopt the notion of human rights as Swedish values in the name of protecting human rights and freedoms. Regardless of their respective agendas, the result is an assertion of the exclusive

¹⁴ Petrova, Dimitrina: *Racial Discrimination and the Rights of Minority Cultures*, in Fredman Sandra (ed.) *Discrimination and Human Rights*, Oxford University Press, Oxford 2001.

¹⁵ Léonard, Marie des Neiges: *Racial Diversity in Contemporary France: the Case of Colorblindness*, Bristol University Press, Bristol 2023.

right to interpret and act upon human rights, while denying other actors the agency to interpret human rights differently.

A substantial body of research across various fields has examined honor-based violence, with particular attention to the racist implications of its discourse. In the Nordic countries, a heightened public focus on honor-based violence has been attributed to two key factors. First, in the Nordic states, racism is rarely addressed in public debate or research – unlike, for example, the United Kingdom, where discussions of race are more prevalent due to that nation’s colonial history. By contrast, Nordic states are often perceived as having little connection to colonialism and thus racism. Second, the Swedish national identity is strongly rooted in the notion of gender equality, which is seen as both an established reality and a core societal value.¹⁶ These factors – little public attention to racism and racial discrimination and the significance of gender equality for the national self-image – have given rise to two opposing positions. On the one hand, there is a strong claim for addressing honor-based violence as a distinct form of violence, since Swedish society does not accept patriarchal oppression and violence. On the other hand, this claim is criticized particularly for its *distinct* approach to honor-based violence, due to the risk of its discriminatory implications.

This opposition has been described as an opposition between feminism and multiculturalism, where multiculturalism is understood not as an inclusive notion valuing plurality and difference, but as a tolerance for violence based on cultural, traditional, and religious justifications.¹⁷ Critics of multiculturalism often accuse it of cultural relativism and standing for the toleration of honor-based violence. As Alinia Minoo rightly argues, the majority of such criticism is directed not at the ideologies of tolerance, but at diversity and the coexistence of difference.¹⁸ The Istanbul Convention explicitly rejects such justifications, mandating that member states criminalize and prevent violence in all forms. Sweden not only signed and ratified the Convention but also went a step further by criminalizing honor-based violence and oppression as a separate offense, called honor-based oppression (*hedersförtryck*).

Culturalization of Violence

The representation and handling of honor-based violence in Sweden have been framed through the lens of the culturalization of violence, where violence is perceived as cultural in some cases but not in others, depending on factors such as the perpetrator’s ethnicity, skin color, or religion.¹⁹ Honor-based violence is constructed in opposition to “Swedish men’s violence,” reinforcing the idea that the former does not belong in Swedish society. Sabine Gruber observes that honor-based violence is seen as a more brutal form, compared to Swedish male violence against women. Unlike (Swedish) men’s violence, which is seen

¹⁶ Keskinen, Suvi: “Honor-related violence and Nation-Building”, in Keskinen S., Tuori S., Irni S. and Mulinari D. (eds.) *Complying with Colonialism: Gender, Race and Ethnicity in the Nordic Region*. Taylor & Francis Group, 2009, 268-269.

¹⁷ Meeto Veena and Safia Mirza. Heodi: There is Nothing ‘Honourable’ about Honour Killings”: Gender, Violence and the Limits of Multiculturalism, in *Women’s Studies International Forum*, Vol. 30, 2007.

¹⁸ Minoo, Alinia: Racial Discrimination in the Name of Women’s Rights: On Contemporary Racism in Sweden, in *Routledge International Handbook of Contemporary Racisms*, Routledge 2020, 333.

¹⁹ Bruno, Linnéa: National self-image as an obstacle to ensuring children’s rights in the context of domestic violence and family law: the case of Sweden, in *Journal of Social Welfare and Family Law*, Vol. 40, No. 4, 431, 436.

as a series of individual and deviant acts, honor-based violence is portrayed as institutionalized and collectively accepted.²⁰ This categorization of violence is closely tied to a perceived cultural and value-based conflict between Swedish values and those of “the Others.”

The construction of “we” and “the Other,” whether as victim or perpetrator, is marked by certain ambiguities. As Gruber rightly points out, for a Swedish person, “the Other” is not necessarily a newly arrived stranger with unfamiliar norms and values. Instead, it refers to the presumed violent suburbs. The suburbs are areas that are, geographically, part of Swedish cities and whose residents are part of Swedish society.²¹ However, these communities are repeatedly identified as bearers of honor culture.²² In contemporary discourse, the term “parallel communities” (*parallelsamhällen*) is used to suggest systems of distinct norms and sanctions that are presumed to emerge in environments where family honor serves as a driving force, influencing the creation of rules and enforcement mechanisms that are not accepted by broader Swedish society.²³

Like all societies, minority communities are diverse – some individuals uphold conservative ideals, while others prioritize liberal values of freedom and individual agency. Yet, regardless of their perspective, minority voices are often delegitimized as relativistic, apologetic, or racist. In the end, their actual beliefs and statements become irrelevant.

As already stated, Jonsson identifies exclusion as the core function of racism. He therefore argues that mechanisms of exclusion and admission must be thoroughly examined and analyzed. He explores this dynamic using the tragic case of Fadime Şahindal, who was murdered by her father, Rahmi Şahindal, in January 2002. While the father was portrayed in the media as a symbol of Kurdish patriarchal norms and values, Fadime – an outspoken feminist and politically active young woman – was not defined by her Kurdish origins in the same way.²⁴

Jonsson discusses the public debate that followed the murder of Fadime Şahindal as an example of how a cultural conflict came to be constructed between Kurdish and Swedish cultures. In this debate, Kurdish culture was depicted as premodern and patriarchal, while Swedish culture was framed as being committed to gender equality and a refusal to tolerate men’s violence against women.²⁵ However, Jonsson concludes that the debate did not ultimately reinforce the idea of irreconcilable cultural differences. Instead, it shifted toward the notion that these differences could be reconciled through universal human rights. In this way, he argues, universal human rights served as a façade for cultural racism.²⁶

In Sweden today, the preoccupation with religious dress and the symbolic meanings of the hijab and veil has been replaced by medial and political attention on

²⁰ Gruber, Sabine: In the Name of Action against “Honour-Related” Violence: National Nations, Gender, and Boundaries in the Swedish School’s Ambitions to Combat Violence and Oppression, in *Nordic Journal of Migration Research*, Vol. 1, No. 3, 2011, 129-130.

²¹ Gruber, op.cit., 130.

²² Minoo, op.cit., 254.

²³ SOU 2020: 57 *Ett särskilt hedersbrott. Betänkande av Hedersbrottsutredningen*. Justitiedepartementet, 14.

²⁴ Jonsson, op.cit., 65.

²⁵ Jonsson, op.cit., 63-64.

²⁶ *Ibid.*, 64–65.

honor-based violence – a shift that has also been observed in other Western countries.²⁷ Another key aspect of the Swedish context is an institutionalization of the discourse on honor-based violence within welfare practices, particularly in social services and schools.²⁸ This deepens the influence of the discourse, as it extends beyond media representations and becomes embedded in the policies and practices of welfare institutions and educational systems, where it is continually reproduced and reinforced.²⁹

In addition to young women, who are commonly perceived as victims of honor-based violence, the discourse has now expanded to include families, communities, and other collectives. Since honor norms are viewed as collective-centered, violence is assumed to be sanctioned by the collective. As a result, families in ethnic minority groups (e.g., Muslim or Roma families) are often depicted as practicing conservative and violent forms of upbringing.

Honor-Based Violence and Human Rights

Honor-based violence, like any other form of gender-based violence, has been a focal point of human rights research.³⁰ The Istanbul Convention identifies violence against women and girls, including violence carried out in the name of “honor,” as a serious violation of human rights.³¹ Measures and actions to combat honor-based violence are framed as efforts to uphold human rights: fighting “on the barricades for human rights.”³² In this context, honor-based violence is portrayed as alien to Swedish society and incompatible with Swedish values of human rights, gender equality, and children’s rights. The “barricade for human rights” often implies a need to “civilize” those who do not know or share these values.³³

Instead of human rights providing a legal means for protection for those exposed to violence, there is a risk that they may be interpreted in a way that reinforces the construction of honor-based violence as an ethnicized issue.³⁴ Building on previous research, I will now analyze the most recent developments in Sweden and the initiatives taken to address honor-based violence. The analysis will be guided by the following questions: What role do human rights play in Sweden’s efforts to combat honor-based

²⁷ Altinbas, Nihan: Honor-related Violence in the Context of Patriarchy, Multicultural Politics, and Islamophobia after 9/11, in *The American Journal of Islamic Social Sciences*, Vol. 30, No.3, 2013, 10.

²⁸ Keskinen, Suvi, op.cit., 262. Safia Mirza, Heidi and Veena Meeto: Empowering Muslim Girls? Post-feminism, multiculturalism and the production of the “model” Muslim female student in *British schools*, in *British Journal of Sociology of Education*, Vol. 39, No. 2, 231.

²⁹ Sabine Gruber offers a critical analysis of the Swedish educational system’s ambitions to combat honor-based violence. Based on an analysis of policy documents for school welfare staff, interviews, and participant observations in schools, Gruber shows how a perception of Swedish values as respect for human rights, gender equality, and democracy frames measures against HRV as a form of “civilization of “the Others” (Gruber, op. cit., 131)

³⁰ See, for example, Meeto Veena and Safia Mirza. Heodi: There is Nothing ‘Honourable’ about Honour Killings”: Gender, Violence and the Limits of Multiculturalism, in *Women’s Studies International Forum*, Vol. 30, 2007; Grans, Lisa: A Right Not to Be Left Alone – Utilizing the Right to Private Life to Prevent Honour-related Violence, in *Nordic Journal of International Law*, Vol. 85, 2016.

³¹ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), Preamble.

³² Gruber, op.cit., 131.

³³ Gruber, op.cit., 131.

³⁴ Meeto and Safia, op.cit., 195.

violence? How do human rights contribute to reinforcing racism against ethnic minorities in Sweden?

I will start by examining how the issue of honor-based violence is constructed in key political and legal documents, including the Action Programme against Men's Violence against Women, Domestic Violence and Honor-Based Violence and Oppression 2024–2026 (the "Action Program" below); the Swedish Government Official Report "A Special Honor Crime" (SOU 2020:57); and two rulings from the Örebro and Västmanland District Courts in cases where the defendants were charged with honor-based oppression.

In the legal and political materials, efforts to combat honor-based violence are framed as being driven by Sweden's international human rights obligations, including adherence to the Istanbul Convention and the Convention on the Rights of the Child. At the heart of these commitments is the principle that every individual has the right to self-determination and to live freely.

The Swedish debate on honor-based violence is highly polarized. Addressing honor-based violence presents a dilemma. On one hand, there is a risk of reinforcing racist perceptions by treating honor-based violence as separate from other forms of gender-based violence (or male violence against women). On the other hand, the use of universal terms like "gender-based violence" may overlook the specific nature of this form of violence.³⁵ This dilemma is not new; it emerged in the early 2000s and still generates heated debate, particularly among researchers and activists.

Politically, however, a clear stance has emerged. A culturally reductionist approach predominates that calls for treating honor-based violence as a distinct form of violence demanding distinct political measures and legal regulations. National Strategy to Prevent and Combat Men's Violence against Women (2015) includes honor-based violence as a particularly vulnerable category, alongside other groups such as women with disabilities and LGBTIQI persons.³⁶ Similarly, the Action Program places significant emphasis on honor-based violence, outlining strategies for its prevention and mitigation.³⁷

The Action Program is a policy document outlining the government's plan for measures to be taken, division of responsibilities, and budget. It identifies honor-based violence and oppression as serious societal issues that significantly violate the human rights of those affected, including women, men, boys, and girls.³⁸ It also uses the term "honor norms" to describe norms that restrict rights and freedoms.

The Action Program prioritizes three groups of rights: girls and women's rights, children's rights, and LGBTIQI rights. Among girls and women's rights, the right to life and bodily integrity is emphasized.³⁹ Children's rights are mentioned repeatedly, with children and young people exposed to honor-based violence and oppression identified as a particularly vulnerable group. Their vulnerability is seen as compounded by a lack of family support, as the families (parents and other relatives) are often assumed to be the perpetrators of the violence.⁴⁰ The aim is thus to provide these children and young people

³⁵ Carbin, Maria: The Requirement to Speak: Victim stories in Swedish Policies against Honour-related Violence, in *Women's Studies International Forum*, Vol. 46, 2014, 108.

³⁶ SOU 2015:55 *Nationell strategi mot mäns våld mot kvinnor och bedersrelaterat våld och förtryck. Slutbetänkande av Utredningen som ska föreslå en nationell strategi mot mäns våld mot kvinnor.*

³⁷ Arbetsmarknadsdepartementet, Justitiedepartementet, Socialdepartementet: *Fri och trygg utan våld och förtryck: Åtgärdsprogram för att förebygga och bekämpa mäns våld mot kvinnor, våld i nära relationer och bedersrelaterat våld och förtryck 2024-2026*, Diarienummer: A2024/00869.

³⁸ Ibid., 16.

³⁹ Ibid., 8.

⁴⁰ Ibid., 22-23.

with help and support, as well as to inform them about their rights and freedoms.⁴¹ Finally, the document highlights LGBTQI rights as part of Sweden's international efforts to promote equality and equal rights for LGBTQI individuals.⁴²

The Action Program proposes that the civic orientation course (sambällsintroduktion) for asylum seekers and migrants with temporary residence permits, organized by the Migration Board, should include information about gender equality and honor-based violence. The proposed content of the course is outlined as follows:

To strengthen knowledge about Swedish society and clarify the expectations placed on individuals, the government has tasked a special investigator with reviewing the civic orientation [course] (dir. 2023:169). Among other things, the investigator will propose new content with a greater emphasis on gender equality. It is crucial to make clear that gender equality is a fundamental value in Swedish society, encompassing issues such as freedom from honor-based violence and oppression, as well as children's rights.⁴³

This analysis of the Action Program reinforces findings from previous research. It is a document that constructs human rights and gender equality as inherently Swedish values – values that asylum seekers and migrants are presumed not to share and which they therefore need to be taught.

The Action Program is one of the central Swedish policy documents on gender-based violence. Given its overarching theme, the primary rights in focus concern physical integrity, personal freedom, and protection from violence. While this focus is crucial, it means that the document primarily addresses interpersonal violence: violence directed at an individual. This begs the question: should these violations be interpreted as *human rights* violations?

If human rights are understood as legitimate claims directed toward the state as the primary duty-bearer, as I argue they should be, then the state's role in upholding human rights extends beyond merely acknowledging individual harm. It entails a duty to take proactive measures to prevent, protect, and prosecute acts of violence. This broader perspective expands the scope of rights, emphasizing the relationship between individuals as rights-holders and the state as the duty-bearer. It also demands a more comprehensive interpretation of the state's human rights obligations, particularly regarding the principle of non-discrimination and its application to human rights and freedoms. However, in discussions of gender-based violence in general and honor-based violence in particular, there is a tendency to position the perpetrator (e.g., a partner or family member) as the primary duty-bearer.⁴⁴ This tendency effectively shifts responsibility away from the state, undermining its obligations to uphold and enforce human rights protections.

⁴¹ Ibid, 23, 57.

⁴² *Fri och trygg utan våld och förtryck: Åtgärdsprogram för att förebygga och bekämpa mäns våld mot kvinnor, våld i nära relationer och hedersrelaterat våld och förtryck 2024-2026*, 9.

⁴³ Ibid., 39-40.

⁴⁴ See Elena Namli's blog post on expansion of duty-agency: "The Duty-Bearers of the Rights of the Child", in *Berkeley Journal of International Law*, December 2024. Accessible at: <https://www.berkeleyjournalofinternationallaw.com/post/the-duty-bearers-of-the-rights-of-the-child>

Crime of Honor-Based Oppression

As previously noted, Sweden, unlike other members of the Council of Europe, has criminalized honor-based violence with the introduction of the specific offense of honor-based oppression in 2022. According to the Criminal Code, honor-based oppression is defined by motive, specifically the intent to preserve or restore an individual's or family's honor.⁴⁵

During the legislative process, several critical concerns were raised, including the potential for discrimination against ethnic minorities and the argument that the law contradicts the principle of generality.⁴⁶ The preparatory work also highlighted broader objections to establishing a separate offense, such as the difficulty of defining and delineating which actions and individuals would be covered, the applicability of existing legislation, and the challenge of defining "honor" within a legal framework.⁴⁷ It has been acknowledged that implementing this legislation will be complex. Previous research has also underscored the difficulties involved in addressing honor-based violence through legal mechanisms.⁴⁸

In connection with the law on honor-based oppression, the government asked an investigator to assess whether a specific criminal provision should be added to the Criminal Code to explicitly address honor-based violence and oppression.⁴⁹ In their official report, the investigator examined various considerations related to the definition of "honor" and "honor-based" violence, acknowledging that there is no clear consensus as to how these terms should be defined and suggesting that they must be understood and interpreted contextually.⁵⁰

The way these terms are defined is crucial, as their inherent ambiguities open the door to for arbitrary interpretations and legal judgments. In Swedish discourse, there has been a shift in terminology from "honor-based thinking" (*hederstänkande*), a term used in a 2007 action plan, to "honor cultures" and "honor contexts." In the 2007 action plan, the government deliberately avoided the term "culture", emphasizing "honor-based thinking" to prevent linking honor-based violence to any specific religion or culture. However, the 2020 report states that "honor context" and "honor culture" are now widely accepted terms and that honor culture constitutes a distinct cultural framework of its own.⁵¹ The report also suggests that avoiding a cultural link in earlier discussions was, in part, misleading.⁵²

Apart from considerations of such legal principles as the principle of last resort (*ultima ratio*), proportionality, and legality, the criminalization of honor-based violence has also been debated in relation to the risk of discrimination. As previously noted, concerns were raised about violating the principle of the generality of the law. Ultimately, the risk

⁴⁵ The Criminal Code (Brottsbalken) 4 kap. 4e§.

⁴⁶ Consultation responses (Remissvar), Accessible at:

<https://www.regeringen.se/remisser/2020/10/remiss-av-sou-202057-ett-sarskilt-hedersbrott/>

⁴⁷ Dir. 2017:25 *Utredningen om starkare skydd mot barnäktenskap, tvångsäktenskap och brott med hedersmotiv*. Justitiedepartementet.

⁴⁸ See, for example, Lidman, Satu och Hong, Tuuli: "Collective violence" and honour in Finland: a survey for professionals, i *Journal of Aggression, Conflict and Peace Research*, Vol. 10, No. 4, 2018, 261-271; and Eldén, Åsa och Westerstrand, Jenny: "Hederns försvarare. Den rättsliga hanteringen av ett hedersmord", i *Kvinnovetenskaplig Tidskrift*, Vol. 3, No. 4.

⁴⁹ Kommittédirektiv 2019:43. *Straffansvar för hedersrelaterat våld och förtryck*. Justitiedepartementet.

⁵⁰ SOU 2020:57, 99.

⁵¹ SOU 2020:55, 101.

⁵² SOU 202:55, 102.

of discrimination was largely dismissed, with the exception of a footnote in the official report stating:

At first glance, discrimination based on ethnic origin may seem like a relevant factor in discussions of honor-based violence. However, we emphasize that honor culture exists among people of diverse ethnic backgrounds and religious affiliations. It cannot be concluded that honor-based acts are committed by perpetrators or experienced by victims solely due to their ethnicity or religious beliefs. That said, the degree of religiosity can be linked to the occurrence of honor-based violence and other forms of oppression.⁵³

In other words, the report finds no conflict between discrimination prohibitions and the criminalization of honor-based violence as its own offense, defined by the motive of restoring honor. The argument is that, while religion and a high degree of religiosity may increase the risk of honor-based violence, such violence can also occur outside of a religious context.⁵⁴ The investigator simultaneously confirms that it is tenable to use the term “honor culture” to indicate a distinct cultural framework, without attributing it to any specific culture or religion. The risk of indirect discrimination,⁵⁵ where a seemingly neutral legal provision may disproportionately disadvantage individuals of certain ethnic or religious backgrounds that are assumed to represent “honor culture,” is neither acknowledged nor discussed.

Subsequent case law clearly demonstrates this imminent risk of discrimination. The first case I will discuss, in which a family was convicted of honor-based oppression, came before the court in 2023. It involved a young woman who had been subjected to years of threats and abuse by her family members. According to the prosecutor, the woman sought independence, wanted to make her own decisions, and had begun a romantic relationship with a man of whom her family did not approve.⁵⁶

The District Court of Västmanland found her parents and brother guilty of the newly established crime of honor-based oppression. As noted, the defining element of this crime is its motive: specifically, the intent to preserve or restore one’s honor, distinguishing it from other offenses, such as the violation of a woman’s integrity (*kvinnofridskränkning*). The motive-based nature of the offense makes it particularly important to examine how the motive is framed in judicial rulings.

In presenting the case, the prosecutor emphasized the family’s Iraqi background, describing Iraq as a country with a strong patriarchal structure and noting that the family belonged to the Mandaean community, an ethnic and religious minority in Iraq. According to Mandaean norms, the prosecutor claimed, both men and women are expected to remain virgins until marriage and must marry within their community. The prosecutor concluded that the family operated within an honor context that imposed specific norms on the young woman.⁵⁷

Another notable case of honor-based oppression involved the murder of a pregnant woman. Here, the prosecutor argued that the crime was honor-motivated based on the offender’s Somali background. The Örebro District Court’s reasoning relied heavily on cultural explanations, stating:

⁵³ SOU 2020:55, footnote 16.

⁵⁴ SOU 2020:55, 161.

⁵⁵ Discrimination Act, 2008:567, chapter 1, section 4.

⁵⁶ The Västmanlands District Court, B 3572-23, 2023.08.16

⁵⁷ The Västmanlands District Court, B 3572-23, 2023.08.16, 11.

Through his statement⁵⁸ and testimony at the District Court, which are largely supported by Somalia expert journalist Per Brinkemo, the prosecutor demonstrated that, within the Somali clan structure, honor is considered more important than blood ties and love. The Court finds that the prosecutor had shown that Amin's motive for killing Saga was rooted in honor, as he risked being ostracized if his family or clan did not accept his marriage to her.⁵⁹

The application of the honor-based oppression law in both cases shows how cultural and ethnic background become central in legal reasoning, reinforcing stereotypes and leading to the disproportionate targeting of certain minorities. The way the courts interpret "honor contexts" and "honor culture" in assessing motive illustrates how law, presumed to be neutral and colorblind, can actually reinforce racial inequalities and results in indirect discrimination.

The establishment of honor-based violence as a criminal offense carries discriminatory implications for the specific ethnic minority groups assumed to practice honor norms. Broad definitions of honor norms and honor contexts, both in legislation and policy documents, open the door to arbitrary interpretation, which has serious consequences for the legal system as a whole and can severely impact the rule of law and legal certainty in specific cases.

In the Name of Human Rights

Having presented recent developments in Sweden regarding efforts to combat honor-based violence, I will now turn to the question of the role that human rights play in Sweden's approach to this issue, and how the application of human rights frameworks may, in some instances, reinforce racism against ethnic minorities.

Human rights are central to Sweden's efforts to address honor-based violence, particularly through Sweden's adherence to international conventions such as the Istanbul Convention and the Convention on the Rights of the Child. Sweden has positioned itself as an advocate for the protection of individual freedoms, gender equality, and the right to live free from violence. However, when human rights are invoked to combat honor-based violence, there is a risk that these rights may be selectively applied in ways that disproportionately target certain ethnic or religious communities.

This dynamic is particularly evident in the way Sweden has constructed the national narrative around honor-based violence. By framing the issue through the lens of human rights, Sweden emphasizes a need to "civilize" children and young people, asylum seekers, and migrants seen as not fully aligned with Swedish values. This interpretation of human rights inadvertently perpetuates discriminatory practices by constructing cultural hierarchies and viewing minority communities as in need of moral reform.

The culturalization of violence relies on an explanatory model that attributes violence to specific cultural values and norms perceived as inherent to certain groups. In the context of honor-based violence, a paradox emerges. On one hand, terms like "honor cultures," "honor norms," and "honor contexts" are frequently

⁵⁸ The statement of Devin Rexvid, an expert in honor-based violence.

⁵⁹ The Örebro District Court, B 2686-23, 2024.06.05, 38.

used in policy documents and public debates. These concepts are associated with rigidly conservative, patriarchal, and homophobic norms primarily aimed at controlling women's sexuality to preserve family honor. Over time, these ambiguous terms have become internalized in Sweden as legitimate knowledge.⁶⁰

On the other hand, these so-called "honor norms" are often juxtaposed with universal human rights, which are simultaneously framed as Swedish values. In this framing, human rights are presented not only as universal principles that should be upheld by all, but also as uniquely Swedish ideals, integral to the nation's identity. Gender equality, in particular, is portrayed not only as a global goal but as a central tenet of Swedish society.

As Jonsson notes, the reconciliation between these conflicting sets of norms occurs through the invocation of universal human rights, which are used to critique harmful practices associated with honor norms while simultaneously reaffirming Sweden's own commitment to these values. Human rights, in this narrative, become a tool for highlighting the superiority of Swedish values over those perceived as "foreign" and "backward."

However, this interpretation of human rights carries significant risks. Even as human rights are wielded as a tool for critiquing and condemning practices linked to certain cultural norms, Sweden is prevented from critical reflection on its own violations of human rights, particularly those affecting minorities. By framing Swedish values as synonymous with human rights, a danger arises of making human rights into a unilateral and unquestionable force, effectively silencing any critiques of the state's own shortcomings. This undermines the political dimension of human rights and their potential to be genuinely emancipatory. In this way, the narrative of Swedish human rights exceptionalism risks limiting the critical potential of the concept of human rights, turning it into a tool for self-justification rather than a genuine framework for addressing social injustices.

The recent developments in Sweden and elsewhere clearly demonstrate how, despite different political agendas, both nationalist and liberal movements use the language of human rights.⁶¹ Paradoxically, human rights are used not only to address social injustices but also for the purpose of subjugation and domination. Therefore, as I have argued earlier, human rights should be treated as a political project and, as such, open to different and contested interpretations. If human rights are presented as ideologically neutral and apolitical, they risk becoming ideologized and misused to serve the interests of those in power.⁶²

The plurality of perspective and political disagreements have been neutralized for the sake of political compromise. For a long time, the liberal

⁶⁰ Mino, Alina: White Ignorance, Race, and Feminist Politics in Sweden, in *Ethnic and Racial Studies*, Vol. 43, No. 16, 2020, 252.

⁶¹ Perugini, Nicola and Gordon, Neve: *The Human Right to Dominate*, Oxford University Press, Oxford 2015.

⁶² Brown, Wende, op.cit., 463.

perspective on human rights has dominated, pursuing the ideal of neutrality and an apolitical understanding of human rights. However, it is specifically the politicization of human rights – their interpretation in relation to current social contexts and problems – that will make it possible to reclaim their emancipatory potential. A critique of the ideologization of human rights does not preclude the fact that all interpretations of human rights are ideological. But when human rights are appropriated by power, they come to operate in its service instead of limiting it.

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