

**ECRI CONCLUSIONS ON THE IMPLEMENTATION  
OF THE RECOMMENDATIONS  
IN RESPECT OF SWEDEN  
SUBJECT TO INTERIM FOLLOW-UP**

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<sup>1</sup> Any developments which occurred after 23 October 2014, date on which the response of the Swedish authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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## **FOREWORD**

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007<sup>1</sup>, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

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<sup>1</sup> CM/Del/Dec(2007)986/4.1.



1. *In its report on Sweden (fourth monitoring cycle) published on 25 September 2012, ECRI recommended that the Swedish authorities adopt a plan of action to address de facto residential segregation in Sweden as a matter of urgency. This plan should include practical measures to be taken by the relevant stakeholders, a budget and adequate resources to achieve the goals set. It should also enlist local authorities to play an active part in addressing de facto residential segregation. The action plan's impact in practice should be evaluated regularly.*

The Swedish authorities, in reply to the above-mentioned recommendation, informed ECRI of several urban development initiatives taken; these consisted in providing support for cooperation between several public service agencies and municipalities to reduce social exclusion; according to the authorities, these would also address the problem of segregation. Fifteen districts in nine municipalities are covered by the initiatives. In 2013, the Government contributed 100,000,000 SEK to the 15 selected districts for evaluation activities and knowledge acquisition, and information sharing and dissemination. An additional 100,000,000 SEK was allocated in 2014.

Furthermore, as part of its policy to combat social exclusion and to promote urban renewal, the Government has asked the Equality Ombudsman to relocate the agency's offices to Tensta/Rinkeby – a vulnerable area in the Stockholm municipality. This decision aims to help break the negative cycle of people moving away from this area on the outskirts of Stockholm, which faces widespread social exclusion. In addition, several local government offices with a total of over 1500 workplaces are also preparing to relocate to various vulnerable parts of the outskirts of Stockholm, in order to support local businesses.

ECRI considers that, while the authorities have taken some small steps towards reducing social exclusion and its effects on migrants, in particular de facto residential segregation, their initiatives do not go beyond individual projects in certain localities. There is still no evidence of a coherent, overall national Action Plan to address the issue, as recommended by ECRI.

ECRI therefore considers that this recommendation has been partially implemented.

2. *In its report on Sweden (fourth monitoring cycle), ECRI recommended that for persons living in Sweden without a residence permit and who have never applied for asylum or requested a residence permit, the Swedish authorities lift the exclusion from free medical care currently applying to children, pregnant women and persons with acute conditions or suffering from serious infectious diseases.*

ECRI has been informed that a new law, the Act on Health and Medical Care for Certain Aliens Residing in Sweden without the Necessary Permits (2013:407), entered into force on 1 July 2013. The act regulates the county councils' obligation to offer health and medical care, including dental care, to people residing in Sweden without the necessary permits. Under this new law, such people are given the same right to medical care as asylum seekers. Asylum-seeking children are to be offered the same health and medical care as children who are resident in the country. Adult asylum seekers are to be offered care that cannot be deferred, maternity care, care when seeking abortion and advice on contraception.<sup>1</sup>

ECRI considers that this recommendation has been implemented.

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<sup>1</sup> According to the law, 'people residing in the country without permits' means people who have never made themselves known to the authorities, as well as those who have previously been entitled to reside in the country but whose right to reside has expired.

3. *In its report on Sweden (fourth monitoring cycle), ECRI encouraged the Swedish authorities to implement measures as soon as possible to resolve all family reunification problems arising due to difficulties in obtaining identity papers in the country of origin.*

ECRI recalls that in 2012 the Migration Court of Appeal had issued a decision relaxing the rules on proof of identity in certain cases of family reunification (MIG 2012:1).<sup>2</sup> With reference to this decision, the Swedish Migration Board adopted a legal standpoint<sup>3</sup> concerning the requirements on proving identity and passports in cases relating to residence permits.

On 15 August 2014 the Migration Court of Appeal issued a follow-up decision: the person applying for a permit could benefit from the relaxation of the requirements on proving identity established in the 2012 decision even if the parents and the child had not been part of the same household before the sponsor came to Sweden.

The authorities have further informed ECRI that, if kinship investigations do not provide sufficient grounds to grant a residence permit, the Swedish Migration Board is obliged to offer DNA analysis. There is, however, an exception: cases where it is obvious that the claimed relationship does not exist. These rules are primarily intended to facilitate family reunification between minors and their parents, but are also applicable to other cases where biological kinship is claimed.

The authorities have informed ECRI that the legislation may need to be amended or adjusted in the future, depending on further legal developments (for example, new decisions by the Migration Court of Appeal). However, in the authorities' view, the Migration Court of Appeal's judgments and the Swedish Migration Board's legal standpoints allow for the rules on proof of identity to be adapted to each situation. The authorities consider such flexibility to be desirable and fear that it would be lost if this question was regulated by law.

ECRI notes that major steps have been taken by the authorities to resolve the above mentioned family reunification problems and that some positive results have been achieved already. However, ECRI also notes that these measures are not regulated by law. This might create flexibility; however, it also leaves a degree of uncertainty, in particular in the absence of further case law concerning this matter.

ECRI therefore considers that this recommendation has been partially implemented.

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<sup>2</sup> Referred to in ECRI's fourth report on Sweden on page 42. The national court found that the public interests that warrant a high standard of proof with respect to identification must be weighed against the alien's interest in family reunification and ability to enjoy a family life. An assessment of proportionality should be undertaken in each individual case. If an applicant in an individual case has difficulties producing acceptable documents, it may be sufficient that the identity claimed by the applicant appears probable for a residence permit to be granted. One of several elements in the court's reasoning was that a family relationship between the parents and the child had been demonstrated through DNA testing.

<sup>3</sup> Legal standpoints adopted by the Swedish Migration Board are general recommendations intended to provide guidance to case officers on how to apply laws and regulations with regard to particular situations.



