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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

3 October 2024

Case Document No. 5

Amnesty International and Médecins du Monde – International v. Sweden
Complaint No. 227/2023

**REPLY FROM THE GOVERNMENT
TO THE COMPLAINANT ORGANISATIONS' RESPONSE
ON THE MERITS**

Registered at the Secretariat on 12 September 2024



11 September 2024
A2023/01135

Ministry of Employment
Director-General for Administrative Affairs

Directorate of Social Rights,
Health and Environment
Department of Social Rights

Henrik Kristensen
Deputy Head of Department
Deputy Executive Secretary of the
European Committee of Social
Rights

Reply from the Government of Sweden to Amnesty International's and Médecins du Monde International's response on the merits of the collective complaint no. 227/2023

Introduction

1. This additional reply on the merits of the complaint, introduced by the organisations Amnesty International and Médecins du Monde International (below, the complainants) is submitted on behalf of the Swedish Government (below, the Government).
2. On 19 June 2023, Amnesty International and Médecins du Monde International filed a collective complaint with the Council of Europe's European Committee of Social Rights (below, the Committee). The complainants allege that Sweden is in violation of Articles 11 and 13 of the revised European Social Charter (below, the Charter) read alone or in conjunction with Article E, due to continued denial of healthcare services for EU migrants in Sweden, the billing of the full cost of healthcare services for EU migrants in Sweden, and the chilling effect of said practices that lead to refraining of seeking healthcare services.
3. The Government presented its submissions on the merits of the above-mentioned complaint 4 March 2024 (below, the submissions). The complainants have responded to the submissions. This letter is a reply to the complainants' response.

The Government's reply

4. The Government would like to limit its reply to a few clarifications for the Committee to consider. In all other aspects of the complaint, the Government kindly refers the Committee to what was elaborated in the submissions.
5. Regarding what was put forward in p. 25 and p. 26 in the complainant's written response, specifically as regards the right of residence in relation to being a registered resident, the Government would like to turn the Committee's attention to the following. The submissions include a description on the Swedish system regarding the process of becoming a registered resident (in Swedish "folkbokförd"), see p. 9. Conditions for the right of residence according to Union law (in Swedish "uppehållsrätt") are also described, see p. 10. Hence, the Government would like to underline what was pointed out in p. 27 of the submissions, that a right of residence does not in itself entail that the conditions are met for becoming a registered resident in Sweden. The statuses are different and should not be understood as synonymous.
6. The Government would also like to refer the Committee's attention to what was put forward in the Digest, as pointed out in p. 6 of the submissions. That is, "[t]he Charter does not regulate procedures for admitting foreigners to the territory of States Parties, and the rules governing 'resident' status are left to national legislation"¹.
7. As put forward in p. 7–8 of the submissions, the Swedish regions have a legal responsibility to provide good healthcare to those who are registered as residents, which entails full access to subsidised healthcare. The Government would like to reiterate that the Swedish system offers adequate medical assistance to Swedish nationals and for nationals of other State Parties registered as residents within our territory on an equal footing (compare with the Committee's conclusions from January 2018, as referred to in p. 5 of the submissions).


¹ Digest of the Case Law of the European Committee of Social Rights, Council of Europe, June 2022, p. 128.

8. In p. 16 of the submissions, access to emergency healthcare is described. The Swedish regions are responsible by law to provide emergency medical assistance to persons both lawfully and unlawfully present in the Swedish territory (compare with ECSR conclusions from January 2018, as referred to in p. 5 of the submissions).
9. A person visiting or staying in Sweden without being a registered resident will have to make sure that they have an insurance to cover medical expenses. This applies to both foreign citizens and Swedish nationals, who are not registered residents in Sweden. Vice versa, registered residents in Sweden need to make sure that they are insured for medical expenses when they are abroad. Registered residents in Sweden are covered by European coordination rules when traveling within the EU. The Government hopes that all EU-citizens will be covered by a healthcare scheme in their competent Member State, and thus for them to be included in these coordination rules.
10. Regarding what is put forward in p. 24 of the complainant's written response on the translation of the Swedish phrase "i enstaka fall", used in the legislative history of Act (2013:407) on healthcare and medical services for certain aliens resident in Sweden without necessary permits, the Government would like to point out the following. The wording can be translated in many ways according to different translation tools, including "in individual cases". However, the phrase "i enstaka fall" in this regard indicates that the cases in question are few in number. Hence, it would preferably be understood as "in singular cases", "in a few cases", "in occasional cases" or "in exceptional cases".

Conclusion

11. With regard to all the above and to what was put forward in the submissions, Sweden does not violate any of the invoked Articles of the Charter.

Yours sincerely



Johanna Johnsson

Director-General for Legal Affairs