



Socialdepartementet

Mr Nils Muižnieks
Commissioner for Human Rights
Council of Europe
F-67075 Strasbourg Cedex
Frankrike

Dear Commissioner,

I am referring to your letter of 26 January 2016 to Ms Alice Bah Kuhnke, Minister for Culture and Democracy, regarding information on measures the Swedish authorities intend to take to prevent homelessness among Roma immigrants and to ensure that evictions which cannot be avoided take place under conditions that fully respect human rights. In response to your letter, I would like to submit the following information.

Your letter refers to an evacuation from a camp ('Sorgenfri') in Malmö on 3 November 2015, decided by the Environmental Board of the City of Malmö on 27 October 2015. You also recall Sweden's human rights obligations under the European Social Charter. In this regard, I would like to stress the strong commitment of the Swedish Government to fully respecting the obligations under EU law as well as our international obligations, such as those under the European Social Charter.

As regards the evacuation in Malmö, I would also like to draw your attention to the independent position of all Swedish authorities under the Constitution, which means that any intervention by the Government in specific cases concerning the exercise of authority or the application of the law is strictly prohibited. Both the Government and the municipalities have a responsibility to respect and promote human rights under applicable law in their decision-making. Regarding the evacuation of people staying at the 'Sorgenfri' camp in Malmö in November, I have received the following information. The City of Malmö has adopted an action plan that describes the support it gives to socially vulnerable and poor EU citizens. Under the action plan the Social Resources Department was tasked with opening a centre for overnight stays in

connection with removal from a camp site. This evacuation accommodation is available for no more than five nights. The aim is to give those who have been evacuated a respite so they have time to find other accommodation when they have to move. In this case, the City of Malmö offered 50 beds as evacuation accommodation. Around half of these were not used. Experiences from previous removals have, according to the City of Malmö, shown that not everyone seeks the help that is offered. The assessment therefore was that it would suffice on this occasion.

EU citizens have a right and far-reaching possibilities to move freely and stay in other EU Member States. This free movement of people is one of EU's fundamental principles and is strongly supported by the Swedish Government. With a valid identity card or passport, EU citizens may enter and stay in another EU Member State for up to three months without any further conditions or formalities. During this period of time the person is in the same situation as a visitor in our country and thus naturally expected to make necessary and lawful arrangements for accommodation, etc.

In order to obtain a right of residence and be entitled to stay longer than three months, EU citizens must fulfil certain conditions aimed at ensuring that the person has possibilities or sufficient means to financially support himself or herself. The person needs to be employed or self-employed or must be in Sweden as a job seeker with real prospects of becoming employed. Students and other people not working must have sufficient resources for themselves and their family, so as not to be a burden on the host country's social welfare system, and they must have comprehensive sickness insurance cover. This reflects the fact that the person remains the responsibility of his or her home country. If an EU citizen does not fulfil these conditions and does not have a residence permit, they have no legal right to remain in Sweden.

As regards EU citizens who do not fulfil the requirements to have a right to stay for more than three months, Sweden has limited obligations to provide assistance and these people are normally entitled only to necessary support to solve an emergency situation, which can mean temporary accommodation, money for food and a ticket to return home. However, they are able to apply for further assistance to the social authorities in the municipality where they are staying and to have an individual assessment with the possibility of appealing to the administrative courts. Swedish municipalities are independent in their assessment of the extent of economic and social support. This includes addressing the issue of homelessness and temporary accommodation,

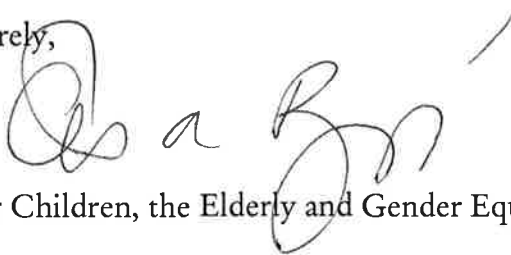
which to some extent is done in cooperation with civil society organisations.

The Government has an understanding of the situation of many EU citizens, including Roma, when staying temporarily in Sweden. One important aim for the Government is to work for an improvement of their living conditions in their home countries. It is important to have a long-term perspective on these issues. The Government has therefore taken a number of initiatives, both bilaterally with Romania and Bulgaria and at EU level. In addition, in January 2015 a National Coordinator was appointed to provide support to the domestic bodies dealing with EU citizens who stay temporarily in Sweden and do not have a right of residence here. A report by the Coordinator was presented to me recently addressing the need for continued coordination of measures at regional level with regard to vulnerable EU citizens. The Government will consider the report's proposal in the near future.

Yours sincerely,

Åsa Regnér

Minister for Children, the Elderly and Gender Equality

A handwritten signature in black ink, appearing to read 'Åsa Regnér', is written over the typed name and title.