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AMNESTY INTERNATIONAL SUBMISSION TO THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS ON NATIONAL REPORTS, THEMATIC GROUPS 2 – HEALTH, SOCIAL SECURITY AND SOCIAL PROTECTION: SWEDEN

This submission seeks to provide additional information to the European Committee of Social Rights (herein the Committee) with respect to its review of Sweden's compliance with the Social Charter provisions belonging to the thematic group 2 on health, social security and social protection.

In the absence of Sweden's national report, Amnesty International wishes to draw the Committee's attention to the barriers, particularly with respect to the right to health, continued to be faced by EU citizens living in marginalization in Sweden (categorized as "vulnerable EU citizens" in Swedish policy documents) in the 2018 report *Sweden: A Cold Welcome: Human Rights of Roma and other 'Vulnerable EU Citizens' at Risk*.¹

In finding that the Swedish state fails to recognize a range of socio-economic rights of this group, the report demonstrates that destitute EU migrants live in a social and legal limbo for years, without even a minimum of protection or support, while anti-Roma sentiments and anti-begging rhetoric permeate the public debate.

In respect of the right to health, many of those interviewed told Amnesty International about multiple health problems and reported that already existing poor health status was exacerbated by their difficult living conditions in Sweden. Their access to medical care in Sweden is inadequate, with EU migrant citizens receiving huge bills for medical care or at times being denied treatment altogether, justified by the fact that most of them lack the European Health Insurance Card. The domestic legal situation is unclear and different regions have reached different interpretations. In most of them, the practice is to bill EU citizens without the Health Insurance Card the full amount for medical treatment. As a result, they are billed much more than Swedish residents, EU citizens with the European Health Insurance Card, and other groups in Sweden living in marginalization such as undocumented migrants.

In order to ensure the right to social, legal and economic protection without discrimination, Amnesty International recommends that Sweden adopts legislation that clarifies that all residents, both during their first three months in the country and thereafter, and whether they have a European Health Insurance Card or not, have access to the health system, including to subsidized health care and medical services, without discrimination of any form.

Please find attached to this letter, for further consideration by the Committee, Amnesty International's 2018 report *Sweden: A Cold Welcome: Human Rights of Roma and other 'Vulnerable EU Citizens' at Risk*.

We remain at your disposal for further information,

Yours sincerely,

¹ Amnesty International, *Sweden: A Cold Welcome: Human Rights of Roma and other 'Vulnerable EU Citizens' at Risk*, EUR 42/9403/2018, [Sweden: A cold welcome: Human rights of Roma and other 'vulnerable EU citizens' at risk | Amnesty International](#)

Eve Geddie

A handwritten signature in blue ink that reads "Eve Geddie". The signature is written in a cursive style with a large initial 'E'.

Head of Office and Advocacy Director
European Institutions Office
Amnesty International



SWEDEN: A COLD WELCOME

HUMAN RIGHTS OF ROMA AND OTHER 'VULNERABLE EU CITIZENS' AT RISK

AMNESTY
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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A NOTE ON TERMINOLOGY

“VULNERABLE EU CITIZENS”

The term “vulnerable EU citizens” is an established term in the Swedish context and refers to people who are nationals of other European Union (EU) member states living in Sweden in a state of destitution and marginalization. The exact definition varies. The first National Coordinator for Vulnerable EU Citizens defined it as “individuals who are citizens of another EU country and who do not have right of residence in Sweden”,¹ whereas the National Police Authority in a 2015 mapping exercise offered a more extensive definition:

“Vulnerable EU citizens means, in this report, citizens of another EU country, who in their home country live in poverty and social exclusion. Using the freedom of movement within the EU, they have made their way to Sweden to support themselves, usually by begging in public spaces. Generally, they lack housing and the means of subsistence in Sweden.”²

Amnesty International normally does not define individuals or groups as “vulnerable” but rather focuses on contexts and structures that lead to situations where the enjoyment of human rights is at risk. Amnesty International, therefore, does not endorse the use of terms such as “vulnerable EU citizens”. Nevertheless, given that its use in Swedish policy documents is common and well established, the term is used in this report to refer to citizens of other EU countries living in Sweden, either in the short or longer term, who experience extreme social and economic marginalization.

“ROMA”

The word “Roma” is used by international organizations as an umbrella term that encompasses a wide range of groups, diverse in cultures and lifestyles. The term can cover, for example, those who identify as Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari, Balkan Egyptians, Dom, Lom, Abdal, Travellers, Yenish, and populations referred to as “Gens du voyage”, as well as people who identify themselves as Gypsies.³ The Swedish Strategy for Roma Inclusion states:

“The Roma population in Sweden is heterogeneous and consists of different groups with internal cultural and language variations, such as Kelderash, Lovara, Kalé, Travellers, Sinti, Arli and Gurbeti. Among Travellers, there are those who identify with belonging to the Roma people whereas others do not... There are Roma who for different reasons hide their Roma identity. One reason is to avoid discrimination and prejudices.”⁴

For Amnesty International, whether or not individuals self-identify as Roma is the key factor. However, in some of the cases detailed in this report an important factor impacting on people’s human rights was whether they were *perceived* or *assumed* to be Roma by members of state agencies or the wider public. In those cases, this has been noted specifically. The Swedish Roma population is estimated by the government to number around 50,000 people.⁵ Swedish Roma people have faced widespread and structural discrimination in the recent past and continue to be subjected to discrimination in a range of fields on the basis of their ethnicity, affecting their ability to fully enjoy their human rights in Sweden.⁶ This report, however, focuses on the situation of “vulnerable EU citizens” – that is, nationals of other EU member states – rather than on the discrimination faced by Swedish Roma.

¹ Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future – Final report from the National Coordinator for Vulnerable EU citizens, (Framtid sökes – Slutredovisning från den nationella samordnaren för utsatta EU-medborgare)*, p. 13, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf

² Swedish National Police Authority, *National mapping: Crime connected to begging and vulnerable EU citizens in Sweden (Nationell lägesbild. Brottslighet med koppling till tiggeri och utsatta EU-medborgare i Sverige)* (2015), p. 7, available at <https://polisen.se/siteassets/dokument/manniskohandel/rapport-tiggeri-nat-lagesbild-151202.pdf>

³ See, for example, explanation of the term “Roma” by the Council of Europe, at <https://www.coe.int/en/web/portal/roma>, and the definition provided by the European Parliament Report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism (2017/2038(INI)), p. 19, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0294+0+DOC+XML+V0//EN#top>

⁴ Swedish Government, *A coordinated and long term strategy for Roma inclusion 2012-2032 (En samordnad och långsiktig strategi för romsk inkludering 2012-2032)*, Skr. 2011/12:56, p. 6, available at <https://www.regeringen.se/49baf6/contentassets/4a3df6c115584782935d8d9efa7ab6e3/en-samordnad-och-langsigtig-strategi-for-romsk-inkludering-2012-2032-skr.-20111256>

⁵ Swedish Government, *A coordinated and long term strategy for Roma inclusion 2012-2032*, Skr. 2011/12:56, p. 6, available at <https://www.regeringen.se/49baf6/contentassets/4a3df6c115584782935d8d9efa7ab6e3/en-samordnad-och-langsigtig-strategi-for-romsk-inkludering-2012-2032-skr.-20111256>

⁶ See, for example, Swedish Government Official Reports 2014:8, (SOU 2014:8), *The Dark Unknown History: White Paper on Abuses and Rights Violations Against Roma in the 20th Century [Ministry of Culture] (Den mörka och okända historien: Vitbok om övergrepp och kränkningar av romer under 1900-talet)*.

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

European Union (EU) citizens from Eastern Europe, most of whom identify as Roma, are currently living in desperate and dangerous situations in Swedish cities and towns. Many EU citizen Roma people have left structural discrimination and “anti-Gypsyism” in their home countries, mainly Romania and Bulgaria, coming to Sweden to try to make a living for themselves and their families. Those without housing and a regular income are categorized as “vulnerable EU citizens” in Sweden. Inadequate legal and policy frameworks mean that many in this group fall through the cracks in Sweden, with serious consequences for their health and lives. In several towns in Sweden they face insurmountable obstacles to access the same shelter, sanitation and health services that other destitute people in Sweden can count on. Ultimately, this legal and policy vacuum fails to recognize their rights and address their basic needs. The lack of access to shelter exacerbate other problems and frustrate their ability to find employment, compelling many to resort to begging.

In this report titled “Sweden: A Cold Welcome”, Amnesty International explores barriers – structural, legal, and social – faced by EU citizens living in a state of marginalization in Sweden. Amnesty International findings reveal that many of them are sleeping in tents, cars or temporary settlements on the outskirts of the cities and that people in this group live in extreme poverty, with every day posing a struggle for survival against the freezing temperatures, to find food, sanitation and health care. The report also shines a light on how some “vulnerable EU citizens” are subjected to harassment and potentially discriminatory treatment by police.

The report is based on comprehensive desk research and 58 interviews with people in Sweden categorized as “vulnerable EU citizens”, all of them from Romania, the majority of whom are Roma and live in a state of homelessness. The research has been conducted in six Swedish municipalities, including the three largest cities: Stockholm, Göteborg and Malmö. Amnesty International has also carried out 34 interviews with duty-bearers, including government representatives, officials in local authorities, police officers, and over 20 representatives for networks and civil society organizations providing services to “vulnerable EU citizens”.

This is a situation which is not without hope. The report findings show that a different approach is possible and that in some locations in Sweden simple policy changes at the local level are proving to make a real difference in the protection of “vulnerable EU citizens” rights, enabling them to live lives with dignity. In the report Amnesty International makes clear recommendations for the Swedish authorities to improve the situation in accordance with Sweden’s international and national human rights obligations.

THE SITUATION FOR “VULNERABLE EU CITIZENS”: UNCLEAR LAWS AND LACKING RIGHTS PERSPECTIVE

Discriminatory attitudes towards Roma in Sweden, as in other European countries, are long-standing and deeply entrenched. Such attitudes have impacted the lives of generations of Roma who are Swedish citizens and today also affect the lives of Roma who are nationals of other EU states and arrive in Sweden to make a living, as well as people perceived to be Roma without self-identifying as such. In November 2015, the police estimated that around 4,700 people considered “vulnerable EU citizens” were in Sweden; later reports have repeated the figure of 4,700, while reiterating that the number remains highly tentative.

The EU has acknowledged the shared responsibility to combat discrimination against Roma people in the Union and to improve their living conditions. This obligation does not fall merely on countries of origin but also on countries that Roma migrate to, and on the EU as a whole. National strategies for Roma integration, thus, should include both Roma who are nationals and Roma who are citizens of other EU member states. The Council of the European Union recommends member states, “[w]ith a view to promoting the full equality of Roma in practice”, to “take effective policy measures to ensure their equal treatment and the respect of their fundamental rights, including equal access to education, employment, healthcare and housing”. The Swedish Roma inclusion strategy, adopted in 2012, does not explicitly distinguish between Swedish Roma and Roma of other nationalities, but it excludes “EU citizens who are [in Sweden] for a period shorter than three months”. Like so many other official

documents, the strategy ignores the fact that many EU citizen Roma in practice are in Sweden for much longer periods than three months. As a general rule, Roma inclusion measures on the municipal level exclude Roma who are not Swedish nationals or permanent residents.

The EU-wide commitment to fight discrimination of the Roma and to promote social inclusion of all corresponds with Sweden's obligations under international and regional human rights law. Human rights apply to all within a state's jurisdiction, regardless of citizenship or migration status, and the government has obligations to that end. All human rights instruments prescribe that the rights enunciated in them must be exercised without discrimination of any kind as to, among other grounds, race, national or social origin, or property. The UN Committee on the Elimination of Racial Discrimination, for example, has stated that the International Convention on the Elimination of All Forms of Racial Discrimination requires the "remov[al of] obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health".

In 2016, Sweden was reviewed by both the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights. Both expressed serious concerns over the treatment of people categorized as "vulnerable EU citizens" in Sweden, emphasizing the long-standing, persistent discrimination against Roma and the state's responsibility to ensure that minimum essential levels relating to, for example, the rights to housing and health, must be guaranteed to all, including those considered "vulnerable EU citizens". Similarly, the UN Committee on the Elimination of All Forms of Racial Discrimination, in 2018, recommended Sweden to ensure equal access *by all Roma communities* to human rights such as housing, health care and justice.

Duty-bearers in Sweden, with few exceptions, have thus far not presented policies that recognize the shared responsibility to break patterns of discrimination against Roma in Europe or Sweden's duty to guarantee human rights to all within the country, including "vulnerable EU citizens". Instead, they have tended to focus on home countries as the sole bearers of responsibility, insisting that the solutions to problems of exclusion and marginalization of, for example, Romanian Roma can only be found in Romania.

According to EU and Swedish law, EU citizens can stay in Sweden for three months with no other condition than being able to display a valid identity card. After the first three months, in order to have right of continued residence EU citizens must have employment, be students, actively look for work or have sufficient resources to support themselves, and a comprehensive sickness insurance.

"Vulnerable EU citizens" rarely comply with these criteria, and are therefore presumed to stay no longer than three months. All government and most municipal policies are designed in line with this three-month model. For example, municipal homelessness policies and action plans do not include this group, due to the supposed "temporary stay" of "vulnerable EU citizens". In fact, however, Amnesty International's research shows that many "vulnerable EU citizens" stay for much longer, with or without the occasional visits back to their home countries. As a result, many spend years in Sweden, in a social and legal limbo, deprived of social protection and support.

This discrepancy between policy and practical reality was highlighted in 2016 by the UN Human Rights Committee, urging Sweden to "ensure that all individuals within its jurisdiction, including vulnerable Roma citizens of other European Union countries, enjoy equal rights without discrimination ... taking into account *both their de jure and de facto situation*" (emphasis added).

Among municipalities and regional authorities there is widespread confusion as to what obligations they have toward "vulnerable EU citizens" under Swedish, EU and international law. In most municipalities, based on national guidelines, authorities have determined that "vulnerable EU citizens" have no right to social services such as housing, health care or education. In a handful of municipalities, policies are significantly more inclusive. Since there is no common understanding of what services people considered "vulnerable EU citizens" are entitled to and what corresponding obligations fall on the state, the treatment differs dramatically from one place in Sweden to another and the rights perspective and prospects for state accountability overall are lacking. The government has thus far not provided any guidance to municipalities and regions on how to adopt a rights-based approach to meeting the needs of "vulnerable EU citizens".

International human rights law requires steps to be taken, incrementally, to cater for the immediate needs of minority or marginalized groups, pending longer-term, more sustainable solutions. However, this pragmatic approach has been systematically dismissed by most Swedish duty-bearers. Indeed, much of the political response to calls for action to meet the essential needs of people grouped together as "vulnerable EU citizens", such as providing mobile toilets, water taps or garbage collection, has been that such measures would "encourage unlawful settlements", "contribute to the development of slums" or even "condone crime".

While state bodies refrain from protecting and fulfilling the rights of this group, anti-Roma sentiments specifically targeting “vulnerable Roma EU citizens” are widespread and appear to be growing. Much of the public discourse fails to recognize the state of marginalization and additional barriers this group faces. Barriers to finding work, for example, leave people with little alternative but to beg for a living. Begging has been a contentious issue in the Swedish political debate in the past decade, triggered by the arrival of individuals assumed to be Roma begging in Swedish cities and towns. Two of the largest political parties campaign for a nation-wide criminalization of begging; others have advocated for local bans. These proposals do not take account of the rights of the individuals who beg, the potential for discriminatory outcomes such bans would have, and how criminalization would push affected EU citizens even further into marginalization. Nor do those who call for criminalization offer alternative ways of finding an income, ignoring the well-known fact that most people beg because they have no other means by which to support themselves and their families. Anti-begging rhetoric, expressed both by leading politicians and opinion-makers across the political spectrum, feeds deep, discriminatory attitudes and increases the risk of human rights violations against EU citizens living in destitution in Sweden.

Amnesty International opposes blanket criminal bans on begging as discriminatory and disproportionate state responses to situations of poverty. Instead of punishing and further marginalizing those living in poverty, the government should prioritize inclusion measures, social and support services and poverty-reduction initiatives that address the underlying factors that lead people to engage in begging.

RIGHT TO ADEQUATE HOUSING

Most of the people interviewed said their main concern in Sweden is lack of a secure, safe and stable place to sleep, a source of enormous stress, fear and anxiety. Access to housing and shelter for “vulnerable EU citizens” in Sweden varies widely from one municipality to the other. In two small municipalities visited by Amnesty International, long-term shelter was provided, demonstrating that a rights-focused and inclusive approach is possible, but in the major urban areas this was not the case. In the big cities, many interviewees sleep in cars, under bridges, in tents made of plastic sheets or in shacks in the woods. Some spend occasional nights at a shelter, but in the big cities shelters have limits for the number of nights that people can stay and after three or five nights they are left to sleep rough again. One of the major cities, Malmö, does not have any shelter open to this group at all from end of March to end of December. Many testify to the insecurity of having nowhere to go, and the constant fear that the police will find them and force them to leave. Several told Amnesty International that they feel unsafe, cold and exposed when they sleep outside.

The UN Special Rapporteur on the right to adequate housing has stressed the link between addressing homelessness and ensuring the right to life, not the least with regard to lack of protection from “inclement weather”. This is true in many settings, but not the least in a country like Sweden that has severe winters and where sleeping in the open can be directly threatening to life and limb. Because of this inherent connection between life, dignity, bodily integrity and adequate housing, several human rights bodies have emphasized the state’s positive obligations to provide housing for all within its territory. Amnesty International found that officials on national and municipal levels showed a striking lack of awareness of the state’s human rights obligations. The Swedish government has failed to acknowledge that the right to adequate housing applies to all, and that duty-bearers in all Swedish municipalities must take steps to fulfil their obligation to protect the lives and health of people considered “vulnerable EU citizens”.

RIGHTS TO WATER AND SANITATION

Human rights bodies have pointed out that the rights to clean water and to sanitation are closely linked to the right to dignity – and that safe drinking water and sanitation must be available and accessible to all, including persons who lack housing or legal tenure. In Sweden, since water and sanitation services typically are provided as part of housing, those without shelter as a rule also lack access to these facilities. Public taps are scarce and drinking fountains are few or non-existent. If there are public toilets, they tend to be subject to a charge. Many of those interviewed for this report told Amnesty International that they had very limited access to toilets and that they had to buy drinking water, which caused economic stress and in some cases had serious health consequences. Authorities’ response to calls for water and sanitation services and also garbage collection for people considered “vulnerable EU citizens” sleeping rough, were that the facilitation of such services would serve to excuse or even encourage unlawful activities and lead to the consolidation of slums. The pragmatic and public health approach called for by human rights bodies have not, with few exceptions, impacted Swedish policies toward “vulnerable EU citizens”.

RIGHT TO HIGHEST ATTAINABLE STANDARD OF HEALTH

Many of those interviewed told Amnesty International about multiple health problems, and reported that already existing poor health status was exacerbated by their difficult living conditions in Sweden. Their access to medical care in Sweden is inadequate. Making medical care *accessible* to all without discrimination, which includes ensuring that it is *affordable*, is a state obligation under the International Covenant on Economic, Social and Cultural Rights, to which Sweden is a party. Nevertheless, Amnesty International's research illustrates that "vulnerable EU citizens" receive huge bills for medical care or at times are denied treatment altogether, justified by the fact that most of them lack the European Health Insurance Card. The domestic legal situation is unclear and different regions have reached different interpretations. In most of them, the practice is to bill EU citizens without the Health Insurance Card the full amount for medical treatment. As a result, they are billed much more than Swedish residents, EU citizens with the European Health Insurance Card, and other groups in Sweden living in marginalization such as undocumented migrants.

CONCERNS ABOUT POLICE TREATMENT

In Stockholm, a number of the women interviewed testified that they had been subjected to intimidating and disproportionately harsh treatment by the police. Police officers have repeatedly approached them, gestured to them to leave the spots where they were begging, or even forced them into police cars to be driven to random locations outside of town. They have subsequently been left there to make their own way back. This treatment occurs in spite of the fact that begging is not banned or subject to licensing. In most instances, the treatment appears to be initiated by the individual police officer rather than being based on complaints that the women would be obstructing access or disturbing public order. The Stockholm police have confirmed this practice, but have failed to acknowledge it is a concern that needs to be addressed and potentially discriminatory in intent and impact. In no other of the municipalities researched by Amnesty International did interviewees report a similar practice. Indeed, given that Roma women appear to be particularly targeted, these findings suggest that the Stockholm police are basing their decisions on negative stereotypes about Roma people, one of the most marginalized groups in Swedish society. In spite of assurances from the Chief of Police that discrimination of Roma is unacceptable within the police force, this practice raises concerns about anti-Roma sentiments still permeating parts of it.

MAIN RECOMMENDATIONS

TO THE SWEDISH GOVERNMENT:

- Clarify that the Swedish Roma integration strategy includes *all* Roma residing in Sweden, regardless of their nationality and regardless of whether they formally are entitled to residency status under EU law or not.
- Adopt legislation that clarifies that all EU citizens in Sweden, both during their first three months in the country and thereafter, and whether they have a European Health Insurance Card or not, have a right to subsidized health care and medical services at least on the same terms as undocumented migrants.
- Ensure that no criminalization of begging be introduced nationally or that such bans be allowed on municipal level, nor that other laws or regulations be introduced that restrict the ability of people in marginalization to ask for help.

TO SWEDISH MUNICIPALITIES:

- Adopt municipal action plans on combating homelessness among people considered "vulnerable EU citizens" based on the acknowledgment that it is a public responsibility to provide shelter to all, regardless of migration status or citizenship.
- Make longer-term shelter available to all in the municipality, without discrimination, accompanied by social support.
- Put in place schemes that ensure access to water and sanitation and garbage collection for all individuals who sleep rough, including drinking water taps, portable toilets, and garbage dumpsters.

TO SWEDISH REGIONAL AUTHORITIES/COUNTIES:

- Ensure that all people in the region, including those categorized as “vulnerable EU citizens”, have access to subsidized health care and medical services, regardless of whether or not they have a European Health Insurance Card, at least on the same terms as undocumented migrants.

TO THE NATIONAL COMMISSIONER OF THE SWEDISH POLICE:

- Publicly acknowledge the obligation of the police to protect minority and marginalized groups, such as “vulnerable EU citizens”, and in all its operations ensure a non-discriminatory application of the law.
- Issue national guidelines emphasizing that begging is legal and not subject to licensing, and that removal of persons begging can only ever be justified if individuals in question constitute a concrete and real danger to public order and only if all less intrusive measures have proven ineffective.
- Withdraw all images, texts and other materials containing stereotypical depictions of Roma.

TO THE STOCKHOLM POLICE DISTRICT:

- Immediately cease its practice of targeting, intimidating, and removing “vulnerable EU citizens” begging in Stockholm, when no concrete obstruction or other breach of the law is at hand.

METHODOLOGY

This report is based on research carried out by Amnesty International in Sweden between August 2017 and August 2018. It looks at the obstacles faced by Romanian nationals, many of them Roma, living in poverty in marginalized communities in Sweden (a group referred to as “vulnerable EU citizens” in Swedish policy documents) in accessing a range of services essential to the enjoyment of their human rights.

Amnesty International conducted in-depth interviews with 58 EU citizens of Romanian nationality in six municipalities: Stockholm (18), Malmö (12), Göteborg (nine), Umeå (eight), Lund (six) and Gotland (five). In all six locations, local NGOs were crucial in helping Amnesty International make contact and build trust with interviewees and communities. The field research was undertaken in Stockholm on various occasions between September 2017 and February 2018; in Malmö in September and November 2017; in Göteborg in November 2017; in Umeå in September and December 2017; in Lund in December 2017 and October 2018; and Gotland in October 2017.

The six municipalities were chosen on the basis of the following criteria. Stockholm, Malmö and Göteborg are the three largest cities in Sweden and have by far the largest population of “vulnerable EU citizens”. These are also the municipalities where the largest NGOs working to support “vulnerable EU citizens” are located, in particular HEM (Stockholm), City Mission/Crossroads (Malmö, Stockholm) and the Rescue Mission (Göteborg). The municipality of Lund and the region of Gotland were selected because they have adopted a different approach, providing longer-term shelter for this group, with municipal financial support, in stark contrast to the big cities. Umeå was selected because it is the municipality with the largest population of “vulnerable EU citizens” in the north of Sweden where the harsh climate raises particular issues regarding the right to housing.

The great majority of EU citizens living in poverty and in marginalized communities in Sweden are from Romania,⁷ the focus of this report. However, it is important to acknowledge that other groups are living in similar circumstances, for example, third country nationals from outside the EU and EU nationals from other countries, notably Bulgaria. Amnesty International ensured that the selection of interviewees was balanced in terms of gender and age groups and that in each municipality interviewees included people from different groups and different places of origin in Romania.

Of the 58 people interviewed, all but six were homeless (sleeping rough, in cars, in caravans or in temporary or longer-term shelters) and 48 supported themselves through begging. At least nine combined begging with collecting bottles and cans for recycling (which gives a small income when these are returned to stores) or other informal, short-term work. Six people were in formal employment at the time of interview. Some 42 of the interviewees self-identified as Roma; six as Romanian non-Roma, of whom four were or had been married to Roma; two identified as Turkish; and eight as Rudari. The latter are often perceived as Roma, but those interviewed by Amnesty International did not themselves identify as Roma and did not speak Romani.

Interviewees had been in Sweden for varying lengths of time. The person who had spent longest in the country was a Roma woman in Göteborg who first came to Sweden in 2006. The most recent arrival was a Romanian non-Roma man who had arrived in Umeå two weeks prior to the interview. Of the 58 interviewees, 49 had spent more than two years in Sweden at the time of the interview.

Amnesty International also held meetings with 34 public officials working in relevant areas. These included representatives of the Ministry of Social Affairs and the Ministry of Culture (the latter being the ministry in charge of matters related to non-discrimination); the National Coordinator for Vulnerable EU Citizens; the Head of Police; the Swedish Association of Local Authorities and Regions; municipal and regional elected officials; representatives of municipal Social Services and Health Services; and regional and local police officers. Researchers also met civil society organizations and local activists in all six locations including the City Mission/Crossroads in Stockholm and Malmö, HEM in Stockholm, the Rescue Mission in Göteborg, the Red Cross in Gotland, the Salvation Army in Göteborg and Stockholm, Médecins du Monde in Stockholm, Hjälp tiggare i Lund in Lund, and Make Sense, the Swedish Church and the Pentecostal Church in Umeå.

⁷ See Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, p. 32, available at https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf and County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – national status overview (Uppdrag om nationell samordning avseende utsatta EU/EES-medborgare som saknar uppehållsrätt i Sverige – nationell lägesbild 1)* (2018), p. 9.

The vast majority of interviewees said that they wanted to work rather than beg, but had been unable to find employment in Sweden. Amnesty International's research suggests that there are structural barriers preventing "vulnerable EU citizens" from entering the Swedish labour market, including discriminatory attitudes on the part of Swedish Public Employment Service officials. The issues of the right to work and access to the labour market are beyond the scope of this report, but they are issues that merit further investigation and Amnesty International encourages additional research on these areas.

Some interviewees reported being subjected to forced evictions. Although this issue is not dealt with in detail in this report, it has been highlighted by international human rights bodies and should be researched further.

Most interviewees had children who remained in Romania, cared for by family members. Of the 58 interviewees, seven had children under the age of 18 accompanying them in Sweden. All these children attended school (five in Göteborg and two in Umeå). However, only a handful of Sweden's 290 municipalities have accepted children who are categorized as "vulnerable EU citizens" in municipal schools regardless of the legal status of their parents. Göteborg is one of these municipalities. In Umeå these children can be enrolled in school if their parents work at least 10 hours per week. Amnesty International supports the right of all children to have access to primary education, irrespective of citizenship, migration or the work status of their parents. However, the issue of education is beyond the scope of this report.

Finally, Amnesty International's research for this report did not find a connection between crime and exploitation and begging, a hot topic in Sweden. Civil society organizations and churches working closely with "vulnerable EU citizens" told Amnesty International that, in their view, organized crime related to begging is rare, a conclusion that is consistent with that of the Police Authority. It has, therefore, not been explored in this report.

The names of most interviewees quoted in this report have been withheld and pseudonyms have been used to protect their security and privacy. Some requested that their real first name be used but not their last name; in those cases their wish has been respected. All have given their informed consent to the inclusion of their stories in this report.

Amnesty International would like to thank all the stakeholders interviewed as part of this research: the social workers, public officials, politicians, and civil society representatives who gave their insights and their time and, in particular, all the "vulnerable EU citizens" who shared their stories.

1. CONTEXT

“One morning, it was three years ago, my grandchild cried because she had no shoes so couldn’t go to preschool. We couldn’t pay for electricity. Then I decided, I’ll leave, I’ll try to find a job”

Daniela, a 49-year-old Romanian Roma woman interviewed in Malmö. She thought she would be able to find a job but told Amnesty International that, once in Sweden, she did not know how to find work given that she knew no Swedish. At the time of the interview she worked a few hours a month cleaning the houses of a couple of Swedish women she knew, but mostly she made money through begging.⁸

The main motivating factor in the decision to move to Sweden by the Romanian nationals, mostly Roma, interviewed by Amnesty International was extreme poverty and exclusion back home and the hope of finding a way to provide for their families. Most of those interviewed had never had a job in the formal labour market in Romania. Some interviewees had had informal jobs with salaries that could not cover living expenses. For example, Mihaela, a 32-year-old Roma woman from Onești, told Amnesty International that she had worked for five years as a seamstress in Romania, making the equivalent of €65 a month. Travel to work cost a third of her income and the remainder was not nearly enough to pay for food, electricity, rent and water. In the end, she quit her job because she was not able to afford the commute.⁹ When Amnesty International met her, Mihaela lived in Göteborg with her husband and four-year-old daughter and made a living by begging. She told Amnesty International that even though she might be able to find a job again in Romania, it would not pay her enough to live on and so she was better off begging in Sweden.

Since Romania joined the EU in 2007, millions of Romanians have taken advantage of freedom of movement in the EU and settled in other EU countries. According to the *World Migration Report 2018*, published by the International Organization for Migration, Romania is the EU member state with the highest number of its citizens – Roma and non-Roma – living abroad (around 3 million in 2016).¹⁰ Spain appears to be one of the main receiving countries and other major destinations of Romanian Roma migrants are Italy, Germany and the United Kingdom.¹¹

EU citizens arriving in Sweden are not required to register and there are therefore no official figures of how many of the EU citizens in Sweden who live in a state of poverty and marginalization. The Police Authority estimated in November 2015 that there were around 4,700 individuals in Sweden who were “citizens of another EU country, who in their home country live in poverty and social exclusion. Using the freedom of movement within the EU, they have made their way to Sweden to support themselves, usually by begging in public spaces.

⁸ Interview with Daniela, Malmö, 14 November 2017.

⁹ Interview with “Mihaela”, Göteborg, 6 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

¹⁰ International Organization for Migration, *World Migration Report 2018*, p. 72, available at https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf

¹¹ T. Magazzini and S. Piemontese, “Roma migration in the EU: The case of Spain between ‘new’ and ‘old’ minorities” in *Migration Letters* 13:2 pp. 228-241, available at https://www.researchgate.net/publication/299766845_Roma_migration_in_the_EU_The_case_of_Spain_between_%27new%27_and_%27old%27_minorities, H. Rolfe, T. Fic, M. Lalani, M. Roman, M. Prohaska and L. Doudeva, “Potential impacts on the UK of future migration from Bulgaria and Romania”, *National institute of economic and social research*, 2013, pp. 6-7, available at https://www.researchgate.net/publication/277309543_Potential_impacts_on_the_UK_of_future_migration_from_Bulgaria_and_Romania, and P. Brown, L. Scullion and P. Martin, “Migrant Roma in the United Kingdom, Population size and experience of local authorities and partners”, *University of Salford*, 2013, p. 7 and p. 33, available at https://www.salford.ac.uk/_data/assets/pdf_file/0003/1155666/Migrant_Roma_in_the_UK_final_report_October_2013.pdf.

Generally, they lack housing and means for their subsistence in Sweden.”¹² Later reports have repeated rather than updated the figure of 4,700, while reiterating that the figure remains highly tentative.¹³

On arrival in Sweden, many “vulnerable EU citizens” found that their opportunities to gain entry to the labour market and to make a life for themselves were limited. There were various reasons for this, including a legacy of long-standing discrimination and prejudice in society at large and embedded in state institutions. Unable to find a job, many ended up begging for a living.¹⁴ Interviewees told Amnesty International that, while most of them would much prefer to work, the money they could make from begging in Sweden was still better than any income they could hope to access in Romania.

ROMA IN ROMANIA

Roma in Romania are subjected to widespread, systematic discrimination in all fields. For example:

- A Romanian individual is 38% more likely to be at risk of poverty if he or she is of Roma origin compared to non-Roma of similar age, level of education, household composition, community composition and geographic location.¹⁵
- In 2013, life expectancy for Roma was approximately 16 years lower than for non-Roma and child mortality was three times higher among Roma children compared to non-Roma children.¹⁶
- According to a 2014 study by the EU Fundamental Rights Agency (FRA), 22% of Roma children of compulsory school age did not attend school, compared to 6% of non-Roma children.¹⁷ Some 31% of Roma over 16 years of age perceived themselves to be illiterate; the comparable figure for non-Roma was 2%.¹⁸
- Less than half (42%) of working age Roma men and as few as 19% of working age Roma women are employed.¹⁹
- 79% of Roma live in households with no toilet, shower or bathroom within the dwelling; the comparable figure for the general population is 31%.²⁰

¹² Swedish National Police Authority, *National mapping. Crime connected to begging and vulnerable EU citizens in Sweden (Nationell lägesbild. Brottslighet med koppling till tiggeri och utsatta EU-medborgare i Sverige)*, p. 7, available at <https://polisen.se/siteassets/dokument/manniskohandel/rapport-tiggeri-nat-lagesbild-151202.pdf>

¹³ See, for example, Swedish Government Official Reports 2016:6 (SOU 2016:6), *Searching for a future*, p. 7, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf Swedish National Board of Health and Welfare (Socialstyrelsen), *Homelessness 2017 – Magnitude and character (Hemlöshet 2017 – omfattning och karaktär)*, November 2017, p. 77, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20765/2017-11-15.pdf>; and County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – national status overview*, p. 13.

¹⁴ Swedish Government Official Reports 2016:6 (SOU 2016:6), *Searching for a future*, pp. 22-29, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf

¹⁵ World Bank, *Diagnostics and advice for supporting Roma inclusion in Romania*, 28 February 2014, p. 6, available at: <http://documents.worldbank.org/curated/en/149471468333037165/pdf/866710WP0P14500naI0Report00English0.pdf>

¹⁶ European Roma Rights Center, *Hidden Health Crisis: Health inequalities and disaggregated data* (2013), p. 18, available at: <http://www.errc.org/reports-and-submissions/hidden-health-crisis-health-inequalities-and-disaggregated-data>

¹⁷ European Union Fundamental Rights Agency (FRA), *Education: the situation of Roma in 11 EU Member States. Roma survey – Data in focus* (2014), p. 19, available at: <http://fra.europa.eu/en/publication/2014/education-situation-roma-11-eu-member-states>

¹⁸ FRA, *Education: the situation of Roma in 11 EU Member States. Roma survey – Data in focus* (2014), p. 26, available at: <http://fra.europa.eu/en/publication/2014/education-situation-roma-11-eu-member-states>

¹⁹ World Bank, *Diagnostics and advice for supporting Roma inclusion in Romania*, 28 February 2014, p. 66, available at: <http://documents.worldbank.org/curated/en/149471468333037165/pdf/866710WP0P14500naI0Report00English0.pdf>

²⁰ FRA, *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion* (2018), p. 45, available at: <http://fra.europa.eu/en/publication/2018/roma-inclusion>

1.1 EU ROMA INTEGRATION FRAMEWORK AND NATIONAL ROMA INCLUSION STRATEGIES

Both the Council of Europe and the EU have underlined that the responsibility for breaking the pattern of discrimination against and social exclusion of Roma and for improving Roma living conditions falls on Europe as a whole and, in relation to Roma mobility between European countries, cannot lie with the countries of origin alone.²¹ To this end, the EU has adopted a framework for national Roma integration strategies up to 2020 and a system for reviewing and monitoring progress in member states.²² In 2013, the Council of the European Union stated:

“In the context of intra-Union mobility, it is necessary to respect the right to free movement of the citizens of the Union and the conditions for its exercise, including the possession of sufficient resources and of a comprehensive sickness insurance cover... while also seeking to improve the living conditions of Roma and pursuing measures to promote their economic and social integration in their Member States of origin as well as their Member States of residence.”²³ [emphasis added]

National strategies for Roma inclusion, thus, should include both Roma who are nationals and Roma who are citizens of another EU member state. The Council recommends that, “[w]ith a view to promoting the full equality of Roma in practice”, member states “take effective policy measures to ensure their equal treatment and the respect of their fundamental rights, including equal access to education, employment, healthcare and housing.”²⁴

The Swedish Roma inclusion strategy, adopted in 2012, does not explicitly distinguish between Roma who are Swedish nationals and Roma of other nationalities. The strategy states, for example, that “the government considers it self-evident that the Roma just like anybody else have a right to enjoy their human rights such as they are expressed in the Swedish Constitution and Sweden’s obligations under international human rights conventions... In this context, the government chooses in particular to emphasize the principle of non-discrimination, due to the fact that several of the problems that affect many Roma have a connection with discrimination.”²⁵

The strategy states, however, that it does not apply to “EU citizens who are [in Sweden] for a period shorter than three months.”²⁶ Like so many other official documents, the strategy ignores the fact that in practice many Roma who are citizens of other EU states are in Sweden for longer than three months and, thus, the text is silent on whether those Roma can benefit from inclusion and integration programmes under the strategy or not. All the municipalities researched for this report exclude “vulnerable EU citizens” from their Roma inclusion programmes. Municipalities that have a special pilot status under the strategy (three of which – Malmö, Göteborg, and Stockholm – were the subject of Amnesty International’s research) also explicitly exclude this group, based on the assumption that they do not have right of residence in Sweden.

²¹ See, for example, Council of Europe High Level Meeting on Roma, Strasbourg Declaration on Roma, 20 October 2010, CM(2010)133, available at: http://unipd-centrodirittiumani.it/public/docs/the_strasbourg_declaration_on_roma.pdf and Council of the European Union, Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, 2013/C 378/01, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:378:0001:0007:EN:PDF>

²² See European Commission, Roma integration in EU countries, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu-countries_en#nationalromaintegrationstrategies

²³ Council of the European Union, Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, 2013/C 378/01, para. (10), available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:378:0001:0007:EN:PDF>

²⁴ Council of the European Union, Recommendation of 9 December 2013, para. 1.1, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:378:0001:0007:EN:PDF>

²⁵ Swedish Government, *A coordinated and long term strategy for Roma inclusion 2012-2032*, p. 24, available at <https://www.regeringen.se/49baf6/contentassets/4a3df6c115584782935d8d9efa7ab6e3/en-samordnad-och-langsigtig-strategi-for-romsk-inkludering-2012-2032-skr.-20111256>

²⁶ Swedish Government, *A coordinated and long term strategy for Roma inclusion*, p. 25, available at <https://www.regeringen.se/49baf6/contentassets/4a3df6c115584782935d8d9efa7ab6e3/en-samordnad-och-langsigtig-strategi-for-romsk-inkludering-2012-2032-skr.-20111256>

“VULNERABLE EU CITIZENS” AND WORK

The vast majority of the “vulnerable EU citizens” with whom Amnesty International spoke expressed a strong desire to work, rather than beg. Florin, a 37-year-old Roma man living in Malmö, said: “If I had a good situation and the possibility to make money [through work] I wouldn’t be here [begging], and have people spit at me and mock me, then I wouldn’t have to bear all of this.”²⁷ Laura, a 52-year-old Roma woman living in Malmö told Amnesty International that she was in Sweden because at home in Romania she had no work and did not have money to buy food and to pay off her debts. She described the dilemma in which she found herself: “I want to work but I don’t know Swedish. I would like to study Swedish but if I do, I lose time when I could beg. I cannot afford not to make money.”²⁸ A 47-year-old Roma man in Gotland explained: “I want to work and support my children and my family. We are ashamed of living like this, of begging. Both I and my wife would like to work.”²⁹

Eleven of the 58 interviewees had been to the Public Employment Office [*Arbetsförmedlingen*]; most others had not even heard of it. Of those who had been there, only a handful had managed to register as job seekers. Several individuals told Amnesty International they had wanted to register but had been treated with suspicion and faced discriminatory remarks. Sometimes officials at the Employment Office had refused to help them, even though they have a duty to do so under Swedish and EU law.³⁰ Nobody Amnesty International interviewed had been helped by the employment office to find work.

When Amnesty International accompanied Alex, a 30-year-old Roma man living in Malmö, to the Employment Office, the official first refused to receive him, arguing that he could not help him because Alex did not have a Swedish identification or coordination number. It was only when Amnesty International insisted that the Employment Office was had a duty to obtain a number for him that the official agreed to let Alex in.

Such attitudes suggest that “vulnerable EU citizens” are confronted with structural barriers, which further entrench the poverty and marginalization they experience and, in turn, feed discriminatory perceptions about their unwillingness or inability to work. The issue of the right to work for “vulnerable EU citizens” in Sweden is beyond the scope of this report; however, preliminary findings points to the need for further, human rights-based research on the barriers that this group face when they try to access the Swedish labour market.

1.2 PUBLIC RESPONSE TO THE ARRIVAL OF “VULNERABLE EU CITIZENS” AND DEBATE ON BEGGING

The arrival in the country of clearly destitute and homeless people in need of help in the past six years has provoked strong reactions in Sweden. Many of the statements made in media and current political debate reflect a legacy of prejudice and discrimination against Roma people.³¹ These include pre-conceptions about the inability of Roma to integrate into modern society, which have permeated Sweden’s recent history,³² and also characterize much of today’s public discourse. For example, in 2017, an editorial in a leading national newspaper stated:

“For almost ten years Roma from Bulgaria and Romania have come to Sweden to beg. There are basically two questions. Can they be integrated in Swedish society? No, probably not, given experiences so far. Can we get rid of begging from our streets? Yes, but nothing

²⁷ Interview with Florin, Malmö, 13 November, 2017.

²⁸ Interview with “Andreea”, Malmö, 15 September 2017. (The name has been changed to respect the interviewee’s anonymity.)

²⁹ Interview with Pavel, Visby, 26 October 2017.

³⁰ Regulation No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of workers of the Union, Article 5.

³¹ See, for example, leading national politicians Beatrice Ask and Tomas Tobé, “Is [Prime Minister] Löfvén ready to act against begging?” (“Är Löfvén beredd att agera mot tiggeriet?”), *Expressen*, 24 August 2016, available at: <https://www.expressen.se/nyheter/ar-lofven-beredd-att-agera-mot-tiggeriet/>; Torkild Strandberg, “Undignified to allow begging” (“Ovärdigt att tillåta tiggeri”), *Sveriges Television*, 6 September 2017, available at: <https://www.svt.se/opinion/article15081356.svt>; and Göteborg politician Hampus Magnusson, “Begging is undignified and does not belong in Sweden”, (“Tiggeriet är ovärdigt och hör inte hemma i Sverige.”) *Sveriges Television*, 20 August 2018, available at: <https://www.svt.se/opinion/article18999390.svt>

³² See, for example, Swedish Government Official Reports 2014:8 (SOU 2014:8), *The Dark Unknown History: White Paper on Abuses and Rights Violations Against Roma in the 20th Century* [Ministry of Culture].

*that has been done so far has had any noticeable effect... Roma culture has for centuries been characterized by a nomad life that has implied distance to Europe's settled majority cultures... It is a hard realization: nothing we do here in Sweden will bring a solution to the situation of the Roma.*³³

Such statements, with their overt repetition of centuries-old stereotypes about Roma people in Europe, remain commonplace in Swedish society, the media and political establishment. They reflect the systematic discrimination, exclusion and harassment that continue to negatively impact EU citizens who are (or are perceived to be) Roma living in situations of social and economic marginalization in Sweden.

In Swedish public debate this group is often referred to as “the Roma beggars”, despite the fact that some of those who beg are not Roma and that some of those who are assumed by the general public to be Roma, whether they beg or not, do not self-identify as such.³⁴ The government-appointed National Coordinator for Vulnerable EU Citizens stated in a 2016 report that “the majority” are Roma and that Roma from Romania and Bulgaria have a “history of discrimination in their countries of origin that has led to marginalization and worse access to civil rights [than the majority population].”³⁵

Begging is legal in Sweden, provided it does not involve approaching people aggressively or harassing them, blocking entrances or interfering with traffic or passers-by. The Public Order Act regulates conduct in public spaces and some municipalities have tried to ban begging by passing local ordinances, provided for by the Public Order Act.³⁶ As of October 2018, these had all been struck down by courts and other bodies because begging was not deemed to disturb public order as envisioned in the Public Order Act.³⁷ Whether or not begging should be allowed is a contentious topic in Sweden; as of October 2018, two of the eight political parties represented in parliament advocated for national legislation making begging a criminal offence. A couple of other parties have been ambivalent on the issue.³⁸

In August 2018, a homeless Romanian man who had supported himself by begging in the small Swedish town of Huskvarna was murdered. At the time of writing, a group of local teenagers was under investigation and one of them was suspected on reasonable grounds of murder.³⁹ After expressing his shock and outrage, the then Prime Minister Stefan Löfven said the crime showed that “begging has to come to an end”. He made no mention of the victim’s marginalized position and the hateful rhetoric vis-à-vis this group in society at large, on social media and in the local community where the teenagers lived. Anti-begging rhetoric, by both leading politicians and opinion-makers across the political spectrum, serves to feed entrenched discriminatory assumptions and adds to the situation of extreme risk for EU citizens living in destitution in Sweden. A statement by the Roma association RUNG demanded an apology from the Prime Minister for blaming the victim and failing to address widespread racism against Roma people in Sweden.⁴⁰

One issue much debated in Sweden, which also reflects negative stereotypes of Roma, is the supposed link between begging and crime, in particular exploitation and/or people trafficking. Those who argue in favour of a nationwide ban on begging often seek to justify this by claiming begging is inherently associated with crime and that most “vulnerable EU citizens” begging in Sweden are either part of organized criminal gangs or exploited by others belonging to the same (ethnic, national) group. Commentators and politicians have persisted in linking begging to organized crime, despite the lack of evidence to support this generalized assessment. The Police Authority, in a mapping exercise in 2015, dismissed the notion of any significant link between the two. While acknowledging that begging involving “vulnerable EU citizens” linked to organized crime exists, it stated, “the assessment of the Police

³³ I. Arpi, “Do not let begging get normalized” (“Låt inte tiggeriet normaliseras”), *Svenska Dagbladet*, 5 September 2017, available at: <https://www.svd.se/lat-inte-tiggeriet-normaliseras>

³⁴ There are no statistics of how many of the “vulnerable EU citizens” who beg identify as Roma, but 12 of those interviewed for this report who were begging for a living did not self-identify as Roma.

³⁵ Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, p. 20, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf

³⁶ Municipal Council of Sala, decision of 28 March 2011, and Municipal Council of Vellinge, decision of 20 September 2017.

³⁷ Decision from the County Council of Västmanland (*Länsstyrelsen i Västmanland*), 213-1208-11, 26 April 2011, and Judgment from the Administrative Court of Appeal in Göteborg (*Kammarrätten*), KR 754-18, 27 March 2018 (the latter case was the subject of an appeal to the Supreme Administrative Court and the Court has granted leave for the case to be heard).

³⁸ The Conservative Party (*Moderaterna*) and the Sweden Democrats both favour a nationwide ban on begging, with criminal law sanctions. See <https://moderaterna.se/tiggeriforbud> and <https://sd.se/our-politics/tiggeri/>. The Social Democratic Party opposes a national ban on begging but favours solutions “that make it harder” to beg, for example stricter rules on unlawful settlement, see <https://www.socialdemokraterna.se/aktuellt/2018/socialdemokraternas-valmanifest-2018/>. The Christian Democratic Party advocates a model in which municipalities can ban begging locally, see <https://kristdemokraterna.se/politik-a-o/tiggeri/>. The remaining four parties in parliament oppose begging bans.

³⁹ See, for example, D. Sjö Dahl, “Investigation about the murder in Huskvarna now entering its final phase” (“*Utredningen om Huskvarnamordet går in i sitt slutskede*”), 10 October 2018, available at <https://www.jp.se/article/utredningen-om-huskvarnamordet-gar-in-i-sitt-slutskede/>

⁴⁰ “RUNG opposes the statement from Stefan Löfven about the murder in Huskvarna” (“RUNG tar avstånd från Stefan Löfvens uttalande om mordet i Huskvarna”), press release, RUNG, 2 September 2018, available at: <http://www.mynewsdesk.com/se/pressreleases/rung-tar-avstaand-fraan-stefan-loefvens-uttalande-om-mordet-i-huskvarna-2670874>

is that most of the vulnerable EU citizens who come to and are in Sweden to beg do it voluntarily, without criminal intent and without connection to organized crime. Most collaborate in smaller groups of family members, relatives or friends who jointly organize the trip to Sweden and the living situation during their stay here.⁴¹ The Police Authority has not published any updated mapping or statement since 2015 that would alter this conclusion.

Amnesty International condemns all kinds of human trafficking and other forms of exploitation and in cases where such activities are suspected calls for a thorough investigation and for those responsible to be brought to justice. Volunteers and NGOs working closely with “vulnerable EU citizens”, however, confirmed to Amnesty International that their experiences concur with the 2015 findings of the Police Authority: some of them had seen crime linked to begging (and, in those instances, had reported it to the police) but they said that in their view it is a rare occurrence. Not one of the 58 individuals interviewed for this report and asked about this issue reported having been subjected to criminal activities of this kind.

1.3 POLITICAL RESPONSES TO THE ARRIVAL OF “VULNERABLE EU CITIZENS”

Representatives of Social Services told Amnesty International that they were unprepared for the arrival, starting in 2012, of larger numbers of EU citizens living in acute destitution in public spaces.⁴² Both Social Services, which in Sweden are organized at the municipal level, and local politicians called for the government to issue guidelines and regulations on how national legislation in areas such as housing, health and education should be applied to this group.⁴³ Yet the government’s response has to a large extent been that issues such as access to housing, education and health care are the responsibility of local authorities, not central government, given Sweden’s extensive degree of municipal and regional autonomy.⁴⁴

In many parts of Sweden, municipal and regional agencies initially adopted pragmatic solutions, responding to local needs. For example, in Helsingborg in 2015 around 50 “vulnerable EU citizens” were offered the option to stay on a campsite at a low cost.⁴⁵ In Göteborg some Roma families with children were offered public housing in 2008.⁴⁶ Interviewees who benefited from the 2008 Göteborg housing scheme told Amnesty International that this enabled them to study Swedish and allowed their children to go to school; several have now found jobs and settled in Sweden.⁴⁷ However, these schemes were ad hoc and temporary and in most places did not offer long-term solutions for “vulnerable EU citizens”, nor did they satisfy the need for basic services for all individuals in the group who needed them.

⁴¹ Swedish National Police Authority, *National mapping: Crime connected to begging and vulnerable EU citizens in Sweden* (2015), p. 3, available at <https://polisen.se/siteassets/dokument/manniskohandel/rapport-tiggeri-nat-lagesbild-151202.pdf>

⁴² Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, p. 7, p. 22, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf.

⁴³ A representative of the Commission on Family and Social affairs in Umeå told Amnesty International in a meeting in December 2017 that there was an urgent need for central guidelines to clarify what kind of support municipal authorities are supposed to offer “vulnerable EU citizens”. Marina Johansson, Chair of the Municipal Board in Göteborg, said to Amnesty International in March 2018 that they had requested national guidelines from the government on a number of occasions, to no avail. In the municipality of Malmö, former Commissioner Carina Nilsson has voiced the need for government guidelines on how municipalities are supposed to handle the issue on numerous occasions (see, for example, B. Häggström, “Coordinator has one year to issue guidelines” (“Samordnare har ett år på sig till riktlinjer”), *Sydsvenska Dagbladet*, 10 March 2015, available at: <https://www.sydsvenskan.se/2015-03-10/samordnare-har-ett-ar-pa-sig-till-riktlinjer>; and Lena Micko, member of the executive board of the Social Democratic party and President of the SKL, has underlined that it is a national responsibility to ensure that the law is applied consistently across the country, E. Björk, “Social Democratic congress: increased national responsibility in the begging question” (“S-kongressen: Ökat nationellt ansvar i tiggerifrågan”), *Göteborgsposten*, 11 April 2017, available at: <http://www.gp.se/nyheter/g%C3%B6teborg/s-kongressen-%C3%B6kat-nationellt-ansvar-i-tiggerifr%C3%A5gan-1.4233597>). Similar sentiments were expressed in phone interviews with Amnesty International by Nils Hansson, Municipal Commissioner with responsibility for human rights and democracy in Malmö, 17 May 2018, and a political secretary in Malmö, 8 May 2018.

⁴⁴ See, for example, former Minister of Social Affairs Åsa Regnér in a parliamentary debate on the issue of state responsibility for EU citizens in vulnerable situations, 1 September 2016, available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/interpellation/utsatta-eu-medborgare_H310658

⁴⁵ See press release, City of Helsingborg, *EU migrants are offered temporary accommodation in camping site (EU-migranter i Helsingborg erbjuds tillfälligt boende på camping)* 2 April 2015, available at: http://www.mynewsdesk.com/se/helsingborg/pressreleases/eu-migranter-i-helsingborg-erbjuds-tillfaelligt-boende-paa-camping-1138324?utm_source=rss&utm_medium=rss&utm_campaign=Subscription&utm_content=pressrelease

⁴⁶ See announcement from City of Göteborg, Welfare and Education Unit, *Regarding families who have been residing long term on Meros campsite (Angående familjer som långvarigt har vistats på Meros camping)*, notes from meeting on 8 December 2008, available on file with Amnesty International.

⁴⁷ For example, two Roma women, interviewed in November 2017 and May 2018, both still live with their families in the apartments provided by the municipality 2008, have permanent jobs with a local NGO and their children attend a municipal school in Göteborg.

In 2015, three years after people started arriving in larger numbers from Eastern Europe, the Minister of Social Affairs appointed Martin Valfridsson as the first National Coordinator “for work with vulnerable citizens of the EEA [European Economic Area]”.⁴⁸ His main task was to promote dialogue and coordination in Sweden and in the EU citizens’ home countries and to “spread knowledge about the rights of EEA citizens when they are temporarily in Sweden without right of residence”. His mandate required him to “take into account” protections guaranteed under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the UN Convention on the Rights of the Child (CRC); the mandate made no specific reference as to what this should entail or to corresponding state obligations. No reference was made to Sweden’s obligation to guarantee economic and social rights – such as the right to adequate housing, health or access to the labour market – to everybody in the country, regardless of their origin or status. Nor was there any mention of Sweden’s obligation to fight discrimination against Roma, regardless of nationality or legal status.⁴⁹ The mandate did not require the Coordinator to work *with* “vulnerable EU citizens” in Sweden or in any substantive sense to strengthen the protection of their human rights.

In February 2016, Martin Valfridsson presented his findings.⁵⁰ His report acknowledged the structural discrimination faced by Roma in their countries of origin while at the same time focusing on the need to deter them from coming to and/or staying in Sweden. The report was in part based on interviews with those affected, who described the reasons for coming to Sweden, their desperate situation at home and their main difficulties in Sweden. These interviews are largely consistent with the interviews conducted by Amnesty International for this report. Martin Valfridsson’s conclusions and recommendations, however, which focus primarily on repressive measures that should be taken against “vulnerable EU citizens”, seem to bear little relation to these testimonies. He suggested that there should be zero tolerance for informal settlements and that efforts by municipalities to provide campsites at a low or reduced cost where EU citizens could lawfully put their caravans or tents should end. He also advised schools in Sweden not to accept children from these communities, on the grounds that this could encourage parents to pull their children out of school in their home countries. In public appearances and media interviews Martin Valfridsson discouraged people from giving money to individuals who beg, arguing that begging only consolidates poverty, without addressing how otherwise people were meant to support themselves and their families.⁵¹

Human rights perspectives and Sweden’s obligations under international law are largely absent from the 2016 report. The report was criticized by a number of civil society groups and academics for its lack of concrete, rights-based practical proposals and for not being based on the reality of the lived experience of “vulnerable EU citizens” but, rather, on pejorative opinions.⁵² Several municipalities used the opinions and statements expressed in the report to justify harsher policies, for example refusing to enrol the children of “vulnerable EU citizens” in schools or closing down legal campsites for the group.⁵³

The report ended the National Coordinator’s mandate. However, Martin Valfridsson noted that further coordination was called for to organize public responses to people considered “vulnerable EU citizens”. Therefore, the Ministry of Social Affairs subsequently appointed former Police Commissioner Claes Ling-Vannerus to lead national coordination regarding “vulnerable EU/EES citizens”, under the auspices of the County Administrative Board of Stockholm. His mandate is to strengthen collaboration and coordination between public agencies, municipalities, civil society and others who interact with the target group; develop methodological support and capacity building to facilitate their work; provide services to municipalities in order to enhance consistent approaches across the country; and facilitate

⁴⁸ The Coordinator, Martin Valfridsson, was a lawyer and former political adviser to a previous Minister of Justice.

⁴⁹ Instructions (*kommittédirektiv*) 2015:9, National Coordinator for work on vulnerable EEA citizens temporarily in Sweden (Nationell samordnare för arbetet med utsatta EES-medborgare som vistas tillfälligt i Sverige), 29 January 2015.

⁵⁰ Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf

⁵¹ See, for example, J. Jeppson, “Don’t give money to beggars on the street” (“Ge inte pengar till tiggare på gatan”), *Aftonbladet*, 1 February 2016, available at: <https://www.aftonbladet.se/nyheter/article22183823.ab>

⁵² See, for example, M. Davidsson and J.A. Sahlén, “Harsh begging report receives criticism” (“Kärv tiggeriutredning får kritik”), *Dagens Nyheter*, 1 February 2016, available at: <https://www.dn.se/nyheter/sverige/karv-tiggeriutredning-far-kritik/>; S. Kallén, “Proposals concerning EU migrants receive criticism” (“Förslag om EU-medborgare får kritik”), *Sveriges Television*, 1 February 2016, available at: <https://www.svt.se/nyheter/lokalt/vast/forslag-om-eu-medborgare-far-kritik/>; R. Mårtensson, “Criticism of the begging report: ‘A disgraceful report’” (“Kritik mot tiggeriutredning: ‘Bedrövlig rapport’”), *Svenska Dagbladet*, 1 February 2016, available at: <https://www.svd.se/kritik-mot-tiggeriutredningen-bedrovlig-rapport/>; G. Wikström, “Report on beggars lack human compassion” (“Medmänsklighet saknas i rapport om tiggare”), *Svenska Dagbladet*, 5 February 2016, available at: <https://www.svd.se/medmansklighet-saknas-i-rapport-om-tiggare>

⁵³ See, for example, “Several municipalities close their shelters for EU migrants” (“Flera kommuner stänger boenden för EU-migranter”), SVT: *Uppdrag granskning*, 27 April 2016, available at: <https://www.svt.se/nyheter/granskning/ug/flera-kommuner-stanger-boenden-for-eu-migranter>; A. Lehnberg, “Controversial government report used against EU migrants” (“Omstridd regeringsrapport används mot EU-migranter”), *Flamman*, 19 May 2016, available at: <http://flamman.se/a/omstridd-regeringsrapport-anvands-mot-eu-migranter>; and M. Leijon, “Municipality of Luleå changes its strategy vis-à-vis migrants” (“Luleå kommun ändrar strategi mot migranter”), *Norrbottenskuriren*, 16 September 2016, available at: <http://www.kuriren.nu/nyheter/lulea-kommun-andrar-strategi-mot-migranter-8982662.aspx>

collaboration with the countries of origin.⁵⁴ Again, his mandate does not include interacting directly with or consulting “vulnerable EU citizens” in Sweden and/or promoting or strengthening the protection of their human rights.

In early 2018, the new National Coordinator presented an interim report to the government.⁵⁵ The report’s detailed list of activities makes no mention of consultations or interviews with “vulnerable EU citizens”. It states repeatedly that their “legal situation is uncertain”, for example with regard to their right to subsidized health care in Sweden. However, it fails to suggest how this situation of uncertainty should be clarified and makes no mention of Sweden’s human rights obligations to ensure the right to health. The only reference made to international human rights law is a brief mention of the fact that the CRC is in the process of being incorporated into Swedish legislation. In this context, the Coordinator states that he “prioritizes the work from a children’s rights perspective and receives questions from actors and citizens connected to the children’s rights convention” but, again, without specifying or drawing any conclusions on what this obliges Sweden to do regarding children who are “vulnerable EU citizens”.⁵⁶

In general, the political response to the issue of people considered “vulnerable EU citizens” is characterized by a reluctance to acknowledge any human rights obligations, including the duty to ensure that everybody under Swedish jurisdiction has access to adequate housing, health care and primary education. Instead, both the two Coordinators and politicians at national and regional levels have focused on the responsibilities of the countries of origin. To this end, the Swedish government has signed a joint declaration and letter of intent with the Romanian and Bulgarian governments to cooperate in the field of social policy and to facilitate exchanges of experiences to fight social exclusion. Neither document mentions the marginalization and poverty of Roma in the two countries or addresses the need for effective work to combat discrimination.⁵⁷

1.4 THE DOMESTIC LEGAL LANDSCAPE RELEVANT TO “VULNERABLE EU CITIZENS”

1.4.1 FREEDOM OF MOVEMENT, RIGHT OF RESIDENCE AND THE THREE-MONTH PERIOD

Romania joined the EU in 2007 and since 2014 its citizens, like all other EU citizens, have had the right to freedom of movement to other EU countries, including Sweden.⁵⁸ According to EU law, incorporated into Swedish legislation, nationals of other EU member states can stay in Sweden for a maximum period of three months provided they have a valid identity card.⁵⁹ If EU citizens wish to stay for longer than three months, they must work, look for work, study, or have enough money to support themselves and have comprehensive health insurance.⁶⁰ When those conditions are met – which can be at any

⁵⁴ Swedish Government press release, “Prolonged national coordination by the county of Stockholm regarding vulnerable EU/EEA citizens” (“Stockholms läns nationella samordning om utsatta EU/EES-medborgare förlängs”), 12 October 2017, available at: <https://www.regeringen.se/pressmeddelanden/2017/10/stockholms-lans-nationella-samordning-om-utsatta-euees-medborgare-forlangas>

⁵⁵ County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report (Uppdrag om nationell samordning avseende utsatta EU/EES-medborgare som saknar uppehållsrätt i Sverige – delrapport)* (2018), available at: <http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

⁵⁶ County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report*, p. 32, available at: <http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

⁵⁷ Joint declaration between the Ministry of Health and Social Affairs of Sweden and the Ministry of Labour, Family, Social Protection and Elderly of Romania, 5 June 2015, available at:

<https://www.regeringen.se/49b6a1/contentassets/6e49f2e3da874525bac4f056550f4292/samarbetsavtal-med-rumaniens.pdf> and Letter of intent between the Ministry of Labour and Social Policy of the Republic of Bulgaria and the Ministry of Health and Social Affairs of the Kingdom of Sweden on cooperation in the area of social policy, 5 February 2016, available at: <https://www.regeringen.se/4903e6/globalassets/regeringen/dokument/socialdepartementet/social-omsorg/letter-of-intent-between-bulgaria-and-sweden-on-cooperation-in-the-area-of-social-policy.pdf>

⁵⁸ After Romania and Bulgaria joined the EU, for a transitional period member states could impose restrictions for citizens of those countries so that they were subject to employment permit requirements. Sweden did not impose any such restrictions. Since 2014, full freedom of movement applies to Bulgarian and Romanian citizens throughout the Union. See European Commission, *Enlargement – transitional provisions*, available at: <http://ec.europa.eu/social/main.jsp?catId=466&langId=en>

⁵⁹ Aliens Act (2005:716) (Utlänningslagen), Chapter 2, para. 5 (Directive 2004/38/EC, Art. 6: Right of residence for up to three months). See also Case C-292/89: *The Queen v. Immigration Appeal Tribunal*, ex parte Gustaff Desiderius Antonissen, Judgment of the European Court of Justice of 26 February 1991.

⁶⁰ Aliens Act (2005:716), Chapter 3a para. 3 (Directive 2004/38/EC, Art. 7: Right of residence for more than three months).

point during the initial three-month period – they have *right of residence* under Swedish law and should be treated the same as Swedish nationals.⁶¹ Right of residence on the basis that someone is looking for work requires a “genuine prospect of being engaged”.⁶² Earning money in the informal sector, including begging, is not deemed “work” and does not provide a basis for right of residence. If, after three months, an EU citizen does not meet the criteria set out, then he or she does not have a right to reside in the country and should leave.

As EU citizens are not registered when they enter or leave the country, however, the authorities do not know whether somebody has been in Sweden for three months or more and consequently will not automatically know whether or not a “vulnerable EU citizen” has right of residence. There is also no practice to expel EU citizens who are deemed to lack right of residence. Moreover, an EU national can leave Sweden and then re-enter to restart the three-month period. In other words, there is no way for authorities to distinguish those who have just arrived from those who have overstayed the three-month period or those who have returned multiple times but never in fact stayed more than three months at a time.

Swedish national and municipal policies vis-à-vis people categorized as “vulnerable EU citizens” are designed to fit this three-month model. These policies are based on the assumption that individuals in this group are in Sweden only “temporarily”, staying for a maximum period of three months. In practice, many “vulnerable EU citizens” stay for much longer, with or without occasional visits back to their home countries. All but nine of the individuals Amnesty International interviewed for this report had spent more than two years in Sweden; some had been in the country for four years or more.

The core EU principle of the right to equal treatment for EU citizens applies during the first three months in another EU state. There are two exceptions to this, however, one of which is relevant here. According to the Free Movement Directive, the host state is not obliged to grant social assistance to EU citizens during the first three months.⁶³ However, EU law does not *ban* host states from doing so.

1.4.2 “UNDOCUMENTED” OR NOT?

The legal status of EU citizens living in a state of marginalization who are still in the country after three months, but who are not deemed to have right of residence, is unclear.⁶⁴ Some argue that people in this situation should be considered undocumented migrants, because they are in Sweden without legal support.⁶⁵ Others believe that, given the open borders and freedom of movement within the EU, nationals of other EU member states can never be classified as undocumented.⁶⁶

This is particularly important in relation to the right to health care and primary education because, according to Swedish law, people considered to be undocumented migrants have a right to subsidized emergency care and children who are undocumented have a right to all health care free of charge as well as primary school education.⁶⁷ As of October 2018, the government had not clarified whether “vulnerable EU citizens” after their first three months in the country should be considered undocumented migrants and, as such, whether on that basis they should have access to health care and education.

1.4.3 RESIDENCY STATUS AND ACCESS TO SOCIAL SERVICES

Under the Swedish Social Services Act (*socialtjänstlagen*), the municipality where a person lives is responsible for providing him or her with support and assistance, unless “it is clear” that another

⁶¹ Directive 2004/38/EC Art. 24: Equal treatment. The principle of equal treatment, and thus the prohibition of discrimination on grounds of nationality, can be found in the Treaty on the Functioning of the European Union, Article 18, and is also a general legal principle of primary EU law.

⁶² 3a kap 3 § 2 p. UtIL (Directive 2004/38/EC, April 29, 2004, Art. 14(4)).

⁶³ Directive: 2004/38/EC Art. 24(2): Equal treatment.

⁶⁴ See: County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden -- interim report*, p. 25, available at: <http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

⁶⁵ The legal definition of the term “undocumented migrant” in Sweden is “an alien residing in Sweden with no legal or regulatory support” (“utlänningar som vistas i Sverige utan stöd av myndighetsbeslut eller författning”), Act (2013:407) on health care and medical services for certain aliens residing in Sweden without necessary permits (Lag om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd), para. 5.

⁶⁶ For a discussion about this, see Vicki Paskalia, “Is the Swedish social service system hermetically closed for ‘EU migrants’ after the European Court’s recent case law?” (“Är det svenska sociala systemet hermetiskt stängt för ‘EU-migranter’ efter EU-domstolens senaste praxis?”), *Europarättslig tidskrift* (1), 87-107, p. 95.

⁶⁷ Act on health care and medical services for certain aliens residing in Sweden without necessary permits (2013:407) (lag om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd) and Act on Education (2010:800) (skollag), Chapter 29, para. 2.

municipality has this responsibility, in which case, the responsibility of the municipality of residence is limited to emergency situations.⁶⁸

The Social Services Act does not distinguish between citizens and non-citizens. However, according to the National Board of Health and Welfare, the assessment of whether or not EU citizens have a right to social assistance in Sweden depends on whether they have right of residence.⁶⁹ Only those with right of residence, the Board asserts, have a right to social benefits, other than in emergency situations. Therefore, according to the National Board of Health and Welfare, Social Services must assess whether a person qualifies as legal resident or not. Experts have criticized this on the grounds that it is not in accordance with the wording of the Swedish Social Services Act, which does not require right of residence.⁷⁰

This interpretation of the limits of municipal responsibilities draws on a 1995 Supreme Administrative Court ruling that a non-Swedish citizen was not considered to have his “domicile” in the municipality and so was not entitled to social assistance.⁷¹ The Court stated: “[The applicant] has for a period of four years before applying for social aid spent only about seven and a half months in Sweden... His stays in Sweden seem more to have had the character of visits and it does not appear likely that he has had the intention to settle down here.” This case was decided under the former Swedish Social Services Act⁷² and it is therefore questionable whether it provides a sound basis for denying social assistance to EU citizens living longer-term, in very different circumstances, in Sweden. However, this has not been challenged to date and so the 1995 ruling remains the authoritative case used to deny social assistance to “vulnerable EU citizens”.

Emergency aid, according to the National Board of Health and Welfare, aims to remedy a temporary emergency situation and is based on an assessment of the acute short-term needs of the individual. Common examples of emergency assistance are food, lodging for a few nights, medication or a ticket home.⁷³ The authoritative documents on these issues include the National Board of Health and Welfare Guidelines for Social Services to EU/EEA citizens and guidelines from the Swedish Association of Local Authorities and Regions (SKL). However, these documents do not make references to Sweden’s binding human rights obligations regarding, for example, the right to social security (International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 9); the right to an adequate standard of living (ICESCR, Article 11); the right to the highest attainable standard of health (ICESCR, Article 12); and the right not to suffer discrimination on the basis of ethnicity or status as a non-citizen (International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the ICESCR).⁷⁴

⁶⁸ Social Services Act (2001:453) (Socialtjänstlag), Chapter 2 para. 1, Chapter 2a paras 1-2.

⁶⁹ National Board of Health and Welfare, (Socialstyrelsen), Guidance for Social Services considering EU/ESA citizens (Vägledning för socialtjänsten i arbetet med EU/EES-medborgare), April 2017, p. 32, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20564/2017-4-1.pdf>, with reference to the High Administrative Court decision RÅ 1995 ref. 70.

⁷⁰ See, for example, J. Paju, “Who will provide for the vulnerable EU citizens?” (“Vem ska sörja för EU-migranterna?”), *Svenska dagbladet*, 15 May 2015, available at: <https://www.svd.se/vem-ska-sorja-for-eu-migranterna>, and A. Pettersson, “Municipalities have a duty to assist EU migrants” (“Kommunerna är skyldiga att bistå EU-migranterna”), *Aftonbladet*, 23 November 2014, available at: https://www.aftonbladet.se/debatt/debattamnen/politik/artikel19898040_ab

⁷¹ High Administrative Court decision RÅ 1995 ref. 70. This case involved an Iranian citizen who had both his permanent domicile and a permanent job in Iran, but had temporary right of residence in Sweden.

⁷² Social Services Act (1980:620) (Socialtjänstlag).

⁷³ National Board of Health and Welfare, (Socialstyrelsen), Guidance for social services considering EU/ESA citizens (Vägledning för socialtjänsten i arbetet med EU/EES-medborgare), April 2017, pp. 34-35, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20564/2017-4-1.pdf>

⁷⁴ The SKL guidelines on the legal interpretation of municipal responsibilities towards “vulnerable EU citizens” state: “Sweden has an obligation to follow international conventions, for example the Convention on the Rights of the Child, which Sweden has ratified. The government has the ultimate responsibility for ensuring that these rights are guaranteed and that national legislation is aligned with Sweden’s obligations. Municipalities and regions apply national law.” See: *Some legal issues regarding vulnerable EU-citizens (Några juridiska frågor gällande utsatta EU-medborgare, Sveriges kommuner och landsting)*, 4 August 2017, p. 10, available at: https://skl.se/download/18_50c3b16915d977a1241d2c60/1502284642635/SKLs%20juridiska%20bed%C3%B6ring%20av%20regelverket%20%C3%B6r%20fr%C3%A5gor%20som%20r%C3%B6r%20utsatta%20EU%20medborgare%20aug-17.pdf

2. RIGHT TO ADEQUATE HOUSING

“My wife is working and I have to find somewhere to live. I have slept in my car the whole time I’ve been in Sweden. But the past months the police keep coming... The police say we can’t sleep in the car. I don’t know where we’re going to sleep tonight.”

Mehmet, a 21-year-old man who had spent about two years in Sweden. The morning Amnesty International met him, his car had been impounded by the police. He and his wife, who worked in a Salvation Army cooking scheme, had no alternative sleeping arrangements.⁷⁵

Most of the people interviewed said their main concern in Sweden is lack of a secure, safe and stable place to sleep, a source of enormous stress, fear and anxiety. For example, Amnesty International spoke to Adela, a 62-year-old Romanian Roma woman who was living in a tent made of plastic sheeting and blankets near the shopping centre in a Göteborg suburb.⁷⁶ She said that once when the police came she had shown them documentation from the hospital as proof of her serious heart condition. One of the police officers told her that she should not sleep outside and that she would die if she continued to sleep out in the cold. However, the police did not refer her to Social Services for alternative housing. Instead, they told her she should return to Romania.

Sweden’s climate poses particular risks for the homeless. Weather data from 2013 to 2017 shows that during the winter months, Umeå, for example, which is located in the northern part of the country, had an average temperature of -6°C, with average humidity of 88% and a minimum temperature of -28°C. During the same period, Malmö, in the very south of the country, had an average winter temperature of 2°C, with average humidity of 89% and a minimum temperature of -16°C.⁷⁷ Access to housing in Sweden, especially during the winter, can therefore have serious implications for people’s wellbeing and health and, at worst, can be a matter of life and death.⁷⁸

Access to housing in Sweden is a municipal responsibility and there is currently no national policy to address homelessness. The housing situation throughout the country is generally described as critical. According to the National Board of Housing, Building and Planning (*Boverket*), in 2018, 243 out of the 290 Swedish municipalities reported a shortage of housing.⁷⁹

The National Board of Health and Welfare (*Socialstyrelsen*) published a national survey of homelessness in November 2017, which concluded that homelessness is a growing problem in

⁷⁵ Interview with “Mehmet”, Stockholm, 29 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

⁷⁶ Interview with Adela, Göteborg, 7 November 2017.

⁷⁷ Swedish Meteorological and Hydrological Institute open data from the measuring points at Malmö A and Umeå Airfield. The summer period extends from June to August and winter from November to February.

⁷⁸ In a 2010 US study of winter homeless services, Dr James O’Connell from the Boston Health Care for the Homeless Program is quoted as saying that the worst cases of hypothermia often arise when daytime temperature is between 4.5°C and 10°C and the night-time temperature drops to around -1°C or colder. Life-threatening cases of hypothermia often occur when the ambient temperature is between 0°C and 4.5°C. Dr. O’Connell recommends that housing services should be open during the day, at least when the temperature falls below 4.5°C. If possible, housing services should be open every night during the winter, regardless of temperature. See US National Coalition for the Homeless, *Winter Homeless Services, Bringing Our Neighbors in from the Cold*, January 2010, pp. 15-16, available at: http://www.nationalhomeless.org/publications/winter_weather/Winter_weather_report.pdf

⁷⁹ National Board of Housing, Building and Planning, *Housing market survey 2018 (Bostadsmarknadsenkäten 2018)*, available at <https://www.boverket.se/sv/samhallsplanering/bostadsplanering/bostadsmarknaden/bostadsmarknadsenkaten-i-korthet/>

Sweden.⁸⁰ The survey encompassed Swedish citizens and people with permanent or temporary residency in Sweden, and for that reason excluded homeless EU/EEA citizens “who reside in the municipality but lack connection to it” from its general findings.⁸¹ Nevertheless, the survey included a separate chapter on homeless EU/EEA citizens, stating that the main reasons they find themselves in Sweden are poverty, marginalization and discrimination in their home countries and that they have come to Sweden to make a living. It argued that their housing situation does not determine whether they will stay in Sweden or not, but that they would appreciate a place where they could sleep securely. The survey mentioned that homeless EU/EEA citizens’ expectations for accommodation tend to be modest: that sleeping in a car, a caravan or a tent would suffice as long as they could stay lawfully and had somewhere where they could attend to their personal hygiene.⁸² This is very much in line with what interviewees told Amnesty International; they said that although they longed for a real home in the future, what they most wanted in the here and now related to basic needs such as warmth, security, water and sanitation.

The survey only discussed homeless EU/EEA citizens who spend less than three months in Sweden, in line with EU and domestic law. There was no mention of those who stay longer and/or return repeatedly, although Amnesty International’s research shows that the majority spend much longer than three months in Sweden.

Access to housing and shelter for people considered “vulnerable EU citizens” in Sweden differs dramatically from one municipality to the other. For example, in two of the smaller municipalities visited by Amnesty International, long-term shelter was available for this group throughout the year (Gotland and Lund); in Stockholm and Göteborg, shelter was open all year round but the number of nights “vulnerable EU citizens” could stay was restricted; and in Malmö and Umeå no shelter at all was available for most of the year.

A recent official mapping exercise confirmed that in most Swedish municipalities, homeless EU citizens do not have access to long-term shelter or housing on similar terms to citizens or residents.⁸³ According to this mapping exercise, only 10% of municipalities provided shelter for people considered “vulnerable EU citizens” in autumn and/or winter. The mapping did not detail for how many nights at a time individuals could stay there, nor did it specify how many of these 10% of Swedish municipalities also provide shelter during the rest of the year.

Of the 58 people interviewed by Amnesty International, 31 were sleeping in cars, under bridges, in tents made of plastic sheeting or in shacks in the woods. Some were able to spend occasional nights at a shelter. Many described the constant insecurity of having nowhere stable to go, the fear for their personal safety and the ever-present worry that the police would find them and force them to leave.

The municipalities’ justification for not providing longer-term shelter for individuals in this group tends to be that they are EU citizens using their freedom of movement and are in Sweden only “temporarily”. People categorized as “vulnerable EU citizens” are presumed to lack right of residency and, as such, the EU principle of equal treatment in regard to social assistance is not assumed to apply to them.⁸⁴ This idea of the temporary nature of their stay is used to explicitly exclude homeless EU citizens from municipal homelessness policies and programmes and places them in a social and legal limbo, without a minimum level of public support or social protection.

⁸⁰ Swedish National Board of Health and Welfare (Socialstyrelsen), *Homelessness 2017 – magnitude and character (Hemlöshet 2017 – omfattning och karaktär)*, November 2017, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20765/2017-11-15.pdf>

⁸¹ Swedish National Board of Health and Welfare (Socialstyrelsen), *Homelessness 2017 – magnitude and character*, p. 13, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20765/2017-11-15.pdf>

⁸² Swedish National Board of Health and Welfare (Socialstyrelsen), *Homelessness 2017 – magnitude and character*, pp. 73-78, available at: <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20765/2017-11-15.pdf>

⁸³ County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report*, p. 24, available at:

<http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>. Of Sweden’s 290 municipalities, 209 (72%) answered the survey.

⁸⁴ Aliens Act (2005:716), Chapter 3a para. 3 (Directive 2004/38/EC, Art. 7).

2.1 STOCKHOLM, MALMÖ, GÖTEBORG AND UMEÅ: LACK OF SHELTER PUTS “VULNERABLE EU CITIZENS” AT RISK

In the four municipalities researched by Amnesty International that did not provide longer-term shelter for “vulnerable EU citizens”, duty-bearers all mentioned the municipal housing crisis. They stated that many groups are in acute need of accommodation and that it would, therefore, not be viable to prioritize longer-term housing solutions for “vulnerable EU citizens”. In Malmö, a spokesperson for the Housing Unit of the municipality said that homelessness is a serious problem in the city. She explained that more than 1,200 individuals were without a permanent home in Malmö, many of them children, and that “vulnerable EU citizens” were not included in this number.⁸⁵ In Göteborg, Marina Johansson, Chair of Municipal Board and Chair of Committee on Social Affairs, said: “We have a serious shortage of housing and many groups with great needs. It is hard to navigate [the issue of housing for “vulnerable EU citizens”] politically, we don’t want to attract attention from the political right. Here we are struggling to find flats even for those for whom we have a clear responsibility.”⁸⁶



GÖTEBORG: ALINA AND ADRIAN

Alina,⁸⁷ a 21-year-old Romanian Roma woman living in Göteborg, was seven months pregnant when Amnesty International met her. She and her partner, Adrian, had been in Sweden for six months.⁸⁸ She had serious pregnancy-related complications with a high risk of blood clots in her legs and was monitored closely by the hospital. She had to take injections day and night. Social Services deemed her to be in need of emergency social assistance and she was granted temporary housing at a youth hostel. This did not apply to her partner, however, who was denied housing.

Alina therefore stayed alone in the youth hostel during her final month of pregnancy, while her partner slept in a car in the parking lot outside. Social Services stated that the reason for denying Adrian emergency housing was that he did not have right of residence in Sweden and that his situation “was not considered of such an acute character that [he] was entitled to housing”.⁸⁹ The negative impact this decision had on Alina was not considered.

When the baby was born, Social Services again granted Alina and her baby emergency housing as her medical condition remained critical. Again, Adrian was not allowed to stay with them. A letter from her doctor explaining that Alina was at serious risk of developing post-natal depression and therefore needed the support of her partner did not affect the decision.

The social worker dealing with their case stated that the birth of the baby and the doctor’s warning did “not change the previous decision to deny housing given that [Adrian] still cannot be deemed to be in an emergency situation that would justify housing.”⁹⁰ Again, Alina’s needs were not taken into account, nor were the best interests of the child.

The inhumane indifference to the distress caused to the young family points to a blatant disregard of the state’s obligation to ensure their human rights, in particular their right to family life, adequate housing, the highest attainable standard of physical and mental health, non-discrimination and the best interest of the child.⁹¹ It also reinforces gender stereotypes about caregivers, compelling the mother to be on her own with her baby; an approach in sharp contrast to Swedish policies on gender equality and shared parental responsibilities.

⁸⁵ Interview with official of the Housing Unit, Department on Labour Market and Social Services, Municipality of Malmö, 27 April 2018.

⁸⁶ Phone interview with Marina Johansson, Chair of Municipal Board and Chair of Committee on Social Affairs, Göteborg, 8 March 2018.

⁸⁷ Interview with “Alina”, Göteborg, 7 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

⁸⁸ Interview with “Adrian”, Göteborg, 7 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

⁸⁹ Decision (*beslutsmeddelande*), Social Services, Göteborgs Stad Majorna-Linné, 3 November 2017.

⁹⁰ Administrative note (*journalanteckning*), Social Services Göteborgs Stad Majorna-Linné, 4 January 2018.

⁹¹ ICESCR Article 12, The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and ICESCR Article 9, The right of everyone to social security. See also UN Committee on Economic, Social and Cultural Rights, General Comment No. 19, The right to social security (Article 9), E/C.12/GC/19, 4 February 2008, para. 18 on family and child support.

In Göteborg, at the time of Amnesty International's visit, there was a shelter specifically for homeless EU citizens with a maximum capacity of 30 people. It is estimated that there are at least 400 "vulnerable EU citizens" in Göteborg. Those admitted to the shelter were allowed to stay for a maximum of three consecutive nights, although representatives of Social Services in Göteborg and of an NGO told Amnesty International that sometimes individuals with special needs could stay longer.⁹² Marina Johansson, Chair of the Municipal Board and Chair of the Committee on Social Affairs in Göteborg, told Amnesty International that it would "not feel dignified" to have no shelter open to this group at all. "We don't want people to freeze to death on our streets," she said. "That's our interpretation [in Göteborg], that it falls within the scope of municipal responsibility ultimately that nobody freezes to death."⁹³ However, she explained that, given the general housing crisis in the city, it would "not be politically viable" to offer permanent housing for this group nor many more beds in shelters than were currently available.⁹⁴

In addition to the hardship and the human rights violations associated with homelessness, not having an address and stable or semi-stable housing is also an obstacle to planning ahead and finding work. Social Services staff expressed frustration that they could not engage with this group to the extent that they would wish. The coordinator for the municipality's work on people considered "vulnerable EU citizens" and undocumented migrants in Göteborg told Amnesty International: "We want to be able to work more long term, like real social work, in terms of both rights and obligations for these people. But how could I possibly ask anything from people who don't know where they'll sleep tonight? That's simply impossible."⁹⁵

The Göteborg shelter was closed down in March 2018 because the building was going to be torn down and churches provided temporary night-time shelter. In a welcome development, in mid-October 2018, a new shelter opened in Göteborg, following a one-year agreement between the municipality and the NGO Rescue Mission (*Räddningsmissionen*). The shelter has capacity for 40 people and individuals can stay for two weeks at a time, with the possibility of extending their stay. The initiative has the potential to address some of the concerns raised by the Göteborg coordinator because in addition to accommodation, people are offered social support and help to identify longer-term goals (such as employment) and to explore how to achieve them. The main target group are people considered "vulnerable EU citizens" but the shelter will also be open to others without easy access to Swedish social security systems, such as undocumented migrants.⁹⁶ Although 40 beds do not cover the full need for shelter for "vulnerable EU citizens" in Göteborg, linking shelter to social support and longer-term planning is an important step in the right direction to break patterns of marginalization and poverty among "vulnerable EU citizens" in the city.

In Stockholm, the municipal homelessness programme states:

"We do not believe in short-term placements from day to day or week to week. We want to meet the homeless group with longer-term solutions so that they have a more secure existence from which to build [their lives]. For those who today work with the target group [homeless residents of Stockholm] this also means greater opportunities to motivate them to work for change and to identify [suitable] interventions."⁹⁷ [emphasis added]

The programme covers only people who are residents and, therefore, excludes "socially vulnerable EU citizens without right of residence" who, according to Social Service estimates, amount to 700-750 individuals.⁹⁸ General efforts to address homelessness, then, are based on an understanding that

⁹² The shelter in Göteborg, which was closed down and replaced in November 2018, was run by one of the NGOs in Göteborg supporting "vulnerable EU citizens", paid for with public funds from the city of Göteborg, and regulated in a Memorandum of Understanding (*ideellt-offentligt partnerskap*) also involving other NGOs. During the winter, several churches also stay open in Göteborg during the night for individuals to be able to rest indoors. There are no reliable recent figures on how many "vulnerable EU citizens" reside in Göteborg at any given time, but according to a survey made by the city in 2014, 600 different individuals stayed in the shelter during the period of a year and during the same period there were also about 60 unlawful settlements in the city with between three and 120 individuals residing in each (*Plan for municipal interventions regarding EU citizens in socially and economically vulnerable situations who reside temporarily in Göteborg or in any of the other municipalities in the Göteborg region*) (*Plan för kommunala insatser som rör EU-medborgare i socialt och ekonomiskt utsatta situationer som vistas tillfälligt i Göteborg eller i någon av de övriga kommunerna i Göteborgsregionen*), 14 January 2016, pp. 17-18.). According to Social Services staff, the number has gone down and there may now be around 400 "vulnerable EU citizens" in Göteborg. Interview with the Coordinator for work on vulnerable EU citizens and undocumented migrants, Social Services Department, Municipality of Göteborg, 21 February 2018.

⁹³ Phone interview with Marina Johansson, Chair of Municipal Board and Chair of Committee on Social Affairs, Göteborg, 8 March 2018.

⁹⁴ Phone interview with Marina Johansson, Göteborg, 8 March 2018.

⁹⁵ Interview with the Coordinator for work on vulnerable EU citizens and undocumented migrants, Social Services Department, Municipality of Göteborg, Göteborg, 21 February 2018.

⁹⁶ Phone interview with Ulrika Falk, Head of Section for "vulnerable EU citizens" at Rescue Mission, Göteborg, 18 October 2018.

⁹⁷ *City of Stockholm programme against homelessness 2014-2019 (Stockholms stads program mot hemlöshet 2014-2019)*, p. 4, available from <http://www.stockholm.se/FamiljOmsorg/Socialt-och-ekonomiskt-stod/Stod-till-hemlosa/>

⁹⁸ According to an official at Emergency Social Services, city of Stockholm. Email to Amnesty International 26 March 2018.

longer-term perspectives are needed and that day-to-day interventions do not break patterns of exclusion. However, the opposite is true of Stockholm's approach to homeless "vulnerable EU citizens".

There are about 130 beds in three shelters available to this group in Stockholm, financed from public funds but administered and organized by civil society organizations and churches. Once admitted, an individual can stay for a maximum of five consecutive nights. After that, they must sleep elsewhere for two nights before they can sign up to sleep in a shelter again. According to a spokesperson for the NGO that administers the distribution of beds and check-in, the aim of this policy is to make it possible for as many people from as many different groups as possible to get access to the shelter.⁹⁹ The shelters tend to open at 8pm or 9pm; the one shelter that is for women only opens at 10pm. People must leave the shelter by 7am the following morning.

Åsa Lindhagen, the then Stockholm Commissioner for Social Affairs, agreed that the city has a certain responsibility for "vulnerable EU citizens" who are in Stockholm, but told Amnesty International that the Social Services Act only allows municipalities to offer acute emergency assistance. Similarly, an official at the City of Stockholm Housing Unit at the Social Services Department told Amnesty International that: "municipalities feel limited in what they can do for the target group ["vulnerable EU citizens"] and need help from the governmental level. If municipalities are expected to do more than they do today, we need a change of the law."¹⁰⁰ This restrictive interpretation of the Social Services Act has, however, been questioned by legal experts.¹⁰¹

The system of allowing people to stay for only a few consecutive nights creates uncertainty; even those who sleep in the shelter on a semi-regular basis can never be certain that they will have a bed after a one or two-night break. Some never use shelters because there is limited space for personal belongings and household items, especially in those with dormitory accommodation. Instead, they sleep rough so they can keep an eye on their belongings. Also, the strict rules on times for getting into and leaving shelters pose an obstacle for some. Georgeta, a 49-year-old Roma woman from Vâlcea who had spent about four years in Sweden and was living in a tent in Göteborg, explained that she made most money begging outside discotheques and bars by night and therefore could not stay at the shelter. Georgeta said: "Money is better at night. We gather cans for recycling. And when people drink, they tend to give a little more."¹⁰²

In Malmö, there are an estimated 200 "vulnerable EU citizens". Whereas homelessness is a serious problem in the municipality, the spokesperson for the Housing Unit explained to Amnesty International that there is shelter for everybody. She said that of the more than 1,200 people considered homeless, only 33 sleep rough. However, this figure, the spokesperson admitted, excludes people considered "vulnerable EU citizens". She explained: "No, we don't count EU citizens, just like the National Board of Health and Welfare doesn't count them either."¹⁰³ Thus sleeping rough, for much of the year, is something only "vulnerable EU citizens" have to resort to in Malmö and the absolute right to a roof over one's head applies to all except for members of this group.

Six of the interviewees in Malmö had previously lived in a settlement popularly known as the Sorgenfri camp. Residents were forcibly evicted when the settlement was torn down by the authorities in November 2015; only temporary alternative accommodation for a minority of the residents was provided.¹⁰⁴ Now, for most of the year, there is no accommodation at all for this group. Interviewees in Malmö told Amnesty International about the cold, the uncertainty and the fear they experience sleeping in their cars, in parks or on stairwells. They also described feeling routinely harassed by and fearful of the police who sometimes woke them up at night when they slept rough or in their cars. When asked by Amnesty International about this practice, a spokesperson for the Malmö police said that officers have to decide on a case-by-case basis if they need to intervene when they find people sleeping rough or in a car. Sleeping outdoors in a sleeping bag does not amount to so-called unlawful camping, he said, nor does sleeping in a car. He said that: "in the normal cases, we do not intervene if people sleep in their

⁹⁹ Phone interview with spokesperson for the NGO Ny Gemenskap in Stockholm, 18 January 2018.

¹⁰⁰ Email from official at the Housing Unit, Social Services Department, City of Stockholm, 13 October 2018.

¹⁰¹ See, for example, J. Paju, "Who will provide for the vulnerable EU citizens?" ("Vem ska sörja för EU-migranterna?"), *Svenska dagbladet*, 15 May 2015, available at: <https://www.svd.se/vem-ska-sorja-for-eu-migranterna>, and A. Pettersson, "Municipalities have a duty to assist EU migrants" ("Kommunerna är skyldiga att bistå EU-migranterna"), *Aftonbladet*, 23 November 2014, available at: <https://www.aftonbladet.se/debatt/debattamnen/politik/article19898040.ab>

¹⁰² Interview with "Georgeta", Göteborg, 7 November 2017. (The name has been changed to respect the interviewee's anonymity.)

¹⁰³ Interview with official at the Housing Unit, Department on Labour Market and Social Services, Municipality of Malmö, 27 April, 2018. The fact is, homeless EU and EEA citizens are included in the survey of homelessness from the National Board on Health and Welfare, 2017, although reported separately from other categories of homeless.

¹⁰⁴ Some of the over hundred Romanian Roma who lived there have since returned to Romania, but many were still begging in Malmö at the time of Amnesty International's interviews, more than two years after the eviction. The forced eviction received harsh criticism from human rights bodies. See, for instance, Communication from Special Procedures/UN Special rapporteur on minority issues: Urgent Appeal SWE 1/2015, 30 October 2015, available at https://www.ohchr.org/Documents/Issues/IEMinorities/Allegations/public-UA_Sweden_30.10.15_1.2015.pdf and Letter from Council of Europe Commissioner for Human Rights Nils Muižnieks to Swedish Minister for Culture and Democracy Alice Bah Kuhnke, 26 January 2016, available at [https://rm.coe.int/ref/CommDH\(2016\)13](https://rm.coe.int/ref/CommDH(2016)13)

car. We shouldn't do that. But if they build some kind of construction, litter, hang their laundry, well, then it's a different story... If the engine is running, then that can be a reason to ask people to leave. Or if a person sits lifeless in a car, then we have to check if something has happened."¹⁰⁵

When Amnesty International said that individuals had reported feeling targeted and harassed, the police spokesperson conceded that officers had probably sometimes wrongfully targeted "vulnerable EU citizens" sleeping in their cars. "I've tried to insist to my staff, you cannot claim that somebody has been camping unlawfully if they haven't. We have to act right." A problem, he emphasized, was that for most of the year there was nowhere for people defined as "vulnerable EU citizens" to go: "The [representatives of] city of Malmö have been very clear that they do not intend to assign a legal camping ground [for this group]. So we have nowhere to refer them to."¹⁰⁶ On whether Social Services should be notified in that situation, he said: "a referral to Social Services shall not be made automatically when an adult sleeps in a car in a place where this is not allowed... We have to make an assessment in each individual case and if the police find that there is a need, then a referral can be made. This has happened and sometimes Social Services have come to the location."¹⁰⁷ Nobody Amnesty International spoke to in Malmö had been referred to Social Services after the police woke them up when they were sleeping rough.

Since 2015, a so-called winter shelter with 40 beds, administered by the Pentecostal Church and financed by the city, has been open to this group in Malmö during the cold season. In 2017 it opened in December and remained open until March 2018. On 7 March 2018, the shelter was closed as the winter season was deemed to have ended, despite continuing sub-zero temperatures.¹⁰⁸ According to Malmö municipal officials, on 2 January 2019 the shelter will open again for the winter, with the same capacity. It will stay open until the end of March.¹⁰⁹

Many interviewees told Amnesty International that the cold was a major concern when sleeping rough. Zinica, a 28-year-old Roma woman in Stockholm, described her experience sleeping in a central Stockholm square: "Even if it is warm outside one feels the cold from the rock, from the cement. I was scared. I don't know for how long I slept like that... Once I slept outside for two full weeks, I couldn't stand it any longer, I called a Romanian friend and asked for a blanket."¹¹⁰

In Stockholm, the policy is that when the temperature falls below -7°C or when there is a serious wind chill (*klass 2-varning*), all individuals should be offered a place at night, not necessarily for sleeping but as shelter from the cold. This policy explicitly includes "vulnerable EU citizens". As such, temporary arrangements are made in churches, through agreements with the city.¹¹¹ Public officials told Amnesty International that this threshold was chosen because the city determined together with non-state actors that "-10°C seemed too cold, but -2°C wouldn't work because the churches couldn't stay open for so many nights per winter. The conclusion was that -7°C had to be the threshold".¹¹² In other words, the defining factors were not public health and human rights but the capacity of non-state actors to cater for people in need.

In Malmö, the bar has been set at -5°C. The spokesperson of the Housing Unit in the municipality of Malmö told Amnesty International that there is no written justification for having chosen this temperature, but she supposed that the assessment was made in dialogue with relevant organizations. She further said that this matter was not so relevant because "we have no settlements in Malmö, nobody sleeps out in the open to our knowledge".¹¹³ Less than six months earlier, this same official had told

¹⁰⁵ Phone interview with spokesperson for the Malmö Police, 24 August 2018.

¹⁰⁶ Phone interview with spokesperson for the Malmö Police, 24 August 2018.

¹⁰⁷ Email from spokesperson for the Malmö Police, 10 October 2018.

¹⁰⁸ In addition to the shelter, a non-profit drop-in centre called Crossroads, which offers breakfast, job seeking advice and other support to "vulnerable EU citizens" during the day all year round, was kept open during the night in Malmö when the temperature fell below -5°Celsius with capacity for about 20 people. There were no beds at the social centre; people could rest in armchairs or in chairs by the tables but could not lie down and sleep. It closed its night-time operations for the season on 7 March 2018, like the shelter. There is also in Malmö a local NGO, Kontrapunkt, which together with the Swedish Church and the Red Cross, has opened a site where people can spend the night in safety and warmth. There are no beds, and according to local fire regulations people cannot sleep, but there are chairs where they can rest. All who have nowhere else to go are welcome; according to Kontrapunkt over 100 people sometimes spend the night there. This project does not receive any public funding.

¹⁰⁹ Email to Amnesty International from an official at the Housing Unit, Department on Labour Market and Social Services, Municipality of Malmö, 11 October 2018.

¹¹⁰ Interview with Zinica, Stockholm, 29 November 2018. At the time of the interview, Zinica was staying temporarily in a Swedish friend's house.

¹¹¹ Phone interview with spokesperson of the NGO Ny Gemenskap in Stockholm, 18 January 2018, and interview with representatives for Emergency Social Services, city of Stockholm, 1 February 2018.

¹¹² Phone conversation with official at Social Services Department, City of Stockholm, 13 October 2018.

¹¹³ Email from official at the Housing Unit, Department on Labour Market and Social Services, Municipality of Malmö, 12 October 2018.

Amnesty International that there were around 200 “vulnerable EU citizens” without a home in Malmö, most of whom slept in cars, in garages, or on the street.¹¹⁴

When Amnesty International visited Umeå, in the north of Sweden, in September and December 2017, there was no shelter at all available for homeless EU citizens. At the time, between 50 and 100 homeless “vulnerable EU citizens” were estimated to be living there. In winter, the temperature in Umeå at night is usually below freezing and regularly drops below -10°C. Elected representatives on the city council told Amnesty International that the Swedish Church, according to them responsible for the matter, had failed to find a suitable site where a shelter for people they defined as “vulnerable EU citizens” could sleep. Of the eight “vulnerable EU citizens” Amnesty International interviewed in Umeå, four were sleeping in cars and two in the bus terminal, until it closed at 2am, after which they wandered around in the city until the bus terminal opened again at 4am.

“I woke up recently at 3 in the morning and started crying because I was so cold.”

Maria, a 49-year-old Roma woman from Bacău. When interviewed in December 2017, she was sleeping in a car in a parking lot near the railway station in Umeå along with her husband and one of their adult sons; her younger children were in Romania.¹¹⁵

A new homeless shelter opened in Umeå in November 2017, the result of an agreement between the municipality and a not-for-profit organization, Öppen Gemenskap. The agreement identified “people residing in the municipality of Umeå”¹¹⁶ as its target group, aiming specifically at those living with addiction problems. During the first month the shelter was in operation, sources told Amnesty International there were unoccupied beds in the shelter every night and that some nights only two or three beds were used. However, “vulnerable EU citizens” were not welcome as they were not deemed to be “residing in Umeå”. When Amnesty International asked the authorities involved why “vulnerable EU citizens” had not been admitted to the shelter when there were spaces available and temperatures had fallen well below zero, various justifications were put forward. The Municipal Commissioner, Margareta Rönngren, and a representative of the municipal Chair of Family and Social Affairs, said that it is not desirable to mix different groups in the shelter.¹¹⁷ This later changed to the claim that beds must remain free in case people from the target group arrive late at night.¹¹⁸

In February 2018, a shelter was opened for homeless EU citizens in Umeå with capacity for 20 people. The shelter was run by the Swedish Church, with funding from the municipality and remained open until 15 April 2018. Volunteers in Umeå told Amnesty International that after the closure of the shelter most homeless EU citizens again slept in cars.¹¹⁹

In a positive development, in late September 2018 the municipality of Umeå entered into an agreement with the Swedish Church and the Pentecostal Church, according to which a year-round shelter will open. The target groups for this new shelter are both “vulnerable EU citizens” and “other vulnerable persons not permanently resident in Umeå” and the shelter has capacity for eight people. It is described as a “temporary solution to avoid a person from the target group suffering when he/she completely lacks other housing alternatives.” It will open on 1 December 2018 and be run by the Pentecostal Church, financed by the municipality. Taking an unusual holistic approach, the agreement also establishes that the Swedish Church will run a so-called meeting point where “vulnerable EU citizens” will receive information and social support, take language classes and access basic services such as showers and laundry facilities.¹²⁰ Civil society representatives told Amnesty International that they welcome and appreciate this longer-term municipal support, however, they expressed concern that eight beds will not cover the full need for shelter, in particular during the winter months.

¹¹⁴ Interview with official at the Housing Unit, Department on Labour Market and Social Services, Municipality of Malmö, 27 April 2018.

¹¹⁵ Interview with Maria, Umeå, 5 December 2017.

¹¹⁶ “Hemmahörande i Umeå kommun”. Memorandum of Understanding (*ideellt-offentligt partnerskap*) between the municipality of Umeå and the NGO Öppen Gemenskap, 25 October 2017.

¹¹⁷ Interview with representative of the Commission on Family and Social affairs in Umeå and Margareta Rönngren, Municipal Commissioner in Umeå, 5 December 2017.

¹¹⁸ Email to Amnesty International from representative for the Commission on Family and Social affairs in Umeå, 21 December 2017.

¹¹⁹ Conversation with two Umeå activists, Umeå 18 May 2018.

¹²⁰ Agreement between the Municipality of Umeå, Swedish Church Umeå and Pentecostal Church Umeå on a non-state and public partnership to enable a meeting point and emergency night-time shelter for vulnerable EU citizens and other vulnerable persons not permanently resident in Umeå (Överenskommelse mellan Umeå kommun, Umeå Pastorat och Pingstkyrkan i Umeå om ett idéburet offentligt partnerskap (IOP) för att möjliggöra en mötesplats och ett akut natthärbärge för utsatta EU-medborgare och andra utsatta personer som inte är stadigvarande boende i Umeå), 27 September 2018.



FORCED EVICTION IN HÖGDALLEN

In January 2018, Amnesty International learned that people were at imminent risk of eviction from the Högdalen area, outside Stockholm. Those facing eviction were a group of about 20 Rudari people from Romania who had lived for about four months in shacks they had built in the woods.

On 10 January, police officers arrived, without a translator, and handed over a note in Swedish, Romanian and Bulgarian stating, in general terms, that it is not legal to settle in the woods. Officers told the residents to “Go, go Romania”. One officer scribbled “24 h” on the sheet.¹²¹ That day saw fresh snow in Stockholm and temperatures of around -5°C.

Amnesty International representatives went to the settlement the next morning, together with members of the local support group HEM. At around 9am, five police officers arrived. They did not bring an interpreter and did not introduce themselves to the residents. When they spoke, they addressed only Amnesty International and HEM representatives. The officer in charge explained that the basis for the police intervention was to “interrupt ongoing criminal activity” (The Police Act, § 13), and that the criminal activities in question were “unlawful dispossession” [*egenmäktigt förfarande*] and littering. He explained that the extreme cold was irrelevant, stating: “These individuals know very well the deal, that it is illegal to settle down like this, and they take a calculated risk when doing so.”¹²²

Amnesty International and HEM pointed out that the residents had been given no verbal information in a language they could understand; after some negotiations, the residents were given three extra days to move. Social Services in Stockholm offered them three nights’ emergency shelter in a church. However, the residents preferred to move to another location further out in the woods where they could bring all their belongings.

A 2015 memorandum from the Legal Department of the Police Authority on the police response to unlawful settlements states that “interpreters and Social Services and others who may be of assistance” should “accompany” the police to interventions.¹²³ The memorandum does not require alternative housing to be offered. When asked whether they are obliged to coordinate with Social Services for alternative housing following an eviction, Stockholm police replied that they “coordinate when interventions are planned, or if there is an assessed need, often with Social Services around these issues. However there is no obligation to coordinate with Social Services when adults are evicted. Regarding children there are a number of reporting and coordination duties for the police vis-à-vis Social Services.”¹²⁴

The residents at the site in Högdalen had been staying there for four months and the authorities had not previously informed them that they could not stay or indeed that they would be evicted. In addition, there was a lack of genuine consultation and inadequate notice, the eviction took place in bad weather, and there was no offer of longer-term alternative accommodation. Consequently, the police action amounted to a forced eviction, which is prohibited under both international and regional law.¹²⁵ The Högdalen community had established a “home” for the purposes of Article 8 of the ECHR and the European Court of Human Rights has made clear that in such circumstances, the status of particularly vulnerable groups, such as the Högdalen community, should have affected the proportionality assessment prior to the decision to evict.¹²⁶ If an eviction was called for, the authorities should have adhered to the aforementioned procedural safeguards and failure to do so resulted in a forced eviction.

¹²¹ Note on file with Amnesty International.

¹²² Police officer in charge of the operation in the informal settlement in Högdalen, 11 January 2018.

¹²³ Swedish Police Authority, Legal Department, Police guidelines on handling unlawful settlements (Polisens möjligheter att hantera olovliga bosättningar) 6 November 2015.

¹²⁴ Email to Amnesty International from a spokesperson for the Stockholm/Norrmalm Police District, 9 August 2018.

¹²⁵ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, The right to adequate housing (Article 11.1 of the International Covenant on Economic, Social and Cultural Rights): forced evictions, 1997, para. 15.

¹²⁶ See, for instance, *Yordanova others v. Bulgaria* (254467/06) European Court of Human Rights (2012).

Other interviewees told Amnesty International that they had been forcibly moved on by police from places where they had settled and lived for a period of time on the grounds that their settlements were unlawful. Some of these removals may have been forced evictions.¹²⁷ This report does not explore the issue of evictions in depth, however, it is an issue of concern that merits further research.

In Stockholm, the city government took the decision in October 2017 that children of undocumented migrants may qualify for financial aid from Social Services. This decision was based on the principle of the best interest of the child (as guaranteed by Article 3 of the CRC) regardless of legal status.¹²⁸ However, children who are “vulnerable EU citizens” are not included in the policy.¹²⁹ Then leading politician Åsa Lindhagen, Commissioner of Social Affairs in Stockholm, explained: “we will not have children in Stockholm who live in informal settlements or under bridges... They cannot live in settlements”. She added that monetary assistance could serve as an incentive and that “perhaps many would come” and “we wouldn’t be able to handle that, given the difficult housing situation in Stockholm.”¹³⁰ Åsa Lindhagen did not provide any information on how the authorities planned to assist children of “vulnerable EU citizens” who are already in the city, in line with Sweden’s obligations. She was thus unable to explain to what extent the policy could be said to conform to the principle of the best interest of the (EU citizen, Roma) child.

2.2 LONGER-TERM YEAR-ROUND SHELTER IN LUND AND GOTLAND PROVIDING SAFETY AND SECURITY

The situation for individuals Amnesty International interviewed in Lund and on the island of Gotland differed markedly from that of “vulnerable EU citizens” in Stockholm, Malmö, Göteborg and Umeå. In Lund and Gotland there were year-round shelters and people could stay longer term and, although life was still difficult, interviewees described what a huge relief it was to have somewhere stable to sleep. This greater security and stability also enabled some to look for work and plan ahead.

In Gotland, the shelter is in a former youth hostel and has room for 38 people. Residents pay 20 Swedish krona (SEK) per night (approximately €2) and there is no limit on the length of their stay. The shelter is part of a joint civil society and municipality project called Project Winter Night (even though it is open all year round). It is administered by a coalition of the Red Cross, the Swedish Church, Save the Children and the City Mission (*Stadsmissionen*) and is financed primarily by the Red Cross. There is a part-time coordinator, whose salary is paid by the region of Gotland.¹³¹

The former part-time coordinator told Amnesty International that initially there were conflicts between individuals from different groups staying in the shelter, but volunteers and staff worked together with the residents to find ways of addressing the problems and establishing democratic decision-making structures.¹³² Now, according to both staff and residents, the shelter works well. The residents clean, cook, collect and recycle garbage and maintain the grounds themselves, in close contact with, but largely independently of, the Red Cross and the coordinator.

All residents in the shelter with whom Amnesty International spoke confirmed that it worked very well and they liked it there. Elena, a 26-year-old Rudari woman from Pitești who at the time of the interview was six months pregnant, told Amnesty International that she was very happy in the Gotland shelter: “It is very, very good... There is heating, electricity and a kitchen... I would like to live like this for as long as I am in Sweden.” Some days, Elena said, she was offered cleaning jobs through Swedish friends she had made and other residents in the shelter: “We help each other, give each other tips on when there are jobs.”¹³³

According to NGO staff and local state regional representatives, there are no unlawful settlements on the island of Gotland and no one is sleeping rough. An elected representative from the region told

¹²⁷ For what constitutes a forced eviction under international human rights law, see UN Committee on Economic, Social and Cultural Rights, General Comment No. 7.

¹²⁸ Stockholm municipality, Administration of economic aid: guidelines (Handläggning av ekonomiskt bistånd: riktlinjer) 67 d16-2129bilaga2, 16 October 2016, and notes from municipal parliamentary debate, (Protokoll Nr 12 - 16okt – debatt), 16 October 2016, pp. 104-137. See also Municipal Commissioner of Social Affairs Åsa Lindhagen, “The conservatives want to make it even harder for children in hardship” (“M vill göra det tuggare för barn som har det svårt”), *Svenska Dagbladet*, 26 January 2018, available at: <https://www.svd.se/m-vill-gora-det-tuffare-for-barn-som-har-det-svart>

¹²⁹ Interview with Municipal Commissioner of Social Affairs Åsa Lindhagen, 19 February 2018.

¹³⁰ Interview with Åsa Lindhagen, 19 February 2018.

¹³¹ In Gotland, the administrative unit is a “region”, not a municipality, which is responsible for areas that traditionally lie with a municipality, such as social welfare and education, as well as those that normally lie with a region (*landsting*), such as health care and public transport.

¹³² Interview with the coordinator on 25 October 2017. Since Amnesty International’s visit, she has been replaced by another coordinator with the same mandate and responsibilities.

¹³³ Interview with “Elena”, Visby, 26 October 2017. (The name has been changed to respect the interviewee’s anonymity.)

Amnesty International that the long-term shelter for people considered “vulnerable EU citizens” – and the public funding of the coordinator’s position – had broad public support in Gotland.¹³⁴ One of the ways in which officials and staff managed to garner support was to point to the very few complaints about littering, the overall peaceful relations with the police and the absence of so-called “wild camping” (camping outside official campsites) because everybody had somewhere safe to sleep at night. An evaluation commissioned by the region on the first period of Project Winter Night (2014-2016) and the public funding of the coordinator’s role found that these interventions “strongly contribute to avoiding problems normally associated with the group vulnerable EU citizens. As such, the [public] economic contribution achieves its purpose.”¹³⁵

In Lund, between 2015 and April 2018 there was a year-round shelter for people categorized as “vulnerable EU citizens” with beds for 24 people. Individuals could stay there for a maximum of three months at a time, free of charge. The shelter was run by a local NGO working specifically with “vulnerable EU citizens”.¹³⁶ The same NGO also financed a number of caravans on a legal campsite where an additional 16 people could sleep during the cold months of the year (October to March). The NGO received funding through a Memorandum of Understanding with the municipality of Lund, to which another NGO and the Swedish Church were also parties. It mainly operated with volunteers who did most of the work related to the shelter. In a 2017 progress report on the shelter, the Housing Unit of the Social Services Department in Lund concluded:

“Through the housing arrangements [the shelter and the campsite], need and suffering can be relieved for members of the vulnerable target group. The housing arrangements have likely prevented illegal settlements in the municipality. The aforementioned organizations have also in this regard had good cooperation with the municipality and the police.”¹³⁷

Emma Berginger, one of three Municipal Commissioners in Lund, told Amnesty International that complaints from the public in regard to littering and unlawful settlements had decreased dramatically since the legal options were put in place. According to an evaluation from Social Services in Lund, there were 31 official complaints in 2015 compared to only one in 2017. Similarly, public costs related to cleaning up after informal settlements and to emergency interventions by Social Services had dropped significantly: in 2015, the municipality spent SEK130,000 (€13,000) on cleaning and SEK289,000 (€28,900) on emergency interventions, whereas in 2017 the costs were SEK25,000 (€2,500) and SEK162,000 (€16,200), respectively.¹³⁸

“There is a place to sleep, we have a shower, there is a common kitchen where we can cook, we can wash our clothes... we all know one another, it feels safe.”

Didina, a 40-year-old Roma woman living in a caravan on the legal campsite in Lund supported by the NGO.¹³⁹

One of the residents at the shelter in Lund, a 58-year-old Roma man from Buzau who supported himself busking playing the accordion, told Amnesty International that the shelter “feels like home” and that “we all get along, we sit around and talk, we are friends [even though we are from different locations].”¹⁴⁰

In addition to housing, the NGO also supported those in the shelter and the campsite to access health care, organize bank appointments, sign up for Swedish language classes and seek employment. NGO representatives reported that several of the residents in the shelter had, as a result of the support structure, found work and more permanent housing in Lund.¹⁴¹

In April 2018, the shelter for “vulnerable EU citizens” in Lund closed down. The authorities demanded that a fire alarm system be installed, which was beyond the NGO’s budget, and the lease expired and the landlord wanted to use the premises for other purposes. The NGO was unable to find a viable alternative location and in June 2018 it put all its activities on hold. At the time of writing, there was no

¹³⁴ Interview with Gotland Regional Commissioner Saga Carlgren, 27 October 2017.

¹³⁵ Evaluation, Project Winter Night, 15 November 2017.

¹³⁶ The NGO was called *Hjälptiggare i Lund* (Help Beggars in Lund).

¹³⁷ Progress report (*tjänsteskrivelse*), Housing Unit of the Social Services Department, Lund, 10 April 2017.

¹³⁸ Information given to Amnesty International in an email from Eva Olsson, Chair of Committee on Social Affairs, Municipality of Lund, 11 December 2017.

¹³⁹ Interview with Didina, Lund, 12 December 2017.

¹⁴⁰ Interview with Ion, Lund, 12 December 2017.

¹⁴¹ According to Joakim Månsson Bengtsson, one of the founders of the NGO *Hjälptiggare i Lund*, 27 July 2018.

shelter in Lund and “vulnerable EU citizens” were sleeping in caravans or in informal settlements. Joakim Månsson Bengtsson of the local NGO was very critical of the municipality’s failure to take responsibility:

“We don’t have the number of volunteers we need to operate anymore. Our members worked so hard, many of them on a voluntary basis, and it’s not sustainable. The municipality cannot expect people to work themselves to death. They gave us too little money. With twice as big a budget, we could have done it, if the remuneration had been on par with the responsibility they gave us, we could have continued.”¹⁴²

In an interview in August 2018, Elin Gustafsson, a Municipal Commissioner, reiterated that providing shelter to “vulnerable EU citizens” is a priority and that the municipality and civil society have to find a solution together, but she could not say when a new shelter would be in place and what entity would be in charge of its operations.¹⁴³ The official responsible at the municipal administration wrote to Amnesty International that it was mainly the responsibility of the NGO’s to find new premises for a shelter, thereby failing to acknowledge the municipality’s obligations as state actor to ensure that everybody has access to essential levels of economic and social rights.¹⁴⁴



LUND: VLAD

Vlad, a 23-year-old Roma man from Târgu Mureş in Romania, first came to Lund with his parents in 2014. They had been in Spain for seven years, but when they could no longer find work there, they decided to try to make a life for themselves in Sweden instead. But they could not find work and were sleeping in their car. Vlad’s parents started begging, judging that they made more money begging in Lund than they could make in Romania, even if they would manage to find work there. Vlad could not make himself beg. “I wanted to do it,” Vlad told Amnesty International, “but I couldn’t, I felt so bad.” He started collecting bottles and cans for recycling to earn a small amount of money.

Later, Vlad’s wife, Bianca, joined him in Sweden. Vlad asked for work in shops, restaurants and factories. He registered in the Employment Office, to no avail. In early 2016, he met Joakim Månsson Bengtsson of the shelter in Lund, who arranged for Vlad and Bianca to stay in a caravan. Vlad said it was a relief no longer having to sleep in a car, but:

“I told Joakim, I can’t possibly look for work if I sleep in a caravan. Everyone asks for address, personal ID number, and I need the internet to find job openings. Joakim helped us, he put me in touch with a nice man who let us sleep in his house. This man had a restaurant, I didn’t know it then. He said one day, ‘Vlad, why don’t you come to work in the restaurant, just try it for a day.’ So I did, and he liked my work, I work fast.”

When Amnesty International spoke with Vlad in October 2018, he had worked in the restaurant for two and a half years and had a permanent contract. He liked his work. He and Bianca rented a room in a large house but were looking for their own apartment. They want to stay and build a future in Sweden. “We won’t lose Romania, we’ll still go there for vacations,” Vlad said. “But this is where I live now.”¹⁴⁵

¹⁴² Phone interview with Joakim Månsson Bengtsson, 27 July 2018.

¹⁴³ Phone interview with Municipal Commissioner Elin Gustafsson, 31 August 2018.

¹⁴⁴ Email to Amnesty International from official at the Social Services Administration Lund, 5 September 2018.

¹⁴⁵ Interview with Vlad, Lund, 4 October 2018.

2.3 CONCLUSIONS

The right to adequate housing is intrinsically linked to other human rights such as the right to life, the right to security of the person and the right not to be subjected to inhuman or degrading treatment, rights that have been incorporated into Swedish law. Homelessness also results in further stigmatization and discrimination. For “vulnerable EU citizens” in Sweden, their state of homelessness not only causes hardship but also hampers their ability to seek a better life for themselves and their families by applying for and finding employment, learning Swedish, reuniting with their children in Sweden and integrating into Swedish society.

Amnesty International’s research shows that in municipalities where long-term shelter is available, the human rights of people considered “vulnerable EU citizens” are better respected and protected, which also benefits wider Swedish society. However, there is ample evidence that “vulnerable EU citizens” in other parts of Sweden are being denied their right to adequate housing, leaving them homeless and abandoned. This has the effect that their rights to health and life at times are at risk. It also affects their ability to work. In Stockholm, for example, there is public acknowledgement that interventions to address homelessness must be long-term in order to be sustainable, but this explicitly does not apply to homeless people defined as “vulnerable EU citizens”.

People categorized as “vulnerable EU citizens”, most of whom are or are perceived to be Roma, and who live in Sweden longer term are thus discriminated against because of their legal status and, indeed, de facto, their ethnic origin. In some cases, Amnesty International found that public policies and practices directly single out “vulnerable EU citizens”, designing separate models or regulations for them, or excluding them from access to services open to other groups. For example, the policy in Stockholm that grants families categorized as undocumented migrants the right to apply for social assistance excludes those defined as “vulnerable EU citizens”. It appears that, in the eyes of the Stockholm city government, obligations under the CRC, which should apply to everyone within its jurisdiction without discrimination, do not extend to the children who are given the status “vulnerable EU citizens”.

The UN Special Rapporteur on the right to adequate housing has pointed out that the *cause* of homelessness, from a human rights perspective, is less relevant than the *experience* of homelessness for the individuals concerned:

“Homelessness and grossly inadequate housing may be the result of actions leading to eviction and deportation, but equally may result from inaction – a failure to address long-term systemic patterns of social exclusion and deprivation. Nevertheless, the deprivation experienced is essentially the same: preventable illnesses, a shortened lifespan and deprivation of dignity and security.”¹⁴⁶

This rings very true for people considered “vulnerable EU citizens” in Sweden. Rules are designed based on the three-month model, even though people stay for much longer. With reference to this three-month rule, Sweden fails to address precisely the “long-term systemic patterns of social exclusion and deprivation” referred to by the Special Rapporteur.

The supposed temporary nature of their stay is used to justify the failure to provide them with shelter. In Malmö, for example, the municipal spokesperson confirmed that, while homelessness in the city is a widespread problem, basically nobody had to sleep rough, except for “vulnerable EU citizens” because they are presumed not to have right of residence under EU law and thus should stay for no longer than three months. The root cause of their homelessness, duty-bearers both at the municipal and central government levels contend, can be found in their home country and, the argument continues, as long as their residency is not formalized, no responsibility falls on Sweden.

Nevertheless, it is in Sweden that “vulnerable EU citizens” are currently experiencing human rights violations and many live in this legal limbo for years. Even the National Board of Health and Welfare in its survey only discusses the first (legal) three-month period. Amnesty International’s research shows that many people stay for much longer than the permitted three months: the great majority of those interviewed had been in Sweden for over two years. As the Special Rapporteur underlined, the experience of homelessness is equally profound and an equally serious violation of human rights, regardless of its cause or the legal status of the rights holder.

The predominant interpretation of the Social Services Act is that only “emergency assistance” can be granted those who are deemed to lack right of residence – although legal experts question this narrow

¹⁴⁶ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/71/310, 8 August 2016, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/253/02/PDF/N1625302.pdf?OpenElement>

interpretation of the law.¹⁴⁷ In the big cities, for example, this “emergency assistance” is understood to mean that only a few consecutive nights can be offered at shelters, in spite of awareness at the municipal level that such interventions will not break patterns of marginalization and despite the fact that other municipalities have come to a more extensive interpretation of the law, with positive results.

The UN Special Rapporteur on the right to adequate housing has stressed the link between addressing homelessness and ensuring the right to life, not least with regard to lack of protection from “inclement weather”.¹⁴⁸ This is true in many settings and most acutely in a country like Sweden that has severe winters. Nevertheless in Umeå, in the north of the country, interviewees slept in cars in the middle of the winter because of lack of shelter open to “vulnerable EU citizens”. The forced eviction that Amnesty International witnessed outside Stockholm in the winter, characterized by lack of genuine consultation and the absence of any offer of longer-term accommodation, also illustrated a blatant disregard among duty-bearers for the human rights implications of exposing people to the dangers of the severe cold. Both in Stockholm and in Malmö Amnesty International’s research shows that the bar for obliging the municipality to ensure that nobody sleeps outdoors has been set too high: the cut-offs are -7°C and -5°C, respectively. Official responses as to why these temperature cut-offs have been chosen demonstrate that they are not based on public health or human rights considerations, but rather on logistical concerns.

In Stockholm, public officials told Amnesty International that they had decided that -7°C had to be the cut-off because the churches did not have the capacity to stay open if a less cold temperature were to be chosen. This reliance on non-state actors is widespread in the municipalities researched by Amnesty International. In Umeå, the delay in opening a winter shelter was explained by the fact that the church had not been able to find a suitable site. In Lund, similarly, the municipality told Amnesty International that the obligation to find a new shelter rested with the NGOs and not with the municipality itself. This way of diverting responsibility and blaming non-state actors for non-compliance with human rights standards illustrates a lack of understanding among duty-bearers of state obligations under international human rights law.

Because of the inherent connection between life, dignity, bodily integrity and adequate housing, several human rights bodies have emphasized the state’s positive obligations to provide housing for all within its territory. Both the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Committee highlighted this in their recent reviews of Sweden. Yet Amnesty International has found that duty-bearers in several Swedish municipalities are not taking adequate steps to fulfil their obligation to protect the lives and health of “vulnerable EU citizens”. Officials demonstrate a striking lack of awareness of the state’s human rights obligations, for example, by arguing that the municipal responsibility is to ensure that “nobody freezes to death” but nothing more than that.

Since the bulk of the research for this report was concluded, two of the selected municipalities – Umeå and Göteborg – have decided to open year-round shelters and to ensure that accommodation will be combined with some forms of social support to people classified as “vulnerable EU citizens”. Although it is too early to evaluate whether these initiatives will have the intended positive effects and even though NGO representatives have expressed concern that they may not satisfy the full need for shelter in these two municipalities, Amnesty International welcomes this development. The holistic view adopted by these plans, and already seen in part by the year-round shelters in Lund and Gotland, reflect a human rights perspective and an understanding that the right to adequate housing is inherently linked with other rights, such as the right to live a life of dignity.

¹⁴⁷ See, for example, J. Paju, “Who will provide for the vulnerable EU citizens?” (“Vem ska sörja för EU-migranterna?”), *Svenska dagbladet*, 15 May 2015, available at: <https://www.svd.se/vem-ska-sorja-for-eu-migranterna>, and A. Pettersson, “Municipalities have a duty to assist EU migrants” (“Kommunerna är skyldiga att bistå EU-migranterna”), *Aftonbladet*, 23 November 2014, available at: <https://www.aftonbladet.se/debatt/debattamnen/politik/article19898040.ab>

¹⁴⁸ Report of the Special Rapporteur on adequate housing, A/71/310, 8 August 2016, para. 6, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/253/02/PDF/N1625302.pdf?OpenElement>

3. THE RIGHTS TO WATER AND TO SANITATION

“We take water from the gas station, in buckets. We relieve ourselves in the woods. Earlier [in a previous location], we made our own toilets by digging holes in the ground, but we can’t do it here because of all the big rocks. There are also snakes here, I am scared of them. I am so sick of this.”

Luiza, a 51-year-old Rudari woman living in a shack that she and her husband had built in the forest outside Stockholm.¹⁴⁹

3.1 NO ACCESS TO WATER AND SANITATION: THE CONSEQUENCES OF SCARCITY

In Sweden, water is generally cheap and of good quality and, for the vast majority of the population, access to good quality water is an integral part of access to accommodation. Yet many people who fall into the Swedish category of “vulnerable EU citizens” lack access both to water and to sanitation facilities. A 2016 report by the Raoul Wallenberg Institute, examining specifically access to water and sanitation in informal Roma EU citizen settlements in Sweden, indicates that those who for some reason do not have a roof over their head also tend to have difficulty accessing even a minimal supply of water and basic sanitation.¹⁵⁰ In most Swedish cities, facilities such as public taps are scarce and drinking fountains are rare or non-existent. If there are public toilets, they tend to be subject to a charge. The fee for a toilet visit ranges between SEK5 and SEK10 (between €0.50 and €1), a significant expense for somebody who may make at most SEK100 (€10) a day by begging.¹⁵¹

Many interviewees stated that, since they lack a stable place to sleep, they had hardly any access to running water. Most of those who lived in informal settlements, in cars or outdoors said that they have no choice but to buy expensive bottles of drinking water.¹⁵²



ANA

Ana, a 28-year-old Roma woman, had been living in Malmö for about three years when she spoke to Amnesty International. She was sleeping in a car on a parking lot beside a shopping mall outside Malmö city centre. Ana had nowhere to access tap water and so had to buy bottled water to drink.

¹⁴⁹ Interview with “Luiza”, Stockholm, 28 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

¹⁵⁰ M. Davis and N. Ryan, *Inconvenient Human Rights: Access to Water in Sweden’s Informal Roma Settlements*, Raoul Wallenberg Institute (April 2016), pp. 7-8, available at: <http://rwi.lu.se/app/uploads/2016/04/Inconvenient-Human-Rights.pdf>

¹⁵¹ Interviewees indicated, in all six locations, that begging in Sweden generated more a couple of years ago and that it now has become harder, with fewer people giving money. Most said that, in 2017/2018, they could make on average SEK100 a day, but that often they would make less than that. A minority said that on occasion they received more than SEK100 in one day.

¹⁵² In the cheapest grocery stores, a large bottle of drinking water (1.5 litres) costs about SEK8 (€0.8); in corner stores or cafes water is more expensive.

She used a toilet in the shopping mall, which was subject to a fee. After 9pm, when the mall closed for the night, she did not have access to a toilet.¹⁵³

Lack of access to water and sanitation is particularly problematic for girls and women, both with regard to safety and to women's particular sanitation needs due to menstruation. The UN Special Rapporteur on the human rights to safe drinking water and sanitation has emphasized that in order for the right to sanitation to be upheld, gender dimensions, intersecting with discrimination on other grounds, must be taken into account:

"It is important to understand the variety of situations in which women live and the different challenges and barriers they face in accessing water, sanitation and hygiene: Examples include when women lack water and sanitation and at the same time suffer from poverty, live with a disability, suffer from incontinence, live in remote areas, or lack security of tenure."¹⁵⁴

The Rapporteur mentioned specifically the risk of women being subjected to sexual harassment or violence when public sanitation facilities are lacking and how their right to manage their menstrual hygiene in safety, privacy and with dignity is hampered. The Raoul Wallenberg Institute report stated: "Accessible water and sanitation diminishes the discriminatory impacts on women, whose sanitation needs around menstruation result in increased vulnerabilities when basic sanitation is unavailable."¹⁵⁵ A medical doctor, part of a group of health professionals who regularly see "vulnerable EU citizens" for check-ups and health-related advice in Jönköping in southern Sweden, commented in an interview with Amnesty International on the lack of water and sanitation for "vulnerable EU citizens" and how this impacts their health:

"They have no access to a toilet, and therefore many of them drink way too little so that they do not need to relieve themselves. This leads to discomfort and exhaustion but also to problems with their salt balance, and many get dizzy. For those who already have health problems this is particularly serious – for example those who have diabetes or high blood pressure – some of their medication is diuretic and so it is really important to drink a lot."¹⁵⁶

In the 2016 report, the Raoul Wallenberg Institute drew parallels between the historic exclusion of Roma people in Sweden from basic services and the scarcity of water and sanitation for Roma "vulnerable EU citizens" today. The report argued that sanitary concerns, both historically and today, have been used to justify repressive measures against Roma people.¹⁵⁷ It showed that the great majority of the many applications for evictions of informal settlements of "vulnerable EU citizens" that the researchers examined cited sanitation concerns and littering as justification for the eviction.

Evictions were granted on those grounds, without reference to the human rights obligation of the authorities to provide adequate water and sanitation services to all.¹⁵⁸ Instead of assuming responsibility for the situation in which residents had no access to water and sanitation, "vulnerable EU citizens" were viewed as a nuisance to be removed. One municipality stated, "every day the settlement stays it risks being perpetuated and legitimized" and, thus, it had to be removed.¹⁵⁹

In a 2010 report, the UN Special Rapporteur on extreme poverty criticized the way states spend public funds on repeatedly evicting homeless people – a strategy which Sweden is actively pursuing – rather than supporting them:

"Instead of using public funds to assist these families, States are instead carrying out costly operations to penalize them for their behaviour. Where there is insufficient public infrastructure and services to provide families with alternative places to perform such behaviours, persons living in poverty and homelessness are left with no viable place to sleep, sit, eat or drink."¹⁶⁰

¹⁵³ Interview with "Ana", Malmö, 15 and 23 November 2017. (The name has been changed to respect the interviewee's anonymity.)

¹⁵⁴ UN Special Rapporteur on the human rights to safe drinking water and sanitation, 33rd Session of the Human Rights Council, 6 September 2016, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20877&LangID=E>

¹⁵⁵ M. Davis and N. Ryan, *Inconvenient Human Rights: Access to Water in Sweden's Informal Roma Settlements*, p. 29, available at: <http://rwi.lu.se/app/uploads/2016/04/Inconvenient-Human-Rights.pdf>

¹⁵⁶ Phone interview with Jakob to Baben, a doctor active in a group of health professionals providing care to "vulnerable EU citizens" in Jönköping, 14 August 2018.

¹⁵⁷ M. Davis and N. Ryan, *Inconvenient Human Rights: Access to Water in Sweden's Informal Roma Settlements*, p. 11, available at: <http://rwi.lu.se/app/uploads/2016/04/Inconvenient-Human-Rights.pdf> (citations omitted).

¹⁵⁸ Under international human rights law, evictions can be justified on public health/sanitation grounds, but must comply with relevant safeguards in order not to amount to forced evictions. United Nations Committee on Economic, Social and Cultural Rights, General Comment General Comment 7, The right to adequate housing (art. 11.1 of the International Covenant on Economic, Social and Cultural Rights): forced evictions), (1997).

¹⁵⁹ M. Davis and N. Ryan, *Inconvenient Human Rights: Access to Water in Sweden's Informal Roma Settlements*, p. 16, available at: <http://rwi.lu.se/app/uploads/2016/04/Inconvenient-Human-Rights.pdf> (citations omitted).

¹⁶⁰ Report of the UN Special Rapporteur on extreme poverty and human rights, UN Doc. A/66/265 (2011), para. 36.

One of Sweden's leading daily newspapers published in 2016 an editorial in 2016, entitled "The playground was stinking from faeces from the beggars", in which the author expressed indignation that "vulnerable EU citizens" (whom he consistently referred to as "beggars") had been sleeping, eating and relieving themselves in playgrounds and public parks.¹⁶¹ The article made no mention of the fact that the people categorized as "vulnerable EU citizens" had nowhere else to sleep and no access to toilets, or of the state's failure to provide basic services to those who need them.

3.2 RESPONSE FROM DUTY-BEARERS TO CALLS FOR ACCESS TO WATER, SANITATION AND GARBAGE COLLECTION

Rather than acknowledging their duty to provide water and sanitation services to all, the prevalent view expressed by duty-bearers in Sweden is that, if basic services such as water and sanitation were to be provided, this would facilitate illegal settlements and encourage criminal activities. The municipality of Göteborg, in a 2017 report on informal settlements where "vulnerable EU citizens" lived, stated: "The city does not have an ambition to provide, for example, portable toilets and garbage dumpsters in these [informal settlements]. The view of the municipality is that such management would consolidate the settlements."¹⁶² In a 2015, in a newspaper interview, the then Municipal Commissioner for Malmö, Carina Nilsson, was asked about the possibility of providing residents of the informal Sorgenfri settlement in Malmö with portable toilets and running water. Hundreds of "vulnerable EU citizens" were living there at the time. Carina Nilsson replied:

"I can see that it is a tempting idea [to provide mobile toilets]. It wouldn't be hard to put up these things. The difficulty comes next. What do we do when we've built a shanty town? What will the next step be? How long will it last? Should we accept this living standard?"¹⁶³

Neither the Göteborg report nor the Municipal Commissioner in Malmö acknowledged any immediate human rights obligations on the part of municipalities towards "vulnerable EU citizens", but rather focused on the illegality of the settlements and potential long-term effects of their consolidation.

A similar attitude was expressed by the Stockholm municipal administration in January 2017 in relation to the issue of garbage collection. Amnesty International was contacted by "Nicklas", a private resident, who had tried to get the municipality of Stockholm to support garbage collection from an informal settlement of "vulnerable EU citizens" near his home. A group of people living in the settlement had placed their garbage outside the rubbish collection room of the apartment blocks in the area. Nicklas, who lived in one of the apartment blocks, had asked the municipality to provide a garbage dumpster so that the residents, who through their actions had demonstrated that they clearly wanted to dispose of their garbage lawfully rather than littering in the forest, had a legal option. The municipality refused, however.¹⁶⁴ In response to queries from Amnesty International, an official at the Development Administration of the municipality of Stockholm explained that the general approach was that informal settlements should be removed, not supported. He said: "these places are not for living. There is no water... If garbage dumpsters were provided, it would make these sites more attractive. The politicians have clearly signalled that we cannot encourage settlements on these sites."¹⁶⁵ The municipality turned down Nicklas' suggestion and instead recommended he report the residents to the police for littering.¹⁶⁶

¹⁶¹ P. Gudmundson, "The playground was stinking from faeces from the beggars" ("Lekplatsen stank av tiggarnas avföring"), *Svenska Dagbladet*, 4 October 2016, available at: <https://www.svd.se/lekplatsen-stank-av-tiggarnas-avforing/om/gatutiggeriet>

¹⁶² City of Göteborg, Social Services Department (*Social resursförvaltning*), *Report: Work with unlawful settlements in Göteborg (Rapport: Arbetet med illegala bosättningar i Göteborg)*, 23 January 2017, p. 8, available at:

[http://www4.goteborg.se/prod/intraservice/namndhandlingar/SamrumPortal.nsf/2C83F748253E941EC12580C900318DF7/\\$File/23B_Bilaga_Rapport_illegala_bosattningar_2016.pdf?OpenElement](http://www4.goteborg.se/prod/intraservice/namndhandlingar/SamrumPortal.nsf/2C83F748253E941EC12580C900318DF7/$File/23B_Bilaga_Rapport_illegala_bosattningar_2016.pdf?OpenElement)

¹⁶³ Quote from A. Paulsen and E. Fjellman, "Fighting for the shanty town: We have nowhere else to go" ("*Kampen om kåkstaden: Vi har ingen annanstans att ta vägen*"), *Sydsvenska Dagbladet*, 22 August 2015, available at: <https://www.sydsvenskan.se/2015-08-21/kampen-om-kakstaden-vi-har-ingen-annanstans-att-ta-vagen>

¹⁶⁴ Email from an official at the Development Administration, City of Stockholm, to Nicklas Keijser, 17 January 2017. Forwarded to Amnesty International on 2 February 2017.

¹⁶⁵ Phone conversation between Amnesty International and an official at the Development Administration, City of Stockholm, 6 February 2017.

¹⁶⁶ Phone conversation between Amnesty International and an official at the Development Administration, City of Stockholm, 6 February 2017.

3.3 CONCLUSIONS

Several human rights bodies have underscored that states have an obligation to provide essential services key to human dignity, such as access to water and to sanitation, regardless of the legal status of the people concerned. For example, the UN Committee on Economic, Social and Cultural Rights has pointed out, in the context of the right to non-discrimination, that rights “such as access to water services and protection from forced eviction, should not be made conditional on a person’s land tenure status, such as living in an informal settlement.”¹⁶⁷ The UN Special Rapporteur on the right to safe drinking water and sanitation has condemned the “criminalization of activities linked to access to water or sanitation, such as the prohibition of public defecation or urination when no other options are available – partially as a result of increasing closures of public facilities.”¹⁶⁸ The UN Committee on Economic, Social and Cultural Rights has further stated that: “Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status.”¹⁶⁹

The pragmatic approach called for by these international human rights bodies stresses the state’s obligation to provide basic services regardless of the legal status of the individual or his or her other life circumstances. It is an approach that takes into account real-life situations where people’s rights are violated and seeks to find ways of remedying these as a matter of urgency. The fact that individuals lack a home or have settled unlawfully does not affect the state’s obligations to ensure their access to water and sanitation services. In practical terms, this means that Sweden has an obligation to ensure access to clean drinking water and toilet facilities for all, including homeless EU citizens who may be living in informal settlements, cars or caravans or who are sleeping rough.

Yet, during its research into the situation of “vulnerable EU citizens” Amnesty International came across officials who instead of seeing it as their duty to ensure people in their jurisdiction had access to clean water and sanitation, were of the opinion that providing these essential services might encourage illegal activities, unlawful settlements or the development of slums. This illustrates a failure to acknowledge Sweden’s international obligations to ensure that everybody has access to basic services to maintain a life of dignity.

Not having access to clean water and sanitation services also puts rights-holders, such as “vulnerable EU citizens” in Sweden, at greater risk of marginalization and abuse, as the newspaper article cited above illustrates. Such depictions of “vulnerable EU citizens” risk perpetuating discriminatory attitudes and foster an atmosphere in which victims are blamed for the state’s failings and then further stigmatized.

Withholding access to water and sanitation for people who have settled unlawfully because of hypothetical longer-term consequences of such provision of services runs contrary to universal human rights standards and accompanying recommendations by international and regional monitoring bodies. Instead of arguing that the provision of services would condone unlawful activities, the state should ensure that in every location where people sleep rough there is access to basic services such as running water and toilets that fulfil basic sanitary needs, with due regard to gender concerns. These services should be developed and established in close consultation with affected individuals so as both to meet their immediate needs and to identify longer-term solutions.

¹⁶⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/20, para. 25.

¹⁶⁸ UN Special Rapporteur on the right to safe drinking water and sanitation, Common Violations of the Human Rights to Water and Sanitation, UN Doc. A/HRC/27/55, 30 June 2014, paras 22-23.

¹⁶⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 15, The right to water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/2002/11, para. 16 (c).

4. RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

“One year ago I collapsed when I was sitting begging. I wanted to get up and go to my husband but I couldn’t. Someone called an ambulance. When I woke up I was in the hospital. The doctor said I had big lumps in my lung. They gave me IV, but no surgery. The doctor said: ‘go home to Romania and get a surgery’.”

Maria, a 49-year-old Roma woman, had lived in Umeå with her husband since 2014. She told Amnesty International she had no health insurance in Romania and did not have a European Health Insurance Card. When Amnesty International spoke to her, she still had not had surgery; she described having chest pains that got so intense at night that she sometimes screamed or had to vomit.¹⁷⁰

Many of those interviewed told Amnesty International how the conditions they were living in, often sitting or standing outdoors for many hours at a time, frequently in the cold, and without access to toilet facilities and clean water, had serious health consequences.¹⁷¹ Some also had chronic pre-existing conditions, such as diabetes, heart or kidney problems or ulcers, before coming to Sweden. These had been exacerbated by their living conditions, making the difficult life in Sweden even harder. At the same time, many faced obstacles in accessing the necessary health care and treatment from the medical system in Sweden.



LUIZA

Luiza, a 51-year-old Rudari woman from Davidesti, had spent about two and a half years in Sweden when she spoke to Amnesty International. She said: “I am sick. I have problems with my heart, my legs, my kidneys. I also have tooth problems, once I went to the dentist here...but they didn’t want to touch me, they said ‘Go home to Romania. You have a serious mouth infection, we can’t help you’.”¹⁷²

Luiza was living with her husband in a shack they had built in the woods outside Stockholm at the time of Amnesty International’s interview. Her impression was that the dentist thought the responsibility to treat her was Romania’s, not Sweden’s, and so turned her away.

Health professionals who spoke to Amnesty International confirmed that many people in the category “vulnerable EU citizens” suffer from serious health problems caused or exacerbated by their living conditions. The organization Médecins du Monde Sweden runs a clinic in Stockholm where EU citizens

¹⁷⁰ Interview with Maria, Umeå, 5 December 2017.

¹⁷¹ Confirmed by public health research, see, for example, P. Wagman, B. Björklund, A. Johansson, S. Fristedt, (2007), “Descriptions of health by EU citizens begging abroad”, *Society, health and vulnerability*, 8(1):1389586, available at: <http://hj.diva-portal.org/smash/get/diva2:1152612/FULLTEXT02.pdf>

¹⁷² Interview with “Luiza”, Stockholm, 28 November 2017.

and undocumented migrants can receive primary health care and medical advice. A doctor and a nurse at Médecins du Monde said that many of the people from Romania they meet have poor health, including high blood pressure, diabetes and heart problems. The fact that many of them sleep rough for all or most of the time and have limited access to water and sanitation leads to frequent urinary tract infections, eczema and frostbite.¹⁷³ Health professionals also noted a high rate of hearing problems due to ear infections and “catastrophic” dental health.¹⁷⁴

The impact of lack of secure housing on health care and broader issues of public health was also highlighted. For example, Médecins du Monde described how in 2015 they received a Roma woman who suffered from open, untreated tuberculosis. She was taken to the hospital and received treatment. However, the police forcibly evicted the camp of caravans where she and around 50 other “vulnerable EU citizens” had been living, people were dispersed and health professionals, therefore, could not trace any possible spread of the disease.¹⁷⁵ Médecins du Monde told Amnesty International that they, supported by the County Medical Officer in charge, tried to convince the Enforcement Agency and the municipality of Stockholm to halt the eviction so that all residents could be identified and so that all suspected cases of tuberculosis could be checked and treated. Yet, their pleas were ignored.¹⁷⁶

4.1 ACCESS TO MEDICAL CARE AND TREATMENT

Many of the vulnerable EU citizens interviewed for this report said that emergency rooms and clinics had received them and provided care, but that they had been expected to pay large amounts of money for health care. For example, Neculai, a 59-year-old Roma man in Umeå, told Amnesty International that he had injured his foot badly in a cycling accident and required extensive surgery to insert metal pins. The hospital bill came to around SEK18,000 (€1,800).¹⁷⁷ Emilian, in Stockholm, told Amnesty International that his wife had received a bill of SEK6,000 (€600) after emergency gynaecological treatment in a Stockholm hospital.¹⁷⁸

Health professionals at Médecins du Monde confirm this picture. They told Amnesty International that they often meet patients who have been billed high amounts in the ordinary health centres and also that on some occasions “vulnerable EU citizens” had been denied care altogether because they did not have a Swedish identification number and could not produce a European Health Insurance Card. They said that serious conditions tended to be treated (but as a rule would also be billed), whereas when “vulnerable EU citizens” came with less critical ailments, they would sometimes be turned away.¹⁷⁹

None of the 58 individuals interviewed for this report who had received high bills from hospitals had been able to pay.

¹⁷³ Interview with Thomas Avén, senior doctor at the Médecins du Monde clinic in Stockholm and Marisol López, nurse, Stockholm, 9 August 2018.

¹⁷⁴ Phone interview with Jakob to Baben, a doctor active in a group of health professionals providing care to “vulnerable EU citizens” in Jönköping, 14 August 2018.

¹⁷⁵ Interview with Thomas Avén, senior doctor at the Médecins du Monde clinic in Stockholm and Marisol López, nurse, Stockholm, 9 August 2018. See also: S. Lindberg, “They were evicted despite being infected with tuberculosis” (“De vräktes trots upptäckt av tbc-smitta”), *Aftonbladet*, 6 May 2015, available at: <https://www.aftonbladet.se/nyheter/a/bKjG6k/aftonbladet-avslojar-de-vraktes-trots-upptackt-av-tbc-smitta> and S. Lindberg, “Elena was evicted while she received care for tuberculosis” (“Elena vräktes när hon vårdades för tbc”), *Aftonbladet*, 7 May 2015, available at: <https://www.aftonbladet.se/nyheter/a/kaB6KA/elena-vraktes-nar-hon-vardades-for-tbc>

¹⁷⁶ Telephone interview with Eliot Wieslander, Secretary General, Médecins du Monde Sweden, 11 October 2018.

¹⁷⁷ Interview with “Neculai” Umeå, 12 September 2017. (The name has been changed to respect the interviewee’s anonymity.)

¹⁷⁸ Interview with “Emilian” Stockholm, 29 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

¹⁷⁹ Interview Thomas Avén, senior doctor at the Médecins du Monde clinic in Stockholm, August 9 2018. Jakob to Baben, a doctor active in a group of health professionals providing care to “vulnerable EU citizens” in Jönköping, also told Amnesty International that on several occasions had met individuals who had not been provided care because they did not have a European Health Insurance Card. He said they would usually be turned away by administrative staff at the reception of the clinic or emergency room. Phone interview, 14 August 2018.

NO INSURANCE, NO SUBSIDIZED HEALTH CARE

Foreign nationals who do not have right of residence in Sweden are, as a rule, charged the full cost of medical services. Other rules apply for EU nationals, however. According to EU law, incorporated into Swedish law, if an EU national has health insurance in his or her country of origin, the person is entitled to any necessary medical treatment in the country where he or she temporarily resides at the same cost as nationals of that country.¹⁸⁰ The European Health Insurance Card serves as proof of insurance in an EU member state and upon producing this card, an EU national visiting or residing in another EU state should get medical services on the same terms as the citizens of that state.¹⁸¹ Thus, in theory, all people defined as “vulnerable EU citizens” should have access to necessary health care in Sweden on the same terms and at the same cost as Swedish nationals.

However, many Romanian citizens in Sweden characterized as “vulnerable EU citizens” lack health insurance in Romania, and they are therefore not covered by the relevant EU regulation and cannot, according to EU (and Swedish) law, access subsidized health care in Sweden.¹⁸² Of the 58 individuals interviewed for this report, only six reported having valid health insurance in Romania and only one had a European Health Insurance Card.¹⁸³

Sweden has a universal health insurance system, which covers all citizens and residents, and health care is organized at county level. The main legislation regulating health care and medical services is the Health and Medical Services Act.¹⁸⁴ This states that the objective of health and medical services in Sweden is “good health and care on equal terms for the entire population” and states that “care shall be provided with respect for the equal value of all persons and for the dignity of the individual. Those who have the greatest need for health care and medical services shall be given preferential access to care.”¹⁸⁵ The law does not distinguish between citizens and non-citizens but does distinguish between those who are residents (*är bosatta*) of the county (*landsting*) and those who are only living there temporarily; those who are not residents still have the right to access emergency health care.

Although medical fees vary slightly across the country, on average, an adult pays about SEK200 (€20) for a visit to a GP at a health clinic and SEK400 (€40) for a visit to a hospital emergency unit. Individuals under 20 are, with few exceptions, treated free of charge.¹⁸⁶

4.2 ACCESS TO SUBSIDIZED MEDICAL CARE: VAGUE LAWS AND INCONSISTENT INTERPRETATIONS

Since 2013, individuals defined as “foreigners residing in Sweden without the support of a decision by an authority or a statute” are entitled to subsidized health care, according to a new law, the Act on Medical Care for Undocumented Migrants.¹⁸⁷ Over the age of 18, people in this group now have the right to necessary health care [“care that cannot be deferred” (*vård som inte kan anstå*)]; care during pregnancy and childbirth and post-natal care; and care in connection with abortion, and contraceptive

¹⁸⁰ Health and Medical Services Act (2017:30), Chapter 8, para. 2. See also https://europa.eu/youreurope/citizens/health/unplanned-health-care/temporary-stays/index_en.htm

¹⁸¹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, Article 17, and EU’s Administrative Commission for the Coordination of Social Security Systems, Decision No. S1 of 12 June 2009 concerning the European Health Insurance Card (2010/C106/08).

¹⁸² See, for example, Médecins du Monde Sweden, “Why do Romanian mobile EU citizens in Sweden lack the European Health Insurance Card?” (2018) available at: http://lakareivarlden.se/wp-content/uploads/2018/05/Rapport_interactive.pdf, Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, p. 60, available at: https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf, and National Board of Health and Welfare (*Socialstyrelsen*), Mapping of homelessness among foreign-born persons who lack permanent residency in Sweden (Kartläggning om hemlöshet bland utrikesfödda personer utan permanent uppehållstillstånd i Sverige), (2013), p. 32, available at: <https://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/19052/2013-5-3.pdf>

¹⁸³ Jakob to Baben, a doctor active in a group of health professionals providing care to “vulnerable EU citizens” in Jönköping, confirmed this impression: of the around 60 Romanian individuals he had met since the health service for “vulnerable EU citizens” started in 2015, he had only met one person who had a European Health Insurance Card. Phone interview, 14 August 2018.

¹⁸⁴ Health and Medical Services Act (2017:30) (Hälsa- och sjukvårdslag).

¹⁸⁵ Health and Medical Services Act (2017:30), Chapter 3, para. 1.

¹⁸⁶ See mapping by the SKL (2018), available at

https://skl.se/download/18.3ee4cc4f1611af77b89179dd/1517495154691/avgift_%C3%B6ppenv%C3%A5rd_inkl.missiv_slutenavg18_19jan18.pdf

¹⁸⁷ Act (2013:407) on health care and medical services for certain aliens resident in Sweden without necessary permits (*Lag om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd*).

advice, all at a minimum cost.¹⁸⁸ Children who are undocumented have the right to all health care and medical services on same terms as resident children; that is, free of charge.¹⁸⁹

Whether people who in Sweden are characterized as “vulnerable EU citizens” are to be considered “undocumented” or not after the first three months of their stay is subject to debate. It is therefore also not clear if after three months they should be able to access subsidized medical treatment under the Act on Medical Care for Undocumented Migrants.

The legislative history of the Act indicates that it is “not out of the question... that the proposed legislation on health services and medical services for persons residing in Sweden without a permit may also be applicable to [European] Union citizens in individual cases.”¹⁹⁰ The courts and relevant government agencies have failed to clarify what this means in practice and what the criteria are for a person in need of health care to be considered one of those “individual cases”.

The current National Coordinator noted in his interim report in 2018 that the legislation is unclear, that lack of knowledge about the 2013 law and its interpretation is widespread among caregivers and that “more knowledge is needed about who is covered by the law.”¹⁹¹ The National Coordinator made no reference to international standards on the right to health and the state’s obligation to ensure access to affordable health care for all. Worryingly, in his 2018 report, the National Coordinator claimed that one of the problematic consequences of the lack of clarity about who is covered by the 2013 law is that “misunderstandings in the encounter between caregiver and patient or mistakes in the information to the caregiver will result in patients being classified as undocumented”. In other words, the concern expressed was that some people would receive subsidized care without “really” being undocumented.¹⁹² While uncertainty in the interpretation of the law is indeed a problem, a far greater concern with regard to human rights is that it can lead to people being *denied* health care rather than “mistakenly” being *provided* with some subsidized treatment. Amnesty International’s interviews show that the denial of affordable health care to “vulnerable EU citizens” is common and that, in practice, access to necessary care for “vulnerable EU citizens” is more restricted than for other groups, including undocumented migrants.

In 2016, the Swedish Agency for Public Management (*Statskontoret*) submitted a report evaluating the implementation of the 2013 Act on Medical Care for Undocumented Migrants. According to the report, three out of four Swedish counties have determined that people characterized as “vulnerable EU citizens” are *not* covered by the law and therefore, unless they are insured in their home country, they must pay the full price for medical services.¹⁹³ The Agency recommended that the government initiate a process to clarify when EU citizens should be entitled medical care as undocumented persons.¹⁹⁴ Similar calls have been made by the Swedish Association of Local Authorities and Regions,¹⁹⁵ the former and current National Coordinators,¹⁹⁶ academics¹⁹⁷ and NGOs.¹⁹⁸

¹⁸⁸ Act (2013:407) on health care and medical services for certain aliens residing in Sweden without necessary permits, Section 7.

¹⁸⁹ Act (2013:407) on health care and medical services for certain aliens residing in Sweden without necessary permits, Section 6.

¹⁹⁰ Government Bill (Proposition) 2012/13:109, p. 41.

¹⁹¹ County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report*, pp. 39-42, available at:

<http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

¹⁹² County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report*, p. 41, available at:

<http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

¹⁹³ Swedish Agency for Public Management (*Statskontoret*), *Health care for the undocumented. Final report of the assignment to follow up the act on health care for persons residing in Sweden without permit (Vård till papperslösa. Slutrapport av uppdraget att följa upp lagen om vård till personer som vistas i Sverige utan tillstånd)*, 2016:11, p. 33, available at:

<http://www.statskontoret.se/globalassets/publikationer/2016/201611.pdf>

¹⁹⁴ Swedish Agency for Public Management (*Statskontoret*), *Health care for the undocumented. Final report of the assignment to follow up the act on health care for persons residing in Sweden without permit (Vård till papperslösa. Slutrapport av uppdraget att följa upp lagen om vård till personer som vistas i Sverige utan tillstånd)*, 2016:11, p. 87, available at:

<http://www.statskontoret.se/globalassets/publikationer/2016/201611.pdf>

¹⁹⁵ SKL Statement (*Yttrande*), *Health care and medical care to persons who are in Sweden without permit (Hälsa- och sjukvård till personer som vistas i Sverige utan tillstånd)* (Ds. 2012:36), dnr 12/5457, pp. 4-5, available at:

<http://www.vardforpapperslosa.se/files/vardforpapperslosa/SKLsvarDs2012-36.pdf>

¹⁹⁶ Swedish Government Official Reports 2016:6, (SOU 2016:6), *Searching for a future*, pp. 60-62, available at:

https://www.regeringen.se/4905f7/contentassets/b9ca59958b5f43f681b8ec6dba5b5ca3/framtid-sokesslutredovisning-fran-den-nationella-samordnaren-for-utsatta-eu-medborgare-sou-2016_6.pdf, and County Administrative Board of Stockholm (*Länsstyrelsen i Stockholm*), *Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report* pp. 41-42, available at: <http://eumedborgareisverige.se/sites/default/files/utsatta-eu-ees-medborgare-utan-uppehallsratt-sod1-eu-6.pdf>

¹⁹⁷ See, for example, Kavot Zillén, *Under-aged Union citizens’ right to health care in Sweden: about the right to health care for children who are Union citizens and who live in particular economic vulnerability (Underåriga unionsmedborgares rätt till sjukvård i Sverige: Om rätten till sjukvård för barn som är unionsmedborgare och som lever i särskild ekonomisk utsatthet)*, NST, ISSN 2000-6500, nr 15-16, pp. 109-126.

¹⁹⁸ UNICEF Sweden, *What rights do children who are EU citizens and who live in vulnerability in Sweden have? (Vilka rättigheter har barn som är EU-medborgare och lever i utsatthet i Sverige?)* (2015), pp. 26-27, available at: <https://unicef.se/rappporter-och-publikationer/vilka-rattigheter-har-barn-som-ar-eu-medborgare-och-lever-i-utsatthet-i-sverige>, and Civil Rights Defenders, *Vulnerable*

Yet, despite clear and multiple recommendations to remedy this unsatisfactory state of affairs, the government has taken no initiative to clarify the situation. In September 2018, a representative for the Ministry of Social Affairs told Amnesty International that the government is aware of the confusing legal situation, that it is taking the evaluation from Swedish Agency for Public Management seriously, and that the administration is “considering what to do about it”. This official could not, however, say when a clarification of the law could be expected or what the result of the clarification would be.¹⁹⁹

Exchanges with regional authorities on how they interpret the legislation on access to subsidized health care confirm the picture of confusion and ad hoc interpretation of the law and that the definition of “undocumented migrant” with regard to people considered “vulnerable EU citizens” is fluid. In Stockholm, the County Commissioner (*landstingsråd*) told Amnesty International that their practice is to bill “vulnerable EU citizens” for the full amount, but then to write off their debts. She said that they have not made a formal decision that “vulnerable EU citizens” should be considered undocumented after three months because such a decision could stir negative reactions. While calling the situation “unsatisfactory”, she said that she preferred to keep it “under the radar” in order not to attract unwanted attention to the issue.²⁰⁰ The same approach has been taken in Umeå, according to the County Commissioner there.²⁰¹ A high-ranking official in Umeå confirmed that the definition of whether an EU citizen without right of residence should be defined as an undocumented migrant is a “grey area”.²⁰²

In Gotland, a formal decision was made in 2015 to provide EU citizens without right of residence access to subsidized maternal, post-natal, abortion and contraceptive care – but *not* general emergency care – on the same terms as undocumented migrants.²⁰³ And in both the region including Göteborg (VGL)²⁰⁴ and the Skåne Region, where both Lund and Malmö are located, the policy is that EU citizens who lack a European Health Insurance Card pay full price for medical care. A Skåne Region official explained:

“The definition ‘vulnerable’ EU citizens is not used in the regulation of Skåne Region. Only the term EU citizens is used. If they cannot display an EU card/preliminary certificate they will be charged the full cost. The patient is responsible for paying and can reclaim the cost for health care in their home country. Individual assessment will be made by the caregiver [if no EU card/preliminary certificate is at hand] if a person residing within the EU shall be defined as undocumented.”²⁰⁵

In other words, the decision whether an EU national after three months can or should be considered undocumented is left to the individual caregiver. None of these policy documents or justifications makes any reference to the right to highest attainable standard of health and the state’s obligation to ensure that health care is accessible and affordable for all, without discrimination.

4.3 CONCLUSIONS

The right to the highest attainable standard of health obliges governments to ensure that medical services are available, accessible and affordable to all, without discrimination. In 2016, the UN Committee on Economic, Social and Cultural Rights expressed its concern that “vulnerable EU citizens”, and in particular Roma, face major obstacles in accessing basic services in Sweden and reminded Sweden that it must meet core obligations by ensuring that the minimum essential levels related to, for example, health, are respected, protected and fulfilled.²⁰⁶

The health status of people in this group is often poor and pre-existing health problems are exacerbated by difficult living conditions in Sweden. Health professionals confirmed that people considered “vulnerable EU citizens” have multiple health problems and that their access to medical care in Sweden is inadequate. Amnesty International’s research illustrates that Sweden has failed to address the serious criticism made by the UN Committee on Economic, Social and Cultural Rights and still has a long way to go in complying with the core obligation to make health care accessible to all.

Union Citizens in Sweden: The state’s obligations under Swedish law, EU law and international human rights law (2015), p. 33, available at: <https://crd.org/sv/2015/12/10/utsatta-unionsmedborgare-i-sverige/>

¹⁹⁹ Phone call from official at the Ministry of Social Affairs, 27 September 2018.

²⁰⁰ Interview with Anna Starbrink, County Commissioner, Stockholm County Council, 9 February 2018.

²⁰¹ Phone interview with Peter Olofsson, County Commissioner, Västernorrland County Council, 20 December 2017.

²⁰² Phone interview with spokesperson for Västernorrland County Administration, 18 January 2018.

²⁰³ County Council Gotland, minutes (protokoll), decision § 85, 27 June 2015, available at: <https://www.gotland.se/86266>

²⁰⁴ Email to Amnesty International from a Regional Developer, Region of Västra Götaland, 9 August 2018.

²⁰⁵ Email to Amnesty International from the Skåne Region, 14 August 2018.

²⁰⁶ UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Sweden, E/C.12/SWE/CO/6, 14 July 2016, paras 19-20.

The then UN Special Rapporteur on the right to health, Paul Hunt, after a visit to Sweden in 2007, noted with concern that health care is not accessible to all without discrimination in Sweden. His visit took place before the enlargement of the EU and before people identified as “vulnerable EU citizens” started arriving in larger numbers, but his comments with regard to people who lack legal status or are undocumented migrants are directly relevant to “vulnerable EU citizens” today. He concluded:

“A fundamental human right, the right to the highest attainable standard of health is to be enjoyed by all without discrimination. It is especially important for vulnerable individuals and groups. Asylum-seekers and undocumented people are among the most vulnerable in Sweden. They are precisely the sort of disadvantaged group that international human rights law is designed to protect... Accordingly, the Special Rapporteur encourages the Swedish government to reconsider its position with a view to offering all asylum-seekers and undocumented persons the same health care, on the same basis, as Swedish residents. By doing so, Sweden will bring itself into conformity with its international human rights obligations.”²⁰⁷

Since the visit of the Special Rapporteur, Swedish law on access to health care for undocumented migrants has changed, with the adoption of the 2013 Act on Medical Care for Undocumented Migrants. The Special Rapporteur’s recommendations to Sweden have, thus, been implemented to some degree. However, the Special Rapporteur’s comments still have relevance for people Sweden categorizes as “vulnerable EU citizens”, a group that still has minimal protection and one that today can be said to be, in the words of the Special Rapporteur, “precisely the sort of disadvantaged group that international human rights law is designed to protect”.

Many of those interviewed confirmed that they receive bills which they cannot hope to pay and which are for much larger sums than a Swedish resident would be asked to pay and also significantly more than an undocumented migrant would be charged in the same situation. Even if hospitals or county administrations do not actively seek to enforce payment, the fact that individuals in this group are charged much more than others is discriminatory and discourages people from seeking medical care. It is also, from a public health perspective, counter-productive not to provide care promptly and before conditions worsen, as later medical attention may well require more extensive and expensive treatment.

Lack of clarity on whether EU citizens are covered by the Act on Medical Care for Undocumented Migrants is a serious concern. The fact that “vulnerable EU citizens”, whether during their first three months or thereafter, have weaker protection of their right to subsidized medical care than all other people in Sweden, including undocumented migrants, is a breach of Sweden’s obligation to provide accessible health care to all and in particular to people belonging to marginalized groups, without discrimination.

²⁰⁷ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Doc. A/HRC/4/28/Add.2 (2007), paras 73-75.

5. POLICE TREATMENT OF “VULNERABLE EU CITIZENS”

“I haven’t done anything, why do they come to me, why do they only come to me, what have I done?”

Luiza, a 51-year-old Rudari woman from Davidesti, was sitting begging in central Stockholm when police suddenly grabbed her and dragged toward their police car.²⁰⁸

5.1 STOCKHOLM: DISPROPORTIONATE AND INTIMIDATING PRACTICE

Begging is not illegal in any part of Sweden. Efforts to introduce begging bans at the municipal level have all, thus far, been struck down on legal grounds.²⁰⁹ In some instances, municipalities can require that those who are involved in so-called “active fundraising” [*aktiv pengainsamling*] have a special permit. However, according to case law and official legal police guidelines, sitting down or standing up while reaching out a cup to ask for money from passers-by is not considered active fundraising.²¹⁰ A publicly available leaflet entitled “Legal guidance regarding begging”, published by the National Police Authority in 2015, explains how the Public Order Act should be understood in this regard. It states that in order for begging to be subject to licensing or else considered illegal it must “interfere with somebody else’s permit” or otherwise clearly hinder access or cause obstruction.²¹¹

Amnesty International’s research in five out of the six municipalities suggests that the police accept this interpretation of the law; that is, begging that does not interfere with traffic or in other ways disturb public order is not illegal, nor does it require a permit. Therefore, the police have no reason to remove those who beg under such circumstances. The municipality that in contrast has adopted a significantly different practice, at least in some districts, is Stockholm.

In Stockholm, several interviewees told Amnesty International that they had been made to move by the police and told that they “cannot sit and beg” even when they were not blocking an entrance or begging

208 Interview with “Luiza”, 21 December 2017.

209 In June, 2018, the municipality of Eskilstuna decided to introduce begging licences: in order to be allowed to beg in Eskilstuna one would have to apply, pay SEK100 (€10) a day, and be individually examined in order to get a licence. In July 2018, the County Administrative Board in Södermanland struck down the decision on legal grounds. The municipality had not shown that begging had “caused serious nuisance or had disturbed the legal order” to the extent that the Public Order Act required, in order for licensing to be introduced. Decision 10 July 2018, County Administrative Board Södermanland, Dnr 213-4743-2018. The municipality has appealed the County Administrative Board’s decision; at the time of writing the case is pending in the administrative court in Eskilstuna.

210 Södertälje tingsrätts dom den 21 februari 2014 i mål nr B 266-14 and Juridisk vägledning angående tiggeri – för poliser i yttre tjänst (2015). At <https://eumedborgareisverige.se/sites/default/files/juridisk-vagledning-angande-tiggeri.pdf>

211 Police Authority, Legal guidance on begging – for police on duty patrol (Juridisk vägledning angående tiggeri -- för poliser i yttre tjänst), 2015, available at: <https://eumedborgareisverige.se/sites/default/files/juridisk-vagledning-angande-tiggeri.pdf>

in an assertive or aggressive way. Some of them described how the police forced them into a police car and drove them out of town, often leaving them in locations a considerable distance away and from where it was difficult for them to make their way back. Several told Amnesty International that they felt harassed, shocked and fearful. All those who had been dealt with in this way were women wearing the type of clothing associated with traditional Roma dress.

“The police said: ‘Romania, mafia, go, go!’”

Luiza, a 51-year-old Rudari woman, told Amnesty International:

“Previously, [the police] hadn’t touched me. But today they touched me... They pulled me up from where I was sitting and dragged me toward their police car. They dragged me about 20 metres. I started crying and screaming... I haven’t done anything, why do they come to me, why do they only come to me, what have I done?”²¹²

Luiza said she managed to get her phone out of her pocket to make a call, but one police officer said: “No, no cell phone” and did not let her make the call. As the male officer was dragging Luiza along by the arm, two women passers-by saw what was going on and shouted at the police officer to stop and grabbed Luiza’s other arm. The police officer let go of Luiza and went back to the car. A woman police officer then got out of the car and gestured at Luiza to leave, saying: “Romania, Mafia, go, go!” Luiza told Amnesty International she was overcome with fear: “I felt like I was dying.”²¹³

Ana, a 40-year-old Roma woman from Bacau who had spent less than a year in Sweden, told Amnesty International that the police had dragged her into their car and driven her away three times as she was begging outside stores in Stockholm. She described one such incident:

“I sat outside a tobacco store. I didn’t see them, they came behind me, parked the car behind me. They gestured at me, ‘don’t sit, we will take you if you do it again’. Then they took me. I protested in Romanian. They gestured, put on their gloves and then dragged me into their car. I asked ‘Why? Why?’ They pushed me in by force and drove me to the big Postal Terminal. I didn’t know where I was, but I asked for the Central Station and was shown how to get to the subway. I was scared. I got back around 10 in the evening. They took me perhaps around 8.”²¹⁴



JELENA

Jelena, a 39-year-old woman of Turkish origin from Babadag, said she had never had any interaction with the police until a week before her interview with Amnesty International in February 2018. At that time, she had been in Stockholm for almost three years and during that whole time she had been begging outside the same grocery store in central Stockholm. In that week in February, she had been approached by the police four times. The first time, a police car came and the police officer gestured to her that she could not sit where she was sitting and that she should leave. She left.

A couple of days later another policeman came, he took her belongings and stuffed them into his car. Jelena followed her belongings into the car. He did not ask her to get up and leave first. “If he had, I would have left my spot,” said Jelena. “I cried, I said, ‘what can I do? What can I do?’” There were two police officers, one driving the car and another sitting next to her in the back seat. Jelena told Amnesty International that they talked to one another, in Swedish, but did not address her. They took a picture of her ID card. At one point one of the officers opened the car window and Jelena said he gestured that he thought she smelled bad. “I tried to explain to him that I am trying to stay clean but that it’s hard, I sleep in a shelter.” She continued:

“I don’t know where they drove me. I think it was about six stations away, by commuter train, not subway. They let me out in a place where a lot of construction was going on, a building site. There was a highway. They let me out, and just said ‘Bye bye Jelena’, and drove away. I asked people,

²¹² Interview with “Luiza”, 21 December 2017.

²¹³ Interview with “Luiza”, Stockholm, 21 December 2017.

²¹⁴ Interview with “Ana”, Stockholm, 28 November 2017. (The name has been changed to respect the interviewee’s anonymity.)

*'Stockholm? Stockholm?' It was far from a station, people showed me where I had to go. It was difficult to find the way.'*²¹⁵

The same thing happened again later that week. Jelena was driven out of town three times that week, each time to a different location.

Amnesty International requested and obtained the police protocols documenting the interventions against Jelena. These show that in addition to the three times she was removed prior to the conversation with Amnesty International, she was also removed twice more a few weeks later.

The allegation in the protocols is that Jelena needed a permit to beg, contrary to the standard interpretation of the Public Order Act, and, since she lacked such permit, could be removed. All five times, the basis for the police intervention was to "interrupt ongoing criminal activity" because she did not have a permit to sit outside the store. In addition, on three occasions it was claimed Jelena "constitute[d] a serious threat to public order" and on three occasions that she was "disturbing public order". On three occasions, the protocols claimed that the issue was one of constituting an obstacle for visually impaired people and hindering sanitary work:

*"[Jelena] constitutes a serious threat to public order because she constitutes an unnatural obstacle for individuals who are visually impaired and also that it is impossible to perform sanitary work in a satisfying manner when she sits on the sidewalk."*²¹⁶

There is no mention of a complaint, either from a member of the public or the owner of the shop, about Jelena's presence or any obstacle she supposedly posed. Jelena told Amnesty International: "whenever the person who cleans comes I try to move but he says 'no, it's ok, you can stay where you are'".²¹⁷ She also said that no visually impaired person had tried to enter the shop. All the interventions appear to have been initiated by the police officer.

In 2016, when the Stockholm police introduced a new policy for "better accessibility on streets and sidewalks", representatives for organizations of people with visual impairment and other forms of disability reacted against the notion that people who beg would be a problem for them. In a media interview, the Chief of Staff of the Stockholm chapter of a national NGO for people with physical disabilities, said:

*"No, [individuals who beg] are not a problem. They have never been a problem and will never be a problem. That is just an excuse... An inaccessible city is a much greater problem, for example with all the outdoor restaurants. Beggars have nothing to do with our issues. It is a very, very poor excuse. There is no such problem at all."*²¹⁸

In June 2018, Jelena returned to Sweden after having spent two months in Romania. One week after her return, she contacted Amnesty International and said that the police officer had come back the day before. She said that he took her and another woman to the police van. The police officer who had approached her only said: "Romania, Romania." They then dropped the two women off north of the city. It took them two hours to get back.²¹⁹



ZINICA

Zinica is a 28-year-old Roma woman from Iași who supports herself in Sweden by begging, collecting cans and bottles for recycling, and occasionally working for a cleaning firm. She described her encounters with the police in central Stockholm to Amnesty International:

*"I was collecting cans. I looked for cans in a container, [the policeman] came up to me and said 'Look, you cannot be here, if I find you here again I will take you to the police station.' He walked with me to the bridge [separating the Old Town from the city centre] and said, 'from here and to there you are not allowed to be'. He has said it several times, but he has never taken me to the police station... he says we cannot beg, we cannot sit down."*²²⁰

²¹⁵ Interview with "Jelena", Stockholm, 27 February 2018. (The name has been changed to respect the interviewee's anonymity.)

²¹⁶ Police Authority documentation/protocol (Protokoll, beslutsingripande över tvångsåtgärder enligt PL/LOB), 20 February 2018.

²¹⁷ Interview with "Jelena", Stockholm, 27 February 2018.

²¹⁸ Sebastian Nikula, Chief of Staff of the Stockholm chapter of the Disability Rights Organization DHR (Delaktighet, Handlingskraft, Rörelsefrihet). According to Gustav Gelin, "Physically disabled and visually impaired: Beggars are absolutely no problem" ("Rörelsehindrade och synskadade : Tiggare är absolut inget problem"), ETC Stockholm, 20 May 2015, available at:

<https://stockholm.etc.se/inrikes/rorelsehindrade-och-synskadade-tiggare-ar-absolut-inget-problem>

²¹⁹ Interview with "Jelena", Stockholm, 13 June 2018.

²²⁰ Interview with Zinica, Stockholm, 29 November 2018.

Amnesty International was with Zinica when she and another Roma woman were sitting begging outside a store in the southern part of central Stockholm in January 2018. The women were not blocking a doorway or causing any obstruction. A policeman approached them on Segway and made hand gestures to the two women, indicating that they had to leave. When Amnesty International asked what he was doing, the policeman said that they could not sit on the sidewalk because this was deemed to be “utilizing public space”, which required a permit according to the Public Order Act. When asked how he had come to this interpretation of the law, which was so different to police practice in other parts of Sweden, he merely answered: “our lawyers have determined this... here, we follow the law.”

5.2 LACK OF CLARITY ON WHAT CONSTITUTES A PUBLIC ORDER OFFENCE AND CONTRADICTORY POLICE RESPONSES

In response to Amnesty International’s request for a written explanation about the incidents it had witnessed and the interpretation of the Public Order Act regarding “vulnerable Roma EU citizens”, the Deputy Head of Police of the City of Stockholm, replied:

“The point of departure is that it is not prohibited to sit and beg as long as the person is not in anybody’s way. We tend to ask people to move if they sit by the entrance to a store or right by a cash machine where somebody might trip and fall or where people may not be able to pass with a stroller, a wheelchair, etc. Then obviously, an assessment has to be made on a case-by-case-basis. But begging as such is not banned and we also have no ground for making up reasons to ‘get to it’ if the person is not in anybody else’s way.”²²¹

Yet, in a subsequent meeting with the Södermalm police district, which is the part of Stockholm where most of the individuals Amnesty International interviewed reported being targeted and removed by police, police representatives painted a different picture. A spokesperson for the police district acknowledged to Amnesty International that their local policy is to tell people who beg to leave their spots, claiming that it was because they had received complaints from the public and from shop owners. The spokesperson said that they have a policy of “active policing” or “safety promotion” [*trygghetsskapande*] – the presence of uniformed police in the urban landscape – which means that police officers will actively intervene when there are issues disturbing public order.²²²

When asked if the policy means that they will remove individuals who beg regardless of whether they are in the way, blocking entrances or hindering passers-by, the police spokesperson responded that this is determined on a case-by-case basis. He said that it is true that individuals are sometimes driven out of town, but insisted that this only happens when they have been asked several times to leave and have refused to do so. Neither he nor his colleague could describe how this plays out in practice and where individuals are taken. They did not concede that the practice had a discriminatory intent or outcome. The spokesperson was unable to confirm whether in their actions police take into account the fact that many of those removed in this way lack the literacy skills or money to make their way back to town. When Amnesty International underscored that the police, in cases when the law is unclear, should take the measure that is least intrusive and disruptive to the individual,²²³ the spokesperson conceded that there is uncertainty and stated that the police authority would welcome case law to clarify the matter, but that in the meantime, they would continue their current practice.²²⁴

²²¹ Email from Deputy Head of Police, City of Stockholm, to Amnesty International, 29 January 2018.

²²² Statement made at a meeting between the Södermalm police district, Amnesty International, Civil Rights Defenders and HEM, Stockholm, 5 April 2018.

²²³ See, for instance, the Police Act (1984:387), §8.

²²⁴ On 24 October 2018, civil society organizations Civil Rights Defenders and HEM submitted a joint complaint to the Parliamentary Ombudsman (Justitieombudsmannen) regarding the practice of forcibly removing people who beg, on behalf of a woman who has repeatedly been subjected to the practice. The complainants argued that the police practice is unlawful and violates the police’s responsibility to act proportionately to the intended aim. They have asked the Ombudsman for legal clarification on the matter. See Civil Rights Defenders press release, available at <https://crd.org/sv/2018/10/24/civil-rights-defenders-och-foreningen-hem-jo-anmalder-polisen/>

POLICE BOOKLET – REINFORCING STEREOTYPES

In 2017, the National Police Authority published a booklet entitled *Begging, unlawful settlements and crimes against the Law on Public Order, the Environmental Code, or the Criminal Code*, with brief information in Swedish, English, Romanian and Bulgarian and pictures illustrating basic Swedish rules such as the prohibition on littering, urinating or defecating in public spaces and on sleeping on sidewalks or streets.²²⁵ The booklet was intended for use by police officers in interactions with people breaking these rules and the pictures were designed to help convey the dos and don'ts in cases where people could not read.

Amnesty International and other civil society and Roma organizations strongly criticized the pictures: they were photographs of individuals in traditional Roma clothing engaged in different activities, all crossed out with big red lines. This imagery, Roma rights activists argued, conveyed the message that only Roma beg, litter, or commit infractions and thus reinforced stereotypical conceptions about Roma. Further, the red lines could be understood to signal that Roma were not welcome in the public domain.²²⁶

After public criticism, the Police Authority withdrew the booklet. In a meeting with Amnesty International, the then National Police Commissioner, Dan Eliasson, admitted that he himself had not seen the booklet but his standpoint was that, "if anybody feels upset or hurt", it was natural to withdraw the material. He assured Amnesty International that the Swedish Police Force is "based on values", that "violations and wrongdoing do not belong in the organization", and that he would take any evidence that suggested the contrary very seriously.²²⁷

After its withdrawal, the booklet was replaced with a new version in which drawings had been substituted for the photographs. The drawing accompanying the text "Loitering is not permitted on pavements or roads if doing so obstructs drivers, riders or pedestrians" is of a woman in traditional Roma clothing sitting down on a sidewalk with a cup in front of her, begging.²²⁸ The fact that an image of a person who is clearly Roma and who begs, is used to illustrate a general prohibition of certain forms of loitering, shows that the police did not fully understand the criticism and have not responded adequately to calls for imagery that does not reinforce pre-existing harmful stereotypes.

5.3 CONCLUSIONS

Amnesty International's research found that different police districts interpret the law differently in relation to people considered to be "vulnerable EU citizens" who beg. In some districts of Stockholm, the police are systematically removing individuals who regularly beg but who are not causing an obstruction, whereas this is not the interpretation of the Public Order Act in other parts of the country.

Written guidelines and statements from representatives of the Police Authority also contradict one another. In spite of the Deputy Head of the Stockholm police assurances that the police should not make up reasons for "getting to it", referring to begging, this appears to be precisely what is happening. Begging is not illegal but the women interviewed by Amnesty International described how the police in Stockholm act as if it were, systematically removing those who sit and beg. When asked about the practice of forcibly removing people who beg in Stockholm, the police conceded that the law was unclear, but still stood by their practice.

The women's testimonies also suggest that the treatment is disproportionately harsh. The police officers appear not to have taken into account that the affected individuals do not speak Swedish and also, in some cases, cannot read or write. Therefore, their removal out of town to places they did not know and from where they may not know how to return has had a disproportionately negative impact on them. The women interviewed by Amnesty International described the fear they experienced and the sense of harassment.

²²⁵ Police Authority, *Begging, unlawful settlements and crimes against the Law on Public Order, the Environmental Code, or the Criminal Code* (Tiggeri, olovliga bosättningar och aktuella brott mot ordningslagen, miljöbalken eller brottsbalken), booklet (2017).

²²⁶ See, for instance, P. Letmark, "Police booklet reported for discrimination against Roma" ("Polisens handbok anmäls för diskriminering av romer") *Dagens Nyheter*, 5 June 2017, available at: <https://www.dn.se/nyheter/sverige/polisens-handbok-anmals-for-diskriminering-av-romer/>

²²⁷ Meeting between Amnesty International and National Police Commissioner Dan Eliasson, 28 August 2017.

²²⁸ Police Authority, *Information to EU citizens who visit Sweden and live or sleep outdoors* (Information till EU-medborgare som besöker Sverige och bor eller sover utomhus), October 2017, available at: https://eumedborgareisverige.se/sites/default/files/Information%20till%20eumedborgare_folderA5_171031_skarm.pdf

So far, the Stockholm police have failed to acknowledge the intrusiveness and potentially discriminatory intent and/or impact of this practice, which targets in particular women who are “vulnerable EU citizen” and who are, or are assumed to be, Roma. Statements from rights holders and from police representatives suggest there is ethnic profiling and discrimination against Roma people in police behaviours and operations in Stockholm.

Furthermore, negative stereotypes in the depictions of Roma from the police can also be found in the booklet published in 2017. In spite of the concerns expressed and a supposed attempt by the police to respond to them, this publication still contains stereotypical and stigmatizing images of Roma, illustrating a failure by the police to recognize the discriminatory nature of such imagery.

In 2013, a Swedish newspaper revealed that the Skåne police, in the south of Sweden, kept a register of thousands of individuals where the only common denominator was that they were Roma, or related to Roma.²²⁹ In April 2017, an Appellate Court found that this was a case of ethnic profiling and in May that year all 4,700 individuals in the register were awarded damages for the harm they had suffered.²³⁰ Given this record of ethnic profiling of Roma by police, the Stockholm police practice is particularly worrying. In spite of assurances from the National Police Commissioner that discrimination against Roma has no place in the Swedish police, five years after the discovery of the Skåne police register, there appear still to be structural anti-Roma sentiments and attitudes within the police force.

²²⁹ N. Orrenius “Over a thousand children part of illegal mapping” (“Över tusen barn med i olaglig kartläggning”), *Dagens Nyheter*, 13 September 2013, available at: <https://www.dn.se/nyheter/sverige/over-tusen-barn-med-i-olaglig-kartlaggning/>

²³⁰ Information from the Chancellor of Justice, available at: <https://www.jk.se/skadestand/kringresanderegistret/>

6. INTERNATIONAL HUMAN RIGHTS STANDARDS

Sweden has ratified most international and European regional human rights treaties including: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); and the European Social Charter (ESC).

These treaties set out a series of rights that are relevant for the issues detailed in this report, for example:

- The right of everyone to an adequate standard of living – including adequate food, clothing, housing, water and sanitation – and to the continuous improvement of living conditions (ICESCR Article 11); the right to protection against poverty and social exclusion, including effective access to employment, housing, education, culture and social and medical assistance (ESC Article 30); the right to housing (ESC Article 31).
- The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including the creation of conditions which would assure to all medical service and medical attention in the event of sickness (ICESCR Article 12); the right to protection of health (ESC Article 11).
- The right not to be subjected to torture or to inhuman or degrading treatment or punishment (ECHR Article 3 and ICCPR Article 7).

The right to freedom from discrimination is enshrined in all human rights instruments. For example, the ECHR prohibits discrimination “on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status” (Article 14).

The UN Committee on Economic, Social and Cultural Rights has emphasized that the ICESCR covers everybody within a state party’s jurisdiction and that discrimination cannot be justified: “The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.”²³¹ Similarly, the UN Committee on the Elimination of Racial Discrimination, has stated that CERD requires, among other things, the “remov[al of] obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health.”²³²

The Appendix to the Revised European Social Charter, on the scope of the Charter with regard to protected persons, states that most articles under the ESC “include foreigners only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned”.²³³ Examining this issue, in cases specifically relating to Roma of Bulgarian and Romanian origin residing in France and Italy, the European Committee on Social Rights has determined that all

²³¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/20, para. 30. The Covenant specifies that exceptions can be made for non-nationals, but only for developing countries and under certain limited circumstances: “[D]eveloping countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.” ICESCR, Article 2(3). This qualification does not apply to a wealthy country such as Sweden, which has an obligation to provide human rights to all within its territory.

²³² UN Committee on the Elimination of Racial Discrimination, General Recommendation 30, Discrimination against non-citizens, UN Doc. CERD/C/64/Misc.11/rev.3, para. 29.

²³³ Revised European Social Charter (1996), Appendix, ETS 163, para. 1.

rights under the Charter apply to all individuals in the Roma population under review.²³⁴ EU citizens without a right of residence are, under EU law, technically speaking only legally in the territory for the first three months. However, the Committee has stated that “it is extremely complex... to distinguish to whom the protection guaranteed by the Charter and its Appendix applies without restrictions. The Committee considers that the lack of identification possibilities should not lead to depriving persons fully protected by the Charter of their rights under it.”²³⁵ Thus, even those who have stayed for longer than three months fall within the scope of the full Charter. The Committee has also underlined that the right to life and dignity apply to all, including those who otherwise would fall outside of the scope of protection,²³⁶ for example: “legislation or practice which denies entitlement to medical assistance to foreign nationals, within the territory of a State Party, even if they are there illegally, is contrary to the Charter”.²³⁷

In Sweden, international treaties must be incorporated into domestic law in order to become directly applicable. To date, only the ECHR has been incorporated.²³⁸ Nevertheless, with regard to other binding international treaties, all courts and public agencies are obliged to interpret existing domestic law *in the light of all Sweden’s binding human rights commitments*. This means that to the extent possible, within the limits of Swedish law, the spirit and letter of international human rights law must permeate the application of domestic legislation. This duty is called interpretation in conformity with a treaty [*fördragskonform tolkning*] and applies to national, regional and local levels of public administration and the judiciary.²³⁹

THE RIGHT TO ADEQUATE HOUSING

The right to adequate housing is part of the right to an adequate standard of living, as set out in Article 11(1) of the ICESCR, but has evolved into a freestanding right and one that is intrinsically linked with other human rights. As noted by the UN Office of the High Commissioner for Human Rights in 2014:

Access to adequate housing can be a precondition for the enjoyment of several human rights, including the rights to work, health, social security, vote, privacy or education. The possibility of earning a living can be seriously impaired when a person has been relocated following a forced eviction to a place removed from employment opportunities. Without proof of residency, homeless persons may not be able to vote, enjoy social services or receive health care. Schools may refuse to register slum children because their settlements have no official status. Inadequate housing can have repercussions on the right to health; for instance, if houses and settlements have limited or no safe drinking water and sanitation, their residents may fall seriously ill.²⁴⁰

The UN Human Rights Committee has pointed to the connection between the right to life and the right to adequate housing, noting that homelessness often leads to serious health problems and can even result in death. Article 6 of the ICCPR (the right to life) therefore requires states to adopt positive measures to address homelessness.²⁴¹ The UN Special Rapporteur on adequate housing has developed this body of thought, stressing the close relationship between the right to life and the right to housing:

“The right to life does not actually belong to one or the other category of human rights. Lived experience illustrates that the right to life cannot be separated from the right to a secure place to live, and the right to a secure place to live only has meaning in the context of a right to live in dignity and security, free of violence.”²⁴²

²³⁴ See European Committee on Social Rights, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, and European Committee on Social Rights, Médecins du Monde - International v. France, Complaint 67/2011.

²³⁵ European Committee on Social Rights, Médecins du Monde - International v. France, Complaint 67/2011, para. 33.

²³⁶ See, for example, European Committee on Social Rights, Médecins du Monde - International v. France, Complaint 67/2011, para. 34; European Committee on Social Rights, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, para. 33; and International Federation of Human Rights Leagues (FIDH) v. France, Collective Complaint No. 14/2003, paras 30-32.

²³⁷ International Federation of Human Rights Leagues (FIDH) v. France, Collective Complaint No. 14/2003, para. 32.

²³⁸ In June 2018, the Swedish Parliament voted to adopt a legislative proposal to the effect that the Convention on the Rights of the Child also be incorporated into Swedish law. The new law will enter into force on 1 January 2020.

²³⁹ See, for instance, The Swedish government report to the UN Human Rights Committee for the seventh periodic review under the ICCPR, 24 July 2015, UN Doc. CCPR/C/SWE/7, para. 17.

²⁴⁰ Office of the UN High Commissioner for Human Rights, The right to adequate Housing, Fact Sheet, UN Doc No. 21 Rev.1. (2014), available at: https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

²⁴¹ UN Human Rights Committee, Concluding Observations Canada, CCPR/C/79/Add. 105, 7 April 1999, para. 12. See also UN Human Rights Committee, Draft General Comment No. 36 on article 6 of the International Covenant on Civil and political Rights, on the right to life, July 2017, para. 30, available at https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf

²⁴² Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/71/310, 8 August 2016, p. 2.

The European Committee on Social Rights has also emphasized, under the right to housing and the state's obligation to prevent homelessness, that the right to shelter is closely connected to the right to life and the right to respect for every person's human dignity. Therefore, state parties are required to provide shelter to people even when they are "unlawfully present in their territory for as long as they are in their jurisdiction".²⁴³ In its 2015 review of Sweden, the European Committee on Social Rights noted that the right to shelter had not been implemented fully in Sweden as the law did not prohibit eviction from emergency accommodation/shelters without alternative accommodation being provided. In so doing, the Committee reminded Sweden that evictions where people are not provided with alternative accommodation "place the persons concerned in a situation of extreme helplessness which is contrary to the respect for their human dignity".²⁴⁴

The ECHR, which has been incorporated into Swedish legislation, does not explicitly impose a positive obligation on states to provide housing, but the European Court of Human Rights has found that the living conditions caused by being homeless, in certain circumstances, can constitute inhuman and degrading treatment, which is prohibited under the ECHR.²⁴⁵ Similarly, the Court has found that inaction on behalf of the state in providing housing, particularly when marginalized individuals are involved, can reach the level of severity required to constitute humiliating treatment within the scope of Article 3 of the Convention.²⁴⁶ The Court has repeatedly stated that Roma and Travellers in Europe, as a result of their history of discrimination and marginalization, constitute a vulnerable group and that they, therefore, require special protection.²⁴⁷ The UK House of Lords, in a case involving a group of asylum-seekers, has found that a failure to provide accommodation when this exposes individuals to a real risk of becoming homeless and without food, in certain circumstances can constitute inhuman and degrading treatment, prohibited under Article 3 of the ECHR.²⁴⁸

The right to adequate housing and the right not to be subjected to inhuman and degrading treatment apply to all, regardless of nationality or social status. Therefore, under international human rights law Sweden has an obligation to ensure this right for marginalized, homeless EU citizens irrespective of their residency status.

THE RIGHT TO WATER AND THE RIGHT TO SANITATION

Access to water is a human right that is indispensable for leading a life in human dignity.²⁴⁹ According to the UN Committee on Economic, Social and Cultural Rights, one of the core obligations of states under the ICESCR is to ensure the right of access to water and water facilities and services on a non-discriminatory basis, especially for disadvantaged or marginalized groups.²⁵⁰ The Committee has clarified that any payment for water services must be based on the principle of equity, ensuring that such services are affordable for all and that "[e]quity demands that poorer households should not be disproportionately burdened with water expenses as compared to richer households."²⁵¹ The obligation to provide affordable water services extends to all, including homeless people, people living in informal settlements and nomadic and traveller communities.²⁵² Similarly, the human right to sanitation, which is a free-standing right, entitles everyone without discrimination to sanitation that is physically accessible and affordable. Sanitation services should, according to the UN General Assembly, be safe, hygienic, secure, socially and culturally acceptable, and should provide privacy and ensure dignity to all.²⁵³

THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

The right to the highest attainable standard of health is guaranteed in several human rights instruments including the ICESCR (Article 12) and the ESC (Article 11). The UN Committee on Social, Economic and Cultural Rights has specified that the right to health contains a right to *available* health care,

²⁴³ European Committee on Social Rights, *European Roma and Travellers Forum v. France*, Complaint 64/2011, para. 126.

²⁴⁴ European Committee on Social Rights, Conclusions 2015, Sweden (January 2016), Article 31 para. 2 – Reduction of homelessness (Right to shelter).

²⁴⁵ See, for example, *Moldovan and others v. Romania* (41138/98 and 64320/01), European Court of Human Rights (2005).

²⁴⁶ *M.S.S. v. Belgium and Greece* (30696/09), European Court of Human Rights (2011). See also *Warda Osman Jasin v. Denmark*, Human Rights Committee, UN Doc. CCPR/C/114/D/2360/2014 (2015).

²⁴⁷ See, for example, European Court of Human Rights: *Chapman v. the United Kingdom*, (27238/95) (2001) para. 96; *D.H. and Others v. the Czech Republic* (57325/00) (2007) para. 182.

²⁴⁸ *R. (Adam and Limbuela) v. Secretary of State for the Home Department*, [2005] UKHL 66 (United Kingdom House of Lords, 3 November 2005).

²⁴⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No.15, The right to water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/2002/11.

²⁵⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No.15, para. 37 (b).

²⁵¹ UN Committee on Economic, Social and Cultural Rights, General Comment No.15, para. 27.

²⁵² UN Committee on Economic, Social and Cultural Rights, General Comment No.15, para. 16 (c) and (e).

²⁵³ Resolution adopted by the General Assembly on 17 December 2015, The human rights to water and sanitation, A/RES/70/169, para. 2.

accessible and affordable to all, without discrimination.²⁵⁴ Ensuring the right of access to health facilities, goods and services on a non-discriminatory basis, especially for marginalized groups, is part of the core obligations under the ICESCR.²⁵⁵ The Committee has also stated that states must refrain from denying or limiting equal access, mentioning specifically “minorities, asylum-seekers and illegal immigrants”.²⁵⁶ Similarly, the European Social Committee has underlined that, under the ESC, state parties have a positive obligation to ensure that migrants, whatever their residence status, enjoy adequate access to health care. With regard to migrant Roma, in particular, the European Social Committee has found that states must address the specific problems faced by certain Roma communities that stem from their often unhealthy living conditions and the difficulties they face in accessing health services in their country of residence.²⁵⁷

A HUMAN RIGHTS APPROACH TO BEGGING

Several human rights bodies have established that the criminalization of begging is incompatible with a number of human rights principles, such as the right to an adequate standard of living, freedom of expression, the freedom of movement, and the right to non-discrimination. The Council of Europe Commissioner for Human Rights, Nils Muižnieks, for example, has pointed to the link between “anti-Gypsyism” and begging bans in current European discourse and has emphasized the discriminatory impact on Roma inherent in such bans. He has described recent bans on begging as efforts “to criminalise the presence of Roma in public spaces”.²⁵⁸ The UN Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda, has argued:

“Bans on begging and vagrancy represent serious violations of the principles of equality and non-discrimination. Such measures give law enforcement officials wide discretion in their application and increase the vulnerability of persons living in poverty to harassment and violence. They serve only to contribute to the perpetuation of discriminatory societal attitudes towards the poorest and most vulnerable.”²⁵⁹

Several national courts have found that efforts to criminalize begging violate constitutional principles of equality before the law, freedom of expression and other rights.²⁶⁰ Amnesty International opposes blanket criminal bans on begging as discriminatory and disproportionate state responses to situations of poverty. Instead of punishing and further marginalizing those living in poverty, the government should prioritize inclusion measures, social and support services and poverty-reduction initiatives that address the underlying factors that lead people to engage in begging.

UNITED NATIONS CONCERN OVER THE HUMAN RIGHTS SITUATION FOR ROMA EU CITIZENS IN SWEDEN

In 2016, both the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights reviewed Sweden’s compliance with its human rights obligations and both committees issued critical remarks on the treatment of Roma EU citizens living in a marginalized situation in Sweden. The UN Human Rights Committee stated:

“The vulnerable position of citizens of other European Union countries of Roma origin who, because of their lack of formal residency status in the State party, have only limited access to social benefits, subsidized health care and education, is also a matter of concern (arts. 2 and 26). The State party should take all measures necessary to ensure equal access by Roma to various opportunities and services, including to education, employment, housing and health care, without discrimination. It should also ensure that all individuals within its jurisdiction, including vulnerable Roma citizens of other European Union countries, enjoy equal rights

²⁵⁴ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/2000/4, para. 12.

²⁵⁵ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/2000/4 para. 43.

²⁵⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, para. 34.

²⁵⁷ *Médecins du Monde-International v. France*, (67/2011), European Committee on Social Rights (2013), para. 144.

²⁵⁸ Council of Europe Commissioner for Human Rights Blog “Human Rights Comment: Time to Debunk Myths and Prejudices about Roma Migrants in Europe”, 16 July 2015, available at <https://www.coe.int/en/web/commissioner/-/time-to-debunk-myths-and-prejudices-about-roma-migrants-in-europe?desktop=true>

²⁵⁹ Special Rapporteur on Extreme Poverty and Human Rights Magdalena Sepúlveda Carmona and Special Rapporteur on Adequate Housing Raquel Rolnik, Foreword in “Mean Streets: A Report on the Criminalisation of Homelessness in Europe” pp. 11-12 (Samara Jones, Ed., 2013).

²⁶⁰ For a detailed description of some of these cases, see third-party intervention to the European Court of Human Rights in the pending case *Lacatus v. Switzerland*, App. No. 14065/15, by the European Roma Rights Centre, August 2016, available at <http://www.errc.org/cms/upload/file/third-party-intervention-lacatus-v-switzerland-22-august-2016.pdf>

*without discrimination and identify ways to facilitate their access to support assistance services, including social benefits, taking into account both their de jure and de facto situation.*²⁶¹

Similarly, the UN Committee on Economic, Social and Cultural Rights concluded:

“The Committee is concerned about persistent societal discrimination against Roma, despite the many measures taken to address it... The Committee is also concerned that vulnerable foreigners, including citizens of other European Union countries, and in particular Roma, face major obstacles in accessing basic social services and social assistance benefits in the State party (art. 2, para. 2)... The Committee also recalls that the Covenant rights carry core obligations of an immediate nature and that the State party must meet those core obligations by ensuring that the minimum essential levels relating to the rights to housing, health, social security and education are respected, protected and fulfilled. To that end, the Committee recommends that the State party take measures to facilitate access to basic services by vulnerable foreigners, including citizens of other European Union countries, notably those of Roma origin.”²⁶²

In 2018, Sweden was reviewed by the UN Committee on the Elimination of Racial Discrimination, which expressed concern that Roma continued to face difficulties in accessing certain human rights in Sweden. The Committee did not specifically mention non-Swedish Roma EU citizens, but, like its sister committees, highlighted the obligation to “ensure equal access *by all Roma communities* to education, employment, housing, health care and justice”.²⁶³ [emphasis added]

The Swedish government has to date failed to respond to these remarks and has declined, in meetings with Amnesty International and other civil society representatives, to comment on what action it will take to address the concerns of UN and European treaty monitoring mechanisms about the situation of “vulnerable EU citizens”, the majority of whom are Roma.

²⁶¹ UN Human Rights Committee, Concluding Observations on the Seventh Periodic Report of Sweden, CCPR/C/SWE/CO/7, 28 April 2016, paras 14-15.

²⁶² UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of Sweden, E/C.12/SWE/CO/6, 14 July 2016, paras 19-20.

²⁶³ UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined twenty-second and twenty-third periodic reports of Sweden, CERD/SWE/C/CO/22-23, para. 26.

CONCLUDING REMARKS

This report shows that people in Sweden considered to be “vulnerable EU citizens”, most of whom are Roma, live in social and legal limbo in Sweden. Amnesty International’s investigation into their situation illustrates that in many places they do not have basic access to a range of economic and social rights to which they are entitled and which are necessary for human dignity, and in some cases, to preserve health and life. Based on the fiction that “vulnerable EU citizens” are in Sweden only “temporarily”, national and municipal bodies exclude them from homelessness policies, grant only “emergency assistance” and, as part of this, provide them with only a few nights in shelter, at most, but no longer-term solutions, even in autumn and winter when temperatures regularly drop below freezing.

Duty-bearers have shown a reluctance to accept the state’s human rights obligation to ensure that all people under Swedish jurisdiction have access to human rights such as housing, medical care and water and sanitation services, without discrimination. Indeed, in response to calls for immediate solutions for people who live in informal settlements to ensure access to toilets and clean water, the authorities have taken the view that such initiatives would facilitate illegal activities and serve to consolidate poverty. This attitude shows a lack of understanding of human rights obligations and an unwillingness to adopt an incremental approach to the full realization of all economic, social and cultural rights for all.

Most of the people categorized as “vulnerable EU citizens” do not have a European Health Insurance Card because of the failure of the Romanian government to provide affordable health care to all, without discrimination. As a result of this, they are denied the subsidized health care in Sweden that other EU citizens can access, thus the discrimination they are subjected to in their home countries is reinforced in Sweden. Additionally, the lack of clarity about current legislation on access to medical services for people without legal documentation, such as undocumented migrants, means that in most regions people considered “vulnerable EU citizens” who access emergency care are billed for large sums of money, which they cannot afford.

The Swedish government’s response has to a large extent been that, for example, access to housing, water, sanitation and health care for “vulnerable EU citizens” are not matters for central government, but rather, given Sweden’s extensive degree of municipal and regional autonomy, a local authority responsibility.²⁶⁴ Yet the central government has an overall responsibility for ensuring that human rights are guaranteed across the country, as the UN Human Rights Committee, the UN Committee on Economic, Social and Cultural Rights, and the UN Committee on the Elimination of Racial Discrimination have all stressed. Authoritative documents on legal obligations towards “vulnerable EU citizens” issued by, for example, the National Board of Health and Welfare and the Swedish Association of Local Authorities and Regions do not make references to Sweden’s binding human rights obligations.²⁶⁵

A human rights perspective has also been markedly absent from the work to date of both the former and the current National Coordinators on “vulnerable EU citizens” which has been almost entirely devoid of references to state obligations. Nevertheless, under binding human rights standards everybody, regardless of legal status, is entitled to at least basic essential levels of human rights – for example, access to adequate housing, water and sanitation services and health care – for as long as they need it. Providing short-term emergency assistance or a ticket back to the country of origin does not fulfil these obligations.

Begging, which most of the 58 people interviewed for this report depend on for a living, is highly stigmatized in Sweden, and the climate has become even harsher in the past few years with politicians openly stating that those who beg are intrinsically linked to organized crime or otherwise suspect. Two of the eight parties represented in parliament have called for the criminalization of begging nationwide. However, at present, begging is not illegal in any part of the country. Nevertheless, in Stockholm, the police engage in what seems to be the systematic removal of Roma women who are begging, based on

²⁶⁴ See, for example, former Minister of Social Affairs Åsa Regnér in a parliamentary debate on the issue of state responsibility for EU citizens in vulnerable situations, 1 September 2016, available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/interpellation/utsatta-eu-medborgare_H310658

²⁶⁵ Swedish Association of Local Authorities and Regions (SKL), in guidelines on legal interpretation of municipal responsibilities vis-à-vis “vulnerable EU citizens”, state, “Sweden has an obligation to follow international conventions, for example the Child Rights Convention, which Sweden has ratified. The government has the supreme responsibility to ensure that these rights are guaranteed and that national legislation is aligned with Sweden’s obligations. Municipalities and regions apply national law.” See: *Some legal issues regarding vulnerable EU-citizens (Några juridiska frågor gällande utsatta EU-medborgare, Sveriges kommuner och landsting)*, 4 August 2017, p.10, available at: <https://skl.se/download/18.50c3b16915d977a1241d2c60/1502284642635/SKLs%20juridiska%20bed%C3%B6ring%20av%20regelverket%20f%C3%B6r%20fr%C3%A5gor%20som%20r%C3%B6r%20utsatta%20EU%20medborgare%20aug-17.pdf>.

a highly dubious interpretation of the Law on Public Order, in a practice that looks very much like ethnic profiling.

International human rights bodies have pointed to the persistent societal discrimination against Roma and have insisted that Sweden must meet its obligations to ensure rights to all within its territory. The UN Human Rights Committee has specifically urged Sweden to take into account the de facto situation of “vulnerable Roma EU citizens” who spend years in Sweden without being able to enjoy a minimum of human rights. Similarly, the EU is clear that the responsibility for fighting discrimination against Roma is one that falls not only on countries of origin but also on countries receiving migrant Roma and on the EU as a whole.

The structural, widespread discrimination against Roma in Romania is well documented. Interviewees have told Amnesty International that they are in Sweden because of the lack of opportunities to support themselves and their families in Romania. They would much rather work than beg, but did not know how to find work or had been discouraged by discriminatory attitudes in the employment office or state agencies. As a first step, the Swedish government, municipalities, regions and the National Police must acknowledge that “vulnerable EU citizens” have human rights wherever they are, including Sweden. The next step is to make this a reality by ensuring “vulnerable EU citizens” have access to adequate housing, water and sanitation services and health care. Once people have somewhere stable and safe to sleep and can access medical care, they are much better placed to access the labour market and find sustainable ways to support themselves and their families – and thereby live a life of dignity.

RECOMMENDATIONS

TO THE SWEDISH GOVERNMENT:

- Clarify that the Swedish Roma integration strategy includes *all* Roma people residing in Sweden, regardless of their nationality and regardless of whether they formally have right of residence under EU law or not.
- Adopt a national homelessness policy that makes clear that shelter must be available and accessible to all, across the country, without discrimination, including for people categorized as “vulnerable EU citizens”. Shelter must be available for the whole year round and for a period of time that allows people to organize their lives and seek work, or plan an organized return to their home country.
- Ensure that municipalities have the sufficient resources to make shelter available to all, including “vulnerable EU citizens”.
- Mandate the National Board of Health and Welfare to put in place a national support and oversight system on housing and shelter, providing support and expertise to municipalities so as to ensure an equal standard of shelter throughout the country, exchange of best practices and guarantees of non-discrimination.
- Adopt a national policy on the right to water and the right to sanitation, in line with international human rights standards, which acknowledges that the state has the paramount obligation to ensure that all present on Swedish territory, regardless of legal status or citizenship, have access to clean water and safe sanitary facilities. The policy should ensure that gender concerns, such as the specific needs of girls and women, are addressed.
- Ensure that everybody, including people considered “vulnerable EU citizens”, has access to accessible and affordable health care, in line with Sweden’s obligations under Article 12 of the ICESCR as set out in General Comment No. 14 of the Committee on Economic, Social and Cultural Rights.
- Adopt legislation that clarifies that all EU citizens in Sweden, both during their first three months in the country and thereafter, and whether they have a European Health Insurance Card or not, have a right to subsidized health care and medical services at least on the same terms as undocumented people, in accordance with the 2013 Act on Medical Care for Undocumented Migrants (2013:407).
- In the interim, adopt and disseminate a policy clarifying that EU citizens, both during their first three months in the country and thereafter, have a right to subsidized health care and medical services on the same terms as undocumented migrants.
- Instruct the National Board on Health and Welfare to elaborate guidelines for regional councils on how to ensure the right to the highest attainable standard of health for all, including for “vulnerable EU citizens”, and to disseminate these guidelines widely.
- Ensure that no criminalization of begging is introduced nationally, that such bans are not allowed at the municipal level and that no other laws or regulations are introduced that restrict the ability of people in situations of marginalization to ask for help.

TO SWEDISH MUNICIPALITIES (KOMMUNER):

- Adopt municipal action plans on combating homelessness among people considered “vulnerable EU citizens” based on an acknowledgment that it is a public responsibility to provide shelter to all, regardless of legal status or citizenship.
- Make shelter available to all in the municipality, without discrimination, all year round.
- Ensure that sufficient numbers of beds are available throughout the year and that residents can stay for a sufficient length of time so as to access societal information and plan ahead.
- Ensure that shelters are gender appropriate.
- Ensure that residents in shelters have access to societal support such as basic information, language courses, help to seek employment and access to health care, and facilitate contacts with state and municipal agencies, perhaps drawing on learnings from the holistic approaches adopted by the municipalities of Göteborg and Umeå, in close collaboration with non-state actors.
- When services are provided by NGOs or churches, ensure that these organizations have sufficient resources to fulfil their mandate and comply with their obligations, and ensure that their provision of housing services does not rely on voluntary work.
- Put in place control and support mechanisms for the supervision of NGOs and churches that provide housing services, so as to ensure that their activities are carried out in line with the principles of non-discrimination, cultural and gender sensitivity, and the right of consultation and participation for residents and people in need of accommodation.
- Create, where these do not exist, outreach teams of social workers to establish contacts with homeless “vulnerable EU citizens”, ensuring that shelter is offered to all those who are in need. The teams must have relevant cultural, language and gender expertise so as to communicate with the target group and meet their collective and individual needs.
- Put in place a scheme that ensures access to water and sanitation services and garbage collection for individuals who sleep rough. This should include drinking water taps, mobile toilets and garbage dumpsters. The scheme should apply to all, regardless of legal status, legal tenure, or citizenship.
- Ensure that the scheme addresses the specific needs of girls and women so that they can access facilities safely and manage their menstrual hygiene in safety, privacy and with dignity.
- Ensure that facilities are constructed in close consultation with affected groups so as to take into account cultural concerns and the specific needs of the individuals concerned.

TO SWEDISH REGIONAL AUTHORITIES/COUNTIES (LANDSTING):

- Ensure that, while awaiting clarification at the national level, all individuals in the region, including “vulnerable EU citizens”, have access to subsidized health care and medical services, regardless of whether they have a European Health Insurance Card or not, at least on the same terms as undocumented migrants.
- Together with health professionals, Social Services and NGOs, ensure that there is outreach to “vulnerable EU citizens” with the explicit objective of identifying those in need of medical care and ensure that they are provided with access to such care.

TO THE NATIONAL POLICE COMMISSIONER (*RIKSPOLISCHEFEN*):

- Issue guidelines, based on international human rights standards, on minimum procedural safeguards in situations when evictions of informal settlements are necessary. These procedural safeguards should include, at least:
 - a. an opportunity for genuine consultation with those affected;
 - b. adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
 - c. ensuring all persons carrying out the eviction to be properly identified;
 - d. ensuring evictions do not take place in particularly bad weather or at night unless the affected persons consent otherwise;
 - e. provision of legal remedies; and
 - f. the obligation to coordinate with Social Services.
- Publicly acknowledge the obligation of the police to protect minority and marginalized groups, such as people considered “vulnerable EU citizens”, and in all their operations ensure the Public Order Act, the Police Act and other relevant laws are applied in a non-discriminatory manner.
- Withdraw images, texts and other materials containing stereotypical depictions of Roma.
- Issue national guidelines establishing that:
 - a. so-called passive fundraising/begging is not subject to licensing;
 - b. the Public Order Act shall be narrowly interpreted with regard to so-called passive fundraising, which means that no measure shall be taken against individuals who beg when there is no actual disturbance of public order;
 - c. removals of individuals according to the Police Act §13 shall be applied with the utmost restriction to people considered “vulnerable EU citizens”, based on the understanding that such measures have a disproportionately harsh impact on members of this group.
- Disseminate these guidelines, follow up on their implementation and application in the different police districts and hold police districts and individual police officers to account if the act contrary to them.
- Ensure that representatives of all police districts take part in training on discrimination in general and anti-Roma/“anti-Gypsyism” in particular, with representatives for groups of “vulnerable EU citizens” actively participating in the design and delivery of the training.

TO THE POLICE UNION (*POLISFÖRBUNDET*):

- Carry out an awareness-raising campaign among members on “anti-Gypsyism” and the danger of stereotypical depictions of Roma, acknowledging the importance of the police acting to protect those in the most marginalized position in society, with a particular focus on “vulnerable EU citizens”.

TO STOCKHOLM POLICE DISTRICTS:

- Take immediate steps to ensure that there are no acts of harassment or removal of people considered to be “vulnerable EU citizens” who are begging in Stockholm, when there is no concrete obstruction or other breach of the law.
- Initiate dialogue with representatives for groups of “vulnerable EU citizens” to enhance understanding within the police on how the existing practice has affected them, build confidence and trust and in a respectful manner inform them about and discuss rules and regulations.
- Ensure that all individual police officers are duly informed about this change of practice and monitor how the change of practice is implemented and followed up.

TO SWEDISH ASSOCIATIONS FOR LOCAL AUTHORITIES AND REGIONS (SKL):

- Update SKL Legal Guidelines on “vulnerable EU citizens” so as to include references to binding international human rights law, including the obligations of public bodies to ensure the right to adequate housing, the right to water, the right to sanitation and the right to affordable health care for all, regardless of citizenship or legal status, and disseminate these updated guidelines to all Swedish municipalities.
- Put in place a system for exchange of best practices for municipalities and regions, highlighting local or regional policies and practices based on human rights and the recognition that human rights apply to all regardless of citizenship or legal status, so that municipalities and regions learn from one another how best to foster policies that promote human rights.

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SWEDEN: A COLD WELCOME

HUMAN RIGHTS OF ROMA AND OTHER 'VULNERABLE EU CITIZENS' AT RISK

Eastern Europeans, most of whom identify as Roma, are currently living in desperate and dangerous situations in Swedish cities and towns. Many Roma people have left structural discrimination and “anti-Gypsyism” in their home countries, mainly Romania and Bulgaria, to try to make a living for themselves and their families in Sweden. Upon arriving in Sweden, however, their hardship continues.

Many sleep in tents, cars or temporary settlements, without access to clean water, electricity and health services. The lack of access to shelter exacerbates other problems and limits their ability to find employment, compelling many to resort to begging. Freezing temperatures add to their struggle for survival.

In this report, Amnesty International explores barriers – structural, legal, and social – faced by EU citizens living in marginalization in Sweden (categorized as “vulnerable EU citizens” in Swedish policy documents). The report finds that the Swedish state fails to recognize the rights of this group. As a result, destitute EU migrants live in a social and legal limbo for years, without even a minimum of protection or support, while anti-Roma sentiments and anti-begging rhetoric permeate the public debate.

Sweden has human rights obligations toward all people in the country, including non-citizens. This includes the most marginalized and those who are most exposed to discrimination and public scorn. In this report, Amnesty International offers detailed recommendations on what the government, municipalities, regions, and the police must do to live up to Sweden’s human rights promise.