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Sweden: Sharp criticism by Parliamentary Ombudsman of Skåne police database of Romanis

Amnesty International welcomed key findings of recently made public by the Swedish Parliamentary Ombudsman (*Justitieombudsmannen*), which strongly criticized the maintenance by police in the Skåne police department of an illegal database of about 4,000 Romani people.

On 17 March, the Parliamentary Ombudsman issued its decision (No. 5205-2013) into allegations of failures in the maintenance of an illegal police database of Romani individuals, which became public following revelations in the Swedish daily *Dagens Nyheter* (*DN*) in September 2013. The database created and held by the Skåne police department, under the name Kringresande (Travellers or Nomads), according to the *DN* report, registered the names of over 4000 Romani individuals as old as one born in the late 1800s and now deceased, and children born as recently as 2011. The majority of people included on the searchable database had no recorded criminal convictions; details of children as young as two months old were reportedly registered.

Earlier investigations into the database by the Commission on Security and Integrity Protection (Säkerhets- och integritetsskyddsnämnden) and a prosecutor had already established that the database was illegal on the grounds that it did not have a clear purpose, it was not screened on a regular basis, it was not logged and it did not discern who was, and who was not, a criminal suspect.

The Parliamentary Ombudsman found the division of responsibilities within the Skåne police department to be unclear and noted that staff lacked understanding of individual responsibilities. The report also noted that any established decision-making process was not followed, resulting in unauthorized personnel making decisions regarding the database, and that the department lacked the technology to easily log and screen the database to indicate whether a listed individual was considered a suspect. The Ombudsman's report importantly found that the Skåne police department did nothing to remedy this issue once identified.

The report noted that while police may have databases containing information on people suspected of criminal offences or people involved with criminal suspects, any databases must comply with legislation, which they failed to do in this case. The Ombudsman strongly criticized the Skåne police department for these failures, placing ultimate responsibility on the County Police Commissioner, but also apportioning responsibility to the Chief of the Criminal Intelligence Unit and police staff working on the database.

The earlier investigations by the Commission on Security and Integrity Protection and a prosecutor did not establish that the database was based solely on ethnicity, and therefore could not find it illegal in that regard.

Without questioning the findings of the prosecutor and the Commission on Security and Integrity Protection, however, the Ombudsman's report found that in practice the database ended up being based on ethnicity, and that registering the details of an already marginalized ethnic group rendered the failures all the more serious.

Amnesty International considers the collection of such private information about individuals solely (whether by design or as a result of practice) on the basis of their ethnicity to be discriminatory, unnecessary and unjustified; it is clearly in violation of international and regional human rights standards, including Article 8 of the European Convention on Human Rights (ECHR), regarding the right to respect for private life, and Article 14 regarding the right to freedom from discrimination.

Targeting an ethnic minority in this way – and creating the perception in doing so that ethnicity can be linked to criminality – is directly and unambiguously discriminatory.

Amnesty International calls on all the relevant Swedish authorities to follow the recommendations of the Parliamentary Ombudsman, and to set out lessons to be learned by all law-enforcement authorities in Sweden. Swedish authorities must also ensure a root and branch search of all other police departments' databases, to ensure that no other similar registers exist. If any other similar registers are found, they must immediately be referred to the Commission on Security and Integrity Protection and the Parliamentary Ombudsman for further investigation.

For further information, see:

Sweden: Skåne police database violates human rights of Romanis, Public Statement, AI Index: EUR 42/001/2013, <https://www.amnesty.org/en/documents/EUR42/001/2013/en/>

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