



SWEDEN: RIGHTS FOR ALL? THE CASE OF RAPE SURVIVORS AND “VULNERABLE EU CITIZENS”

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW, 35TH SESSION OF THE UPR WORKING GROUP, 20-31 JANUARY 2020

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INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Sweden in January 2020. In it, Amnesty International evaluates the implementation of recommendations made to Sweden in its previous UPR, including in relation to the rights of Roma, racism and hate crimes, ratification of ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, gender equality, and the establishment of a national human rights institution.

With regard to the human rights situation on the ground, Amnesty International raises concern about the high number of cases of rape and other sexual violence affecting women and girls that never lead to prosecution; violations of the rights of so-called “vulnerable EU citizens” in Sweden, most of whom are Roma; and the failure to criminalize torture in Swedish criminal law. Amnesty International makes reference to two research reports, published in 2018 and 2019 respectively, which examine the human rights situation of “vulnerable EU citizens” and document shortcomings in providing justice for rape victims in the Nordic countries, including Sweden.

FOLLOW UP TO THE PREVIOUS REVIEW

RIGHTS OF ROMA

During its previous review in 2015, Sweden accepted recommendations on the protection of minorities, including Roma.¹ In its mid-term review, Sweden stated that it had also accepted recommendations on specific measures to protect and promote economic, social and cultural rights of Roma and presented a number of legislative and policy measures put in place since 2014.²

Amnesty International regrets that, in these measures and in its mid-term report, the government fails to specify that *all* Roma in Sweden should be included in the protection and promotion of economic, social and cultural rights, not only Roma who are Swedish nationals. The status of Roma living in Sweden who are nationals of other EU member states is unclear in Roma inclusion and integration measures and the government should rectify this situation as a matter of urgency.

¹ Report of the Working Group on the Universal Periodic Review, Sweden [A/HRC/29/13](#): Recommendations 145.92-145.100 (Russia, Armenia, Iran, Netherlands, Lebanon, Finland, Hungary). Some of these refer to “national minorities.

² [Sweden’s national mid-term report Universal Periodic Review of the United Nations Human Rights Council](#), Government of Sweden/Ministry of Foreign Affairs, 8 May 2018, p 9.

RACISM AND HATE CRIME

A number of recommendations were related to racism and hate crime.³ Sweden's follow-up to these recommendations include the adoption of "A comprehensive approach to combat racism and hate crime – National plan to combat racism, similar forms of hostility and hate crime" (*Samlat grepp mot rasism och hatbrott – Nationell plan mot rasism, liknande former av fientlighet och hatbrott*), and proposals by the Commission against Antiziganism (hostility, prejudice or racism toward Romani people).⁴ Amnesty International is concerned about the omission of Roma who are citizens of other EU member states in relation to inclusion and protection against racism and hate crime.

RATIFICATION OF ILO CONVENTION 169

Sweden also accepted four recommendations to "consider" ratifying ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, as well as a recommendation "to continue to work towards ratification."⁵ Recommendations to "ratify" the convention, however, were merely noted. In 2015, the government announced that it would work towards ratification of ILO Convention 169. These UPR recommendations were followed up by recommendations by the Human Rights Committee in 2016⁶ and the Committee on the Elimination of Racial Discrimination in 2018.⁷ It remains unclear from the mid-term review what, if anything, the government has done "to work towards ratification".

GENDER EQUALITY

Sweden accepted several recommendations on gender equality, four of which dealt explicitly with violence against women.⁸ Progress - and political will - is indicated by new policy documents and legislation: In 2017, the government launched a national strategy to prevent and combat men's violence against women, as part of the 10-year gender equality policy, *Power, goals and agency - a feminist policy for a gender equal future*. It also established a gender equality agency. The same year, Sweden submitted its first report on the implementation of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention), and in 2018, parliament adopted a new law on sexual crimes which makes sex with someone who does not voluntarily participate a criminal offence,⁹ in compliance with the

³ Sweden received 37 recommendations on preventing or combating racism, xenophobia and hate crime. [A/HRC/29/13](#): recommendations 145.31-145.32 (Lebanon, Bosnia and Herzegovina), 145.45-145-47 (Namibia, Iceland, Indonesia), 145.50-145.62 (State of Palestine, Pakistan, Sudan, Macedonia, Malaysia, Cuba, Botswana, Chile, Brazil, Sierra Leone, Turkey, Azerbaijan, Qatar), 145.70-145.84 (Libya, Comoros, Ghana, Côte d'Ivoire, Austria, India, Bahrain, Azerbaijan, Kuwait, France, Uzbekistan, Algeria, Iran, Pakistan, China), 145.88-145.92 (Algeria, Canada, USA, Pakistan, Russian Federation).

⁴ [Sweden's national mid-term report Universal Periodic Review of the United Nations Human Rights Council](#), Government of Sweden/Ministry of Foreign Affairs, 8 May 2018, p. 9.

⁵ [A/HRC/29/13](#): recommendations 145.2-145.3 (Uzbekistan, Guatemala, Nicaragua, Brazil) and 146.7 (Norway).

⁶ [Concluding observations on the seventh periodic report of Sweden, CCPR/C/SWE/CO/7](#), Human Rights Committee, 28 April 2016.

⁷ [Concluding observations on the combined twenty-second and twenty-third periodic report of Sweden](#), Committee on the Elimination of Racial Discrimination, 6 June 2018.

⁸ [A/HRC/29/13](#): recommendations 145.32 (Bosnia and Herzegovina), 145.103-145.105 (Philippines, India, Mexico).

⁹ Chapter 6 of the Swedish Penal Code: <https://www.government.se/4a95e7/contentassets/602a1b5a8d65426496402d99e19325d5/chapter-6-of-the-swedish-penal-code-unofficial-translation-20181005>

Convention. However, sexual violence against women remains pervasive in Sweden.¹⁰

NATIONAL HUMAN RIGHTS INSTITUTION

In line with 19 accepted recommendations,¹¹ the government has expressed a commitment to establish a national human rights institution in compliance with the Paris Principles,¹² including in the 2016 *Strategy for national efforts with human rights*.¹³ In early 2018, a government-appointed inquiry analyzed the establishment of such an institution, including its functions and powers, organization and guarantees of independence, and presented a proposal to the government at the end of 2018. The proposal was sent round for consultation in February-May 2019. The government has yet to present a legislative proposal.

HUMAN RIGHTS SITUATION ON THE GROUND

RAPE AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

In 2018 Sweden took a significant step towards addressing rape and other sexual violence by adopting a new law on sexual crimes which makes sex with someone who does not voluntarily participate a criminal offence.¹⁴ It also introduced a new offence of negligent rape.¹⁵

However, rape remains pervasive in Swedish society and the number of rapes reported has continued to increase over the past decade.¹⁶ In 2018, the police received 5,663 reports of rape involving people aged 15 and over; 96% of victims were women and girls.¹⁷

However, the vast majority of rape victims never report the crime to the police. In a recent study, 1.4% of the sample population stated they had been subjected to rape or sexual abuse, corresponding to approximately 112,000 people during 2017; this indicates significant under-reporting.¹⁸

Of those who do report, few rape survivors see their case heard in court. In 2017, prosecutions

¹⁰ [Time for Change: Justice for Rape Survivors in the Nordic Countries](#), Amnesty International, April 2019, p. 77.

¹¹ [A/HRC/29/13](#); and A/HRC/29/13/Add.1, recommendations 145.10-145.16 (Namibia, Ukraine, France, Indonesia, Ireland, South Africa, Togo) and 146.14-146.25 (Mexico, Tunisia, Portugal, Nicaragua, Pakistan, Sierra Leone, Sudan, Benin, Denmark, Ghana, Gabon, India).

¹² This institution should not be confused with the Swedish system of Parliamentary Ombudsmen. <https://www.jo.se/en/About-JO/>

¹³ Regeringens strategi för det nationella arbetet med mänskliga rättigheter, Govt Comm. 2016/17:29

¹⁴ Penal Code, Chapter 6, section 1, available in Swedish at <https://lagen.nu/1962:700#K6>

¹⁵ Penal Code, Chapter 6, section 1, available in Swedish at <https://lagen.nu/1962:700#K6>

¹⁶ [Time for Change: Justice for Rape Survivors in the Nordic Countries](#), Amnesty International, April 2019.

¹⁷ Anmälda brott, Brå, www.bra.se/statistik/kriminalstatistik/anmalda-brott.html

¹⁸ [Nationella trygghetsundersökningen 2018](#), Brå Rapport 2019:1.

were initiated in 11% of rape cases involving children aged between 15 and 17 and in 6% of cases involving adults. In 2018, the prosecution rate in cases involving children aged between 15 and 17 increased significantly to 26%. Prosecution in cases involving adult women were 8% in 2018 and 4% in cases with an adult male victim.¹⁹

The vast majority of rape investigations are closed by the prosecution. The low prosecution rate also affects confidence in the will and ability of the authorities to prosecute these serious crimes, both among rape survivors and the public, further exacerbating impunity for sexual violence in Sweden. There is an urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations in cases of rape.²⁰

In 2010-2012, the Prosecution and Police Authority jointly developed a best practice working method for the investigation of sexual offences against adults.²¹ However, this model is not always implemented, which has a negative impact on the quality of the investigations and hampers prosecution. Interviews of suspects are sometimes held only after a long delay, or not at all.²² The quality of the interrogation also varies. Producing results of DNA analyses at the National Forensic Centre can take up to nine months, which also impacts negatively on rape investigations.²³

The 2019 joint inspection by the Prosecution Authority and the police found that although sexual crimes should be investigated by “serious crimes” units or units specializing in violence in intimate relationships, a third of such crimes in the sample were investigated by local police without the necessary experience or expertise.²⁴ Representatives from both the police and the Prosecution Authority also expressed concern that “serious crimes” units deprioritized sexual crimes in favour of other types of crimes.²⁵

In June 2019, the police authority announced measures to strengthen its work related to

¹⁹ Handlagda brott, Brå <https://www.bra.se/statistik/kriminalstatistik/handlagda-brott.html>

²⁰ The urgent need to significantly reinforce the investigative capabilities of law enforcement authorities to ensure prompt and appropriate investigations in cases of rape was raised in Amnesty's report, *Time for Change: Justice for Rape Survivors in the Nordic Countries*, and by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), the body responsible for monitoring the implementation of the Istanbul Convention, in its [2019 Baseline Evaluation Report on Sweden](#), pp 51-52.

²¹ The working model included a set of templates, routines and checklists and other working tools to support implementation. The model was reviewed in 2016 resulting in what is known as “A developed best working model”, and then again as part of the 2018 legal reforms.

²² For example, a 2019 joint thematic inspection by the Police and Prosecutors Authority showed that there were video or sound recordings of only 17% of the interviews with the suspect and that in 26% of the sample the suspect was not interrogated at all. While several of these cases related to situations where there was no reason to believe that a crime had been committed, the inspection concluded that the prosecutor had also refrained from interrogating identified suspects in cases where it was reasonable to suspect that a crime had been committed. *Våldsbrott i nära relationer och sexualbrott mot vuxna - En gemensam granskning av polisens och åklagarens handläggning*. Granskningsrapport 2019, dnr A252.474/2018, Polismyndigheten, NOA, Utvecklingscentrum Väst, Tillsynsrapport 2019:1, Åklagarmyndigheten, Utvecklingscentrum Göteborg, Februari 2019, page 28. Available in Swedish at: www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2019-1.pdf

²³ The mission of the National Forensic Center (NFC) is to carry out forensic investigations in criminal cases for the judicial authorities. NFC is a part of the police authority.

²⁴ *Våldsbrott i nära relationer och sexualbrott mot vuxna - En gemensam granskning av polisens och åklagarens handläggning*. Granskningsrapport 2019, dnr A252.474/2018, Polismyndigheten, NOA, Utvecklingscentrum Väst, Tillsynsrapport 2019:1, Åklagarmyndigheten, Utvecklingscentrum Göteborg, Februari 2019, p. 30, available in Swedish at www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2019-1.pdf

²⁵ Ibid.

“particularly vulnerable crime victims”, including plaintiffs in cases of rape. These measures will involve implementation of best practice working method, focus on securing evidence at an early stage and reinforcing resources.²⁶ Some 350 new police investigators are to be recruited by the end of 2019, who are designated to work on rape, violence in intimate relations and sexual crimes against children.²⁷

Access to comprehensive support is crucial to enable survivors to participate with confidence throughout the legal process. This includes legal aid, medical care and psychosocial support. While the right to legal aid was further clarified by the 2018 legal reforms,²⁸ access to psychological counselling, psychosocial support and trauma care remains a concern. In its Baseline Evaluation Report on Sweden, GREVIO²⁹ expressed concern that “mid- and long-term psychological counselling, psychosocial support and trauma care and other services needed to provide holistic support for rape victims” are not generally available across the country and strongly recommended that the authorities ensure that sexual violence counselling services are available to all victims.³⁰ This resonates with the need for mid- and long-term psychological counselling and trauma treatment highlighted in Amnesty’s interviews with rape survivors and service providers.³¹

While sexuality education has been compulsory in Swedish schools since 1955, and is included in the curriculum for elementary and secondary school, its quality and content have been questioned.³² In July 2018, the government commissioned the Swedish National Agency for Education to review the elementary school curriculum and, in particular, analyze how issues such as consent, “honour”-related violence and pornography could be included. The Agency

²⁶ Polismyndigheten, Beslutsprotokoll RPC 112/2019. Diariennr/ärende A299.222/2019.

²⁷ <https://polisen.se/aktuellt/nyheter/2019/juni/satsning-mot-sarskilt-utsatta-brottsoffer/>

²⁸ A request for a complainant’s counsel should be made to the court immediately after a preliminary investigation of sexual crimes is initiated or reopened, unless it is obvious that the complainant does not need one. The investigating officer should immediately inform the victim about their right to counsel of their choice, free of charge. See Lag (1988:609) om målsägandebitråde, available in Swedish at www.riksdagen.se/sv/dokument-lagar/dokument/svenskforfattningssamling/lag-1988609-om-malsagandebitrade_sfs-1988-609

²⁹ GREVIO is the Group of Experts on Action against Violence against Women and Domestic Violence an independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) by the Parties.

³⁰ GREVIO Baseline Evaluation Report Sweden, 2019, available at <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>

³¹ *Time for Change: Justice for Rape Survivors in the Nordic Countries*, Amnesty International, April 2019.

³² Sexuality education should be integrated in subjects such as history, religion, natural science, and art. Gender equality, norms, gender roles, gender patterns, sexual orientation, emotions, body image, life issues, living conditions, identity, reproduction, puberty, love and responsibility are examples of issues that should be brought up in the first six years of elementary school. However, a 2018 study by the Swedish Schools Inspectorate of sexuality and relationship education in a selection of elementary and upper secondary schools found that it was of variable quality and identified a significant need to develop tools and improve the competence of teachers, who often felt uncomfortable with the subject. The review found that some teachers postponed sexuality education because they felt their pupils were not mature enough and only one in four of headteachers regularly monitored that their teachers had the necessary skills and knowledge and offered relevant capacity building where needed. Many students interviewed said they wanted to talk about sex earlier and more often than they had the opportunity to do. See [Sex- och samlevnadsundervisning Skolinspektionen, Tematisk kvalitetsgranskning 2018](#), Diarienummer: 400-2016:11445.

presented a proposal in June 2019.³³

ROMA AND OTHER “VULNERABLE EU CITIZENS”: VIOLATIONS OF THE RIGHTS TO HOUSING, HEALTH CARE, AND NOT TO SUFFER HARASSMENT BY THE POLICE

Over the past decade, Sweden has witnessed an increased presence of EU citizens from Eastern Europe, mainly Romania and Bulgaria, living in situations of marginalization in Swedish cities and towns (so-called “vulnerable EU citizens”³⁴). Most are Roma seeking to escape from structural discrimination in their home countries,³⁵ and coming to Sweden to make a living for themselves and their families. Once in Sweden, many see no other option than begging for money in the street and sleeping in tents or temporary settlements on the outskirts of cities. Many of their human rights are violated while in Sweden.³⁶

ANTI-BEGGING RHETORIC AND UNCLEAR LEGAL SITUATION

Whether or not to ban begging has been a contentious issue in Sweden for the past few years, triggered by the arrival of “vulnerable EU citizens” supporting themselves and their families by asking for money in Swedish cities and towns. To date seven municipalities have introduced local begging bans and a further 20 municipalities are in the process of introducing such bans, without taking into account the rights of the individuals who beg and the potential for discriminatory outcomes of such bans.³⁷ Hate crimes against destitute people who are or are assumed to be Roma are frequent in Sweden and are rarely investigated by the police or even reported by the victims.³⁸ Media reports suggest that the introduction of begging bans at the municipal level have led to increased hostility toward marginalized Roma and other “vulnerable EU citizens” in Sweden.³⁹

According to EU law and Swedish law, EU citizens are permitted to stay in Sweden for three months with no other requirement than a valid identity card. EU citizens wishing to stay for longer must work, look for work, study, or have enough money to support themselves and a comprehensive health insurance. These are conditions with which “vulnerable EU citizens”

³³ Redovisning av uppdrag om förslag till ändringar i läroplaner avseende kunskapsområdet sex och samlevnad. Regeringsredovisning, Dnr: 2018:01394. Skolverket 2019-06-11. Available in Swedish at: <https://www.skolverket.se/getFile?file=4306>

³⁴ The term “vulnerable EU citizens” is an established term in the Swedish context, referring to nationals of other European Union member states who live in Sweden in a state of destitution and marginalization.

³⁵ <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF> Page 104 for Bulgaria and page 309 for Romania.

³⁶ See *Sweden: A Cold Welcome. Human rights of Roma and other “vulnerable EU citizens” at risk*, Amnesty International, November 2018.

³⁷ At the time of submission, the number of municipalities where bans had been introduced were six, but the number has since risen to seven (as of Augusti 2019). Most likely the number will keep rising in the coming months.

³⁸ *“Gypsy, go home! Hate crimes against Roma EU migrants who make a living on the streets of Malmö, Sweden*, Skåne stadsmission, Civil Rights Defenders, E. Hansson and S. Wallengren, May 2019.

³⁹ See, for instance, *What is the police doing about the hate crimes? (Vad gör polisen mot hatbrotten?)* Svenska Dagbladet, T Hammarberg, 4 Juli 2019; *“After the ban -- life has become harder for the beggar Alina. 33”* (Efter förbudet -- livet har blivit hårdare för tiggaren Alina, 33), Expressen/Kvällsposten, 5 March 2019.

rarely comply.⁴⁰ “Vulnerable EU citizens” are therefore assumed to stay no longer than three months, and most official policies are designed in line with this three-month model. However, many Roma and other “vulnerable EU citizens” stay much longer, sometime with occasional visits back to their home countries. 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 by the UN Human Rights Committee in 2016, 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”.⁴¹

Among municipalities and other local authorities there is widespread confusion as to what legal obligations they have *vis-à-vis* “vulnerable EU citizens” and their treatment differs widely from one municipality to another and the overall rights perspective and state accountability are generally lacking. The government has yet to provide guidance to municipalities and regions in this regard.

RIGHT TO HOUSING

The climate in Sweden is cold for at least half of the year and access to housing therefore has serious implications for wellbeing and health. However, in most parts of the country homeless EU citizens do not have access to long-term shelter or housing. According to a 2018 official survey, only 10% of municipalities provide shelter for people considered to be “vulnerable EU citizens” in autumn and winter.⁴² The survey did not specify if these municipalities also provide shelter during the rest of the year. In the big cities, many “vulnerable EU citizens” sleep in cars, under bridges, in tents made of plastic sheets or in shacks in the woods. Many have given testimonies to Amnesty about the insecurity of having nowhere to go and the constant fear that the police will find them and force them to leave. Several of them told Amnesty that they feel unsafe, cold and exposed when they sleep outside.

RIGHT TO HEALTH

The conditions in which “vulnerable EU citizens” are living, often sitting or standing outdoors for many hours at a time, frequently in the cold, and without access to toilet facilities and clean water, have serious health implications.⁴³ Some also suffer from chronic conditions which are exacerbated by the harsh living conditions.

Making medical care *accessible* to all without discrimination, which includes making it *affordable*, is a core state obligation under international law.⁴⁴ Despite this obligation, “vulnerable EU citizens” may receive huge bills for medical care or may be denied treatment

⁴⁰ Aliens Act (2005:716), Chapter 3a para. 3 (Directive 2004/38/EC, Art. 7: Right of residence for more than three months).

⁴¹ UN Human Rights Committee, Concluding Observations on the Seventh Periodic Report of Sweden, CCPR/C/SWE/CO/7, 28 April 2016, para. 15 (emphasis added).

⁴² 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), 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 or 72 percent answered the survey.

⁴³ Confirmed by public health research, see, for example, Wagman, P., Björklund, B., Johansson, A., Fristedt, S. (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>.

⁴⁴ UN Committee on Economic, Social and Cultural Rights, General Comment 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 paras. 12 and 43.

altogether, because most of them lack the European Health Insurance Card required due to a lack of universal health insurance in their home countries.⁴⁵ Although undocumented migrants have the right to subsidized health care in Sweden, according to Swedish law, in most regions “vulnerable EU citizens” are not included in the scope of this legislation.⁴⁶ As a result, EU citizens living in destitution in Sweden find themselves in a legal limbo, with serious consequences for their life, health, and wellbeing. This situation has been criticized both by Swedish agencies and UN Treaty Monitoring Bodies.⁴⁷ The government has yet to clarify the legal situation.

POLICE TREATMENT

In Stockholm, “vulnerable EU citizens” have testified that they had been subjected to humiliating and intimidating treatment by the police.⁴⁸ 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 drive them out of town, although begging is not banned or subject to licensing in Stockholm. Testimonies also suggest that their treatment is disproportionately harsh, and not considerate of the vulnerable condition of the individuals concerned. The police officers appear to not take into account that the individuals concerned do not speak Swedish and, in some cases, cannot read or write. Therefore, their removal out of town, to places unknown to them and from where they sometimes did not know how to get back, and without being given information in a language familiar to them, has had a disproportionately negative impact on them. Individuals interviewed by Amnesty have described the fear they experienced and feeling harassed.

The Stockholm police have confirmed this practice, however, without acknowledging its intrusive nature and potential discriminatory intent and impact, and the National Police Authority recently acknowledged that this practice must be revised.⁴⁹ However, no official guidelines have yet been produced and Amnesty has received testimonies that the practice of intimidating and removing individuals who beg, contrary to the law, continues in some parts of Stockholm.

⁴⁵ 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.

⁴⁶ 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).

⁴⁷ 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>, UN Human Rights Committee, Concluding Observations on the Seventh Periodic Report of Sweden, CCPR/C/SWE/CO/7, 28 April 2016, paras 14-15, and 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.

⁴⁸ *Sweden: A Cold Welcome. Human rights of Roma and other “vulnerable EU citizens” at risk*, Amnesty International, November 2018, pp. 46-51. Available at:

<https://www.amnesty.org/en/latest/news/2018/11/homeless-roma-and-other-eu-migrants-face-widespread-discrimination-and-dangerous-conditions-in-sweden/>. See also *The Police admit: it was wrong to remove begging woman (Polisen erkänner: fel att förslå bort tiggande kvinna)*, Dagens Nyheter, 20 June 2019, available at <https://www.dn.se/sthlm/polisen-erkanner-fel-att-forsla-bort-tiggande-kvinna/?forceScript=1&variantType=large>.

⁴⁹ *Legal Opinion over complaint against the National Police Authority, Region Stockholm; dnr. 7139-2018 (Yttrande över klagomål mot polismyndigheten, region Stockholm; dnr. 7139-2018)*, the Swedish National Police Authority, 1 April 2019.

ANTI-TORTURE LEGISLATION

Sweden established a government committee to look at the possibility of having a special criminal provision on torture and reported its conclusions in September 2015.⁵⁰ The committee proposed, among other things, that torture be criminalized as a special crime. The report was sent for consultation the same year. Four years later, the government has yet to present a legislative proposal to parliament.

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF SWEDEN TO:

RAPE AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

- Prioritize combatting widespread sexual violence and provide adequate and sustainable resources to ensure that the police and the Prosecution Authority have the capacity to conduct thorough, effective and timely investigations into all cases of rape;
- Intensify efforts to analyze and address the causes of under-reporting of rape, as outlined in the National Strategy to Prevent and Combat Men's Violence Against Women;
- Ensure access to comprehensive, affordable and accessible support for all survivors of sexual violence, including to those who do not report the crime to the police, including mid- and long-term psychological counselling, psychosocial support and trauma care to all rape survivors, regardless of age, gender, sexual orientation, ethnicity or social background, and regardless of where they live.

RIGHTS OF "VULNERABLE EU CITIZENS"

- Adopt a national homelessness policy to ensure that shelter is available and accessible to all, across the country, without discrimination, including for people categorized as "vulnerable EU citizens";
- Ensure that shelters are available throughout the year 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;
- Introduce 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;
- Instruct the National Police Commissioner to issue national guidelines to clarify that begging is legal and not subject to licensing, and that removal of persons begging can only ever be justified if the individuals in question constitute a concrete and real danger to public order and only if all less intrusive measures have proven ineffective.

⁵⁰ [Ett särskilt tortyrbrott?](#) Ds 2015:42, Department of Justice, September 2015.

TORTURE AND OTHER ILL-TREATMENT

- Incorporate into domestic law the crime of torture and adopt a definition of torture that covers all the elements contained in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that statutes of limitations are not applicable to acts of torture, attempts to commit torture, and acts by any person which constitute complicity or participation in torture.

NATIONAL HUMAN RIGHTS INSTITUTION

- Establish, without delay, an independent national human rights institution with a broad human rights mandate and provide it with adequate financial and human resources, in accordance with the Paris Principles.

INTERNATIONAL HUMAN RIGHTS TREATIES

- Ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;
- Ratify, without reservations, the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, to implement it into national law, and to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state mechanisms;
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁵¹

Time for Change: Justice for Rape Survivors in the Nordic Countries, 4 April 2019, EUR 01/0089/2019

Sweden: A Cold Welcome. Human rights for Roma and other “vulnerable EU citizens” at risk, 22 November 2018, EUR 42/9403/2018

⁵¹ All these documents are available on Amnesty International’s website:
<https://www.amnesty.org/en/countries/europe-and-central-asia/sweden/>

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