



THE SWEDISH FOUNDATION  
FOR HUMAN RIGHTS

**Statement on behalf of 16 Swedish civil society organisations to the Pre- Sessional Working group of the Committee on Economic, Social and Cultural Rights in regards to the List of Issues for Sweden.**

Delivered by Lucy McKernan, Geneva Representative  
Global Initiative for Economic, Social and Cultural Rights

October 15, 2015

This statement is made on behalf of sixteen Swedish civil society organisations, coordinated by the Swedish Foundation for Human Rights. I underline that this is only a selection, and for further issues I refer you to the full written submission.

First, I would like to touch upon the situation of refugees in Sweden, in light of the current crisis. As the immediate response from the state has been inadequate, especially with regard to refugees in transit, food deliveries and accommodation has been organised mainly by volunteers. There is a lack of awareness regarding the responsibility of the state and of municipalities to safeguard the fundamental rights under the Covenant, for refugees, especially the right to housing and food.

**We ask the committee to request the Swedish government to provide information on how they intend to ensure that municipalities and other state agencies have the capacity to act faster in a similar crisis situation in the future.**

Recently the Swedish government presented a number of immediate measures, especially with regards to housing for refugees. While we welcome these efforts, we are concerned about the overall situation for refugees in the long term. As one immediate measure is the possibility to establish tent camps, there is a risk that the transition from temporary solutions to sustainable, long term measures, is overlooked.

**Therefore, we also ask the committee to request information on how the government intends to ensure that municipalities and other state agencies in Sweden have the means to protect fundamental human rights under the Covenant for refugees in the long term.**

The realisation and protection of many of the rights under the Covenant is dealt with mainly in municipalities. It is therefore worrying that local governments show a lack of understanding of the content of the rights as well as their responsibility in safeguarding them. Due to strong sentiments of local self-government the government is often unwilling to take action when a municipality is neglecting human rights and in fact use local self-government as an excuse for not following up or rectifying a breach of the Covenant. In 2014, an agreement was made by the Swedish government and the Swedish Association of Local Authorities and Regions to strengthen and encourage work on human rights at all levels of society. This resulted in a Plan of Action for municipalities. This however does not address the problem outlined above and further, has not had any concrete effect on the implementation of human rights at the local level.

**We kindly request that the Committee ask the Swedish government to provide information on how they intend to ensure that implementation of human rights at the local level is guaranteed.**

An estimated 4 000 vulnerable EU citizens are staying in Sweden through the EU free movement regime and they have difficulty in finding ways to maintain a decent economic subsistence. The majority of them are of Roma origin. Many have been experiencing poverty, social exclusion and discrimination in their home countries. In Sweden they find themselves in deplorable living conditions, begging for money on the street and sleeping in tents or temporary settlements on the outskirts of cities. There are no national guidelines for municipalities on how they should handle this situation. This has resulted in widespread confusion among local authorities on what obligations they have to provide for these groups of vulnerable EU citizens under international law.

With regard to the right to health for undocumented migrants, another vulnerable group, they have only been granted the right to health care that “cannot be postponed”. This is in contradiction to the Covenant, as undocumented migrants are not provided the highest attainable standard of health. However, for vulnerable EU citizens, such as Roma, the situation is even worse as they are often not considered to be undocumented migrants. This legal assessment deprives these EU citizens of even this very basic level of emergency health care and essentially leaves the decision to the local hospital. There has been one reported case of a pregnant women from Romania who gave birth in the parking lot of the hospital, as she was not allowed inside the birth clinic.

As regards the right to education, under Swedish law municipalities are not obliged to provide education for children of EU citizens who do not have a residence permit. The Board of Appeal for Education decided in February that there is no right to education for children to vulnerable EU citizens under EU law. In its decision the Board did not consider obligations under other

instruments of international law. This is in stark contrast to other States' interpretation of the right to education. The UK Government has for example decided to provide all children within their territory with primary education, regardless of the legal status of their parents.

**We suggest that the Committee ask the Swedish government why no national guidelines have been adopted regarding the protection of human rights to this vulnerable group of EU citizens. In particular with regard to the right to health and the right to education, but also the right to housing.**

**We would also suggest asking how the Swedish government intends to ensure that all municipalities have the knowledge and the means to guarantee human rights for vulnerable EU citizens, in accordance with Sweden's obligations under the Covenant.**

There have been an increased amount of reports related to the poor working conditions for so-called "economic migrants". Their salaries can be as much as four times lower than what is guaranteed under collective agreements. There has even been a few reported cases where migrants have been forced to perform sexual acts in order to keep their job. As most of these workers are undocumented immigrants, they become dependent on their employer, and have little or no other choice than to comply or be threatened by expulsion.

**We would therefore ask the Committee to request that the Swedish government provide information on how they intend to secure the rights under the Covenant for so-called "economic migrants".**

Roma with a Swedish citizenship are also a particularly vulnerable group that has been suffering discrimination and exclusion in Sweden for a long time. According to the Public Employment Service, roughly 80 percent of the 50 000 Roma in Sweden are still outside the formal labour market.

**We kindly request the Committee to ask the Swedish government what actions are being taken to ensure that Roma with Swedish citizenship have access to the labour and housing market on the same terms as other Swedish citizens.**

Another minority in Sweden whose rights have been neglected for a long time is the Sami people. This is especially true for the right to self-determination and their right to influence matters that concern them, for example issues related to Sami lands, languages, traditional livelihoods and cultures. Their ancestral land is constantly threatened by exploitation and the Swedish government has adopted a new strategy for the extraction of minerals to double the number of mines by 2020, and triple them by 2030. The Swedish Sami Parliament is both an elected, representational assembly among the Sami and a state agency

commissioned with the task to implement state policies on Sami matters. The double nature leads to a lack of trust among the Sami and there is a perception that the Sami Parliament safeguards the interests of the State rather than the rights of the Sami people. This model has also been criticised by the UN special rapporteur on indigenous people.

**We therefore suggest that the Committee ask the Swedish government how they intend to safeguard the rights of the Sami people, especially with regards to free, prior and informed consent in relation to the new strategy on extraction of minerals.**

Despite numerous recommendations, the Swedish government has not incorporated the Covenant in its national legislation, making it difficult for Swedish citizens to claim these rights in Swedish courts. This is reinforced by the fact that economic, social and cultural rights do not have the same constitutional protection in Sweden as civil and political rights. Since Sweden has not ratified the Optional Protocol either, there is little remedy for Swedish citizens if their economic, social or cultural rights are violated.

**We would therefore be grateful if the Committee could ask the Swedish government how they intend to guarantee that there is a sufficient remedy for violations of all economic, social and cultural rights.**

Thank you for your attention.

**For further information please contact:**

Jenny Jansson Pearce, Secretary General,  
The Swedish Foundation for Human Rights  
E-mail; [jenny.jansson.pearce@humanrights.se](mailto:jenny.jansson.pearce@humanrights.se)  
Phone: +46 8 406 16 23

**Contributing organisations:** Civil Rights Defenders • Doctors of the World • Equally Unique • É Romani Glinda • FoodFirst Information & Action Network (FIAN) Sweden • Independent Living Institute • Ordfront • Save the Children Sweden • The Church of Sweden • The Swedish Association for Sexuality Education (RFSU) • The Swedish Disability Federation (HSO) • The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) • The Swedish Federation for Social and Mental Health (RSMH) • The Swedish National Association for Persons with Intellectual Disability (FUB) • United Nations Associations of Sweden