



STATEMENT
UPR Pre-session on Sweden
Geneva, 12 December 2019
Delivered by: Civil Rights Defenders

1. Presentation of Civil Rights Defenders

This statement is delivered on behalf of Civil Rights Defenders (the former Swedish Helsinki Committee), an independent, not-for-profit organisation working to defend civil and political rights and to support human rights defenders around the world. Civil Rights Defenders has participated in UPR processes concerning Sweden since 2012.

2. National consultations for the drafting of the national report

Civil Rights Defenders have taken part in the government-initiated consultation in advance of the drafting of the national report and we also submitted an alternative report in the UPR process.

3. Focus of this Statement

This statement addresses the following issues: (1) Discrimination of vulnerable EU-citizens, (2) Ethnic profiling, (3) Non-refoulement of young unaccompanied asylum seekers and LGBTI+ persons and (4) Indigenous rights of the Sami. Civil Rights Defenders has prepared fact sheets on these issues as well as on other concerns that we have raised in our alternative report.

4. Statement

I. Rights of Roma and Other Vulnerable Citizens from EU-Countries

The need to combat discrimination and hate crimes affecting Roma were highlighted in the second UPR of Sweden. In 2016 the UN Human Rights Committee, recommended that Sweden take all measures necessary to ensure access by Roma to education, employment, housing and health care and that all Roma, including Roma EU-citizens, enjoy equal rights without discrimination. The same recommendation was put forward by the Committee on the Elimination of Racial Discrimination in 2018, which also called on Sweden to prevent forced evictions of Roma and provide them with protection against hate crime. The practice of forced evictions has also been criticized by the UN Special Rapporteur on minority issues.

Since the last review an increasing number of Roma and other vulnerable citizens of other EU-countries, mainly Bulgaria and Romania, travel to Sweden to make their living. The situation they find themselves in while in Sweden is of great concern and many support themselves through begging.

While the Government has taken measures to support authorities that come into contact with individuals from this group, no measures have been taken to ensure their access to fundamental

human rights, in line with previous recommendations. Instead, the government has adopted an increasingly repressive approach.

Roma EU-citizens are forcibly evicted from their temporary settlements, without being provided with alternative housing. Authorities are also unable to protect them from hate crime. In addition, several municipalities have adopted regulations that ban begging, effectively limiting the freedom of speech and freedom of movement. As these bans specifically target this group, they are discriminatory.

Recommendations:

- **Take steps to ensure that vulnerable EU citizens are granted their fundamental rights to health care, primary education, social services and protection against hate crime and forced evictions.**
- **Refrain from imposing legislation that prohibits begging at the national and municipal levels.**

II. Racial Profiling in Police Work

The need for the Swedish Government to address the issue of racial profiling has been raised by the Committee on the Elimination of Racial Discrimination, which in 2018 recommended the Government to ensure that fundamental legal safeguards are effectively applied to prevent and combat racial profiling by police.

Racial profiling in police work has received increased attention in Sweden since the last review. A court case pushed by Civil Rights Defenders, where the court found that the police authority had illegally registered close to 5000 Roma in an ethnic register, clearly showed racial profiling as a practice within the Police.¹ Also, recent research conducted by the University of Stockholm shows that experiences of racial profiling is a structural problem that affects minority groups and their trust in law enforcement authorities.²

Despite this, the Police Authority and the Government are not taking any measures to counteract unlawful profiling or prevent any discrimination in the administration of justice.

Acts and negligence by the Police and other actors within the judicial system still fall outside of the scope of the Discrimination Act, making it difficult to investigate unlawful profiling by the Police and other discriminatory practices and for victims to get redress. Also, the Government's National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime ignores the work that needs to be done within the criminal justice system in order to ensure non-discriminatory practices.

Recommendations:

- **Take steps to transform the working methods of the Police to eradicate methods that constitute racial profiling.**
- **Develop the use of social justice markers and collect equality data to monitor disparate outcomes for ethnic and religious minorities within the judicial system, including the police.**
- **Extend the scope of the Discrimination Act to also include the judicial system, including the police.**

III. The Right to Non-Refoulement

The Swedish asylum system lacks adequate guarantees for accessing international protection and protection against refoulement for unaccompanied asylum-seeking minors and LGBTI+ persons.

¹ <https://crd.org/2017/05/24/swedish-state-to-pay-historic-damages-to-the-roma-community/>

² <https://crd.org/wp-content/uploads/2019/03/CRD-Randomly-selected.pdf>

Since March 2017, more than 10 000 **Young Unaccompanied Asylum Seekers** have undergone medical age assessments to determine their asylum request. The method for this assessment lacks satisfactory scientific support and carries a high margin of error, rendering the determination of a person as a non-minor too uncertain.

In spite of this, the medical assessment carries high evidentiary value by the Swedish Migration Agency and Swedish migration courts. In contrast, second opinions and other evidence are normally considered to have low evidentiary value. In addition, the principle of the benefit of the doubt regulated in international, EU and national legislation is rarely applied.

These circumstances lead to minors being treated as adults, which in many cases means their asylum application is rejected and a real risk of ill-treatment upon return to their country of origin.

In relation to asylum claims by **LGBTI+ persons** there is evidence of individuals being deported to countries where same-sex relations are criminalized, such as Nigeria, Uganda, Kenya and Bangladesh. A number of such cases have been reviewed by the UN Committee against Torture.

Recommendations:

- **End medical age assessments based on methods that experts claim generate uncertain results.**
- **Halt deportations to individuals whose asylum applications might have contained wrongful age assessments.**
- **Halt deportations of LGBTI+ persons to countries where homosexuality or living as a trans person is criminalized.**

IV. The Rights of the Indigenous Sami People

On the situation of the indigenous Sami people Civil Rights Defenders fully agrees with what has been presented by the Sami Council. This is complemented with two important additional points.

Firstly, the government has put forward a proposal on a general consultation system for the Sami. While this is a step in the right direction the bill does not ensure effective influence in line with the principle of Free Prior and Informed Consent (FPIC), which is core to fulfil Sami rights to self-determination and their traditional land.

Secondly, land rights of the Sami are recognized to an extremely limited extent. Furthermore, the Swedish state has created a legal categorization between reindeer herding and non-reindeer herding Sami, resulting in a situation where non-reindeer herding Sami communities have no recognized rights in relation to their traditional lands. The Committee on the Elimination of Racial Discrimination in its review in 2018 recommended Sweden to ensure that some groups within the Sami people are not disregarded before the law.

Questions to the Government:

- **How does the Government intend to ensure effective influence for the Sami people in decision-making processes in line with FPIC.**
- **What measures does the Swedish government intend to take to resolve the legal division between Sami groups and ensure access to indigenous rights to all Sami.**

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