



November 13, 2015.

Ms. Leilani Farha
United Nations Special Rapporteur on Adequate Housing

Thank you for the invitation to contribute to your next report on homelessness. *Centrum för Sociala Rättigheter** (The Centre for Social Rights) would like to take this opportunity to alert you to the situation of homeless EU-citizens in Sweden, and to call your attention to ongoing human rights violations perpetuated against homeless EU-citizens by various arms of the Swedish state. We ask that you do what is in your power to hold the Swedish state accountable for their direct violations, and systemic neglect of the human rights of homeless EU-citizens in the country.

Recently, on November 3, 2015, over one-hundred homeless EU-citizens were evicted from a provisional and unauthorized settlement (tent village) in Malmö, Sweden. For the last year and a half the settlement has provided shelter for up to four-hundred persons. The persons who were evicted on November 3 are now in a situation of acute and absolute homelessness, and many are sleeping outside in the streets and in parks. Importantly, the eviction was carried out based on a decision by the Environmental Committee of the City of Malmö which deemed the settlement to be a nuisance and a serious health risk to its inhabitants as well as to surrounding communities. The eviction and the authorities overall neglect of the human rights of homeless EU-citizens in Malmö has garnered attention from many human rights organisations. Attached you will find letters from The UN Special Rapporteur on Minority Issues Rita Izsak, as well as statement (in Swedish) from Civil Rights Defenders regarding the eviction.

Below is our response to the questionnaire. Our organisation also has access to a large catalogue of visual materials that we would be happy to share with you.

- 1. Please explain how your government defines homelessness in various contexts, for example, when measuring the extent of homelessness or determining eligibility for programmes and services. Please explain why the definition was chosen, and whether it is formally referred to in laws, policies or programmes.**

According to the Swedish Instrument of Government (*Regeringsformen*; Ch. 2, Art. 2 §2), it is incumbent upon the public authorities to secure the right to housing and a good living environment for all.

The Swedish National Board of Health and Welfare (*Socialstyrelsen*) is the government agency responsible for mapping the homeless population in Sweden. The agency uses a definition of homelessness that encompasses the following four different situations of homelessness.

Situation 1: A person is restricted to emergency housing, shelter, or lives rough (i.e. lives outside). This is often referred to as acute homelessness.

Situation 2: A person is interned or institutionalised at a correctional treatment facility or at a supportive



housing facility and due to be discharged within three months with no access to alternative housing.

Situation 3: A person living long term in municipal supportive housing like a 'practice-apartment', or a 'training-apartment' with no access to the regular housing/rental-market.

Situation 4: A person living temporarily and with no contract with friends, acquaintances, family or relatives.

Importantly, this definition encompasses the many homeless EU-citizens who are presently living in Sweden. However, these persons are not captured by most surveys. Furthermore, in determining eligibility for programmes and services, the Swedish authorities make a fundamental distinction between persons who hold Swedish citizenship or permanent resident status and those who do not. In practice, this means that homeless EU-citizens are largely barred from accessing emergency housing, and shelters. Homeless EU-citizens are also barred from accessing financial support and social services available to other homeless persons.

- 2. How is homelessness measured in your country? What criteria and indicators are used and how is data collected and systematically updated for this purpose? Please provide available data over a period of time on the extent of homelessness in general and among particular groups (for example: children and youth, women, indigenous peoples, persons with disabilities, and others).**

National Board of Health and Welfare 2011 Survey of Homelessness

Since 1993, the Swedish National Board of Health and Welfare (*Socialstyrelsen*) has carried out surveys of the homeless population every sixth year. The last survey was carried out in 2011.

The survey is sent to all government agencies and organisations that might come into contact with homeless persons, and measures homelessness in a given period (typically a week).

In addition to the National Board of Health and Welfare's survey, the Enforcement Authority (Kronofogden) keeps a record of all evictions. The Swedish Prison and Probation Service also keeps records of the number of people who are discharged with no access to housing.

The 2011 survey found a general increase in homelessness since 2005. However, fewer people were sleeping rough during the measurement week compared to 2005. This can be seen as a sign that one of the objectives of the Government's Homelessness Strategy 2007-2009 that no one should have to live rough has been, to an extent, successful. That said, it is our impression that the number of homeless EU-citizens increased significantly in this time period, and from 2011 until today.

In total 34 000 persons were reported to be homeless in 2011. Of these, 4 500 persons were in a situation of acute homelessness (situation 1), including 280 persons who were living rough. 4000 persons were in correctional treatment facilities or in supportive housing (situation 2), 13 900 persons were living long term in municipal supportive housing, and 6 800 persons were living temporarily with friends, acquaintances, family or relatives. The 2011 survey also found that the proportion of females in the whole group of homeless people had increased since 2005. Similarly the proportion of homeless persons 'born outside Sweden' had increased.

Importantly, the National Board of Housing and Welfare's survey does not provide any systematic or



reliable measurements of homeless persons who do not have regular contact with the authorities. Homeless EU-citizens typically fall in this category.

National Board of Health and Welfare 2013 Survey on Homelessness among EU-citizens in Sweden

In 2013 the NBHW issues a report on homelessness among EU citizens based on in-depth data from municipalities, the police and other authorities, as well as organisations and churches. The report describes the situation of homeless EU-citizens based on data collected in November 2012. The report includes rough estimates of the number of homeless EU-citizens in Sweden, as well as some notes on the heterogeneity and needs of this new categorisation of homeless persons. The report concludes that homelessness among EU-citizens represents 'a new form of homelessness in Sweden'.

Municipal Measurements of Homelessness

In addition to the national survey carried out by the National Board of Housing and Welfare, many municipalities carry out their own measurements of homelessness. Some municipalities have been reluctant to include homeless EU-citizens in their measurements. For instance, the municipal council in Malmö recently voted not to include persons who lack permanent resident status in their regular homelessness counts.

- 3. What population groups are most affected by homelessness in your country? How have their experiences been documented and by whom (whether officially by national or subnational governments, National Human Rights Institutions, or by non-governmental or other organisations, charities, etc)? If studies exist, please indicate or share a link, a reference or a copy.**

Survey's suggest that the homeless population in Sweden is heterogeneous. As previously mentioned these survey's largely fail to capture the prevalence of homelessness among EU-citizens, and the specific challenges facing this categorisation of persons.

In 2014 the City of Malmö issued a report on situation and needs of vulnerable EU-citizens in the city. According to the report it is impossible to tell how many homeless EU-citizens were in Malmö during the period of data collection (June and July 2014), but most likely it is in the hundreds. (in attachments)

On the European level FEANTSA has issued several reports and statements on the situation of 'destitute EU-citizens' that is relevant to the Swedish case (in attachments).

- 4. Please provide information and details on the primary systemic and structural causes of homelessness in your country and explain how these are being addressed.**

Here, we refer to the 2011 report on homelessness by the National Board of Health and Welfare (in attachments).

(According to sociologist Ingrid Sahlin, who has written extensively on issues of homelessness, the discourse on homelessness has changed in tandem with changes in Swedish housing policy and politics so that homelessness has increasingly come to be regarded as a problem of the individual rather than a structural or societal problem.)



5. **Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels.**

Over the last couple of years the Swedish authorities have intensified efforts to evict homeless EU-citizens who are living temporarily in settlements/tent camps across the country. In 2014 the Enforcement Authority reported that they carried out 133 evictions. This however does not include the many routine evictions that are carried out by police officers on a more or less daily basis.

As mentioned in the introduction, the authorities in Malmö recently carried out an eviction of a settlement that up until the eviction provided provisional shelter for well over one-hundred persons.

Several Swedish municipalities – in particular Malmö and Göteborg – have made decisions to deploy a strategy of so-called ‘early eviction’ to prevent the establishment of settlements. In practice this means that the municipal authorities collaborate with the police to remove homeless EU-citizens and their settlements as soon as they find out about their locations. On a day-to-day-basis this means that it is practically impossible if you are a homeless EU-citizen to find a place to rest, let alone, sleep in the respective cities. We are also in contact with several persons who report being harassed by the police on a recurrent basis.

In Sweden there are currently no prohibitions or restrictions on panhandling. While there has been much debate about this in the last several years, the current government (a minority government made up of the Social Democratic Party and the Green Party) has made commitments not to implement such legislation. However, there are frequent and recurring calls by parties on the right end of the political spectrum to implement public order ordinances to similar ends.

The City of Malmö recently implemented a by-law that imposes a 2-hour limit on busking in any location.

6. **Has homelessness been recognized as a human rights violation by courts or by national human rights institutions in your country, and if so, on the basis of which human rights (for example: right to adequate housing, right to life, etc)?**

To our – Centrum för Sociala Rättigheter’s – knowledge, no. Generally speaking the Swedish court system tend to see human rights legislation as external to Swedish law.

7. **What legal or administrative procedures are available to challenge actions or inaction by governments or private actors on the grounds that they lead to or fail to address homelessness?**

Related to the issue of evictions there are different legal and administrative procedures available to challenge these depending on what government authority orders and carries out the eviction.

*If the police orders and carries out the eviction, there is very little one can do to challenge the eviction order. By-and-large regular administrative law and principles of legal certainty do not apply to the police authorities when it comes to matters of crime-prevention. It is possible to challenge an eviction order by reporting it to *justitieombudsmännen* (approximately ‘the national ombudspersons of justice’). Typically, however, it takes about a year and a half to get a retroactive statement from them. Compensation etc. has to be sought in a*



separate civil rights process. Importantly, anti-discrimination laws do not apply to the police authorities. We are mentioning this to highlight that a person facing eviction by the police is practically rightless.

If the Enforcement Authority orders and carries out the eviction, it is possible to contest it in a civil rights process. This however is associated with prohibitive court fees.

If another authority or agency orders the eviction it is possible to halt or completely stop it by appealing the decision. For the last year Centrum för Sociala Rättigheter has been involved in a legal process concerning the settlement that was mentioned in the introduction. While several courts (The County Administrative Board and the Land- and Environment Court) overturned the City of Malmö's decision to prohibit persons from living (camping) on a particular lot, the City of Malmö was nevertheless able to carry out the eviction with reference to a separate paragraph of the Environmental Code (specifically *26 kap. 18 § Miljöbalken, 'Rättelse på felandes bekostnad'*). Importantly the particular paragraph that they mobilised is not possible to appeal. Our organisation called for inhibition but our request was struck down.

8. Please provide information about any strategies or legislation in place at the national, sub-national or local levels to reduce or eliminate homelessness, explain any goals or timelines that have been adopted for this purpose, describe how progress is monitored and provide information on results to date.

This question is for the various levels of government to respond to. It can be noted however that, right now, these seem to be doing little to address the issue of homelessness among EU-citizens. In Malmö the municipality has made commitments to opening a shelter with 40 beds for the winter months (December 1 – February 28). 2015-2016, the City also finances a resource centre with showers, laundry and breakfast services specifically geared towards homeless EU-citizens. However the need for shelter and for other services greatly exceeds what is currently being offered.

Our impression is very much that the authorities are actively and systematically denying homeless EU-citizens access to homelessness services and basic necessities such as water and sanitation. Meanwhile, the authorities are intensifying their efforts to evict homeless EU-citizens from their settlements and camps. Altogether this creates a situation where the human rights of homeless EU-citizens in Sweden are severely compromised.

Thank you for taking the time to read this! We hope that it can be of help to your report, and that you will do what you can to follow up on the human rights issues that we have identified.

Centrum för Sociala Rättigheter

**Centrum för Sociala Rättigheter* is a legal collective based in Malmö, Sweden. Our organisation works collaboratively with grassroots organisations to challenge laws and policies that intensify poverty and social exclusion. For the past year we have been working directly with diverse groups of homeless EU-citizens in Malmö.