|  |  |
| --- | --- |
| 15 september 2023 | |
| Dnr: 2023–0235 |
| [registry@ohchr.org](mailto:registry@ohchr.org) |

**UN Special Rapporteur right to adequate housing: Call for inputs re-opened: Decriminalization of Homelessness and Poverty**

*The Ombudsman for Children in Sweden is a government agency established in 1993 representing children’s rights and interests on the basis of the UN Convention on the Rights of the Child. The Ombudsman is an independent national institution based on the Paris Principles that monitors the implementation of the Convention in municipalities, regions and government agencies. The Ombudsman identifies weaknesses in the implementation of the Convention on the Rights of the Child, proposes changes to laws and ordinances, collects and disseminates knowledge and information about the situation of children and advocates and participates in the public debate.*

The Swedish Ombudsman for children welcomes the opportunity to provide input to the report of the UN Special Rapporteur on the right to adequate housing regarding decriminalization of Homelessness and Poverty and wishes to provide the following information.

**Laws or regulations that prohibit begging,** eating, sleeping, or performing personal hygienic activities **in all or certain public places, including their texts and whether they are still in force and enforced.**

* In 2017 a decision to introduce a ban on "passive fundraising" in the local ordinance was made by the municipality of Vellinge. The ban applied to certain places in the municipality.
* The municipality’s decision was reviewed and overturned by the County Administrative Board, which held that the municipality of Vellinge had not shown that the “passive fundraising” caused disturbances in the public order.
* On December 17, 2018, the Supreme Administrative Court (HFD) overturned the verdict and gave the municipality of Vellinge the right to introduce a local ban on “passive fundraising”.
* The court's conclusion was that the begging ban does not contravene the National Public Order Act and that there is no reason to question the municipality's assessment of the need to ban begging in certain areas.
* Subsequently, begging bans have been introduced in several other municipalities across Sweden. In some places, a police permit is now required to conduct passive fundraising.
* The government of Sweden informed, in its investiture speech in 2022, that a national ban on begging should be examined and that a government inquiry should be appointed. To date, and as far as the Ombudsman of Children in Sweden is aware, no such government inquiry has been appointed.

**Information about attempts made or planned to decriminalize** street vending, informal business activities, **sex work**, begging, eating, sleeping or performing personal hygienic activities in public places**.**

* On January 1, 1999, a ban that had been included in the Criminal Code and which prohibits the purchase of sexual services entered into force. The ban means that it is illegal to purchase a temporary sexual relationship for compensation. The ban does not make it illegal to sell sex. In 2022, the punishment for buying sex was increased, from a fine to imprisonment for a maximum of one year. If the seller is a minor, the maximum sentence is four years and if the person is under fifteen years old the act is always considered to be a rape.

Chapter 6, Section 11 of the Criminal Code stipulates that *(not public translation)*:

*"Anyone who acquires a temporary sexual relationship for compensation is sentenced to prison for a maximum of one year for the purchase of sexual services."*

*"Anyone who persuades a child between the ages of 15 and 18 to participate in a sexual act for compensation is sentenced for exploiting a child by purchasing a sexual act to prison for a maximum of four years. If the child is under 15, the crime is considered rape, regardless of the circumstances. "*

Erik Henriksson

Deputy Ombudsman for Children

Helen Ronen