

CSO Contribution to the CERD List of Issues Concerning Sweden

From KISAM Mothers and Youth in the World

www.varldensmammor.se and www.varldensungdomar.se

Thank you for the opportunity to write about questions relating to the ICERD Convention in Sweden. Our organisation KISAM Mothers and Youth in the World meets on a daily basis, peoples from around the world, especially mothers, children and youth, who have come to Sweden as asylum seekers and as immigrants. We work in segregated areas in the region of Östergötland, where most families have come from other regions of the world.

This text will relate to many Articles in the ICERD Convention, especially Articles 1, 2, 4, 5, 6 and 7.

These questions have been voiced as especially concerning, by our many members and participants:

- 1) Hate speech is prevalent in media and in politics and hate crimes occur in everyday life. Many describe having experienced hate speech and some hate crimes directed at them.
How can the Government work to effectively discourage hate speech and hate crimes against peoples, because of skin colour, ethnicity, religion, religious clothings, or their origins, or because of their status as being asylum seekers or immigrants?
- 2) In Sweden, unemployment numbers and youth unemployment numbers are very high, highest in Europe, especially within the group of asylum seekers from Africa and Asia, who have not been offered work, even after having lived for many years in Sweden. Many have come from countries where they have received no education because of war. The Swedish labour market has its set of standards, always asking for education and sufficient knowledge of the Swedish language and often a drivers licence is a prerequisite to receive work. Many asylum seekers and immigrants cannot yet speak Swedish, and do not come from the same educational system as Sweden, and can therefore not receive work.
How can the Government help people who have come from war, or from countries not educating populations, especially women, to come into work in Sweden faster?
Can job types be supported to emerge, where Swedish language skills and education are not required to get a first job in Sweden?
- 3) Many children who have come to Sweden have difficulties succeeding and becoming approved in Swedish schools at basic levels. This makes it very difficult to find work in Sweden for youth from other countries.
Can Sweden help children at schools, who may be struggling with the language and may have special needs after having fled war, and may have post traumatic stress syndrome, or anxiety, to be met in their educational needs so that they may become approved in school at basic levels?

- 4) The Government has decided to restrict the funding of interpreters for contacts with State authorities and health care. This makes it more difficult to express needs and rights before Swedish authorities and in health care for people who have come from other countries. The cuts in economic support for interpreters, are by the Government explained with economic savings reasons, and also the idea that living in Sweden will entail an expectation that the Swedish language is to be learned over time, so that after some years in Sweden, the need for interpreters should not exist, or should be paid for by the immigrants themselves.

How can Sweden make sure to not discriminate against immigrants and asylum seekers through language? Can Sweden add language as a ground for discrimination in our laws such as in the Constitution, and in the Discrimination Act? Can Sweden further support the usage and adherence to the Discrimination Act by all public, social, health care, and State decision makers, in contact with individuals, also including the police?

- 5) There are new restrictions for the participation in official Swedish language classes for immigrants (SFI). If one does not advance at a fast enough pace, according to the schedule, one can lose the right to participate in the language classes, and will be put aside to wait for re-entry for six months. This is something mothers often suffer, because if they have children, they can oftentimes not keep up with the pace, so they are made to wait for another six months, to participate again. At the same time they face demands to be active in their job seeking process, and to take steps to integrate into the Swedish society. Their rights to social welfare are being made dependent on how active they are in applying for jobs, learning Swedish and participating in SFI Swedish language classes or vocational training, to become eligible for work. Finally all these activities and their progress, can be weighed into their applications for residence permits, where someone who has no work and has not advanced in Swedish language skills, is seen to have no attachment to Sweden and can lose the right to remain in Sweden with their families.

How can Sweden support and include immigrants and asylum seekers better so language skills increase? Can SFI Swedish language classes become more adaptable pedagogically to differing needs of asylum seekers and migrants?

- 6) Mothers in communication with our organisation, express concern that children are being taken from parents, who have come from countries in other regions of the world, by social authorities, often without clear or strong legal evidence of mistreatment by the parents. It often suffices for a child to be taken into forced state custody, that someone says to the social authorities, that a child is being beaten by their parents, or for small children to say by themselves at, for example, pre-school or in school: "Mum beats me." After the child has been taken into custody, it is very difficult for parents to prove they have not beaten or mistreated the children. Investigations about them as parents often focus on the parents as being unfit to be parents, through their parenting ways. It is very difficult for parents who have come from different countries, to prove to Swedish authorities that they are not unfit parents. For example, the parents can have come from countries where it is common to become a parent when one is very young. Or parents

can have come from a culture where children are treated differently than in Sweden. In some cultures, physical reprimanding of children is a part of parenting, and this is illegal in Sweden.

After the children have been replaced in new, often Swedish homes, it is very difficult for the parents, if not impossible, to again be entrusted being parents, and the children are not allowed to come home and live with their families again until they are grown up, 18 years old. So for the entirety of their childhood, they grow up outside of their families.

How can Sweden ensure better legal security, in the social authorities' decisions to forcefully place children in custody? How can parents from other parts of the world be given support, in ways that they can understand, about what is legally expected of parents in Sweden? How can parents be given chances to regain trust to be parents again? How is the perspective of the child weighed into the decision making?

- 7) The right to reside in an area of your preference, has for asylum seekers dependent on social welfare, been taken away through a new law. Asylum seekers receiving welfare are now instead going to be coercively replaced into asylum facilities that the Migration Office will decide. Asylum seekers with children will also be affected by this. This will be for those who are depending on social welfare, which will be a very large group of people.

The drafting of this new law has been critiqued, for example, by the Swedish Discrimination Ombudsman, but the government chose to not consider the critique. It is a human right for anyone legally within the territory of a State, to have the right to decide where to live within that territory. It is also cruel and inhuman treatment of asylum seekers, that already have homes where they live, also with their children. This measure is disproportional we feel, since it creates suffering the loss of homes, and has the goal of cost savings within social welfare, and relates also to ideas about how segregation, through this measure, is going to be diminished.

Can the CERD Committee ask Sweden to reconsider and cancel this law?

- 8) There are segregated areas in Sweden where most families live in relative poverty and many have come from other parts of the world. In the segregated areas, criminal organisations target to recruit children to commit serious crimes. Offering money to children for small tasks, children are lured into committing crimes, and then the criminal networks threaten to harm the children's families, if the children do not continue to commit crimes. Children thereafter commit serious crimes, such as killings and bombings, and often children are recruited to kill other children in competing criminal gangs, supplying drugs and weapons. In relation to this, the Government has chosen to criminalise the children, and wants to lower the age to imprison children, and also wants to create new laws to limit the rights of children and families, where there are risks of children becoming criminals. So, for example, the right to be seen as innocent until proven guilty in a court of law, is being set aside in a new legal proposal about children at risk. Increasingly the whole group of migrants and asylum seekers are being subjected to restrictions and assumptions about their ways of life and their fundamental

rights, by the Government. *Can the Government work to meet the needs of asylum seekers instead of restricting human rights of asylum seekers?*

- 9) There are forceful evictions of families allowed by a new law about rented apartments (Hyreslagen), where whole families can be evicted if one family member commits a serious crime in the apartment or near the apartment. This law will affect families renting apartments, and where perhaps a brother or sister commits a crime in segregated areas. The law, in our view, is collective punishment because children and family members that have not committed crimes are also evicted. This creates difficulties to continue school for the children and families will have difficulties to receive new rental contracts after it becomes known that they have been evicted, because this information is accessible for new landlords. So families become forced into temporary shelters, where they cannot stay for longer periods of time. So having here lost the right to be seen as persons in the eyes of the law, with their own rights to their own homes, children in the disadvantaged areas here risk losing everything through the new law, not protecting the human rights of families or upholding human rights.

Can Sweden abolish this new law and protect children and their families, living often in segregated areas, to their basic human right to their home?

- 10) Prices for housing and food have gone up to historically unprecedented levels, because of the international situation with inflation and increasing prices for housing and food. Social welfare levels have not increased in relation to prices in daily life. This makes life very difficult for asylum seekers and immigrants depending on social welfare, and at the same time social welfare authorities are being increasingly restrictive, conditioning social welfare with, for example, activity reports in job seeking being handed in on time. So suddenly, social authorities can choose to cut payments for rent and food for one month. This law on activity reports is the same for everyone living in Sweden, but for immigrants it is often so that they do not have a network of family or economically strong Swedish friends around them, that can help them out for a month, so they face instead a situation of risking to lose their apartment or will not have sufficient food for the month for themselves and their children.

Here it seems, a narrow interpretation of the Social Welfare laws, Socialtjänstlagen and Socialbalken, where the best interest of the child is not weighed in, nor the human rights to an adequate standard of living, with a right to food and housing, is not considered. This raises the question if Social Welfare authorities see themselves as being bound by human rights in their practice? The Human Rights Conventions have not been incorporated into Swedish law, except for the Children's Convention and the European Convention on Human Rights, but Human Rights have been transformed to become part of some Swedish law, and even though the Social Welfare law, Socialtjänstlagen, was inspired by human rights when it was created, it is now unclear if Human Rights are seen as legal obligations of the Welfare authorities or if Human Rights are more like in the periphery of the laws, where there is appreciation of human rights as apart of the laws, but when decisions are made by the State authorities, it is a more narrow interpretation of the laws that take precedence. It can be seen also as a democratic question, because

human rights have been chosen by the Swedish Parliament to become binding on the Swedish State through the ratifications of the Human Rights Conventions like the ICERD Convention.

Can the CERD Committee remind Sweden of its Human Rights obligations being binding for all State authorities, to act in compliance with Human Rights Conventions in their practice, such as the ICERD Convention and the Refugee Convention, where needs of refugees are described to be responded to and protected by the Governments?

- 11) The way the new laws restrict and target the rights of asylum seekers and immigrants, creates inequality and a division between us and them which is very concerning and seems in violation of ICERD Article 1 and Article 4 (c).

How is new legislation protective of Human Rights and equality of asylum seekers and immigrants in Sweden?