



**THEY HATE US
BECAUSE WE
ARE ROMA AND
BECAUSE WE BEG**

**ABUSE AGAINST VULNERABLE EU/EEA CITIZENS AND
ITS HANDLING BY THE SWEDISH JUDICIAL SYSTEM.**



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*I'm really sad about them
attacking me for no reason.
They hate me.*

Vulnerable EU/EEA citizens testify about their experiences of being subjected to threats and hate crime. Read more on page 25.

SUMMARY

This report has been produced within the framework of the project “Tackling Anti-Gypsyism Against Roma EU Migrants in Malmö” conducted by Civil Rights Defenders and Skåne City Mission in 2019–2020 with funding from the EU.

As few studies have been conducted that draw attention to vulnerable EU/EEA citizens' vulnerability to hate crime, there is a lack of knowledge about the issue. It is the aim of this report to contribute to an understanding of how crime – in particular hate crime – against vulnerable EU/EEA citizens manifests. The report thus refers to a number of interviews with individuals in the target group conducted by Skåne City Mission in 2019–2020.

The report also aims to generate knowledge of how crime, particularly hate crime, against vulnerable EU/EEA citizens is handled within the Swedish judicial system. To this end, a study of reported cases of hate crime against vulnerable EU/EEA citizens in Malmö has been carried out, as well as a study of court practices in district courts and courts of appeal around Sweden.

The interviews indicate that individuals belonging to the group vulnerable EU/EEA citizens in Malmö are regularly subjected to abuse and violations, mainly in connection with the respondents begging. Reported acts range from verbal abuse to physical violence. More than half of the respondents felt that their ethnicity or skin colour was at least a factor in their victimisation. The study also shows that approximately 30 per cent of respondents have been subjected to violations with a clear hate crime motive. Among the group, the propensity to report is relatively low, and almost half of all respondents did not wish to report the violations they had been subjected to. Among the reasons given by respondents were a lack of knowledge of how to report a crime, insufficient language skills, and the belief that reporting the crime would be futile. The results indicate that support from municipalities or civil society organisations could have a positive impact on the group's propensity to report crimes. It is also important that reported hate crimes are investigated effectively, so as not to reinforce the notion that complaints are futile.

The study of reported hate crimes in Malmö shows that investigations into hate crime against vulnerable EU/EEA citizens are very protracted. In eight out of the ten cases documented, preliminary investigations are still ongoing. At the time of writing (21 Oct. 2020), charges are yet to be brought in any of the cases.

Our study of criminal cases in Swedish district courts and courts of appeal indicate that circumstances referred to in order to prove that an act was carried out with the intention to offend the victim on the basis of his/her ethnicity or nationality are to some extent assessed differently, with different outcomes. Moreover, the courts' justifications are, for the most part, very scant. Prosecutors are only to a low extent making use of the possibility of seeking an increase in the severity of punishment on other grounds that may be relevant to crimes committed against vulnerable EU/EEA citizens – such as the offence being committed through exploiting the victim's defenceless position. The same study also shows that vulnerable EU/EEA citizens who are victims of crime rarely participate in court hearings, thereby losing their opportunity to receive compensation for the violation or harm they have suffered. Vulnerable EU/EEA citizens' lack of an address in Sweden presents a challenge to the investigation of crimes against such individuals, and may be a reason for the victim's absence during court hearings. Law enforcement agencies should therefore seek to cooperate with civil society organisations working closely with the group, in order to more easily reach victims and witnesses during the preliminary investigation.

On the basis of conclusions drawn from the studies carried out and lessons learned throughout the project, a number of policy proposals are hereby suggested:

The government should include action on hate crime against vulnerable EU/EEA citizens in its national plan to combat racism and should allocate additional resources to specialised democracy and hate crime units within the police to streamline investigations of hate crimes.

At the same time, the Swedish Prosecution Authority and Police Authority should allocate resources to carefully investigate cases of hate crime and to shorten processing times. The Police Authority and the Prosecution Authority should also work to ensure that decisions to close, or not open, a preliminary investigation are more clearly justified and better communicated to the victim than at present.

Even when a hate crime motive cannot be substantiated, there is a possibility to seek an increase in the severity of the punishment if the crime involved exploiting the victim's defenceless position. Prosecutors should make greater use of this possibility in cases where crimes have been committed against vulnerable EU/EEA citizens. Prosecutors are also encouraged to test the reach and scope of Swedish hate crime legislation by calling for an increase in the severity of the punishment when the motive for the crime was to offend the victim because s/he is homeless or earns a living by begging.

In turn, judges in district courts and courts of appeal should more clearly justify their assessment of potential hate crime motives and the impact of such motives on the severity of the punishment.

In addition, municipalities should work to strengthen the safety and security of vulnerable EU/EEA citizens, for example by providing shelters and various forms of support.

INTRODUCTION

The presence of vulnerable EU/EEA citizens in the Swedish street environment has become a hot topic in public debate. Discussions have become the most heated in connection with the introduction or proposition of a ban on begging in municipalities around the country. Beyond a ban on begging, the public debate about vulnerable EU/EEA citizens in Sweden has highlighted a number of important issues surrounding our view of “the other” and the limits of the Swedish state’s and municipalities’ responsibility for citizens from other EU countries living in vulnerability in Sweden. At times, the opinions expressed have been characterised by stereotypes of the group vulnerable EU/EEA citizens.

In parallel with the ongoing debate about begging and municipalities’ responsibility for vulnerable EU/EEA citizens, civil society organisations around the country have noted a high level of vulnerability to crime among the target group. In light of the anger that has often been directed toward vulnerable EU/EEA citizens in public debate, this raises questions about the group’s vulnerability to hate crime.

The question of the group’s vulnerability to hate crime has attracted relatively little attention in research and the existing knowledge base remains comparatively modest. For this reason, among others, Skåne City Mission and Civil Rights Defenders launched the project “Tackling Anti-Gypsyism Against Roma EU Migrants in Malmö” in January 2019, with funding from the EU. The project aims to increase the propensity among vulnerable EU/EEA citizens to report incidents in which they have been made victims of (hate) crime, to increase law enforcement agencies’ knowledge about vulnerable EU/EEA citizens’ vulnerability to crime, and to influence stereotypes about vulnerable EU/EEA citizens. During the project, Skåne City Mission has documented cases of crime, sometimes with a hate crime motive, against vulnerable EU/EEA citizens and conducted surveys to assess the knowledge about vulnerable EU/EEA citizens and their situation among residents of Malmö. These efforts have resulted in an interim report, published in June 2019 (Wallengren et al., 2019). The interim report also offers insight into the way individuals engaged in begging have historically been viewed.

The present report is based on three separate studies carried out between January 2019 and September 2020. Through one of the studies presented in this report, we aim to complement existing knowledge about abuse

against vulnerable EU/EEA citizens in general and with specific regards to Malmö. The study largely builds on the same data as the interim report that was produced in 2019. However, since its publication Skåne City Mission has continued to interview individuals in the target group, wherefore the present report is based on a greater set of data. With this report, we also aim to highlight how cases of hate crime against this group are handled within the Swedish judicial system. We have thus carried out a study of reported cases of hate crime and a study of criminal cases concerning abuse and violations against vulnerable EU/EEA citizens, which are presented in this report. The ambition is to encourage a broader debate around the situation of vulnerable EU/EEA citizens in general, and how Swedish actors can ensure that crimes against such individuals – especially those committed with a hate crime motive – are prosecuted.

The chapter **Background** focuses on the situation of vulnerable EU/EEA citizens living in Sweden as well as the link between vulnerable EU/EEA citizens, Roma individuals, and hate crime. It also highlights some of the demarcation issues and methodological challenges that makes it difficult to achieve a comprehensive picture of vulnerable EU/EEA citizens as a group.

The chapter **Current Knowledge** accounts for previous research into vulnerable EU/EEA citizens’ exposure to hate crime and the way the Swedish judicial system handles cases of hate crime.

In the chapter **Studies Conducted within the Framework of the Project**, the studies are placed in the context of current knowledge. The chapter describes the ways in which each study is intended to contribute to the development of our knowledge about vulnerable EU/EEA citizens’ exposure to hate crime and how the Swedish judicial system handles cases of hate crime against vulnerable EU/EEA citizens. The purpose and method of the studies are also presented in greater detail.

The results of the three studies carried out within the framework of the project are presented in the chapter **Results**.

The chapter **Analysis and Conclusions** presents our analysis of the data we have collected and the conclusions we draw. Based on these conclusions and in relation to existing knowledge, we present a number of recommendations in the chapter **Recommendations**.



He asks me where I sleep, because he wants to come after me. I'm very scared. He's come to see me five times already and every time he says he'll come back later.

BACKGROUND

THE SITUATION OF VULNERABLE EU/EEA CITIZENS IN SWEDEN

In recent years, so-called “circular migration” has become increasingly common in Sweden. Statistics Sweden (SCB) defines a “circular migrant” as a person who has migrated at least three times over a ten-year period before taking up residence in Sweden or abroad for at least 12 months (SCB, 2019). According to SCB (2020), in 2018 there were approximately 5,200 people aged 20–64 who were born abroad and had immigrated to Sweden multiple times in the previous ten years. Circular migrants include, among others, citizens of other EU or EEA countries who stay for short periods of time in Sweden and who earn a living by begging. In public documents, this segment of the larger group of circular migrants has come to be referred to as vulnerable EU/EEA citizens, which is also the generic term that will be used in the present report to describe the group whose vulnerability to crime is its focus.

Due to an in part unclear definition of who counts as a vulnerable EU/EEA citizen, it is difficult to estimate the number of individuals belonging to this group who are living in Sweden at a certain time. However, in 2018 the Swedish Police Authority reported that there were more than 4,800 vulnerable EU/EEA citizens in Sweden. The corresponding figure for 2019 is unknown (County Administrative Board of Stockholm, 2020, p. 25). In 2015, the Swedish Police Authority estimated the number to be 4,700 (County Administrative Board of Stockholm, 2018, p. 21). The survey shows that the majority of vulnerable EU/EEA citizens are from Romania, followed by Bulgaria (County Administrative Board of Stockholm, 2020, p. 8). More often than not, they also belong to Sweden’s Roma minority (National Board of Health and Welfare, 2017, p. 74). The finding that the majority are Roma from Romania is also confirmed by Skåne City Mission and other city missions in their various activities directed at vulnerable EU/EEA citizens from cities in Skåne and other parts of the country. This is also clearly reflected in the first study presented in this report.

According to the Swedish National Board of Health and Welfare’s 2017 survey on homelessness, the vast majority of vulnerable EU/EEA citizens in Sweden live in acute homelessness. Many sleep outdoors or in cars, tents, huts, or similar during their stay in Sweden (National Board of Health and Welfare, 2017, p. 69). As shown in the survey, the needs of vulnerable EU/EEA citizens are among the most basic, such as opportunities to see to their hygiene, wear clean clothes, get warm, and receive some form of income (ibid., p. 69).

The majority of vulnerable EU/EEA citizens have travelled to Sweden voluntarily. The main reason why vulnerable EU/EEA citizens leave their home country is poverty, an issue not seldom linked to discrimination. The individuals’ primary goal during their stay in Sweden is to find a source of income that will allow them to support themselves and their families in their home country. Vulnerable EU/EEA citizens may earn a living by, for example, selling so-called street papers, such as Faktum; performing temporary tasks and undeclared work; or collecting cans and bottles for money (ibid., p. 74–75). However, the majority of vulnerable EU/EEA citizens earn a living by begging outside shops or other public places (ibid., p. 75).

THE SITUATION OF ROMA IN EUROPE

The Roma make up the largest minority in the EU at around 10–12 million people (Motoc, 2015). Romania is the country in the world with the largest proportion of Roma among its population. The country’s Roma minority comprises approximately 2 million citizens, which corresponds to roughly 8 per cent of the population. Bulgaria, Hungary, and Slovakia also have sizeable Roma minorities. In addition, there are smaller Roma minorities in several other EU member states.

In Europe, the Roma minority’s relations with majority society have been characterised by persecution for almost an entire millennia, ever since their arrival on the European continent in the 14th century. It is particularly deep-rooted in countries in Eastern and Central Europe. As a telling example, the Roma in Romania were kept as slaves until 1856. In the 20th century, the Roma in Europe lived through the Holocaust, when an estimated 1,000,000–1,500,000 Roma lost their lives. They have subsequently suffered systematic oppression in several European countries (The Living History Forum, n.d.).

In Sweden, Roma presence has also been met with anti-Gypsyism and discrimination, ever since the group first arrived in the 16th century. This attitude has manifested itself not least in vagrancy laws targeting Roma, sterilisation policies, state-sanctioned surveys of Roma individuals, entry bans, and the forced displacement of Roma in the 20th century. Several “social” efforts by the authorities have also aimed to make Roma persons more “Swedish”, often against their will.

The repression of Roma is not a relic of the past. According to Amnesty International, discrimination against Roma remains widespread in most European countries and poses a serious human rights issue (Amnesty International, n.d.). Civil Rights Defenders' own report on the situation of Roma in the Western Balkans shows that the Roma experience discrimination in all aspects of their daily lives, including in their contact with the authorities, in shops, bars and restaurants, or when individuals are out walking (Civil Rights Defenders, 2018). According to the United Nations Children's Fund (UNICEF), 70 per cent of Europe's Roma population is living in poverty. UNICEF also estimates that only 20 per cent of Roma children in Eastern and Central Europe are enrolled in primary school (UNICEF, 2011). Consequently, the number of Roma who complete primary, secondary, or university education is low.

The Roma's precarious situation is also reflected in other socio-economic indicators. Today, Roma constitute the poorest group in the EU, while also having the lowest employment rate and shortest life expectancy.

This vulnerability cannot solely be explained on the basis of ethnic discrimination, yet discrimination appears to be the dominant reason. The prejudice with which Roma are viewed, and which in turn has tainted policies in many European countries, has driven many Roma to the fringes of society and is the reason why they remain there (Amnesty International, 2010).

The fact that the majority of vulnerable EU/EEA citizens in Sweden are Roma should therefore be understood as a consequence of the discrimination that characterises living conditions for Roma in Europe and which is particularly evident in countries such as Romania. The possibility of travelling freely within the EU's borders has opened up the prospect of leaving a life in discrimination and poverty in search of new opportunities. The vast majority of those who come to Sweden do so in the hope of finding a source of income to support themselves and their families. Lacking access to job opportunities, many engage in begging (Wallengren & Mellgren, 2017, p. 40–41). The notion that begging is a choice has become an entrenched prejudice, mainly about Roma but also other individuals who engage in begging. A related notion is the assumption that people who beg do not wish to work and that begging thus can be seen as an end in itself or an expression of a cultural norm among the Roma. Instead, begging should be understood as a survival strategy and a last resort.

LIVING IN DOUBLE VULNERABILITY

The majority of vulnerable EU/EEA citizens who come to Sweden are acting of their own free will, with the goal of finding a source of income (Wallengren & Mellgren, 2017, p. 40–41). However, the group's vulnerable situation, both in their home country and in Sweden, creates a vulnerability to exploitation by others, wherefore it happens that individuals are trafficked for purposes of prostitution or begging (County Administrative Board of Stockholm, 2020, p. 8–9). Several civil society organisations working closely with the target group also testify that individuals are frequently exploited in the labour market, for example by being refused pay after carrying out manual labour (City of Göteborg, 2019; Risenfors, 2019).

Vulnerable EU/EEA citizens are not alone in their vulnerability to crime. Research on the vulnerability to crime among homeless people has shown that individuals living in homelessness are far more vulnerable to crime than individuals with a home (Nilsson et al., 2020; National Board of Health and Welfare, 2012). However, research on the vulnerability to crime among homeless people also indicates that women and individuals belonging to various minority groups are particularly vulnerable to harassment because of their identity (Wachholz, 2005, p. 152). It is therefore reasonable to assume that vulnerable EU/EEA citizens from Romania or Bulgaria – the majority of whom are Roma – are also particularly vulnerable to harassment, discrimination, or other wrongful discriminatory treatment compared to other individuals living in homelessness in Sweden. Such harassment or wrongful discrimination may to some extent be categorised as hate crimes. This gives cause for a summary of what may be categorised as hate crime under Swedish law.

HATE CRIME IN THE LEGAL SENSE

Swedish law does not offer a definition of hate crime. Instead, hate crime is an umbrella term used to describe two separate crimes: *agitation against an ethnic or national group* (SFS 1962:700, 16 ch 8 §, hereafter referred to as the Penal Code) and *unlawful discrimination* (16 ch 9 § of the Penal Code). It also pertains to the *provision on aggravating circumstances when assessing the penal value* (29 ch 2 § 7 art. of the Penal Code), which stipulates that crimes committed with the aim of insulting a person or a population group on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation, transgender identity or expression, or some other similar circumstance justify a more severe punishment.

Agitation against an ethnic or other national group is when a person expresses threats or disparagement toward a group of persons while making allusions to their race, colour, national or ethnic origin, religious belief, sexual orientation, or transgender identity or expression in statements or messages that are somehow disseminated, for example online. This list of grounds is exhaustive and, in order to be held responsible, the offender must have acted deliberately.

In order to be convicted of *unlawful discrimination*, the offender must in his or her activities have discriminated against another person on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation, or transgender identity or expression. The list of grounds for discrimination is exhaustive. The paragraph in question refers to discrimination committed by traders, employees in a trader's business, as well as elected representatives and government and municipal employees.

As mentioned above, the *provision on aggravating circumstances when assessing the penal value* does not constitute a criminal offence of its own. Instead, the provision can be applied in combination with virtually any crime. However, according to the Swedish National Council for Crime Prevention (BRÅ), molestation and unlawful threats were the two crimes most frequently reported to have been committed with a hate crime motive in 2018 (BRÅ, 2019a).

With the introduction of a provision on aggravating circumstances when assessing the penal value for crimes committed with a so-called hate crime motive, the legislator has sought to highlight that crimes committed with a racist or similar offensive motive are particularly serious and deserve a more severe sentence than the same crime committed without such a motive. In the preparatory work for the provision, it was stated that it is important to take a stand against crimes with a hate crime motive, as such crimes constitute a violation of the

principle of the equality of all human beings (Ministry of Culture, 1993, p. 20).

The grounds covered by the provision are the same as in the case of agitation against an ethnic or other national group, but the list is not exhaustive and also covers violations on grounds of "another, similar circumstance". This means that other grounds not expressly mentioned in the legal provision may also be protected by the article. It is up to the court to decide which other circumstances should be considered worthy of safeguarding.¹

EXPLOITING A VICTIM'S DEFENCELESS POSITION CALLS FOR AN INCREASE IN THE SEVERITY OF PUNISHMENT

In the assessment of the penal value of a crime, the fact that a criminal offence has been committed with the motive of offending the victim on the basis of, for example, his/her nationality or ethnic origin is not the only factor that may affect the penal value. If the defendant has exploited the victim's defenceless position or difficulty defending him-/herself, this also impacts on the penal value of the offence and may subsequently lead to a more severe punishment since the offence is then regarded as involving a greater degree of ruthlessness, as stipulated in 29 ch 2 § 3 art. of the Penal Code.

Being in a defenceless position or having certain difficulties defending oneself is typically a condition or characteristic belonging to specific groups of people, such as children or the elderly, as well as individuals with disabilities. Exploiting such a disadvantage in the event of a crime is generally considered an aggravating circumstance. Examples from case law include the wielding of an older person's walker as an aggravating circumstance. The same applies to fraud committed against elderly people in their home (Ågren, 2020).

¹ Read more about what constitutes a hate crime in (Swedish Prosecution Authority, 2016).



I was sitting there begging and said 'hi, hello' to a 40-year-old woman, as I usually say hi to everyone. When I wasn't paying attention, she spat in my face.

CURRENT KNOWLEDGE

HATE CRIME AGAINST VULNERABLE EU/EEA CITIZENS

Knowledge production by government authorities

BRÅ produces annual statistics on the self-perceived exposure to hate crime among different groups in Sweden. One such group is Roma. A lot of research has also focused on studying hate crime against specific groups. However, hate crime committed against vulnerable EU/EEA citizens who are Roma has not been reported as a separate category by BRÅ. This may in part be due to the fact that the issue of hate crime committed against vulnerable EU/EEA citizens has not been prioritised by the government. So far, the government's only action to combat hate crime against vulnerable EU/EEA citizens has been to give the Police Authority a mandate in 2017 to report on measures taken to combat hate crime against vulnerable EU/EEA citizens during 2018. In its annual report, the Swedish Police Authority stated that a special coordinator had been appointed to work on building trust among vulnerable EU/EEA citizens in Uppsala, and that hate crime against vulnerable EU/EEA citizens had been discussed during the Police Authority's national hate crime conference in 2018. The Police Authority also mentioned its work cooperating with civil society organisations, but it is not clear whether this cooperation dealt specifically with hate crime against vulnerable EU/EEA citizens. Further, the Police Authority referred to its participation in Skåne City Mission and Civil Rights Defenders' project "Tackling Anti-Gypsyism Against Roma Migrants in Malmö", even though the project had not yet begun during the accounting period (Swedish Police Authority, 2019). It thus appears that hate crime against vulnerable EU/EEA citizens is not given priority by the Swedish Police Authority, although some actions have been carried out on the initiative of civil society organisations.

In the mandate assigned by the government to the County Administrative Board of Stockholm to coordinate actions targeting vulnerable EU/EEA citizens in 2017–2020, the issue of vulnerable EU/EEA citizens' exposure to hate crime has not been prioritised. In the final report, the word "anti-Gypsyism" is mentioned only twice, in part to describe Civil Rights Defenders' work, and the word "discrimination" occurs once, with reference to the situation in Romania (County Administrative Board of Stockholm, 2020). Moreover, the Swedish Police Authority does not currently use a specific criminal identification number for crimes against vulnerable EU/EEA citizens. The lack of concrete material upon which to base a more detailed review of crimes against vulnerable

EU/EEA citizens, combined with the fact that hate crime committed against vulnerable EU/EEA citizens has not been prioritised, means that we still have a lack of a complete overview of the extent of hate crime against vulnerable EU/EEA citizens in general and against Roma individuals within that group specifically. However, two studies have been carried out that shed light on the situation of vulnerable EU/EEA citizens in Sweden and which are highlighted in this section.

Previous studies on hate crime against vulnerable EU/EEA citizens

A study carried out by Tiberiu Lacatus (2015) examined the situation of 37 vulnerable EU/EEA citizens of Roma origin, 34 of whom were from Romania and 3 from Bulgaria. The study shows that the respondents consider violations and harassment to be normal elements of their everyday life in Sweden. Respondents regularly experienced violations in the form of being spat on, kicked, or having their paper cups kicked over as they were begging (*ibid.*, p. 5). The respondents also stated that they perceived their Roma ethnicity to be the grounds for the abuse they suffered (*ibid.*, p. 6). The study also recounts several incidents of serious crime experienced by respondents. These include attempted murder, assault, and arson against their settlements (*ibid.*, p. 7–8). In order to reduce the risk of being subjected to crime, participants in the study take their own precautions, such as keeping away from perpetrators, avoiding conflict, working in groups, or moving to a new settlement if they feel unsafe (*ibid.*, p. 9). The majority of respondents stated that they have refrained from reporting these violations. Several explained this with reference to a low level of trust in the police and in the authorities in general (*ibid.*, p. 10).

In 2017, a study was conducted at Malmö University which, among other things, aimed to investigate vulnerable EU/EEA citizens' vulnerability to hate crime. All of the 28 respondents stated that they had been subjected to offensive treatment while in Malmö (Wallengren & Mellgren, 2017, p. 45). In contrast to the study conducted in 2015, the majority of respondents stated that they were subjected to violations mainly due to their socioeconomic status as beggars, rather than their Roma ethnicity. However, respondents perceived their ethnicity to be a contributing factor to crimes being committed against them (*ibid.*, p. 42–43).

As in the study conducted in 2015, respondents stated that violations were a common element of their daily lives and would often occur when they were begging. The

most common violations were verbal confrontations, but sexual and physical violence also occurred. The perpetrators were usually identified as young men or older people, but also persons in a position of power such as police officers or service staff (ibid., p. 49). The study concludes that these violations have a negative effect on the sense of safety both for the individual and among the group as a whole, as the knowledge that others in the group have been subjected to hate crime contributes to feelings of fear, sadness, and anger (ibid., p. 61). In order to reduce the risk of being subjected to crime, participants in the study employed a variety of strategies, such as not provoking potential perpetrators, keeping a close eye on their surroundings, and attempting to hide their ethnicity (ibid., p. 56).

HATE CRIME AGAINST ROMA IN SWEDEN

As the present report aims to give an account of the vulnerability to hate crime among Roma vulnerable EU/EEA citizens in particular, there is also reason to account for the incidence of hate crime against Roma in Sweden. In BRÅ's statistics, anti-Roma hate crimes are categorised as crimes that can be distinguished from other racist hate crimes by the use of offensive language that alludes to the victim's Roma identity or the victim stating in the report that his/her vulnerability was motivated by his/her Roma ethnicity (BRÅ, 2019b, p. 51). This means that hate crimes committed against vulnerable EU/EEA citizens, in which the report states that the crime was committed with an anti-Roma motive, are also included in the statistics on hate crime with an anti-Roma motive. As mentioned above, BRÅ does not present statistics on crimes against vulnerable EU/EEA citizens in particular, yet there is still reason to account for the existence and nature of hate crime against Roma in Sweden in greater detail.

BRÅ's latest statistical report was published in 2019 and refers to hate crime reported in 2018.² In 2018, a total of 7,090 crimes committed with a hate crime motive were reported to the police. This figure represents an increase of 11 per cent compared to 2016, and 28 per cent compared to 2013 (ibid., p. 29). The picture is somewhat the opposite when looking at hate crime committed with an anti-Roma motive, where there has been a downward trend in recent years, albeit after a steady increase in 2010–2014. In 2018, 110 anti-Roma hate crimes were identified, corresponding to 2 per cent of all reported hate crimes. This represents a decrease of 31 per cent compared to 2016 (ibid., p. 51).

Among crimes committed with an anti-Roma motive, unlawful threats and molestation (40 per cent) were the most common offences reported to the police in 2018, followed by defamation (17 per cent), acts of violence (17 per cent), and agitation against an ethnic or national group (11 per cent) (ibid., p. 51). Reports of hate crime committed with an anti-Roma motive include a physical victim more often than reports of hate crime with other motives. A physical victim was identified in 93 per cent of reports of hate crimes committed with an anti-Roma motive, compared to 70 per cent of reported crimes with other hate crime motives (ibid., p. 33). The fact that a hate crime has been committed against a physical victim means that it was directed at an individual rather than property or an institution. The most common perpetrator of anti-Roma hate crime is service staff (28 per cent) (ibid., p. 55).

The proportion of resolved hate crimes is overall very low, and particularly so with regards to reported anti-Roma hate crimes. Of the 160 police reports received in 2016, by 30 June 2019 no crime had been resolved (ibid., p. 55), compared to an overall rate of 3 per cent for all hate crimes in the same period. 62 per cent of preliminary investigations were closed, while 38 per cent of reports were dismissed immediately, which means that no investigation was initiated. As a result, no crimes remained under investigation by 30 June 2019 (ibid., p. 55). During this period, no reports thus led to criminal charges or convictions.

HATE CRIME AND THE SWEDISH JUDICIAL SYSTEM

As the purpose of the present report is in part to investigate how instances of hate crime against vulnerable EU/EEA citizens in Malmö are handled, it is relevant to, at the start of this section, account for the procedures governing the handling of hate crime by law enforcement agencies and how hate crime is meant to be handled throughout the legal chain. Furthermore, it is also relevant to account for the shortcomings and areas of development identified by other actors with regards to the handling of hate crime within the Swedish judicial system.

Procedures and distribution of hate crime among actors in the judicial system

The Swedish Police Authority has three democracy and hate crime units in Malmö, Gothenburg, and Stockholm that investigate hate crimes. Other regions in Sweden currently lack such specialised hate crime units.

2 Nästa rapport publiceras år 2021.

The Swedish Prosecution Authority has one or more designated prosecutors with special responsibility for hate crime at each local public prosecution office and a development centre in Malmö responsible for hate crime (Internal Audit, 2017, p. 21). The number of prosecutors assigned to work on hate crime varies between local offices, as do the number of hours each prosecutor has been assigned to investigate cases of hate crime.

It is not common for public defence counsel or counsel for the injured party to specialise in hate crime. There are exceptions when, for example, the counsel for the injured party specialises in representing victims of hate crime, often in collaboration with non-profit organisations. However, public defence counsel and counsel for the injured party are personally responsible for developing their skills within the field of hate crime, by taking courses offered by the Swedish Bar Association in exchange for payment (Granström & Åström, 2017, p. 42).

Hate crime is prosecuted within the regular legal chain and charges are brought by a prosecutor in a district court. Reports of hate crime are investigated by the police. In cases where a suspect has been identified on reasonable grounds, the preliminary investigation is instead led by a prosecutor with special responsibility for hate crime (ibid., p. 44).

There is currently no widely recognised method for identifying crimes committed with a hate crime motive. Normally, the police should enquire whether the person filing the report believes there was any particular cause for the crime, such as racist views held by the offender. The police or prosecutor may also investigate the suspect's background, lifestyle, and values to determine a possible hate crime motive (ibid., p. 45–46). A report that is found to potentially concern an instance of hate crime is given a special "hate crime label". Only such cases may be investigated by specific hate crime units or by prosecutors specifically assigned to work on hate crime. In the absence of a widely recognised method for identifying crimes committed with a hate crime motive, today the responsibility to inform the police that an offence has been committed because of a certain characteristic belonging to the victim largely falls on the person filing the report.

If charges are brought, the case is tried in court. In Sweden, the principle of free examination of evidence means that, as a starting point, all evidence is admissible and must be taken into account. The court adjudicates on the basis of evidence presented in the trial and oral evidence from the main hearing. As indicated by a survey of prosecutors, defence counsel, and judges, it is rare for

prosecutors to invoke a hate crime motive directly in the indictment (ibid., p. 48). This is considered problematic by some defence counsel who argue that their ability to prepare a defence is more limited if information about a hate crime motive is introduced later on in the process (ibid., 2017, p. 48). Some prosecutors have also aimed criticism at the courts, claiming that arguments about hate crime motives have no significant impact on sentencing (ibid., 2017, p. 49–50).

Shortcomings in the handling of hate crime within the Swedish judicial system

Research into the effectiveness of the judicial system in dealing with hate crime is limited and there are only a few studies touching on the issue. One of them is the report "Lifecycle of a Hate Crime – Country Report on Sweden" by Görel Granström and Karin Åström, researchers at Umeå University (Granström & Åström, 2017, p. 63). The report notes that, despite a widespread perception that the Swedish judicial system has become better at identifying hate crime, the number of cases that lead to prosecution and conviction remains very low. This is seen as a consequence of how the work is carried out in practice, rather than the way legislation has been designed. The authors of the report also point out that judges generally have very limited experience of dealing with hate crime. In contrast, prosecutors state that they do some work on hate crime. This prompts the authors to ask themselves why the discrepancy between judges' and prosecutors' answers is so significant. One explanation might be that judges are not always good at detecting hate crime motives in criminal cases (ibid., p. 64). It has also become clear that the police are not always able to correctly identify a hate crime motive or secure the necessary evidence because they lack the knowledge or specific procedures that it requires (ibid., p. 65). Another important factor in this context is whether an indication of a hate crime motive should be included in the indictment. Even though the majority of the representatives of the judicial system who were interviewed agreed that this should be the case, it became clear that defence counsel and judges are of the opinion that this rarely happens in practice.

The ability of the police to handle hate crime was investigated by the Police Authority's internal audit in 2017. The report points to shortcomings in the police's knowledge of the initial measures required in cases of hate crime, such as detailed interviews, confiscation in order to secure evidence, and a more detailed description of the circumstances of the case, including clothing and symbols worn by the perpetrator (Internal Audit, 2017, p. 21).

Further, the report stresses that it is important to raise awareness among police officers about the real purpose of labelling a case as a potential hate crime: that is, to highlight the hate crime motive. In the absence of such knowledge, there is a risk that crimes are wrongly labelled. Interviews conducted by the internal audit show that no developed procedures exist for self-monitoring and quality assurance of initial investigative measures in the different police regions, but that investigative units with special responsibility for hate crime maintain a higher standard. The internal audit also calls for a clear follow-up of regional regulations and a central follow-up of the various police regions' efforts to tackle hate crime.

The internal audit also deems there to be a risk that cases with a hate crime motive may never be investigated if the main crime is a so-called "routine offence", i.e. a common and less serious crime, which is typically dismissed outright (ibid., p. 16). In addition, the report points to a lack of follow-up on existing police reports from pre-trial investigators. All in all, the internal audit concludes that the Police Authority's efforts to combat hate crime need to be improved so as to become more effective (ibid., p. 22).

The police researcher Stefan Holgersson (2018) has investigated the prosecution of hate crimes. Though the study focuses on hate crimes committed online, some of its conclusions are also relevant to this report. Firstly, the statistics presented show that it is not uncommon for reports of hate crimes to be lost in case management by the police and thus never recorded, even when the person filing the report has continuously reminded the Police Authority. A total of 95 reports, or 11 per cent, had been lost in case management, with large discrepancies between different police regions (Holgersson, 2018, p. 13). The author of the report also points to long waiting times for filing reports, the process being unnecessarily resource-intensive, and the problem of certain reports – for which a preliminary investigation has been initiated – being closed immediately without any investigative measures (ibid., p. 29–32).

Furthermore, the study indicates major differences between police regions with regards to the acts that may be classified as a hate crime (ibid., p. 33ff). There are also significant differences in, for example, the number of preliminary investigations and prosecutions that are closed (ibid., p. 4). The study presents further indications that some representatives of the judicial system display an unwillingness to investigate hate crimes and a reluctant attitude toward these types of crime, which may reasonably impact on the effectiveness of the processing of hate crimes (ibid., p. 46).

KNOWLEDGE GAP

The two existing studies on EU/EEA citizens' vulnerability to hate crime presented above point to certain unequivocal conclusions: subjection to violations and harassment is frequent and recurring among vulnerable EU/EEA citizens and is experienced as an inherent part of their everyday life in Sweden. Non-profit organisations working closely with this group in Sweden have regularly testified to such a situation among the group. In light of this and in the absence of state-sanctioned studies with the resources to carry out more extensive surveys, there is a need to broaden the existing knowledge base on vulnerable EU/EEA citizens' exposure to crime, in particular the group's exposure to hate crime. This, not least because the two studies that have been carried out also report ambiguous results with regard to the individuals' reasons for not reporting crimes or the group's trust in Swedish law enforcement agencies.

Like the two existing studies, the present report, carried out within the framework of the project "Tackling Anti-Gypsyism Against Roma Migrants in Malmö", seeks to examine how often vulnerable EU/EEA citizens in Malmö are subjected to hate crime, in what context this happens, what acts are most common, and what gives cause for these acts.

In addition, the report details how crime – in particular hate crime – against vulnerable EU/EEA citizens is handled within the Swedish judicial system. There is at present a lack of studies closely examining the handling of crimes against vulnerable EU/EEA citizens. Although some research into the handling of hate crime within the judicial system may have a bearing on how crimes against vulnerable EU/EEA citizens are handled within the judicial system, there is also a need to examine more closely the handling of hate crime committed against vulnerable EU/EEA citizens specifically. This, not least because it is a group that is both mobile and in many ways excluded from society, without a fixed address and the requisite Swedish language skills.

The study on the judicial system's handling of hate crime presented in this report is based on a relatively small set of data, with a limited number of cases. We have therefore supplemented this data with a study on the handling of hate crime committed against vulnerable EU/EEA citizens in district courts and courts of appeal. As far as the authors of the present report are aware, no similar study of the handling of cases of hate crime against vulnerable EU/EEA citizens by Swedish courts has previously been carried out. Against this background, it is our assessment that the present report can provide significant new knowledge about the judicial system's handling of hate crime against vulnerable EU/EEA citizens.



*Go back to your country!
Go work!*

STUDIES CONDUCTED WITHIN THE FRAMEWORK OF THE PROJECT

AIMS

The aim of the studies carried out within the framework of the project has been to highlight the vulnerability to crime, in particular hate crime, among vulnerable EU/EEA citizens in Malmö as well as the challenges that characterise the prosecution of such crimes within the Swedish judicial system. It is our hope that the recommendations presented in the report may provide an understanding of the measures required to combat hate crime against vulnerable EU/EEA citizens in Sweden and to ensure that vulnerable EU/EEA citizens can exercise their rights as victims of crime.

METHODOLOGY

Three studies have been carried out within the framework of the project.

In the first study, individuals belonging to the group vulnerable EU/EEA citizens were asked about their vulnerability to crime. The interviews were conducted using a questionnaire consisting of 22 closed and open follow-up questions. The function of the follow-up questions was in some cases to verify the individual's understanding, but mainly to create a broader understanding of the issue at hand. Among other things, the questions relate to the individual's situation and relations with the authorities, whether the interviewees had been subjected to violations, and whether these were deemed by the respondent to constitute a hate crime.

The respondents were selected in connection with outreach activities by Skåne City Mission and persons visiting Skåne City Mission's social centre, Crossroads. The staff at Crossroads, who were employed within the same project team that produced this report, regularly asked people visiting the space whether they had recently been subjected to crime. Those who answered in the affirmative were invited to participate in an individual conversation with staff from Skåne City Mission's office, during which they were asked to answer the remaining questions in the questionnaire.

The outreach activity was carried out by three Skåne City Mission employees regularly visiting different parts of the city, with the goal of speaking to people belonging to the group vulnerable EU/EEA citizens about their exposure to crime. Initially, staff asked whether individuals had been subjected to any violations. If the answer was in the negative, this was noted down and

staff continued their walk. If an individual answered in the affirmative, the staff asked follow-up questions based on the questionnaire. On different outreach occasions, staff visited different parts of the city in order to avoid recording an incident affecting the same individual multiple times. As the Skåne City Mission staff is already acquainted with large parts of the target group in Malmö through their work, there was no risk that the same person be counted twice.

Following the global outbreak of Covid-19 in March 2020, outreach and interviews with visitors to Crossroads ceased for a number of months, and were resumed with regularity in June 2020.

The project staff who conducted the interviews had several years' experience of working with hate crime and activities linked to vulnerable EU/EEA citizens. In some cases, project staff had met the interviewees on previous occasions and there was already a built-up trust, which allowed for open conversations. In addition, project staff were able to carry out interviews in Romanian, which allowed them to capture linguistic nuances and expressions.

As the aim of the study is to create knowledge about EU/EEA citizens' exposure to hate crime through interviews with victims, the project team refrained from creating a random sample. Instead, the project team conducted interviews with individuals who reported that they had been subjected to abuse. Regardless, it would have been difficult to create a random sample of respondents, as it is not possible to estimate with any certainty how many vulnerable EU/EEA citizens are residing in Malmö during a certain period, as many individuals belonging to the group are not long-term residents in Sweden.

The second study on which the report is based is a follow-up study of cases of hate crime reported to the police in police region South. The selection of cases was made on the basis of the first study outlined above. In cases where the respondent stated during the interview that s/he would like to report the crime to which s/he had been subjected, staff from Skåne City Mission assisted the respondent in filing a report with the police in Malmö. On occasion, the individuals themselves approached staff at Skåne City Mission seeking help to report a crime, as information that such help is available spread within the target group as a result of the project that Skåne City Mission and Civil Rights Defenders have conducted together. On the occasions

that respondents gave Skåne City Mission staff power of attorney to obtain information about their case from law enforcement agencies, Skåne City Mission were able to follow up on the matter with the authorities. In this way, Skåne City Mission has been able to compile a list of ongoing cases of hate crime committed against vulnerable EU/EEA citizens in Malmö and has been able to follow up on how far these cases have reached in the legal process and what measures have been taken by the authorities. Throughout the project, Skåne City Mission has also been able to assist with contact information to legal representatives, contacts with law enforcement agencies, and information about individuals' rights.

The set of data on which the follow-up study has been based is relatively small. This is mainly due to the fact that only a small number of the individuals included in the first study wanted to report the crimes. It is therefore difficult to draw any general conclusions from the data without also relying on existing research about the way hate crime is handled within the Swedish legal system, as well as experiences that project staff have acquired in connection with the follow-up efforts with the authorities.

At the time of writing, none of the cases reported have resulted in criminal charges, as detailed below. This means that the follow-up study cannot present any results relevant to the way hate crimes committed against vulnerable EU/EEA citizens are handled in court. In order for the report to provide a comprehensive picture of the handling of hate crime cases throughout the legal chain, a third study has been conducted.

The third study – an analysis of district court and court of appeal judgments – was conducted in September 2020. This study was based on a search for the term “beggar” in the legal database JUNO, which stores criminal judgements from all district courts in Sweden since 2013. The search was limited to criminal cases tried in a general court since 2013. Among the results of the search, a demarcation was made to identify cases in which the victim was most likely a Romanian or Bulgarian citizen and where the charge related to a violation of the Penal Code. The selection excluded offences related to human trafficking or human exploitation. In the cases that remained, the nature of the offence was analysed based on the circumstances of the case, the presence or absence of an objectively identifiable hate crime motive, whether the prosecutor called for an increase in the severity of the punishment on the grounds that the offence was committed with a hate crime motive, and whether the court applied the provision on aggravating circumstances when assessing the penal value because of an established hate crime motive or because the victim was in an defenceless position. A further analysis

of the victim's role in the legal process and of the perpetrator's status was also conducted.

The specific search term used to produce the initial sample also means that crimes against vulnerable EU/EEA citizens who do not earn a living by begging, or who are not perceived by the perpetrator to earn a living by begging, are excluded from the study. While it would be desirable for the study to also cover situations where vulnerable EU/EEA citizens have been subjected to crime without the perpetrator making any connection to the victim begging, our assessment is that the search term “beggar” creates the best possible conditions for identifying criminal cases reflecting a situation where vulnerable EU/EEA citizens are most vulnerable to being subjected to crime. As detailed below, our study indicates that the majority of respondents were subjected to hate crimes as they were begging. However, the search term causes the study to overlook certain criminal proceedings in which the victim is a vulnerable EU/EEA citizen but has not been identified as a beggar. In order to supplement the data upon which we base our analysis, we have thus also included criminal cases that we have learnt of through articles in the news media and which we have since looked up in JUNO.

Finally, the report also relies in part on lessons learned during the course of the project. The analysis section of the report includes reasoning and conclusions based partly on lessons learned from the recurring dialogue that the project has maintained with the Police Authority's democracy and hate crime unit in Malmö and partly on discussions with police officers in connection with Civil Rights Defenders and Skåne City Mission presenting nine lectures to the police in Malmö.

CONTEXT AND DEMARCATION OF STUDIES

In our reporting on the studies, we regularly refer to the group “vulnerable EU/EEA citizens” without necessarily specifying whether individuals belonging to the group are Roma. The vast majority of the individuals whom Skåne City Mission encounters in its work are Roma. In this sense, Malmö does not deviate from the general trend among the group vulnerable EU/EEA citizens in Sweden. This is also reflected in the first study, in which 87 per cent of respondents state that they are of Roma origin (see the Results section below). What is more, remaining respondents have a social link to the group Roma EU/EEA migrants in Malmö. It appears likely that they are often thought to be Roma. In a previous study carried out within the framework of the project, in which 150 randomly selected individuals in Malmö participated, 38 per cent stated that they perceived vulnerable EU/EEA citizens who are begging to be Roma (Wallengren

et al., 2019). We therefore deem the awareness that the majority of vulnerable EU/EEA citizens in Malmö are Roma to be widespread. It is thus also possible for an individual who belongs to the group but who is not Roma to become the victim of a crime with an anti-Roma motive. In light of this, we have chosen not to distinguish between vulnerable EU/EEA citizens who are Roma and those who are not in our reporting on the studies.

It is also relevant to explain how the term “hate crime” is intended to be understood in the context of this report. When a crime is described as a hate crime in our reporting on the studies we have conducted, this refers to a crime committed with a motive to offend the victim because of his/her ethnicity, colour, or nationality and where we have identified objective circumstances to substantiate this motive.

Finally, it should be noted that all vulnerable EU/EEA citizens interviewed for the study on vulnerability to crime were residing in Malmö, while the police

reports followed up by the project team was managed by the Police Authority’s democracy and hate crime unit in police region South. Despite the geographical demarcation of the studies, we deem the conclusions drawn herein to also be relevant to actors elsewhere in Sweden. This is because vulnerable EU/EEA citizens outside Malmö also live in similar conditions. In the study of the prosecution of hate crimes against vulnerable EU/EEA citizens in court, the report focuses on cases from district courts and courts of appeal across the country. The reason for this is that the data would be vanishingly small if the study were limited to focusing only on Malmö District Court. In addition, there is currently no reason to believe that the competence with regards to hate crime against vulnerable EU/EEA citizens is greater in certain district courts or courts of appeal than in others, wherefore a national study should provide a true and fair view.



When I walked past the restaurant, the same waiter kicked me on the legs and threw me aside.

RESULTS

SKÅNE CITY MISSION AND CIVIL RIGHTS DEFENDERS' STUDY ON THE EXPOSURE TO HATE CRIME AMONG VULNERABLE EU/EEA CITIZENS IN MALMÖ 2019–2020

Composition of respondents

A total of 38 vulnerable EU/EEA citizens were interviewed as part of this study, of which 53 per cent were men and 47 per cent were women. 89 per cent stated that they were of Roma origin, while 3 persons identified as Romanian. One person chose not to state their ethnic origin. More than half of the respondents (63 per cent) were aged between 31 and 50, while just under a third (29 per cent) were 50 years or older. 8 per cent of the respondents were between 18 and 30 years old.

Fig. 1. Gender distribution

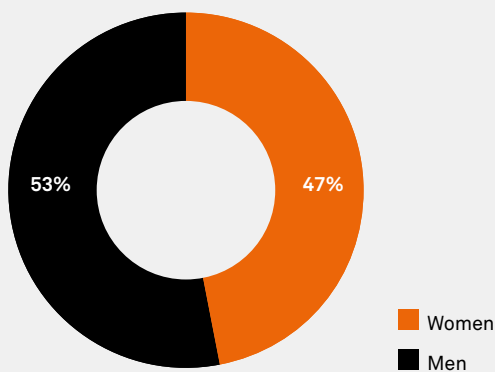


Fig. 2. Ethnicity

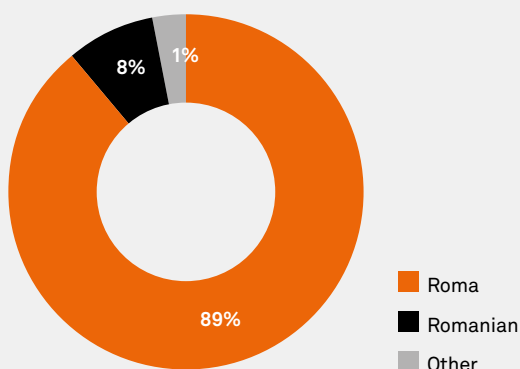
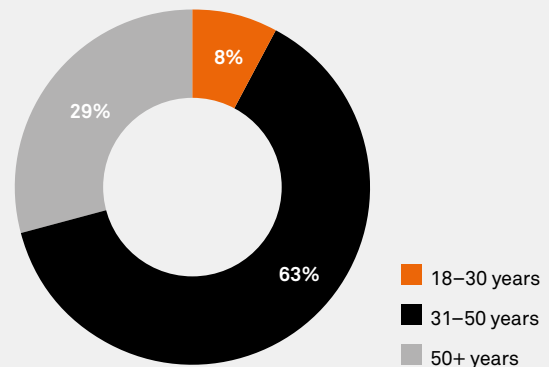


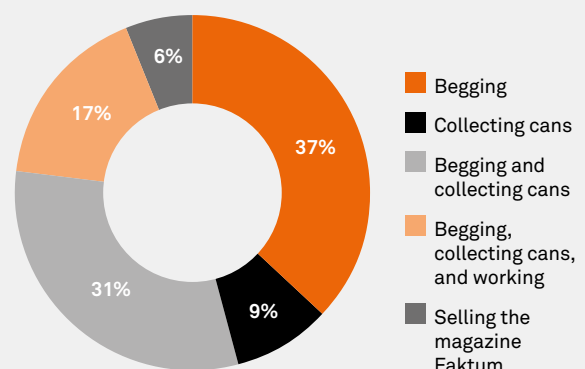
Fig. 3. Age distribution



Main source of income

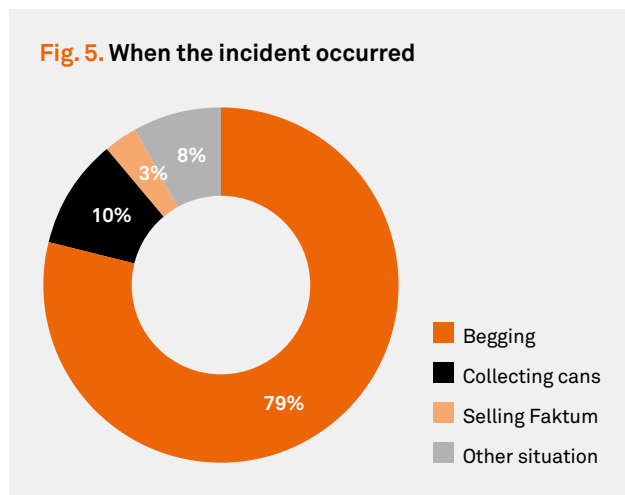
The figure below shows that the overwhelming majority of the respondents earned a living by begging. Of the 35 people who answered the question about their main source of income, 85 per cent stated that they earn a living either exclusively by begging or in combination with other sources of income such as work or collecting cans. 37 per cent stated that they earn a living exclusively by begging.

Fig. 4. Main source of income



Circumstances when violations occur

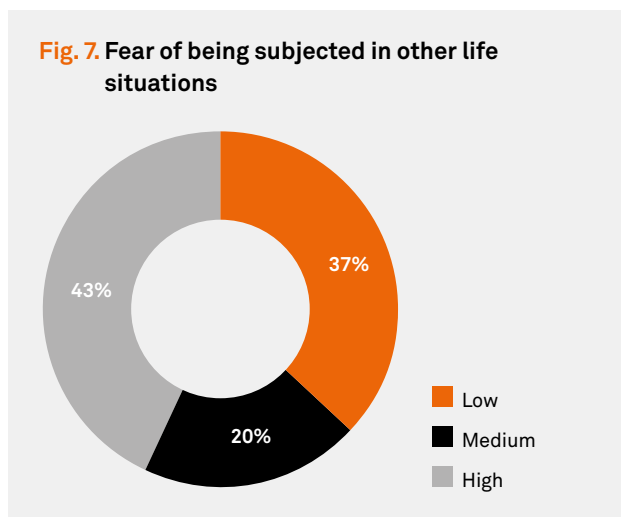
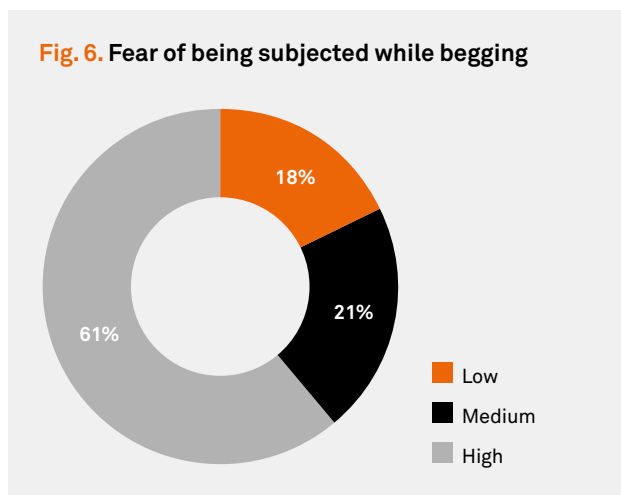
In order to better understand the context in which violations and acts of abuse committed against vulnerable EU/EEA citizens occur, questions were also asked about the circumstances in which these acts had taken place.



The 38 respondents stated that they had been subjected to violations and abuse mainly in connection with begging (79 per cent). 10 per cent of respondents also reported being subjected to violations when collecting cans, while 3 per cent stated that they had been subjected when selling the magazine Faktum. However, some respondents had been subjected to abuse even when they were not engaged in any such activity with the purpose of earning a living. One respondent stated that their tent, belongings, and ID documents had been destroyed when someone set them on fire. Other respondents stated that they had been subjected to abuse when otherwise being in a public space or simply out walking (8 per cent).

Fear in different situations

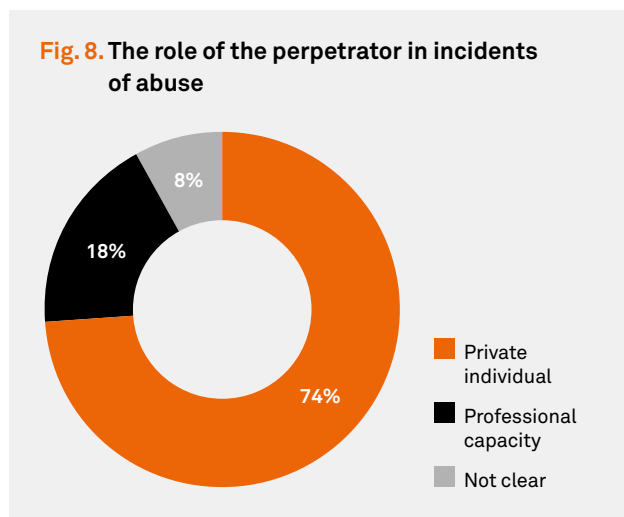
Fig. 5 above reflects the objective vulnerability to crime. It shows the circumstances in which respondents were actually subjected to crime. This data can be compared to their perceived vulnerability – that is, when they felt most afraid of falling victim to crime. In the next question, respondents were asked to indicate, on a scale from one to five, how afraid they were of being subjected to hate crime while begging and in other life situations.



28 individuals answered the question about their fear of being subjected to crime while begging, and 30 people answered the question about their fear in other life situations. Firstly, it should be noted that the level of fear of being subjected to crime was high among participating individuals. The results show that respondents were afraid of being subjected to abuse in general, but especially while begging. Of those responding to the question, 61 per cent said they experienced a high level of fear while begging, compared to 43 per cent who said they were afraid of being subjected even when they were not begging.

The role of the perpetrator in incidents of abuse

In carrying out the study, we also asked questions about the individuals committing violations and acts of abuse against the respondents, in order to better understand who these perpetrators are and the capacity in which they carry out these acts. It is, for example, relevant to understand whether the act was committed by a person in their professional capacity, as this factor risks undermining the group's trust in people in positions of power and in the authorities.



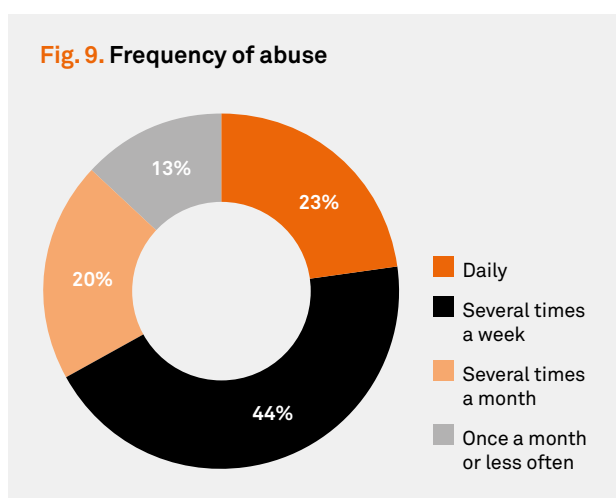
From the respondents' answers, it can be inferred that a majority of the acts reported had been committed by someone whom the respondent perceived to be a private individual. Such was the case in 28 incidents, while seven acts were deemed to have been committed by a person acting in a professional capacity. Among those acting in a professional capacity were security guards, police officers, waiters, and community service officers. In another three cases, it was not possible to ascertain the capacity in which the perpetrator was acting.

“ He won't let us be on the station grounds. A guard at the station tells us, 'You're not allowed to be here.' He's the only guard who does that, the others don't say anything. Five or six months ago, he told us 'go to your country Romania!'”

“ One night when I was begging outside a restaurant, one of the waiters and one of the guests were being very rude. When I questioned the need for it, they both grabbed me and dragged me around the corner of an adjacent building. One of them hit me hard in the eye with a closed fist. The next day I was hoping for an answer and when I walked past the restaurant, the same waiter kicked me on the legs and threw me aside.”

Frequency of abuse

As stated above, the selection of respondents was made in such a way that only individuals who reported to have been subjected to violations or abuse were included in the study. In order to gain a better understanding of how common it is to be subjected to violations and abuse, respondents were asked to answer how often this occurred.



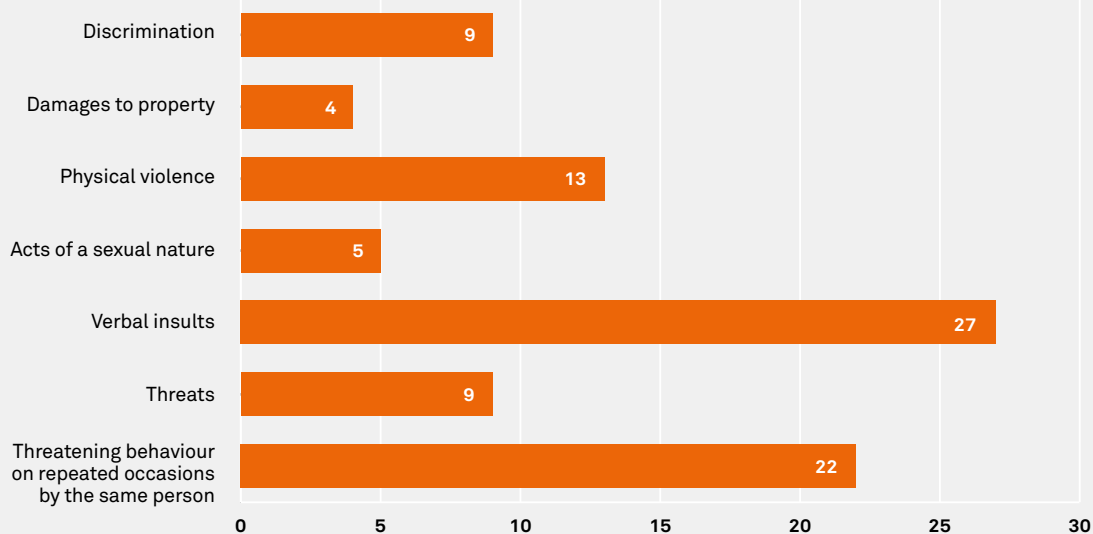
The answers show that the exposure to violations and abuse is recurring and regular. Of the 30 respondents who answered the question about the frequency of abuse, 23 per cent reported that they were subjected to violations and abuse every day, while 44 per cent said that they were subjected several times a week. In addition, 20 per cent reported that they were subjected several times a month. Only 13 per cent of respondents were abused less often. The answers give the impression that an exposure to violations and abuse of various kinds is an inherent part of everyday life for the vast majority of those who were asked.

The nature of the offences

Fig. 10 below shows the types of violations that the 38 respondents reported to have been subjected to.

The categories below follow the structure of the questionnaire the respondents were asked to answer. Respondents were asked to indicate which of the seven types of violations listed in the questionnaire they had been subjected to. The question's design means that the same incident may recur under several categories, if, for example, the incident included both physical violence and verbal insults. On average, most respondents had been subjected to two types of violations, wherefore the values in the figure below are about twice the number of respondents.

Fig. 10. Number of responses by category of offence



As shown in the figure above, verbal insults are the most common form of abuse. An example of this type of violation may, for example, be a perpetrator making derogatory statements alluding to the victim's origin. In many cases, these are recurring insults using crude slurs and calls to "go home". Derogatory allusions to the individuals' ethnicity are also not uncommon, such as perpetrators calling the respondents "gypsy" or its equivalent in Romanian, "tsigani". Such statements alone could be subject to public prosecution with the criminal classification "insult" if it also happens to be an insult of a serious nature, such as repeated insults over a period of time.

“ A person says, ‘Go back to your country! Go work!’ The words are spoken with a lot of anger and the person spits at me. Sometimes the person hits me with a bag.”

“ Go work, you have a lot of money. Gypsies – you steal and do bad things. You pretend you’re begging, when in fact you’re stealing.”

Threatening behaviour is also a common feature in the respondents' lives. Examples of such behaviour include being spat on or having one's mug knocked over by a perpetrator. In some cases, perpetrators have also harassed their victims by regularly visiting places where the victims reside. Threatening behaviour often includes verbal, but also physical, violations as well as violations of the victim's human dignity. The distinguishing factor in this type of violation is that the same perpetrator

commits acts of abuse on repeated occasions. This type of offence could also be classified as insult or molestation, depending on the circumstances of the case.

“ I was sitting there begging and said ‘hi, hello’ to a 40-year-old woman, as I usually say hi to everyone. When I wasn’t paying attention, she spat in my face. It happened three times in total, over three days. This person came by several times and looked at me with hatred but only spat at me after making sure there were no other people around.”

Physical violence is the third most common type of abuse. Among the responses from the 38 respondents, the project has documented 13 incidents involving physical violence. Physical violence means being kicked, dragged, punched, or having various objects thrown at you. Depending on the circumstances of the case, such acts may be classified as assault, attempted assault, or molestation.

“ A man stopped in front of me as I was sitting down begging outside Systembolaget and at first I thought he wanted to give me something. Instead, he spat me in the face and swore a few times in Romanian and said some things I didn’t understand. At the same time, he kicked me in the chest. I reacted by raising my hands to parry the kick. Then he rode away on his bike.”

“As I was walking into a store, there was a man saying something to me I didn’t understand. He followed me around and gave me the finger. He tried to forcibly throw me out of the store by pulling on my clothes. I tried to escape. The people in the store called the police but the perpetrator ran away. The police questioned me and I explained what had happened but didn’t give any details as I was scared.”

“The police brought me from an intersection to a field. They searched my pockets and my belt bag. They asked to see my passport [...] They took my phone and then they hit me hard in the chest and I got a kick on the thigh. I started roaring and when they heard they walked away, and I started walking toward Malmö again. I’d gotten two blows to the chest with a closed fist, knocking the wind out of me. Then I’d been kicked in the thigh. I was shaking and started to scream. The kick hurt.”

The respondents have also been subjected to violations with sexual overtones. The abuse and violations described by the respondents could be classified as sexual molestation or attempts to buy sex. An example of such an act is detailed in the testimony below.

“A car stopped next to me in the street and [the driver] asked if I wanted to have sex with him. He promised to give me a lot of money. I said I have a family and I don’t do that.”

“Since the first of June, a man comes to visit me every other day and offers me money to have sex with him. He’ll make obscene gestures. I’ve said several times that I don’t want to, but he keeps coming back. He asks me where I sleep, because he wants to come after me. I’m very scared. He’s come to see me five times already and every time he says he’ll come back later.”

The respondents also stated that they were subjected to threats, discrimination, and theft or vandalism of their property. Among other things, respondents described their bicycles, money, and other property getting stolen as well as sleeping accessories and clothes getting burned or otherwise damaged.

The impact of the acts on the respondents

Within the framework of the study, we have also sought to investigate how their exposure to violations and abuse affects the individuals who have been subjected. The respondents were thus asked to describe how the acts had affected them. Several respondents stated that they often felt fear, helplessness, humiliation, and shame. A few, freely translated statements by respondents can be found below.

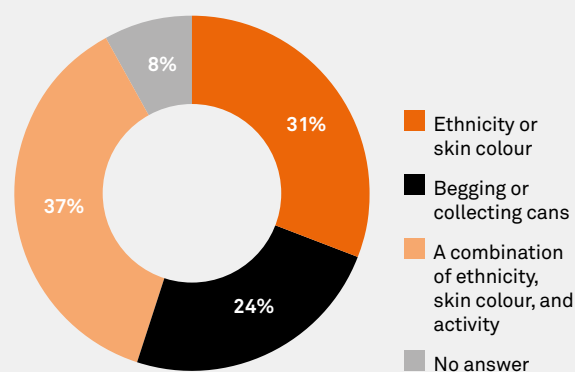
“[I felt] fear and panic. I was feeling so bad I went to the nurse at Skåne City Mission Crossroads and talked to her about it. She also booked me an appointment with a psychologist, but I didn’t go see the psychologist.”

“I’m really sad about them attacking me for no reason. They hate me.”

The perceived underlying motive

As the aim of the study is to investigate the occurrence of hate crime against vulnerable EU/EEA citizens in Malmö, it is relevant to understand the extent to which the respondents themselves feel that the motive for the violation they have been subjected to was to target them because of their ethnicity or nationality. The respondents were thus asked to state what they considered to be the underlying motive for subjecting them to such acts.

Fig. 11. Perceived motive for the act



31 per cent of the respondents stated that they believed their ethnicity was the reason they had been subjected to violations and abuse. At the same time, 37 per cent said they believed that both their means of earning a living and their ethnicity had been part of the reason for the abuse. The study thus shows that more than half of the respondents – 68 per cent – considered their ethnicity or skin colour to be at least a factor in their exposure to such acts. Only 24 per cent of the respondents said that they believed they had been abused or violated solely because they were begging or collecting cans.

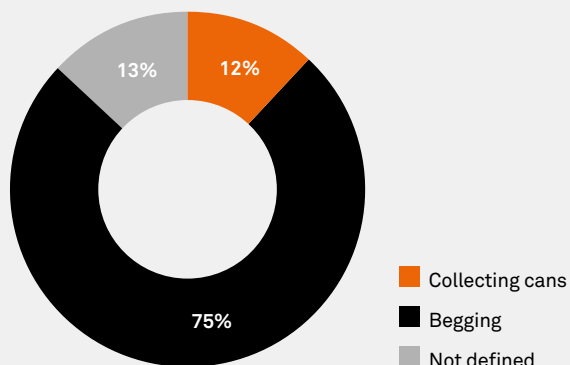
The respondents were given the opportunity to elaborate on why they thought the abuse had been committed on the grounds of their ethnicity or skin colour:

“When they do this kind of thing, they always say ‘Romania – GO!. That’s racism.’”

“ I was told ‘Gypsy, go Romania!’ I see hatred, a hatred you can’t fathom. They hate us because we’re ‘gypsies’ and because we beg.”

“ [I could see the hatred] from the way he was looking at me. Once, he shouted ‘Go tzigani, go tziganji in Romania!’”

Fig. 12. Exposure based on activity



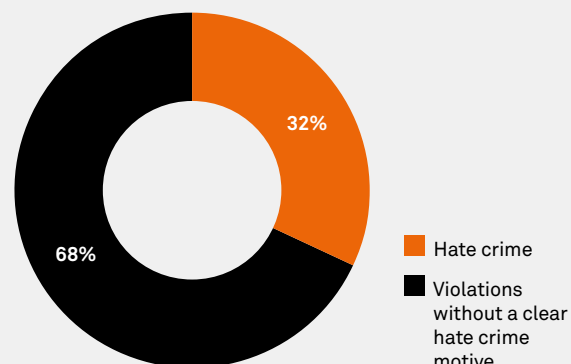
The responses show that the majority felt that it was begging – and not, for example, collecting cans – that was the main reason for why they were subjected to violations and abuse.

Acts committed with a hate crime motive

The project has sought to investigate the respondents’ subjective experience of whether the violations and acts of abuse committed against them were motivated by their ethnicity or skin colour. At the same time, the project has also sought to investigate the extent to which objective circumstances have occurred at the time of the offence that could substantiate that the act was committed with a so-called hate crime motive.

The respondents have thus been given the opportunity to freely describe the violations to which they have been subjected. On the basis of these descriptions, an assessment of the circumstances has been made to determine whether the case could be classified as a hate crime in a potential legal process.

Fig. 13. The number of respondents subjected to a hate crime in the legal sense of the term



The study shows that 32 per cent of respondents had been subjected to violations with a clear hate crime motive, in which, for example, the perpetrator used derogatory epithets linked to the respondent’s ethnicity or stated that people of Roma origin only steal things and do not work. The remaining incidents lack an explicit hate crime motive. This does not mean that the remaining violations and acts of abuse did not constitute hate crimes, but merely that 32 per cent of the respondents, at the time of the offence, picked up epithets, words, or expressions pointing to the act being a hate crime.

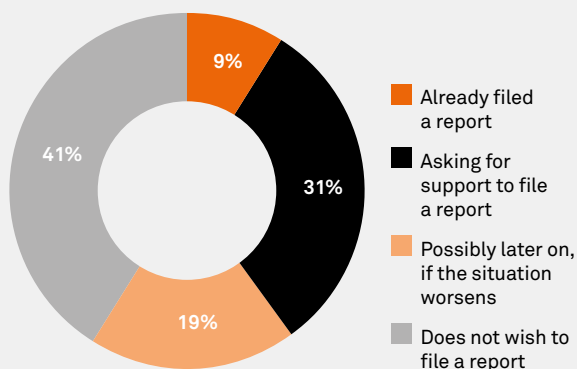
The respondents’ propensity to report

As a prerequisite for the prosecution of acts with a hate crime motive, such acts need to be reported to the police. One of the aims of the project has therefore been to increase the propensity among vulnerable EU/EEA citizens to report such crimes. In order to achieve this, it has also been relevant to understand how individuals in the target group view the possibility of reporting crimes and what considerations lead them to refrain from filing a report. The respondents were thus asked whether they had reported the violations and abuse to which they had been subjected or, alternatively, for what reasons they had chosen not to.



*The police questioned me
and I explained what had
happened but didn't give any
details as I was scared.*

Fig. 14. Propensity to report



Of the 32 respondents answering the question, 31 per cent stated that they wished to report the incident they had described in their interview. In addition, 19 per cent stated that they would consider reporting acts of abuse if the situation worsened. Almost half of the respondents, 41 per cent, did not wish to report the violations to which they had been subjected.

As mentioned above, respondents were asked to provide reasons for why they did not wish to file a report with the police. Only 18 respondents chose to answer. The question was offered with the option of giving more than one answer and most common was for the respondents to identify two reasons. However, three people chose to provide many reasons, wherefore the total numbers are relatively high.

As shown in fig. 15 below, for several of the respondents the reason why they had refrained from filing a report was that they had a fear of reporting, or that they had gotten used to being subjected to abuse and violations. Each of these reasons were cited by six people. A number of reasons were cited by a total of five respondents each: they did not believe a complaint would lead anywhere, did not wish to cause problems or get involved in a legal process, lacked proof that the act happened, or spoke neither Swedish nor English. To a greater or lesser degree, almost all the reasons mentioned below had thus led respondents not to file a report.

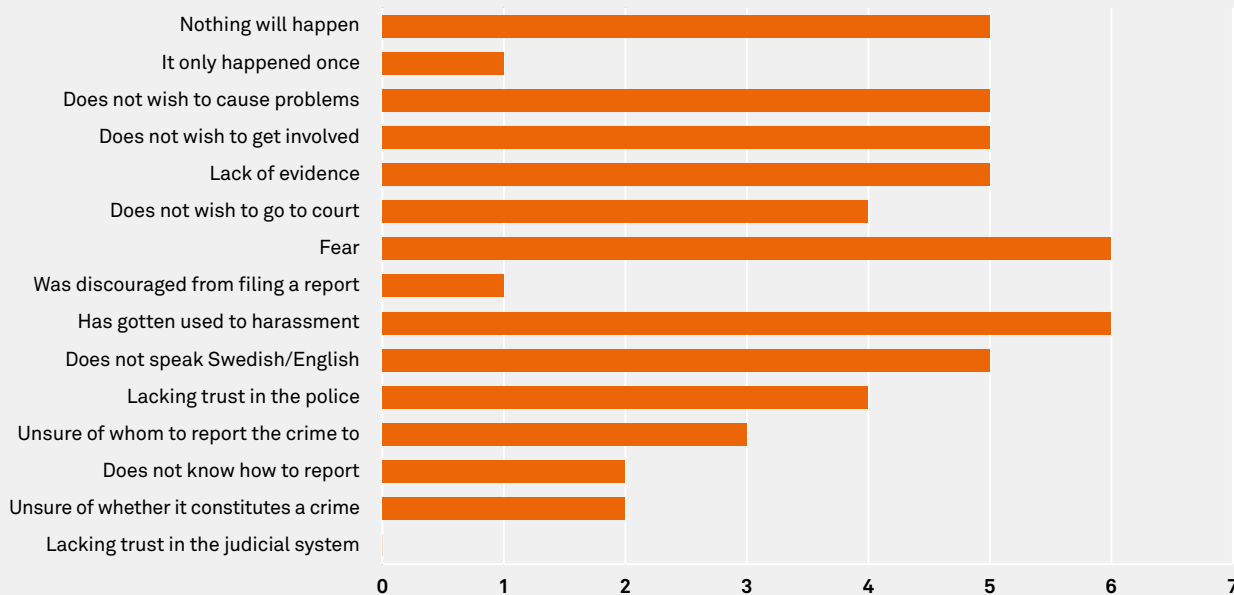
Furthermore, the table shows that none of the respondents indicated a lack of trust in the legal system as a reason for not reporting an offence. In addition, it should be noted that none of the respondents indicated a lack of trust in the police as the sole reason for not filing a report. Instead, it was only indicated as a reason in combination with others.

Respondents were given the opportunity to further elaborate on why they had decided not to report violations or abuse:

“ I expected more of us to file a report. I don't want to be the only one.”

“ I once filed a similar report with the police in Switzerland and it took two months for the police to arrest the man. During that time, things got much worse.”

Fig. 15. Reasons for not reporting



“I recently found myself in a similar situation, I was attacked and threatened. I called the police both on 112 and the other number, but nothing happened. I called more than five times.”

In addition to the questions about their propensity to report, respondents were also asked to indicate whether they had already reported a violation or abuse to which they had been subjected. The responses were then reviewed to determine whether respondents had chosen to report acts committed with a hate crime motive to a greater or lesser extent than acts committed without such a motive.

Fig. 16. Did you report what happened to you?

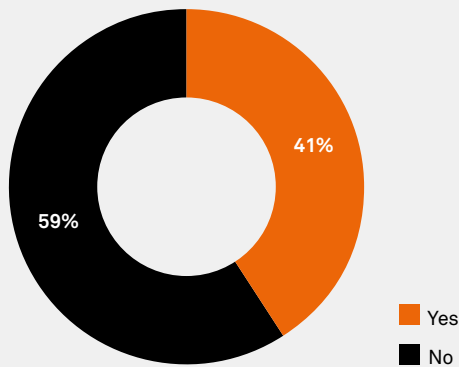
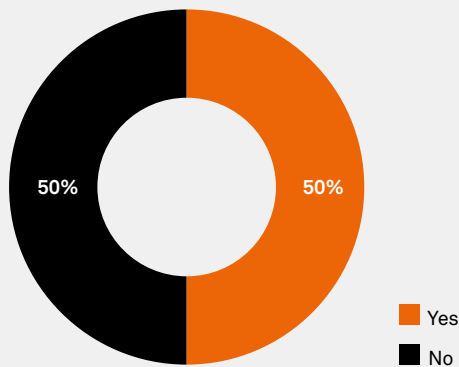


Fig. 17. Incidents with a hate crime motive: did you report what happened to you?

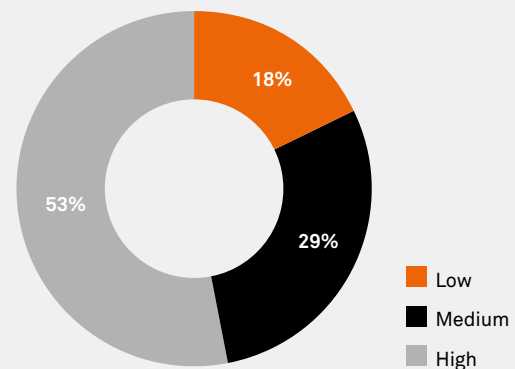


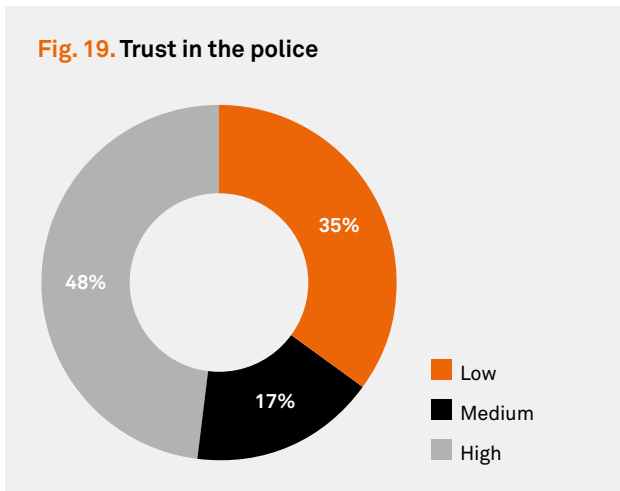
The responses show that 41 per cent had reported violations or acts of abuse to which they had been subjected. A review of the acts committed with a clear hate crime motive revealed that 50 per cent of respondents had reported the offence. It thus appears that respondents who had been subjected to offences with a clear hate crime motive reported these to a greater extent than acts that had not been committed with a clear hate crime motive.

Trust in the legal system

‘Vulnerable EU/EEA citizens’ trust in the legal system is considered a relevant factor for understanding the group’s propensity to turn to law enforcement agencies when a criminal offence has been committed, regardless of whether the act was committed against the individual him-/herself or someone else. Respondents were thus asked to answer questions about their trust in the Swedish legal system. The question about their trust in the legal system as a whole was answered by a total of 28 persons, while 29 persons answered the question about their trust in the police.

Fig. 18. Trust in the legal system





Figs. 18 and 19 show that almost half of the respondents had a high level of trust in the legal system and in the police. 53 per cent of respondents indicated that they had a high level of trust in the legal system, while 48 per cent stated they had a high level of trust in the police. The trust in the police appeared to be slightly lower than the trust in the legal system as a whole. In particular, more people had a low level of trust in the police compared to the legal system as a whole, with 35 per cent stating that they had little trust in the police, while only 18 per cent said that they had little trust in the legal system.

STUDY ON THE HANDLING OF HATE CRIME AGAINST VULNERABLE EU/EEA CITIZENS WITHIN THE POLICE AND THE PUBLIC PROSECUTION SERVICE

During the course of the project, Skåne City Mission has documented reports of hate crime and their path through the legal chain. Skåne City Mission has assisted 13 individuals in reporting hate crimes committed against them. Of these, 10 individuals have given staff at Skåne City Mission power of attorney to follow up on their case with law enforcement agencies. The results presented below are based on the 10 cases that Skåne City Mission has been authorised to follow up on.

Preliminary investigations have been initiated in all ten cases. The first preliminary investigations were launched on 28 March 2018 and the last on 18 November 2019. Of the two preliminary investigations launched on 28 March 2018, one is still ongoing. At the time of writing (21 Oct. 2020), preliminary investigations are still ongoing in eight cases. In one case, the investigation has come so far that a copy of the report has been sent to the injured party and witness statements have been recorded as part of the investigation.

One case was closed on 16 September 2019 on the grounds that “There is now no reason to believe that an offence falling within the remit of public prosecution has

been committed”. No further justification was given to the injured party as to why the preliminary investigation was closed, or against what background the authority decided that there is no reason to believe that an offence falling within the remit of public prosecution has been committed.

In another case, the preliminary investigation was closed on 17 September 2019 on the grounds that “further investigation is [not] expected to lead to a criminal offence being proven. The injured party has not heeded the summons for questioning.”

In five of the cases, preliminary investigations were closed on 16 December 2019 on the grounds that the crime could not be investigated. Skåne City Mission requested a review of the decision, upon which the investigator resumed preliminary investigations. Preliminary investigations are thus still ongoing in all five cases.

At the time of writing (2 Oct. 2020), no charges have been brought in any of the cases that were followed up on.

STUDY OF THE HANDLING OF HATE CRIME AGAINST VULNERABLE EU/EEA CITIZENS IN COURT

The basis for the present study of criminal cases consists of 23 cases from district courts and courts of appeal around Sweden in which the indictment refers to one or more crimes committed against a victim from Romania or Bulgaria who was engaged in begging.

Types of crime

The majority of the cases identified through the method of selection described above concern incidents of violent crime, molestation, as well as various types of theft. The types of offences are shown in the table below, listed by number of cases.

TYPE OF OFFENCE	NUMBER OF CASES
Assault	11 (of which 2 also include molestation)
Molestation	5
Sexual molestation	1
Theft	3
Mugging	1
Infliction of bodily injury	1
False accusation	1
Total:	23

Table 1.

Applying an increase in the severity of punishment when a crime has been committed with a hate crime motive

In a total of 12 out of the 23 cases investigated, the prosecutor requested that the court apply an increase in the severity of the punishment in accordance with 29 ch 2 § 7 art. of the Penal Code, as the offence was committed with a motive to offend the victim on the basis of his/her nationality or ethnic origin. All 12 cases resulted in a guilty verdict. In four of these cases, the court chose to apply the provision on aggravating circumstances when assessing the penal value.

TOTAL NUMBER OF CASES	23
The prosecutor requested an increase in the severity of punishment	12
The court applied an increase in the severity of punishment	4

Table 2.

In 10 of the 12 cases in which the prosecutor requested an increase in the severity of the punishment, the prosecutor's decision appears to be based on statements alluding to the victim's ethnicity, nationality, or means of earning an income spoken by the offender before, after, or in connection with the offence. In the other two cases, neither the reasoning, the indictment, nor the preliminary investigation report offers any clues as to what circumstances led the prosecutor to seek an increase in the severity of the punishment in accordance with 29 ch 2 § 7 art. of the Penal Code.

An analysis of the 12 cases in which an increase in the severity of the punishment was sought indicates that the district courts and the court of appeal are rather uneven in their assessment of the circumstances which can prove that the offence was committed with a so-called hate crime motive.

Offences considered to have been committed with a hate crime motive

Firstly, a certain pattern can be distinguished among the cases in which the court actually applied the provision on aggravating circumstances when assessing the penal value. These are, in the first instance, cases in which the defendant has made statements in connection with the offence which clearly allude to the ethnicity or nationality of the victim, and where there have been witnesses who are able to substantiate this claim.

This, for example, is what happened in a case in Malmö District Court (the *Limhamn Case*, 2016), in which a man was convicted of molestation after kicking over a cup that a woman was using to collect money while begging outside a shop. The prosecutor requested an increase in the severity of the punishment and invoked statements made by the defendant in connection with the offence. These statements were witnessed by passers-by who testified at the trial. Among other things, the statements alluded to the victim's perceived ethnicity as Roma. The court found that the victim "belongs to the Roma community" and that this fact constituted a particular motive for the defendant's offence against the victim, wherefore the court applied the provision on aggravating circumstances when assessing the penal value and increased the penal value of the act from 40 to 70 day fines.

In another case (the *Ystad Case*, 2019) the defendant was convicted of assault after kicking at the victim's can of money, which the latter was using to collect money, before punching the victim in the face. In connection with

the attack, the defendant shouted a racist slur at the victim. Two witnesses observed the whole sequence of events and were heard at the trial. Without further justification, the district court found that the motive for the act had been to offend the victim on the basis of his/her race, colour, or national or ethnic origin.

In a case from Lund District Court (the *Admission Case*, 2017), the defendant was convicted of molestation after kicking at a woman's can while she was begging outside a shop. In connection with the attack, the defendant shouted "suck my dick" in a loud and agitated manner. The profanity was shouted in Romanian. Two witnesses intervened and, when asked directly by one of the witnesses, the defendant admitted that the reason he had behaved the way he did toward the victim was her ethnicity and that he would not have acted the same if the victim was Swedish. The defendant also admitted in court that one of the reasons for his actions toward the victim had been that she was not from Sweden. The district court thus found it proven that at least one of the reasons for the molestation was to offend the victim on the basis of her national or ethnic origin.

The district court also applied the provision on aggravating circumstances when assessing the penal value in a fourth case, in which the circumstances differed slightly from the other three cases. The case in question was settled in Linköping District Court (the *Linköping Case*, 2014), and concerned an act of molestation committed against the victim when she was begging, sitting down outside a grocery store. The defendant had tugged on her arms, shaken her, and dragged her away while shouting "Go away – never come back" and "We don't want you here, go home" and similar statements. Although no direct allusion was made to the victim's ethnicity, the court appears to consider these statements sufficient to prove that the offence was committed with a motive to insult the victim on the basis of her nationality and ethnic origin.

No hate crime motive deemed to exist despite racist speech

In one case, the court was unwilling to apply the provision on aggravating circumstances when assessing the penal value even though the defendant had made derogatory statements alluding to the victim's skin colour.

In the case (the *Mugging Case*, 2020), which was adjudicated by Umeå District Court, the defendant was convicted of mugging a vulnerable EU/EEA citizen. The defendant woke up the victim, who had made her bed on the street, and proceeded to swing at her with a broken bottle. When the victim ran off to escape the defendant, the defendant took her possessions, consisting of, among other things, a mobile phone and a jacket. Two

underage witnesses observed the incident and told their parent, who subsequently testified in court, stating that the defendant allegedly shouted the N-word at the victim in connection with the offence. In the preliminary investigation report, it is made clear that the defendant has, under questioning by the police, admitted to shouting the N-word, that this is his favourite word, and that he perceived the victim to be from Romania. However, the court did not consider the mere fact that the defendant shouted the N-word at the victim sufficient to establish that the offence was committed with the motive of offending the victim on the basis of her nationality or ethnic origin.

No hate crime motive deemed to exist due to mental illness

In two separate cases, the prosecutor called for an increase in the severity of the punishment on the grounds that the defendant had made statements alluding to the ethnicity or nationality of the victim in connection with or after committing the offence. However, in both cases the court dismissed the argument that the act was committed with the motive of violating the victim on the basis of his/her nationality or ethnic origin, seemingly because of the mental state of the defendant.

In a case from Gothenburg District Court (the *Triple Case*, 2020), the defendant was convicted of assaulting three different women individually on three separate occasions while the women were begging. The prosecutor called for an increase in the severity of the punishment and invoked text messages from the defendant to an acquaintance, in which he told the latter that he had assaulted "those disgusting gypsies". However, the court held that the defendant had expressed no political or ideological views about the victims and their cultural background, neither during the main hearing nor during his forensic psychiatric examination. Instead, based on the forensic psychiatric assessments, the acts appeared to be motivated by delusions that he, due to his wealth, was vulnerable to the victims, who were after his money. The court agreed that this had been the motive for the acts, wherefore the provision on aggravating circumstances when assessing the penal value was not applied.

In a similar case from Kalmar District Court (the *Kalmar Case*, 2016) the defendant was convicted of assaulting a vulnerable EU/EEA citizen who was begging. In connection with the crime, the defendant had shouted "Heil Hitler!" and performed a Nazi salute. As a result of these acts, the prosecutor called for an increase in the severity of the punishment in accordance with 29 ch 2 § 7 art. of the Penal Code. However, in the district court's assessment there was no reason to believe that the motive for the crime had been to offend the victim



Gypsies – you steal and do bad things. You pretend you’re begging, when in fact you’re stealing.

on the basis of his/her ethnic origin or nationality. The perpetrator was deemed to be mentally ill, wherefore the district court considered it most likely that the defendant had believed that he was under attack at the time of the offence.

A hate crime motive cannot be founded on the perpetrator's racist views

As previously explained, there is currently no widely recognised method for identifying crimes with a hate crime motive. The prosecutor may also examine the suspect's background, lifestyle, and values in order to determine a possible hate crime motive.

In a case before Helsingborg District Court (the *Exhaust Case*, 2014), the court had to decide whether pictures and messages on a defendant's phone could be considered proof that the motive for the act had been to violate the victim on the basis of his/her nationality or ethnic origin. The defendants in the case were convicted of molestation after deliberately revving up a light truck and spraying black exhaust fumes on a woman who was sitting down begging outside a shop while the event was being filmed, and then posting the videos on their respective Facebook profiles.

The prosecutor referred to pictures and messages on one of the defendants' phone to prove that the act was committed with a hate crime motive. A review of the preliminary investigation report shows that the pictures referred to by the prosecutor mainly express racist messages about black people. There were also pictures of, among others, the party leader of the Sweden Democrats, Jimmie Åkesson, as well as Adolf Hitler, embellished with lines of text with more or less offensive messages. The court concluded that, although the images were racist, they had no connection to the offence. In light of this, the court decided that it had not been proven that the act was committed with the motive of offending the victim on the basis of her nationality.

In the *Mugging Case* (2020) described above, the court also chose not to take into account views expressed by the defendant about individuals from other countries. In said case, the court chose to apply the provision on aggravating circumstances when assessing the penal value in relation to an instance of assault committed against another victim about a month prior to the mugging of the vulnerable EU/EEA citizen. In connection with the assault, the defendant is reported to have shouted things like "fucking immigrant" and "you need to leave Sweden". Under questioning by the police, the defendant subsequently stated that he had been fighting with the victim because he was a Sweden Democrat while the victim was an immigrant, and that he had used the N-word. In assessing whether the mugging was

committed with a hate crime motive, the court does not appear to have taken into account that the defendant had expressed values testifying to a hostile attitude toward individuals originating from outside Sweden.

Based on the decisions by the two courts, the conclusion can be drawn that a defendant's negative attitude toward ethnic minorities generally cannot be regarded as proof of the motive for an act.

No hate crime motive deemed to exist in the event of a negative attitude toward begging

In several of the cases studied, the defendant displayed a negative attitude toward individuals engaged in begging.

The preliminary investigation reports in the *Exhaust Case* (2014) record the defendants stating, under questioning by the police, that they have nothing against immigrants, but that they do not like "the beggars sitting outside the shops". Among other things, the defendants claimed that those who beg are part of organised crime. However, their attitude toward individuals begging was not a factor raised by the prosecutor in support of the claim that the molestation was committed with a hate crime motive.

However, in another case in Helsingborg District Court (the *Bus Case*, 2016), the perpetrators' attitude toward begging seems to have been the basis for the prosecutor's claim that the act had been committed with a hate crime motive. The case concerned acts of molestation and assault committed by several perpetrators against seven vulnerable EU/EEA citizens while the latter were sleeping in a car. In support of the claim that the crimes had been committed with a hate crime motive, the prosecutor cited testimony proving that, during a visit to a bar shortly before the attack, the perpetrators had discussed that something needed to be done about the "beggars" coming to Sweden and that they should "go home". During the police's questioning of defendants and witnesses, it also became clear that it was a widespread perception in the city that vulnerable EU/EEA citizens would steal dogs from old ladies, snatch bags from elderly people, and steal from children, which appears to have motivated the defendants to commit the crimes. The district court did not consider there to be sufficiently concrete evidence to prove that the offence had been committed with the motive of violating the victims on the basis of their nationality or ethnic origin.

In several other cases, the court identified the victim begging as one possible reason for why the defendant committed the crime. In those cases, the court then clearly stated that it does not justify the application

of the provision on aggravating circumstances when assessing the penal value.

In one such case from the Court of Appeal for Western Sweden (the *Begging Case*, 2018), the defendant was convicted of assault after kicking a woman while she was begging. In connection with the attack, the defendant had shouted that the Swedes were stupid for allowing begging and that the woman should pay taxes on the money. In light of these statements, the prosecutor called for an increase in the severity of the punishment. However, the court of appeal held that it could not be demonstrated against the defendant's objection that her purpose when committing the act had been to insult the victim on account of her ethnic origin as Roma. The court of appeal stressed that there were other possible reasons for the defendant's actions, for example, she may have been annoyed that the victim was begging outside the shop.

In a case before Gothenburg District Court (the *Shop Case*, 2014), a shop manager was convicted of molestation after throwing water at a woman who was sitting begging outside the shop he worked in. The prosecutor called for an increase in the severity of the punishment, seemingly without any objective evidence of the offence being committed with the motive of insulting the woman on the basis of her ethnicity or nationality. The court pointed out that there are several possible reasons why the defendant may have committed the offence – such as the victim begging outside the shop – and thus did not apply the provision on aggravating circumstances when assessing the penal value.

In the *Limhamn Case* (2016), the defendant also admitted under questioning by the police that he did not like that the victim was begging. He stated that she belonged to a “mafia” and thus implied that she was begging as part of organised crime. However, this was not mentioned in the court's findings, and the decision to apply the provision on aggravating circumstances when assessing the penal value was instead based on the racist slurs uttered by the defendant in connection with the attack.

Increasing the severity of the punishment due to the victim's defenceless position

In a number of the cases analysed, the court applied the provision on aggravating circumstances when assessing the penal value in 29 ch 2 § 3 art. of the Penal Code on the grounds that the offence committed involved exploiting the victim's defenceless position. In the four cases in which the court found that the offence was committed with a hate crime motive, an increase in the severity

of the punishment due to the victim's position was not applied, as the severity of the punishment had already been increased. Out of the 19 remaining cases, the court decided on an increase in the severity of the punishment on the grounds that the victim was in a defenceless position in a total of **five** cases.

Only in one of these five cases was it made clear in the court's findings that the prosecutor called for an increase in the severity of the punishment on those grounds. In the other four cases, neither the indictment nor the court's findings clarify whether the prosecutor called for such an increase in the severity of the punishment. As the burden of proving the existence of an aggravating circumstance justifying a more severe punishment lies with the prosecutor (Ågren, 2020), it may be assumed that the prosecutor made such a claim during the main hearing, but that it was not noted among the court's findings.

In a case from Skaraborg District Court (the *Air Rifle Case*, 2015), the defendants were convicted of assault after firing an air rifle from a car at the victims who were sitting in the camp where they used to sleep at night. In assessing the penal value, the court considered it an aggravating circumstance that the gun attack had been directed at people who were living outdoors and for whom it was difficult to protect themselves.

In the *Mugging Case* (2020) described above, the court did not consider the offence to have been committed with a hate crime motive, but did consider the victim to be in a defenceless position, and an increase in the severity of the punishment was thus applied. The court did not specify why, but it may be assumed that the fact that the woman was sleeping outdoors alone at the time of the offence affected the court's assessment.

In a case from Ystad District Court (the *iPad Case*, 2014) the defendant was convicted of making a false accusation after stealing an iPad and giving it to a woman who was begging outside a grocery store, before calling the police to report her for stealing. The court considered the offence to have involved exploiting the woman's defenceless position, which affected the meting out of the punishment. No further justification was given as to why the woman was considered to be in a defenceless position, but it may be assumed that the fact that she did not master the language and therefore was not initially able to maintain her innocence before the police or anyone else ought to have influenced the assessment.

In a case from Borås District Court (the *Mug Case*, 2014) in which the defendant was convicted of theft after stealing money from the victim's mug while she was begging, the court considered it an aggravating

circumstance that the crime was committed against a victim who was in a particularly vulnerable situation, which came to affect the meting out of the punishment.

In the *Shop Case* (2014) described above, the court also applied the provision on aggravating circumstances when assessing the penal value on the grounds that it constituted an aggravating circumstance that the defendant subjected the victim to offensive acts in her vulnerable situation as someone “begging on the street”.

Yet, as mentioned above, the court did not apply the provision on aggravating circumstances when assessing the penal value in the majority of the cases examined. The court’s failure to apply an increase in the severity of the punishment and, where relevant, the prosecutor’s failure to seek such an increase in the severity of the punishment due to the victim’s defenceless position are particularly glaring in the *Bus Case* (2016) and the *Exhaust Case* (2014) described above. In the *Bus Case* (2016), the fact that the victims were asleep, and thus in a defenceless position, could have been taken into account as an aggravating circumstance. In the *Exhaust Case* (2014), the fact that the woman was sitting down begging when the crime was committed and that she did not know Swedish and could not easily protest against the attack while it was happening, nor on her own detect and report the videos of the assault that were shared on the defendants’ Facebook profiles, could have been taken into account as an aggravating circumstance. However, the fact that these circumstances caused the woman to be in a defenceless position, and that the defendants realised this, was not mentioned in connection with the case.

Vulnerable EU/EEA citizens’ status as victims of crime

The victim of a crime may, in certain circumstances, seek damages from the defendant in the form of, for example, compensation for violation of personal integrity or compensation for pain and suffering (SFS 1972:207, 2 ch 3 § and 5 ch 1 § 3 art.). Compensation for a violation of personal integrity may, for example, be paid to a person who has been subjected to assault, molestation, or unlawful threats (Schultz, 2020), but it is not awarded for incidents of theft. Damages for pain and suffering are paid as compensation for physical and psychological suffering of a transient or lasting nature, permanent injuries, and other inconveniences resulting from the damage caused by the offence.

Anyone with a claim for damages can inform the police, who in turn notifies the prosecutor. The prosecutor is then obliged to assist the injured party in seeking

damages from the defendant. A defendant who has committed a crime with a so-called “hate crime motive” may be liable to pay a higher compensation for violation of personal integrity than if the crime had been committed without such a motive (Swedish Crime Victim Compensation and Support Authority, 2020).

Of the 23 cases analysed, 19 concern types of crime that could result in compensation for violation of personal integrity or damages for pain and suffering. Among these 19 cases, damages were awarded by the district court or court of appeal in a total of nine cases. Of these, damages were awarded by the district court in eight cases, after which the court of appeal acquitted the defendant in one case with the consequence that damages were no longer awarded. In addition, the court of appeal overturned the district court’s judgment in another case, with the consequence that damages were awarded. In the remaining 10 cases, damages were not awarded.

In all cases, it also appears that the injured party was not present during the trial. The injured party is mentioned in the indictment, sometimes with the comment that s/he has not brought a claim, has not been informed, or that informing the injured party has not been possible. It is not always made clear why the injured party has not brought a claim for damages or why s/he did not attend the trial. However, from the preliminary investigation report in the *Kalmar case* (2016), it can be noted that the injured party stated that he was afraid and that he did not wish to cause any problems. He therefore chose not to attend the trial, not to bring a claim for damages despite being assaulted, and instead his interview with the police was read out in court. Meanwhile, the preliminary investigation report in the *Exhaust Case* (2014) states that the injured party had left the country.

The situation of the offender

An analysis of the 23 judgments on which this study has been based reveals that in seven cases – corresponding to roughly a third of the total number of cases – the perpetrator also appeared to be living in some form of vulnerability. In several of the cases, the perpetrator suffered from substance abuse (*Svea Court of Appeal*, 2016;³ *Lund District Court*, 2017; *Stockholm District Court*, 2018; *Halmstad District Court*, 2016) or mental illness (*Stockholm District Court*, 2018; the *Kalmar Case*, 2016; the *Triple Case*, 2020), sometimes in combination. In another case, the defendant appears to be homeless (the *Mugging Case*, 2020).

3 The defendant was acquitted of assault in the court of appeal.



I expected more of us to file a report. I don't want to be the only one.

ANALYSIS AND CONCLUSIONS

ABOUT THE EXPOSURE TO HATE CRIME

This section presents our analysis of the results of the study on vulnerable EU/EEA citizens' exposure to crime. The study shows that the group's exposure to violations is widespread, a conclusion also supported by previous studies conducted by Lacatus (2015) and Wallengren & Mellgren (2017). The high frequency of violations also correlates well with their fear of being abused; it is not surprising that many respondents are afraid of being subjected to crime, given that violations and harassment are so common.

The study shows that begging as a means of earning an income often comes with a greater vulnerability to violations and abuse of various kinds. The respondents' answers also show that their fear of being violated is greater when they are begging compared to when they are not. The objective picture of the increased vulnerability among EU/EEA citizens for whom begging is a source of income thus corresponds well with their subjective perception of when they run the highest risk of being subjected to various types of violations (cf. figs. 5 and 6).

Verbal harassment and repeated threatening behaviour constitute the most common acts of abuse in the everyday lives of EU/EEA citizens, another conclusion supported by Wallengren & Mellgren's (2017) study. At the same time, more serious forms of abuse, such as physical violence and sexual abuse, are not insignificant elements of the respondents' lives.

Of the violations recounted by the respondents, a hate crime motive could be identified in around a third of the cases. This correlates well with the respondents' subjective experiences, as 31 per cent indicated that they were subjected to abuse due to their ethnicity and skin colour. However, it is possible that the proportion of crimes committed with a confirmed hate crime motive is in fact higher, but that the respondents did not notice such circumstances that could prove a hate crime motive, for example because derogatory statements alluding to their ethnicity or nationality were uttered in a language they do not know. This hypothesis is partly supported by the respondents' subjective experiences, as a further 37 per cent of respondents themselves deemed their ethnicity to be a partial explanation for their vulnerability, in addition to their means of earning an income, see fig. 11. The respondents' answers give the impression of a close link between their means of earning an income – mainly begging – and the respondents' ethnicity. Together, the two factors seem to

lead to a greater vulnerability to being subjected to crime for vulnerable EU/EEA citizens.

PROPENSITY TO REPORT

The present study shows that many vulnerable EU/EEA citizens do not report abuse to which they have been subjected. This picture is also confirmed by previous studies examining vulnerable EU/EEA citizens' exposure to crime. In the context of the present study, 19 per cent of respondents indicated that they might consider filing a report later on, should the situation worsen, which means that individuals have chosen not to report crimes they have already been subjected to, and it appears to take a lot for them to report new crimes.

It is important to point out that individuals who had been subjected to hate crime were offered support in reporting the crime by staff on the present project, which may have affected the individuals' propensity to report in a positive direction. As the project has specifically aimed to increase the target group's knowledge of hate crime, it is also natural that respondents have shown a higher propensity to report crimes with a hate crime motive than crimes without such a motive. In Lacatus' study (2015), the violations that the respondents described had only been reported in those cases where there had been witnesses who filed a report themselves or helped the respondent to do so. It is therefore reasonable to assume that access to support may have affected our respondents' answers.

Among the respondents' answers, two main types of reasons become apparent for why they have not reported acts of abuse. On the one hand, they had refrained from reporting crimes on subjective grounds, such as fear of reporting, having reconciled themselves to the idea that they were being abused and violated, or not wishing to "cause problems or "get involved". On the other hand, there were objective conditions making it more difficult for individuals to report violations, such as a lack of evidence or their inability to speak Swedish or English, making it more difficult to assert their rights. The reasons given by respondents indicate a need for additional support efforts targeting vulnerable EU/EEA citizens, for example by municipalities and civil society organisations. Such support may consist in providing practical assistance in filing reports to individuals from the target group, as well as informing about which types of abuse and violations are criminal, and how to get help from law enforcement agencies if you have been subjected to such an act.

Unlike previous studies (Lacatus, 2015), our study has not indicated a low level of trust in the police and the judicial system among vulnerable EU/EEA citizens. No respondents stated that they had refrained from filing a report due to a lack of trust in the judicial system. Neither is a lower level of trust in the police a dominant factor in why individuals choose not to file a report with the police: none of the respondents indicated a lack of trust in the police as the only reason for why they had refrained from reporting a crime. Instead, this reason was indicated in combination with others. It can therefore be concluded that a lack of trust in the police in any event is not the main obstacle to the effective prosecution of hate crimes.

Another reason for not reporting a crime appears to be the notion that nothing will happen. This view stands in stark contrast to the relatively high level of trust that respondents seem to have in the judicial system, as it to some extent indicates a low confidence in the judicial system's ability to solve crimes.

Notwithstanding the relatively high level of trust in law enforcement agencies, it is worrying that such a large proportion feel that filing a report will not lead to any meaningful result. Skåne City Mission has noted that it is known among the vulnerable EU/EEA citizens visiting Crossroads that none of the reports filed within the framework of the project have led to prosecution. This appears to have had a clear impact on the individuals' propensity to report. The view that reports are ineffective could possibly be counteracted by more effective preliminary investigations, so that individuals belonging to the group vulnerable EU/EEA citizens may experience that reports yield results. Generally increasing the knowledge among the group about convictions relating to vulnerable EU/EEA citizens could also have an impact.

THE HANDLING OF REPORTS BY THE JUDICIAL SYSTEM

Unfortunately, Skåne City Mission and Civil Rights Defenders' documentation of reported hate crimes shows that investigations into such crimes are lengthy. At the time of writing this report, all preliminary investigations have either been ongoing for at least a year or were closed more than a year after the preliminary investigation was initiated. In addition, no charges have been brought in any of the reports that Skåne City Mission has followed up on. Preliminary investigations dragging on is not unique to hate crime. However, when the preliminary investigation involves a crime victim who is a vulnerable EU/EEA citizen, the long duration of the

investigation creates particular challenges. It is likely that the crime victim will leave Sweden during the course of the preliminary investigation, making it particularly difficult for the authorities to conduct interviews with the victim. It is not unlikely that preliminary investigations also take longer because the crimes often constitute routine offences,⁴ wherefore their investigation is not a priority. However, through the introduction of the provision on aggravating circumstances when assessing the penal value in 29 ch 2 § 7 art. of the Penal Code, the legislator has emphasised that a motive to offend the victim on the basis of his/her ethnicity or nationality constitutes an aggravating circumstance that should affect the penalty value in a more severe direction. At the same time, victims of hate crime tend to be considered particularly vulnerable (Swedish Crime Victim Compensation and Support Authority, 2007; Victim Support Sweden, n.d.), as crimes committed against individuals because of their identity are considered more invasive than other crimes. Having to go through a prolonged preliminary investigation may then feel particularly stressful. One of the goals in the Swedish Police Authority's strategic action plan for 2020–2024 is an increased resolution and effective investigation of crimes against particularly vulnerable victims. Mentioned among these are victims of sexual offences, elderly crime victims, and victims of crime with an honour-based motive, but not victims of hate crime. In view of the particular vulnerability of hate crime victims, it would be justified for the Swedish Police Authority to include them in its definition of particularly vulnerable victims of crime, in order to ensure that the investigation of hate crime is also given priority. In the case of vulnerable EU/EEA citizens, who, due to homelessness and their means of earning a living, largely find themselves defenceless in a street environment, it may also be considered justified to prioritise these investigations in order to prevent future abuse of the victim by the same perpetrator.

Our documentation of reported hate crimes also shows that the justifications given to the victim in connection with the closing of a preliminary investigation are very brief. They often contain abbreviations and generally lack a clear explanation and background for why the decision was made. In addition to purely linguistic barriers, decisions are thus generally difficult to understand for the crime victim.

The combination of preliminary investigations being very lengthy and a lack of meaningful feedback in the event of the closing of an investigation risks reinforcing the view that filing a report will not lead anywhere, which in turn may have a negative impact on the group's propensity to report.

⁴ The term "routine offence" is explained in the section Shortcomings in the handling of hate crime within the Swedish judicial system.

Justifications for the closing of an investigation being brief is not unique to investigations of hate crime against vulnerable EU/EEA citizens, but also characterises justifications in relation to other crimes against other victims. However, given that victims of hate crime are considered particularly vulnerable, it would be desirable for the authorities to prioritise explaining in more detail the reasons for the closing of investigations, either in the written justification or in a telephone conversation with the victim. Under Article 6 of the EU Victims' Directive, which has been implemented in Swedish law, Swedish authorities have an obligation to provide victims of crime with information about their case (Directive 2012/29/EU of the European Parliament and of the Council). In a report by Victim Support Sweden, for an EU-funded research project on Sweden's implementation of the EU Victims' Directive, the brief justifications for closing investigations offered by the police have been identified as a factor that creates frustration and confusion among victims of crime. Victim Support Sweden has also identified a need to provide additional resources to the Swedish Police Authority to enable investigators to provide victims with verbal feedback about their case (Wheldon, 2020, p. 27). The Police Authority is currently exploring ways to improve communication with victims of crime, so that their right to information can be ensured (ibid., p. 28).

This lack of a satisfactory justification also characterises the district courts' and courts of appeal's findings. Especially in cases where the court has chosen not to apply the provision on aggravating circumstances when assessing the penal value from 29 ch 2 § 7 art. of the Penal Code, the court often declares its decision without providing any justification. Moreover, it is not always apparent from the findings that the prosecutor has called for an increase in the severity of the punishment, be it because the offence was committed with a hate crime motive or because the offence was committed against a victim in a defenceless position. In light of the modest number of hate crime cases that lead to prosecution, it would be desirable for district courts to justify their decision in their findings to a greater extent than they do today. This would help not only the parties involved, but also an interested public and other actors within the judicial system to understand what is required for the provision on aggravating circumstances when assessing the penal value to be applied. The need for clearer justifications and greater transparency regarding the court's reasoning in its findings in cases concerning hate crime has also been raised by Granström & Åström (2017), as mentioned above.

In conversations with the police throughout the project, it has also become clear that one difficulty in conducting preliminary investigations into crimes against

vulnerable EU/EEA citizens is the group's mobility and the consequent difficulties in getting in touch with individuals from the target group to, for example, call them in for questioning. During the project and in those cases in which the organisation had been given power of attorney to obtain information, Skåne City Mission was able to act as a bridge between the authorities and individuals in order to facilitate their participation in the investigation. For example, in those cases where the victim was homeless, Skåne City Mission's premises were put down as the victim's address, which meant that summonses to appear for questioning could reach the victims. This model could possibly be replicated elsewhere in the country, in order to make it easier for the authorities to reach victims who have reported a crime. It could also be combined with similar support that Skåne City Mission is currently offering vulnerable EU/EEA citizens, where the target group can get help reporting crimes, be guided through the process, and, for example, receive assistance interpreting documents.

Law enforcement agencies have also pointed out the difficulties in conducting interrogations when victims are no longer in the country. However, the EU Victims' Directive asserts that EU member states should ensure that competent authorities take appropriate measures to minimise difficulties that arise when a victim resides in another member state, for example by hearing victims residing abroad by means of teleconferences or videoconferencing (Directive 2012/29/EU of the European Parliament and of the Council). This possibility is further supported by the law (2017:1000) on a European Investigation Order, according to which a Swedish prosecutor may, in the context of a preliminary investigation, conduct interviews with victims or suspects in another member state through a European Investigation Order. In other words, the prosecutor may conduct interviews with a crime victim even if s/he has left Sweden and moved to another member state, provided that the measure appears proportionate to the nature and severity of the crime (SFS 2017:1000, 2 ch 4 §). This possibility, in combination with a contact person at a civil society organisation that has good contact with the crime victim, should make it easier for prosecutors investigating hate crimes against vulnerable EU/EEA citizens to conduct preliminary investigations even if the victim has left Sweden. The authors of the present report therefore recommend that prosecutors investigating crimes against vulnerable EU/EEA citizens at least explore the possibility of conducting interviews with crime victims in other countries to a greater extent than today.

Further efforts to facilitate interviews with the injured party could also lead to more vulnerable EU/EEA citizens participating in the trial in cases where charges have

actually been brought. The study carried out in the context of the present report of cases in district courts and courts of appeal concerning offences committed against vulnerable EU/EEA citizens shows that crime victims only participated in the trial in a very low number of cases. In one case, the preliminary investigation report and indictment stated that the crime victim did not wish to participate out of fear and a feeling of not wanting to cause problems for him-/herself, while documents in several other cases indicate that the victim could not be reached.

A practical consequence of the crime victim not being involved in the trial is that the victim also misses out on the opportunity to claim damages for the violation. The EU Victim's Directive makes clear that victims of crime should receive some form of compensation, and it is unacceptable that vulnerable EU/EEA citizens seem to be missing out on their opportunity to claim this right.

Our analysis of the handling of crimes against vulnerable EU/EEA citizens by district courts and courts of appeal also shows that the court practice is rather irregular. In essence, it appears the offender must have expressly used derogatory language alluding to the victim's ethnicity or nationality in order for the offence to be considered to have been committed with a motive to offend the victim on the basis of his/her ethnicity or nationality. Yet, at the same time, there are cases in which even that circumstance, combined with the offender being convicted of a hate crime against another victim under similar circumstances in the same case, is not sufficient for the court to apply the provision on aggravating circumstances when assessing the penal value. One reason for this discrepancy in the courts' assessment of the motive could be that judges generally have very little experience in dealing with hate crime, as Granström & Åström note in their report mentioned above.

It is clear from the cases analysed in the study that the fact that the victims were begging appears to be a clear motive for the criminal acts committed against them in several of the cases. This is consistent with the respondents' own observations of what motivates the criminal acts committed against them, with 61 per cent saying that they believe they were being subjected in whole or in part because they were begging (see fig. 11). It is also consistent with the fact that the respondents participating in our study of vulnerability to crime appeared to be at their most vulnerable when they were begging. At the same time, the respondents identified their ethnicity as another factor motivating the abuse, in combination with begging. As can be seen in the cases analysed in our study, explicit derogatory statements, or an admission of the motive on the part of the offender,

are in essence required for the court to deem that there has been a hate crime motive. It is reasonable to assume that many more crimes are committed against vulnerable EU/EEA citizens with a hate crime motive, but where the absence of such explicit statements by the offender makes it difficult for the prosecution to prove such a motive. One way to nevertheless capture and take a clear stand against the widespread exposure to crime experienced by vulnerable EU/EEA citizens is to apply an increase in the severity of the punishment when the crime was committed with the motive of offending the victim because s/he was begging.

There is currently no express possibility under Swedish law to apply an increase in the severity of the punishment on the grounds that a crime has been committed with the motive of offending a person because s/he is begging. However, the list of so-called hate crime motives in 29 ch 2 § 7 art. of the Penal Code is not exhaustive. The fact that an offence was committed with a motive to offend the victim because of "other similar circumstances" may also constitute an aggravating circumstance which may affect the penal value in a more severe direction. Homelessness or earning a living by begging could possibly constitute such an other similar circumstance. Such a definition would, for example, include all those living in homelessness and not just vulnerable EU/EEA citizens. At the same time, such an interpretation of this section of the law would better capture hate crime committed against members of the group. Unfortunately, there is currently no legal guidance on the scope of the provision on aggravating circumstances when assessing the penal value. Given the widespread exposure to crime resulting from earning a living by begging, it would be desirable for prosecutors to test the scope of the provision by calling for an increase in the severity of the punishment when there are circumstances to prove that the motive for the crime was to offend the victim because s/he was begging.

An alternative solution that law enforcement agencies could use to take a stand against crimes committed against vulnerable EU/EEA citizens is to make greater use of the possibility to seek an increase in the severity of the punishment under 29 ch 2 § 3 art. of the Penal Code when a crime has involved exploiting the victim's defenceless position. It is not a far leap to suggest that the rule should be applicable simply on the basis that the crime victim lives in vulnerability, if it can be demonstrated that the offender was aware of this. As our analysis of cases concerning crimes against vulnerable EU/EEA citizens has shown, the provision is not currently used particularly widely – probably because prosecutors are not calling for the application of the provision to any great extent.

In the absence of legislation that clearly tackles the problem of individuals being subjected to crime because they are begging, it is all the more important that social actors outside the judicial system work to counter a hostile attitude toward individuals begging. The bans on begging that are currently being implemented in an increasing number of municipalities risk reinforcing a hostile attitude toward individuals begging and bolstering individuals who commit violations against them. At the same time it is clear, for example in the case from Helsingborg District Court described above, that the spreading of rumours about vulnerable EU/EEA citizens who beg also fuels a hostile attitude toward the group, which by extension risks leading to violations and violent crime against individuals from the group. It would therefore be desirable for authorities and politicians to take a clearer stand against acts of violence and violations committed against individuals begging as well as to counteract – and not contribute to – misinformation about vulnerable EU/EEA citizens begging and their living situation.

Our analysis of the circumstances in the cases examined also shows that the vulnerability to crime among the target group appears to be motivated not solely by a hostile attitude toward the victim due to their ethnicity or their means of earning a living. In several of the cases examined, it is clear that the offender suffered from a serious mental illness or severe substance abuse issues. One conclusion that can be drawn is that the vulnerability to crime among the group vulnerable EU/EEA citizens is partly the result of sleeping and working in a street environment, and thus becoming an easy target for individuals suffering from mental illness who also inhabit a street environment. This circumstance is difficult to counteract within the context of the judicial system, and instead requires measures to combat the crime victims' underlying vulnerability through municipal efforts in the form of safe, long-term shelters and other ways of earning a living than begging.

RECOMMENDATIONS

This report has been produced within the framework of the project “*Tackling Anti-Gypsyism against Roma EU Migrants in Malmö*”, the overall aim of which has been to combat hate crime against vulnerable EU/EEA citizens in Malmö. Presented below are the measures and actions that we, based on the studies carried out and lessons learned during the project, believe should be implemented in order to make the prosecution of abuses and violations against vulnerable EU/EEA citizens more effective as well as to strengthen the group’s safety and security.

The Swedish Police Authority and the Swedish Prosecution Authority

- The Swedish Police Authority and the Swedish Prosecution Authority should coordinate their efforts and allocate additional resources to investigate cases of hate crime as required by the nature of these crimes and to reduce processing times for such cases.
- The Police Authority and the Prosecution Authority should, to a greater extent than at present, cooperate with civil society organisations working closely with vulnerable EU/EEA citizens in the investigation of crimes committed against individuals from this group, in order to maintain contact with crime victims and witnesses within the group.
- The Police Authority should ensure that crimes with a hate crime motive are labelled accordingly and can thus be investigated as hate crimes throughout the legal chain.
- The police and prosecutors should work to ensure that decisions to close, or not open, preliminary investigations of reported hate crimes contain a clear justification for the decision and that this is also communicated to the victim verbally.
- The Prosecution Authority should allocate resources to conduct interviews with crime victims and witnesses in other EU member states.

- In order to develop case law on the scope of 29 ch 2 § 7 art. of the Penal Code, prosecutors should, when prosecuting crimes, argue that it constitutes an aggravating circumstance if a crime has been committed with the purpose to offend the victim because s/he was perceived to support him-/herself by begging, or because the victim was perceived to live in homelessness.
- In cases concerning crimes against vulnerable EU/EEA citizens living in homelessness, prosecutors should identify the victim’s defenceless position as an aggravating circumstance that justifies an increase in the severity of the punishment under 29 ch 2 § 3 art. of the Penal Code.

Courts

- District courts and courts of appeal should ensure that judgments issued by the court clearly state the aggravating circumstances pointed to by the prosecutor, how these aggravating circumstances have been assessed, and the impact of the aggravating circumstances on the penal value in each specific case.

The Government

- The government should include efforts to combat violations and abuse against vulnerable EU/EEA citizens in its national plan to combat racism.
- The government should also provide additional resources to specialised democracy and hate crime units in order to streamline investigations of hate crimes.

Municipalities

- Municipalities should work to strengthen the safety and security of vulnerable EU/EEA citizens, for example by providing advisory assistance, support in filing reports, and shelters year-round.



The police brought me from an intersection to a field. They searched my pockets and my belt bag. They asked to see my passport [...] They took my phone and then they hit me hard in the chest and I got a kick on the thigh.

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*One of them hit me hard in
the eye with a closed fist.*



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