

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 41ST SESSION SWEDEN, 5TH REPORT 5-6 NOVEMBER 2008

Key facts	1
Information submitted to the Committee	1
State report.....	1
List of issues.....	2
NGO information.....	2
Themes and issues.....	3
Roma minority	4
Development cooperation.....	4
Employment.....	4
Education.....	5
Persons with disabilities	5
Other issues	6
Conclusions and next steps	6

Key facts¹

Ratification	Reservations	Other core treaties ratified
1971	Article 7(d)	ICERD, ICCPR, CEDAW, CAT, CRC

Information submitted to the Committee

State report

Sweden submitted its 5th report to the Committee on Economic, Social and Cultural Rights (the Committee) on 26 July 2006,² one month after the deadline. Sweden last appeared before the Committee in November 2001.³

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

International Service for Human Rights, 1 Rue de Varembé, P. O. Box 16, 1211 Geneva 20, Switzerland

Ph: +41 22 9197100, Fax: +41 22 9197125

E-mail: information@ishr.ch, Website: www.ishr.ch

The State report is informative and well-structured, with clear references to the articles in the *International Convention on Economic, Social and Cultural Rights* (the Convention). The State report refers to the Committee's concluding observations from its previous examination of Sweden in November 2001 and updates the Committee on improvements and remaining challenges. The report comes across as honest as it recognises that total equality does not yet exist between men and women in areas such as the labour market. The report contains a good quantity of statistical information, although the structure and organisation of the statistics in the report was an issue the Committee commented upon.

The report lacks information on issues raised by non-governmental organisations (NGOs) prior to the session. The NGOs described the situation of drug-users, people with HIV, and undocumented migrants' access to health care in Sweden. The State report made little, if any, mention of each of these issues.

List of issues

After having studied the report, on 13 December 2007, the Committee provided its list of issues to the State.⁴In the list of issues, the Committee primarily focused on the following issues: measures to address discrimination; minorities and access to education; adequate standards of living; and the right to physical and mental health. Concerning this last issue, the Committee requested more disaggregated data on persons infected by HIV/AIDS and Government policies in this area. It was clear that the Committee was influenced by the information provided by the NGOs in this regard. This was similarly the case when the Committee asked for information regarding health care possibilities for undocumented adults. In general, the Committee asked for more detailed and disaggregated data on the issues of interest.

The State submitted its written replies to the list of issues on 13 August 2008.⁵ The responses were substantive, informative, and provided relevant data asked for by the Committee. Information which had not been provided in the State report was present in the written reply. One example of this is the detailed information regarding HIV/AIDS which was originally requested by the NGOs.

NGO information

Two individual NGOs⁶ and two coalitions of NGOs⁷ submitted **written reports** to the Committee.⁸ One NGO spoke for the rights of disabled persons, and the two NGO coalitions worked for the promotion of the health of undocumented persons and persons suffering from HIV/AIDS and drug abuse. Some of the main issues concerned with the NGOs regarded what measures Sweden is taking to improve health care for undocumented workers and persons with HIV/AIDS, government policies and plans to assess drug-use in Sweden, and the gap between the law and implementation process concerning the promotion of health care and support for disabled persons. The NGOs suggested that the Committee raise the above points with the State delegation. There was no overlap with the content in the State report except for the issue of disability which was covered; although the NGO in question, as well as the Committee, required more information on this issue. One NGO raised a new issue which concerned persons with HIV/AIDS where there was no mention of this in the State report. Similarly, there was no mention in the report concerning undocumented migrants and information on Government anti-drug initiatives. The Global Initiative to End All Corporate

² E/C.12/SWE/5, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

³ All documents related to this review are available at www2.ohchr.org/english/bodies/cescr/cescrs25.htm#27th.

⁴ E/C.12/SWE/Q/5, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

⁵ E/C.12/SWE/Q/5/Add.1 and E/C.12/SWE/Q/5/Add.2, available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

⁶ The Swedish Disability Federation, Global Initiative to End All Corporate Punishment of Children.

⁷ International Harm Reduction Association (IHRA) and the Swedish Drug Users Union; Doctors of the World and HIV Sweden.

⁸ The NGO reports are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

Punishment of Children stated in its report that Corporal punishment is prohibited in all settings in Sweden, including in the home.

The Swedish Disability Federation and the coalition of the IHRA and the Swedish Drug-users' Association met with the members of the Committee in an **informal meeting** prior to the session. The Swedish Disability Federation raised many issues where the following were the most central; the existing legal gap between legislation and practise in terms of disability, students with special needs not having equal opportunities in the access to schools, and the necessity of strengthening the disability legislation. Committee members inquired, among other things, into what the reasons were for the exclusiveness of disabled persons to schools and asked for more information about the new act of discrimination. The NGO replied that schools have their own implementation mechanisms and that a new law to ensuring equal opportunities for disabled persons in education will hopefully come into existence. Regarding the new discrimination act, people with disabilities will have the same protection as others in all areas covered by the law in comparison to current laws.

The coalition of the International Harm-Reduction Association and the Swedish Drug-users' Association raised the issue of Syringe-exchange services to the Committee and states that none of these services have opened since July 2006. Another issue raised concerned the problem of Hepatitis C among drug-users, where the coalition stated that the Government of Sweden had not provided any measures on how to reduce this disease. The coalition asked the Committee to address these two issues with the Swedish delegation. One Committee member inquired into how the concerns of drug use addressed by the coalition can be linked to the articles in the Covenant. Also on how Committee members can ask the State delegation that it should provide needles to drug users. The coalition responded that drug users have the Right to stay healthy, but that this right is denied to them because of public morals. There is only one needle exchange-programme in Sweden so they are being discriminated against. The coalition stated that there is Right to stay healthy, not a right to do drugs.

Themes and issues

The delegation of Sweden was led by Ms Marianne Jenryd, Director General for Legal and Administrative Affairs at the Ministry of Health and Social Affairs. She was supported by a small high-level delegation consisting of the following representatives: Mr Hans A. Andersson, Director, Ministry of Health and Social Affairs; Ms Malin Ekman Aldén, Desk Officer, Ministry of Health and Social Affairs; Ms Anna Santesson, Deputy Director, Ministry of Employment; Ms Caroline Stein, Desk Officer, Ministry for Foreign Affairs; Ms Bilge Tekin Befrits, Desk Officer, Ministry of Integration and Gender Equality; Mr Anders Wilhelmsson Desk Officer, Ministry of Integration and Gender Equality; Ms Hanna Åkesson, Desk Officer, Ministry of Health and Social Affairs; and Mr Måns Molander, First Secretary, Permanent Mission of Sweden in Geneva.

In her opening statement, Ms Jenryd commented on recent policies and developments that the new Swedish Government has enacted since 2006, when the State report was submitted and when the new Government came to power. Ms Jenryd mentioned national human rights instruments and policies such as the new *Discrimination Act*, the merging of the current four ombudsmen on discrimination into one single Discrimination Ombudsman, and the new National Action Plan for human rights for the period of 2006 to 2009. Although the opening statement was a bit repetitive as the major issues were directly drawn from the State report, Ms Jenryd provided a clear understanding of the current priorities of the Government. Her statement also recognised that challenges still remain in many issues such as persons with disabilities.

The dialogue between the delegation and the Committee was very cooperative and relaxed. Occasionally, however, there appeared to be some confusion on the part of the delegation with regard to the Committee's questions and comments, and the delegation took small breaks from the session to prepare its responses. This

gave the impression that the delegation was, on some issues, a bit unprepared. One concern raised by a few Committee members throughout the session was the need for clearer use of statistics in the State report.

Roma minority

There was a concern among some Committee members regarding the treatment of the Roma minority, and they enquired if discrimination against them still exists in terms of housing, employment, and other areas of public life. Committee member Ms Wilson asked specifically if Roma children have basic access to education and what measures the State is taking to ensure equal access and to prevent harassment and bullying of Roma children. The delegation responded that there is a special delegation of Roma peoples in Sweden working on Roma issues, as well as a working group for education. Concerning the issue of harassment of Roma children, the delegation merely responded that there is law which clearly prohibits this and that an ombudsman is in place looking at all complaints. A survey will be conducted on discrimination against Roma and other ethnic minorities, and a report will be presented in March 2009.

In its concluding observations, the Committee encourages Sweden to strengthen its efforts and take additional steps to prevent discrimination on the basis of ethnicity in all fields of life and recommends that the State continue to adopt appropriate and effective measures to increase school attendance by Roma children through, among other measures, the recruitment of additional school personnel from the Roma community. In August 2008, the Committee on the Elimination of Racial Discrimination⁹ also expressed its concern about the limited enjoyment by members of the Roma community of the rights enshrined in the *Convention on the Elimination of All Forms of Racial Discrimination*. It recommended that Sweden strengthen its efforts to increase the level of education of members of Roma communities raising awareness about the possibility for Roma children to receive instruction in their mother tongue, and by further promoting the recruitment of Roma teachers.

Development cooperation

Sweden's policies and initiatives on international development cooperation and assistance was an issue addressed by many Committee members. The questions and comments posed to the delegation concerned Sweden's new policy for global development. Specifically, the Committee requested examples of countries which have benefited from this cooperation and what proportion of development aid the Government has spent on multi-lateral assistance. The delegation responded generally to these questions by stating that Sweden is working within the International Monetary Fund (IMF) and the World Bank to support good governance and capacity-building projects in specific countries. The Government aims to focus its resources more comprehensively on fewer countries instead of the earlier broader approach. The delegation also made clear that Sweden is pursuing the goal of spending 1 percent of its gross national product (GDP) on development assistance and international cooperation projects. The Committee praised the delegation for working towards this goal.

In its concluding observations, the Committee expresses its hope that Sweden will continue to allocate 0.7 per cent or more of its GDP to development cooperation. It also welcomes the State's commitment to the Global Compact.

Employment

Committee members were interested in various issues regarding employment and the labour market in Sweden. One Committee member enquired into Sweden's from the results of labour markets policies, and requested more information on measures that have been taken to tackle unemployment. The high level of

⁹ CERD/C/SWE/CO/18, available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

unemployment of young people aged 16 to 24 was also an issue raised. The Committee also expressed its concern that there are disparities in employment rates between Swedish and foreign-born individuals as well as between men and women. The Committee asked whether there is any discrimination against migrants in the area of employment. The delegation responded frankly by stating that studies by the International Labour Organization (ILO) illustrate the differences between ethnic Swedes and non-Swedes in terms of employment possibilities. The outcome of these studies was that Sweden has high levels of discrimination in the labour market but that the levels were low in comparison to other countries. However, there has been an increase in the employment rate among foreign-born men in comparison to Swedish-born men.

Some Committee members inquired about collective agreements concerning minimum wage and asked why there is no law in place to guarantee a certain minimum wage level. The delegation responded succinctly that low Government intervention has always been preferred concerning the labour market and collective agreements, and that it is better to apply economic incentives to improve the labour market. This is also applied with regard to getting employers to employ persons with disabilities.

In its concluding observations, the Committee calls upon Sweden to continue strengthening its efforts to enhance equality between men and women in the workplace, in particular those initiatives aimed at implementing the principle of equal pay for work of equal value and at increasing the percentage of women in managerial positions. The Committee also encourages Sweden to strengthen its efforts to reduce unemployment rates, especially that of foreign-born women, including by awareness-rising campaigns about the programmes.

Education

Committee member Mr Azzouz Kerdoun was the most interested in the issue of education and specific aspects such as minority languages and the structure of the Swedish educational system. More specifically, he enquired if a report on the use of minority languages in schools is going to be submitted to the Government in the near future. He also asked whether other languages could be considered as ‘significant’ and thus taught in schools. Committee member Ms Barbara Elaine Wilson was interested in ‘hidden children’¹⁰ and if schools are allowed to admit children on a voluntary basis. Moreover, she inquired if a committee of enquiry has been set up on this issue and, if so, when the results are expected. The delegation did not specifically answer Mr Kerdoun’s question, but referred to general adult educational programmes and stated that courses are offered in Swedish and English. Concerning the question of the education of ‘hidden children’, the delegation stated that a committee and working groups will be appointed to look at their right to education.

In its concluding observations, the Committee restates its recommendation that Sweden ensure that all children entitled to mother tongue education receive it in practice. The Committee also recommends that Sweden take immediate steps to ensure the implementation of the laws which provide for access to education for ‘hidden children’.

Persons with disabilities

Committee member Ms Wilson voiced her concern about the gap that exists between legislation and practice with regard to discrimination against persons with disabilities, and inquired about new developments in this area. Committee member Mr Walid Sa’di noted that there still appears to be no coherent definition of disability in national law and asked if the State has any intention of ratifying this situation. The delegation admitted that there is currently a gap in the legislation for the protection of persons with disabilities. It noted, however, that this gap will be closed when the new *Discrimination Act* comes into force in 2009. The delegation also acknowledged that there is no specific definition of disability in current Swedish legislation.

¹⁰ Children of families of refugees or asylum-seekers whose requests to stay in the State have been rejected.

However, a definition is included in the new *Discrimination Act*. Unfortunately, the definition does not refer to individuals' ability to work; it is up to the individual registering a disability to identify if he or she is able to work.

Committee members also raised the issue of poor accessibility to public facilities and modes of transportation by persons with disabilities. The delegation responded that this issue is a high priority for the Government and provisions on this are included in the new *Discrimination Act*.

In its concluding observations, the Committee urges Sweden to ensure the effective implementation of the initiatives and legal measures already taken to prevent discrimination against persons with disabilities and to take positive steps towards ensuring that all persons with disabilities enjoy economic, social, and cultural rights on an equal footing with the rest of the population, including accessibility to public places. The Committee also encourages Sweden to consider ratifying the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol.

Other issues

Committee member Mr Eibe Riedel posed questions on the issue of **health**. Concerning the problem of obesity, he noted that the State report only stated the problem and did not mention possible solutions and thus requested more information on this in the next State report. Committee member Mr Andrzej Rzeplinski enquired whether there are differences in access to health between individuals with a residence permit and those without. Regarding the question of obesity, the delegation responded generally that a bill has been presented this year on public health. This bill identifies target areas such as physical activity, food, and nutrition. In response to Mr Rzeplinski, the delegation stated that nobody is refused emergency health care. Residents have access to all health provisions, but full care is also provided for 'hidden' people.

The situation of the **Sami minority** in the north of Sweden was also briefly discussed. Committee member Ms Wilson asked why there is no Sami husbandry and why they do not have control over the forestry and mining industries on their land. She also enquired if financial aid is available to Samis when they have to claim their property. The delegation merely responded that the Government is working to find a solution to this matter. Samis have the same rights as others with regard to access to legal aid. However, only legal persons can receive aid, not groups such as a Sami village.

The Committee also engaged the delegation in discussion on the following themes: the elderly; the situation of the homeless; standard of living; and violence against women.

Conclusions and next steps

In her concluding remarks, the head of delegation said that the discussion had been very positive and constructive. This gave Sweden an opportunity to reflect on how to improve the situation in the country. The Chairman of the Committee appreciated the frank and open dialogue as well as the competence of the delegation. He noted that difficult and broad issues had been raised, and that the Committee is looking forward to discussing these issues in more detail at the next review.

In its concluding observations, the Committee encourages the State to consider ratifying the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. In 2008, the Committee on the Elimination of Racial Discrimination also recommended that Sweden considered ratifying this treaty. The Committee also encourages Sweden to consider ratifying the Council of Europe *Convention on Action against Trafficking in Human Beings*. The Committee reiterates its previous

recommendation that the State consider ratifying the ILO *Convention No. 131 on Minimum Wage-Fixing*. The Committee also recommends once again that the State should take all appropriate steps to guarantee the full effect of the Covenant provisions in its domestic legal system, with a view to ensuring that the Covenant rights can be directly invoked before national courts.

The Committee requests Sweden to submit its sixth periodic report by 30 June 2013.

Last revised and updated: 19 December 2008.

TREATY BODY MONITOR STAFF

Eléonore Dziurzynski, Communications Officer, Geneva

Gareth Sweeney, Deputy Manager, Geneva

Katrine Thomassen, Manager International Programme, Geneva

Michael Ineichen, Human Rights Officer, Geneva

Michelle Evans, Representative to the UN, New York

Paul Dziaukowicz, Human Rights Officer, Geneva

Vanessa Jackson, Human Rights Officer, New York

Yuri Saito, Fellow, Geneva

AUTHOR OF THE SWEDEN REPORT

David Björnhage Intern

ABOUT THE PUBLICATION

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at www.ishr.ch.

COMMENTS AND FURTHER INFORMATION

We would welcome your feedback on this publication so please send any comments and suggestions to information@ishr.ch. You can check the latest Treaty Body Monitor reports published on www.ishr.ch.

COPYRIGHT, DISTRIBUTION AND USE

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.