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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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ADVANCE UNEDITED VERSION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

Concluding Observations of the Committee on Economic, Social and Cultural Rights

Sweden

1. The Committee on Economic, Social and Cultural Rights considered the fifth periodic report of Sweden on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/SWE/5) at its 32nd and 33rd meetings, held on 5 and 6 November 2008 (E/C.12/2008/SR.32-33), and adopted, at its 47th and 49th meetings held on 17 and 18 November 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the fifth periodic report of Sweden and the written replies to its list of issues (E/C.12/SWE/Q/5/Add.1 and E/C.12/SWE/Q/5/Add.2). The Committee also notes with appreciation the open and constructive dialogue with the delegation of the State party, which included representatives of various government departments with expertise on the subjects covered by the Covenant, and the delegation's answers to the questions posed by the Committee.

B. Positive Aspects

3. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant and the overall protection afforded to economic, social and cultural rights in the State party.

4. The Committee welcomes the adoption of a second human rights national action plan for

the period of 2006-2009, which includes specific programs on the realization of economic, social and cultural rights.

5. The Committee notes with satisfaction the adoption of comprehensive legislative framework, namely the Anti-Discrimination Act, which extends the current protection against discrimination in the State party and will enter into force in January 2009.

6. The Committee welcomes that the combined Ombudsman office complies with the Paris Principles and whose mandate includes the realization of economic, social and cultural rights.

7. The Committee notes the various initiatives, programs, and policies with regard to the realization of the right to work, aimed at groups whose access to employment is limited, such as young persons and older people, persons who have been on long-term social assistance, and persons of foreign background.

8. The Committee notes with satisfaction that access to social security assistance is not based upon nationality but rather residency within the State party.

9. The Committee welcomes the steps taken to combat violence against women, in particular the adoption of an “action plan to combat men’s violence against women, violence and oppression in the name of honour and violence in same-sex relationships.”

10. The Committee notes with appreciation the efforts taken to continue ensuring the high standard of health in the State party and that health care is accessible to all, including undocumented persons.

11. The Committee reiterates the acknowledgment expressed in its previous concluding observations (E/C.12/1/Add.70, para. 7) that the State party continues to allocate 0.7 per cent or more of its gross domestic product to development cooperation. It also welcomes the State party’s commitment to the Global Compact.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal Subjects of Concern and Recommendations

13. The Committee reiterates its concern expressed in its previous concluding observations (E/C.12/1/Add.70, para. 15) that the Covenant has still not been given full effect in the State party’s domestic law and cannot be directly invoked before courts. It regrets the lack of information regarding court decisions which contain references to the provisions of the Covenant and as to whether the State party considers economic, social and cultural rights justiciable.

The Committee recommends once again (E/C.12/1/Add.70, para. 27) that the State party 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 the courts. In this regard, the Committee

draws the attention of the State party to its General Comment No. 9 (1998) on the Domestic Application of the Covenant. The Committee also requests the State party to provide information on case-law concerning the rights recognized in the Covenant in its next periodic report.

14. The Committee regrets that State party's report did not contain sufficient statistical data on an annual comparative basis as well as detailed information concerning the practical results of the various legislative and policy measures adopted by the State party so that the Committee could not subsequently assess fully the progress made and the difficulties encountered by the State party in the implementation of the Covenant.

The Committee requests the State party to provide in its next periodic report more detailed information, including statistical data on an annual comparative basis over the last five years, disaggregated by age, gender, national origin and – where applicable – urban/rural residence, concerning the practical results of the measures adopted by the State party to give effect to the Covenant at the domestic level.

15. The Committee, while welcoming the initiative of a Nordic Sami Convention, reiterates its concern that the Sami land rights have not yet been resolved and that this fact negatively affects their right to maintain and develop their traditional culture and way of life, particularly reindeer herding. The Committee also reiterates its regret that the State party has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal People. (arts. 1, 2.2, and 15)

The Committee urges the State party to ensure the adoption of the Nordic Sami Convention and consider ratifying ILO Convention No. 169. It also recommends the expeditious resolution of the Sami land and resource rights issues by introducing appropriate legislation, in cooperation with the Sami communities.

16. The Committee reiterates its concern about the persistent occurrence of discrimination on the basis of ethnicity, in particular against the Roma minority and “persons of foreign origin,” regarding access to employment and working life, education, access to public places, and in the criminal justice system, in spite of the measures taken by the State party to enhance its legal and institutional mechanisms aimed at combating discrimination.(arts. 2.2, 6, 7, and 13)

The Committee encourages the State party to strengthen its efforts and to take additional steps to prevent discrimination on the basis of ethnicity in all fields of life and requests the State party to include in its next periodic report detailed information on the programs and policies adopted to combat and prevent ethnic discrimination and to enhance tolerance and respect and on their results, in particular those initiatives taken under the new Anti-Discrimination Act. It also requests the State party to provide updated statistical data on the number of complaints, prosecutions and convictions for crimes based on ethnic origin.

17. The Committee notes with concern that despite the extensive legislative and administrative measures adopted by the State party discrimination against persons with disabilities continues. It is also concerned that the lack of accessibility to public places is not covered as a ground of discrimination in the new Anti-Discrimination Act. (art. 2.2)

The Committee urges the State party 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. It also encourages the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol.

18. The Committee, notes with concern that despite the State party's efforts with regard to gender equality, the wage gap between men and women persists. It is also concerned about the low percentage of women in high-ranking posts in many areas. The Committee also regrets that women are overrepresented in part-time work arrangements even though they prefer to work full-time. (arts. 3, 6, and 7)

The Committee calls upon the State party 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. It also encourages the State party to continue strengthening the right to full-time work for women by developing further pro-active measures. It invites the State party to provide information on the strategy aimed at increasing the number of women in high-ranking posts to be presented in spring 2009 and its effectiveness, as well as to include statistical data on the participation of women in the workforce, disaggregated by age, wage, and part-time/full-time work and national origin, in its next periodic report.

19. The Committee notes with concern the unemployment rate of persons with disabilities is still higher than the average unemployment rate. (arts. 6 and 2.2)

The Committee, in line with its General Comment No. 5 (1994) on persons with disabilities, urges the State party to evaluate and to review its measures to ensure that persons with disabilities have equal opportunities for productive and gainful employment, as well as their implementation. The Committee requests the State party to provide information in the next periodic report on progress made with regard to measures taken within the framework of the national action plan "From patient to citizen."

20. The Committee is concerned that, despite the various measures taken including the "step-in-jobs" initiative of July 2007, the unemployment rate among foreign-born persons continues to be higher than for Swedish-born persons and that it has increased for foreign-born women in particular. (arts. 6 and 2.2)

The Committee encourages the State party to intensify its efforts to reduce unemployment rates, especially that of foreign-born women, including by awareness-rising campaigns about the programs. It recommends the State party to evaluate the measures in place with a view to identifying what further efforts may be necessary to improve the access of persons of foreign background, especially women, to the labor market, and to include in its next periodic report detailed

information, including disaggregated statistical data, on the results of the measures taken, in particular the comprehensive integration policy which was presented with the Budget Bill for 2009.

21. The Committee notes that despite the steps taken by the State party to combat violence against women, including domestic violence, the majority of the reported cases are not prosecuted. The Committee notes with concern that although domestic violence against the spouse or partner can be prosecuted as a “gross violation of integrity,” the Penal Code does not contain a specific offence of domestic violence. (art. 10)

The Committee recommends that the State party enact specific legislation criminalizing acts of domestic violence. The Committee further recommends that the State party increase its efforts to prosecute diligently acts of domestic violence when a complaint is brought and to include information, in its next periodic report, on the number and the nature of reported cases of domestic violence, on the convictions and the types of sanctions imposed on perpetrators where sentenced, as well as on assistance and rehabilitation provided to victims.

22. The Committee is concerned about the increase in the number of children living in poverty in recent years. It is also concerned about the extent of homelessness in the State party and regrets the lack of information concerning the individuals and groups most affected by poverty and homelessness. (arts. 10 and 11)

The Committee recommends that the State party carry out an updated national survey in order to evaluate the magnitude of child poverty and homelessness in the State party and their root causes. It also encourages the State party to continue strengthening its efforts to combat poverty and homelessness among the most affected individuals and groups, with a view to developing appropriate preventive strategies.

23. The Committee is concerned about the increase of overweight and obese children, the spread of sexually transmitted diseases, the increased use of “snus” (tobacco chewing), and the increased suicide rate among young men. (art. 12)

The Committee recommends that the State party strengthen its efforts to analyze and combat

- (i) the reasons underlying overweight and obesity;**
- (ii) the increased suicide rate;**
- (iii) the spread of sexually transmitted diseases;**
- (iv) as well as the use of “snus”, with a view to developing effective strategies aimed at awareness-rising and prevention.**

24. The Committee notes the lack of information regarding the possibilities for review of decisions regarding involuntary placement in psychiatric care. (art. 12)

The Committee also requests the State party to include in its next periodic report information on the system of review of involuntary psychiatric placements.

25. The Committee is concerned about discrimination against Roma children with regard to their access to education as well as within the educational system, including by harassment and bullying. (arts. 13 and 2.2)

The Committee recommends that the State party continue to adopt appropriate and effective measures to increase school attendance by Roma children, including, inter alia, through recruitment of additional school personnel from among the Roma community. It urges the State party to take immediate steps to prevent harassment and bullying of Roma children in schools and invites the State party to provide information on the results of the survey carried out by the National Agency for Education regarding ethnic discrimination as well as the recommendations of the working group on education of the Roma Delegation, in its next periodic report.

26. The Committee reiterates its recommendation that the State party ensure that all children entitled to mother tongue education receive it in practice, including by providing an adequate availability and accessibility of such teaching (E/C.12/1/Add.70, para. 38).

27. The Committee recommends the State party to take immediate steps to ensure the implementation of the laws which provide for access to education for “hidden children” (children of families of refugees or asylum-seekers whose request to stay in the State party has been rejected).

28. The Committee recommends that the State party ensure the effective implementation of its legal provisions which authorize the use of certain minority languages before public authorities and courts.

29. The Committee recommends that the State party ensure that the principles of equality, non-discrimination, participation and accountability are integrated in the design and implementation of programs and policies aimed at the realization of economic, social, and cultural rights.

30. The Committee encourages the State party to continue supporting corporate social responsibility within its jurisdiction, in accordance with its ILO strategy for 2007-2009 so as to ensure the fulfillment of economic, social, and cultural rights, especially for the most disadvantaged and marginalized persons and groups. It also recommends that the State party evaluate the effectiveness of the human rights mainstreaming in its development cooperation with regard to economic, social, and cultural rights. The Committee requests the State party, in its next periodic report, to provide updated and detailed information on these issues, including the results of its assessment of the Base of the Pyramid initiative (BOP).

31. The Committee also reiterates its previous recommendation (E/C.12/1/Add.70, para. 33) that the State party consider ratifying the ILO Convention No. 131 on Minimum Wage-Fixing.

32. The Committee encourages the State party to consider ratifying the Council of Europe Convention on Action against Trafficking in Human Beings.

33. The Committee requests the State party to provide detailed information, including

statistical data, in its next periodic report, on the assistance programs for the voluntary return of refugees and asylum-seekers.

34. The Committee requests the State party to provide detailed information, in its next periodic report, on the results and follow-up initiatives of the reforms policies, and programs adopted to improve the quality of life of the elderly, such as the competency study focused on staff in elderly care. It also invites the State party to provide more detailed information on the "Free Choice Act."

35. It invites the State party to identify disaggregated health indicators and appropriate national benchmarks in relation to the right to health, in line with the Committee's General Comment No. 14 (2000), and to include information on the process of identifying such indicators and benchmarks in its next report, as already indicated in its previous concluding observations (E/C.12/1/Add.70, para. 34).

36. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

37. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, to translate and publicize them in the national languages of Sweden, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

38. The Committee invites the State party to update its core document in accordance with the 2006 harmonised guidelines on reporting to the international human rights treaty monitoring bodies (HRI/GEN/2/Rev.5).

39. The Committee requests the State party to submit its sixth periodic report by 30 June 2013.

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