

SWEDEN

CESCR E/1988/14

134. The Committee considered the second periodic report of Sweden on articles 10 to 12 of the Covenant (E/1986/4/Add.13) at its 10th and 11th meetings, on 15 February 1988 (E/C.12/1988/SR.10 and 11).

135. In introducing his report, the representative of the State party provided information about the basic human rights concept underlying the Swedish Constitution as well as its legislation and administrative practices with respect to the relationship between the individual and the State. As to the framework for economic, social and cultural rights, the representative quoted from constitutional provision which read as follows:

“It was incumbent upon the Government and the public authorities to ensure the protection of the economic and social rights of the individual and, in particular, to secure the right to work, to housing and to education and to promote social care and security as well as a favourable living environment.

The Government and the public authorities shall act with a view to making the ideas of democracy the guidelines in all sectors of society. The Government and the public authorities shall guarantee equal rights to men and women and shall protect the private life and family of individuals.”

136. The representative observed that, under Swedish constitutional law, an international convention must be incorporated into domestic law by an Act of Parliament before it could be applied by the courts or other judicial authorities, either by a general law stating that a convention shall be applicable in Sweden, by transforming the substantive contents of a convention through new legislation or by adjustments to existing laws. He went on to explain that the International Covenant on Economic, Social and Cultural Rights had not been incorporated as such in Swedish Law. Prior to ratification, however, pertinent Swedish legislation had been submitted to a careful review in order to ascertain to what extent it was in conformity with the Covenant. No major adjustments had then been deemed necessary. Subsequent to ratification, any proposals for new legislation falling within the area covered by the Covenant must likewise be submitted to a corresponding review before their adoption as law in order to guarantee compatibility. The representative pointed out that this system provided a practical method of ensuring that conflicts between the instruments would not arise and that the authorities and the courts would not run the risk of overlooking any conventional rights.

137. Furthermore, in his introductory statement, the representative provided detailed additional information on several aspects of the report, including changes in legislation which have occurred since the submission of the report in October 1986. This information touched upon, *inter alia*, the parental insurance system and its benefits, child maintenance allowances, housing allowances to parents with many children, occupational health services, cohabiting couples, cohabiting homosexual couples, *in vitro* fertilization, municipal responsibilities for the satisfactory supply of dwellings, and restrictions on the use of asbestos.

General observations

138. Members of the Committee expressed their appreciation to the Government of Sweden for an exemplary report and for the accomplishments made in compliance with the Covenant. One member of the Committee said that the amount of assistance provided to the disadvantaged in society was a good measurement of civilization and that Sweden should get very high marks on this kind of test. References were made to United Nations statistics and impressive figures relating to Swedish outlays in the social and health sectors as compared with the country's GNP.

139. With reference to article 17, paragraph 2, of the Covenant, it was asked whether Sweden had encountered any difficulties in the implementation of its provisions, for example in financing extensive unemployment and social security schemes. Furthermore, did such benefits and other available services create a disincentive for workers to find employment, especially when taking into account the high rates of taxation? In responding to these remarks, the representative observed that there was currently no particular problem in funding the system because of favourable factors such as low unemployment, the age composition of the population and the general economic situations. He noted, however, that the priorities of the social security system would have to be reviewed when the percentage of the aged increased rapidly at the beginning of the next century. As to the disincentive question, the representative pointed out that the welfare system was geared towards facilitating participation in the workforce by providing day-care facilities, protection in cases of illness or pregnancies, and training and education and he believed that the system was functioning well in this regard. In any cases, no social benefits which only guaranteed a minimum standard of living could ever replace a regular income from a regular job.

140. In this context also, now that the material and physical aspects of Swedish society were so well taken care of, one member of the Committee wanted to know about the moral and spiritual aspirations of the population. Were the people satisfied? What were their future goals? On these points, the representative did not consider himself qualified to speak on behalf of the population. There were naturally always people who wanted to pay less in taxes without seeing reductions in benefits, but they as well as other citizens could express their opinions through political debate and the ballot box.

141. The comment was made that the report contained practically no information about the rights of foreigners, including both immigrants and refugees, and clarification was sought about their legal status. In his response, the representative of the State party explained that about 10 per cent of the Swedish population was either of foreign origin or had at least one parent of foreign origin and, although many of them had acquired Swedish nationality, they still constituted, in cultural terms, members of a minority group. As far as social, educational and health services were concerned, there was no difference in treatment between nationals and resident foreigners. In addition, it was the duty of the authorities to adapt the educational and medical services to the special needs of foreigners, in particular with regard to the teaching and use of their own languages. Currently, he said, there were about 100 such languages being taught in the pre-school system. Equal treatment was also true for the social security legislation with certain minor exceptions, but difficulties in that respect were generally overcome by bilateral or multilateral social security agreements. Refugees were also being treated on the same footing as nationals although difficulties could arise in connection with work permits in the period before it was established that a person was a refugee.

142. Concerning questions asked about popular participation in the preparation of the report, the representative pointed out that, before legislation was proposed in Sweden, there were extensive consultations with various organizations, such as labour unions and universities, and that non-governmental views were thus as least indirectly reflected in the report.

143. The observer of the International Labour Office informed the Committee about relevant references to Sweden in ILO reports and other documents.

Article 10: Protection of the family, mothers and children

144. With respect to the concept of the family and new family legislation, the representative of the State party stated, in exact response to requests for clarification in general and on certain points in particular, by observing that Swedish legislation contained no general definition of the term family. The most common form was certainly a married couple with children, but a family might also consist of a cohabiting couple with or without children. The children could belong together to either the man or the woman. Sweden had tried to adapt its legislation to new situations, mainly in the interest of children, but that did not mean trying to encourage one way of living rather than another. Furthermore, the representative observed that the rate of divorces and separations among both married and unmarried couples, respectively, remained rather high.

145. Likewise, with respect to questions raised by members of the Committee about the rights of children and Swedish attitudes to children, the representative said that it was his country's policy to make it possible, by means of financial and other assistance, for couples to have as many children as they wanted, but this did not mean the establishment of a target for an increased birth rate. With regard to questions about artificial insemination, in vitro fertilization and surrogate motherhood, he confirmed that, despite considerable attention, and recent efforts, legislation had lagged behind technological innovation. Concerning an inquiry about the supposedly high percentage of disabled children, the representative did not believe that the number was higher in Sweden than elsewhere; the reason was more likely to be linked with substantial efforts by the authorities to identify these children and their parents in order to provide them with the relevant services and benefits to which they were entitled.

146. Responding to questions about unemployed youth and the availability of unemployment insurance, the representative stated that, while it was true that under Swedish legislation a person had to have worked for a certain period before qualifying for unemployment benefits, young persons could alternatively receive training, employment in special programmes or other forms of social assistance.

Article 11: Right to an adequate standard of living

147. In connection with inquiries about the right to food, about which information was said to be lacking in the report, the representative explained that, in matters relating to food and nutrition, it was the duty of countries and the Central Health Board to make sure that the population had an adequate diet. That task was seen mainly as providing information and education about correct diets. The representative stated that there was no problem of food supplies in Sweden. Responding to a

question about Swedish involvement in international co-operation as prescribed by article 11, paragraph 1, the representative also described his country's active participation in and co-operation with WHO, FAO and WFP in their food and nutrition activities.

148. In response to a question about the rights of tenants and about the protection of their rights, the representative referred to specific legislative acts covering the relationship between tenants and property owners, including rent scales which were subject to regulation and thus not decided solely by market forces.

149. It was also what the Government was doing about the right to work, which was the primary means of establishing and maintaining an adequate standard of living. How was this right guaranteed in practice? In his response, the representative stated that this right, although not enshrined as such in the labour laws, was nevertheless safeguarded by legislation and by his country's social and economic policy, which had the primary objective to provide work to the entire population. A great many resources, he said, were devoted to this purpose.

Article 12: Right to physical and mental health

150. Replying to requests for additional information on hazardous work conditions, the representative stated that it was not the ombudsman but a worker so chosen who had the responsibility for stopping work, under the Works Environment Act, if he considered that a dangerous situation had arisen. With regard to inquiries about official programmes undertaken in connection with AIDS and about the reconciliation of these programmes with the human rights of the patients, the representative explained that this disease constituted a major public health concern about which the Government was still formulating its policy. Emphasis had been placed on disseminating information to the general public as well as to high-risk groups and on voluntary testing, while keeping civil rights considerations in mind.

Concluding observations

151. The Government of Sweden was commended on the excellent quality of the report and appreciation was expressed to the high-level Swedish delegation for their valuable information and co-operation in the dialogue which had been established between the parties. Mention was also made of the possibility that the State party could avail itself of the opportunity to provide supplementary information to the Committee in writing, if it wished to do so.

CESCR E/1992/23

222. The Committee considered the second periodic report of Sweden concerning the rights covered by articles 13 to 15 of the Covenant (E/1990/7/Add.2) at its 11th to 13th and 18th meetings, held on 2, 3 and 6 December 1991 (E/C.12/1991/SR.11-13 and 18).

223. The representative of the State party, in introducing the report, explained that his oral presentation would provide answers to the questions raised by the pre-sessional working group and bring the report up to date.

General matters

224. Members of the Committee wished to be provided with a country profile, including information on the land and people, economic, social and cultural characteristics, and the legal framework within which human rights were protected; further information concerning measures taken to promote the full realization of the right of everyone to education with a view to achieving both understanding, tolerance and friendship amongst all racial, ethnic and religious groups and respect for human rights and fundamental freedoms; information on what action had been taken as a result of the cooperation and dialogue with the Sessional Working Group of Governmental Experts subsequent to the consideration of the initial report (E/1982/3/Add.2); and additional data and appropriate statistics to supplement information contained in the report.

225. Members of the Committee also wished to know why the disparity between the earnings of men and women existed; what measures had been taken to improve the situation and whether studies on the matter had been conducted; whether chapter II of the Constitution was an integral part of Swedish domestic law and whether citizens could invoke its contents before the courts; what was the status of the Law Council; and whether the Lutheran religion held the status of a State religion.

226. In his reply, the representative of the State party informed the Committee that according to land mass, Sweden was the fourth largest country in Europe although its population only numbered 8.6 million people, of whom approximately 85 per cent lived in urban areas.

227. Referring to the differences in population composition prior to and following the Second World War, he indicated that the country had previously been quite ethnically homogeneous whereas today immigrant groups, the largest being from Finland, Yugoslavia and the Islamic Republic of Iran, existed alongside the Sami, Finn and Gypsy minorities.

228. The representative also informed the Committee that Sweden was a secular society, although 95 per cent of the population were members of the Lutheran State Church, and that Sweden as an industrialized State in the twentieth century had developed a social security system and had been able to offer its population a high standard of living.

229. Fundamental rights and freedoms, including social and cultural rights, were set out in chapter II of the Swedish Constitution, which also provided for the protection of freedom of the press and freedom of expression. Courts of law existed for the administration of justice and State, with

municipal administrative authorities being responsible for public administration. All of them had, to a greater or lesser extent, jurisdiction affecting human rights. No constitutional court existed in Sweden and there was no other authority that had the power to take a stand on matters solely from the viewpoint of human rights as expressed in international human rights standards. In addition there were three ombudsman institutions, the Office of the Parliamentary Ombudsman, the Office of the Equal Opportunities Ombudsman and the Ombudsman against Ethnic Discrimination. Treaties, in order to become part of the law, had to be transformed or formally incorporated into Swedish statutes and all new legislation was examined to ensure its conformity with international instruments ratified by Sweden. The Law Council examined the constitutionality of any new legislative text proposed by the Legal Department of the Ministry of Foreign Affairs. According to the jurisprudence of the Supreme Court, national law was to be interpreted and applied in the light of Sweden's international obligations in the field of human rights.

230. While it was possible to invoke chapter II of the Constitution in Swedish tribunals, a provision decided upon by Parliament or the Government could only be set aside by a tribunal if a fault was manifest. With a new Government in power, it was too early to say whether or not Sweden would follow other European countries by automatically incorporating its international human rights obligations into its legislation.

231. The Law Council was not a constitutional court and did not act as a tribunal. Its function was to examine proposals for legislation being put to Parliament to ascertain their constitutionality.

232. The representative of the State party also informed members of the Committee that Parliament had amended the School Act of 1985, which laid down the principles and fundamental objectives of the public school system. The new law stipulated that young people of school age had equal access to education irrespective of gender, place of residence, social and economic circumstances; that education should be conducted in conformity with fundamental democratic values and promote respect for the dignity of all; that education must be the same quality wherever it was provided and whatever the race or ethnic origin of the pupils. He noted that all of these provisions helped further understanding, tolerance and friendship among the different population groups. To promote awareness of human rights, efforts had been made to disseminate, inter alia, the texts of human rights instruments to the public and the contents of the Convention on the Rights of the Child within Swedish schools, as well as to include within the law curricula courses on human rights and fundamental freedoms.

233. In reply to other questions, the representative of the State party informed the Committee that the difference in salary between men and women may be explained by the fact that women chose to work part-time and that often women were employed in those sectors where the income was relatively low. However, owing to the specific measures taken by the Government with regard to low paid employees and the amendments to the Equal Opportunities Act specifically prohibiting differences in male and female salaries, as well as the obligation of employers to close such gaps wherever they existed, salary differences were not in fact very great. Disputes could usually be settled through the unions or the competent ombudsman, and court action was seen as a last resort.

234. Citing the most extreme differences in the distribution of male/female employment, the

representative informed the Committee that in the technical professions women accounted for only 24 per cent of personnel whereas in the health profession 80 per cent of the personnel were female. Of the teachers at the university level, 46 per cent were women, 6 per cent of whom held full professorships.

235. As regards the question of religious rights, the representative indicated that the difference between a State religion and a State church was that in the latter case citizens were free to choose their religion which is the system that exists in Sweden.

Articles 13 and 14: Right to education

236. Members of the Committee wished to know whether the municipalities had a legal obligation under the School Act to provide youngsters under the age of 18 with either education, vocational training or work. They also asked to be provided with a breakdown of the youth population as well as with comparative statistics, data and information demonstrating the evolution in the realization of the right to fundamental education and the development of a system of schools at all levels. Further information on the reform programme “which aims at a high flexibility and modernization of primarily vocational education” was also requested (see E/1990/7/Add.2, para. 21).

237. Members also wished to know what percentage of children were covered by primary education; what percentage of the population completed primary education; what percentage of young people received and completed secondary education; what percentage of university students did not receive full government grants; what was the rate of unemployment among youth; what percentage of the handicapped and disabled attend special schools and if there were any regional disparities; what difficulties if any were encountered in the provision of fundamental education to immigrants and foreign workers who had not had such education in their countries of origin; and whether there were any serious regional disparities in the accessibility of education.

238. Members of the Committee were also interested to know whether or not the Committee’s consideration of Sweden’s initial report had been instrumental in the adoption of some reforms mentioned by the representative; what criteria were applied by the authorities in issuing authorizations for the establishment of private primary schools and whether there was any possibility of appeal against a refusal to issue an authorization; at what level and from what age were pupils involved in taking decisions; whether there was any form of restriction on the freedom of expression of refugee students who received financial support; and what the situation of women was in education, in particular the number of women teachers and students in higher education and whether there were any special programmes designed to train women for non-traditional activities.

239. It was also asked whether any programmes had been implemented to combat the drug problem; whether Sweden made use of the experience of senior citizens in the education field, in particular, whether retired teachers were given an opportunity to continue their involvement in academic life; what the experience in Sweden had been as regards violations of the legal requirement for equal opportunities for men and women at work and in obtaining redress in court; whether teachers were civil servants; what was the salary of primary, secondary and university level teachers; what collective bargaining arrangements existed for teachers and what were their retirement conditions; whether

tuition at the secondary level was free of charge; whether handicapped persons of limited means were given financial support to pay for their room and board; what was the number and percentage of pupils and students enrolled in secondary, vocational and higher education; and whether any special measures had been taken to cater for exceptionally gifted students.

240. In his reply, the representative said that the new principles mentioned in paragraph 9 of the report referred to the fact that responsibility for assuring equal access to education was vested in Parliament and the Government through the newly created National Agency for Education, while responsibility for the organization of educational activities rested with municipalities and county councils. Other changes included the establishment of a new institute to deal with the question of the disabled in the school systems; the reaffirmation of the responsibility of municipalities as the employers of teachers and regarding measures to guarantee the quality of teaching; adjusting the availability of State subsidies to municipalities in relation to the size and density of their population; and the inclusion from 1 July 1991 of provisions with regard to adult education and elementary education in the Swedish language for immigrants.

241. Replying to other questions, the representative informed the Committee that compulsory school attendance covered all children aged between 7 and 16, all of whom had the right to receive a public education. In 1987, 79 per cent of the total population had completed the nine years of compulsory education, whereas in 1980 only 66 per cent had done so. In both the nine years of compulsory school and in upper secondary school, male and female students were enrolled in almost equal numbers; 69 per cent of teachers in primary schools were women and they represented 44 per cent of the secondary school teaching staff. Special schools existed for the mentally disabled who were unable to attend ordinary primary school, the total number attending such schools being approximately 11,500, corresponding to 0.95 per cent of all children in primary and secondary education. Physically handicapped children were normally integrated into the ordinary primary schools except for those who were deaf or suffered from impaired hearing. There were 9 special schools in Sweden, attended in 1990 by 684 pupils. The Swedish State assumed responsibility for all special schools and covered all costs, including those relating to lodging and transportation of pupils to and from school.

242. Regarding secondary education, the representative informed the Committee that 90 per cent of people in Sweden finished some kind of secondary education; that 52 per cent of secondary education pupils were enrolled in academic courses while the remaining 48 per cent followed vocational programmes; and that 5 per cent of young people between the ages of 16 and 19 were unemployed. Municipalities were required to bear the costs of transport for secondary, as well as primary students who lived more than 6 kilometres from school.

243. Since 1 January 1991, seriously disabled students had been entitled to attend, until the age of 23, the three specially designed secondary education boarding schools, catering for 80 pupils. Most of the costs were borne by the State except those relating to room and board. The difficulties encountered in the provision of fundamental education to immigrants and foreigners related both to the heterogeneous composition of these groups and to having to arrange to teach basic reading and writing skills in their own language to illiterate immigrants in small municipalities.

244. During the 1990/91 school year, approximately 80 per cent of college and university students received State financial support, whereas the remainder chose to finance their own studies. The criteria and obligations pertaining to the establishment of private schools were the same as those for public schools in that each had to promote the values that were fundamental to Swedish society and adhere to democratic principles of tolerance and equality of rights.

245. Regarding teachers' salaries and working conditions, the representative said that teachers were considered local civil servants; that their salaries were comparable to those of civil servants with similar academic qualifications; and that they could enter salary negotiations and were protected by collective bargaining agreements. Teachers sometimes continue with their professional activities after retirement.

246. In the schools, students were regularly informed of the dangers of drug abuse. Responsibility for individual cases rested with the social services working in cooperation with the schools, the police, competent non-governmental organizations and others. According to the latest figures available, the total number of students in secondary education was 290,000. No figures on the phenomenon of school drop-outs were available but this did not mean that the problem did not exist.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

247. Members of the Committee wished to know whether there were any serious regional disparities in the availability or accessibility of cultural opportunities and facilities and what specific measures had been taken to provide cultural opportunities and facilities to the population in remote parts of the country; what the place of education and culture was in the overall plans for the socio-economic development of the country; what percentage of the national budget was allocated to education and culture; what measures were being taken to maintain the cultures of the indigenous peoples; what measures were being taken to support private organizations and institutions to undertake research and creative activities; and what actions had been taken as a result of the cooperation and dialogue with the Sessional Working Group of Governmental Experts subsequent to the consideration of the initial report.

248. Members of the Committee also wished to know whether there were any government controls or measures to monitor or regulate audiovisual media, in recognition of their impact on attitudes and values, especially among young people; whether the legislative measures taken against illicit production of sound and visual recording concerned foreign recordings as well; whether underprivileged groups, referred to as being a major target of Swedish policy, were the same as the minority groups, including the Sami and immigrants; whether the Government had taken any steps to ease the marginalization that the Gypsy population often suffered in other European countries; whether the reported 0.7 per cent of the national budget allocated to cultural activities was sufficient to attain the objectives of the Covenant; whether the aim of subsidies to large cultural institutions was to make the activities more affordable for the majority of people or simply to maintain them; whether the quality of science suffered from the lack of incentives due to subsidies being given to all cultural institutions; what criteria were used to select foreign language material and films; whether there was any government policy as to subsidizing sport; whether satellite television was popular and

what was its impact in cultural terms; and whether there was any kind of cultural censorship.

249. In addition, members wished to know whether there were any special educational institutions providing instruction in music, dance, dramatic art and sport or through correspondence courses; whether there was any additional budget allocation for local cultural bodies; whether the Government provided special facilities, such as specially priced cinema or theatre tickets, for elderly people with low incomes; whether the recent change of Government would have any impact on the allocation of resources and on the enjoyment of rights under the Covenant; and what special measures, if any, was the Government taking or proposing to preserve the cultural identity of various groups and to harmonize within a single framework the cultural diversity of what seemed to be the Sweden of the future.

250. In reply, the representative of the State party informed the Committee that opportunities to take part in cultural life varied in Sweden due to its size and small population. The State promoted decentralized cultural activities in all parts of the country, mostly through financial subsidies, the most important form of which was support for regional cultural activities such as the National Theatre Centre, the Institute for the National Concerts and the National Exhibitions Service which operated throughout the country. Central cultural institutions also provided expertise and services in the form of touring exhibitions and through theatrical and operatic tours. Libraries existed in all 24 counties and museums in 22 counties. The number of county theatres had increased by 11 in the past 15 years and 23 of them received State support. The Government also subsidized 12 regional and local orchestras, 6 more than in 1973.

251. The Sami as both an ethnic minority and as an indigenous population, enjoyed a special status in Sweden, resulting in a special and national budget allocation for subsidies to Sami culture since 1977. Decisions on the use of the allocation were taken by the Cultural Delegation of the Sami Fund, a majority of whose members were Sami. During 1991/92, this Delegation would be distributing over 6 million Swedish krona to support various Sami organizations, cultural projects and research as well as a special Sami museum and Sami theatre. In addition, the Sami Research Institute in Norway was financed in cooperation with the other Nordic Governments. The Swedish Government was planning to introduce a comprehensive bill in 1992 concerning the Sami.

252. Concerning State support for private scientific research and creative activities, the representative indicated that Sweden concentrated on channelling public resources to university colleges, universities and research councils and that research and development was to a very large extent conducted by these institutions. The fund allocation system and the diversity of funding sources promoted the independence of researchers. Describing the links existing between university colleges, universities and industry, the representative referred to the Swedish system of joint venture research institutes, which were funded by the State and business consortia roughly on a 50-50 basis and noted that there were now some 30 such institutes. No provisions existed to prevent anyone from conducting research privately or from establishing private research institutes.

253. State budget allocations for primary, secondary and higher education, including research and financial support to students, amounted to approximately 13 per cent of the national budget, and for cultural activities, including the media, to 0.7 per cent

254. With regard to copyright matters, the Committee was informed that the National Committee for the Revision of the Copyright Law had concluded its work, the final report having been circulated for comment. The Committee's suggestions for legislative change were mainly aimed at strengthening the rights of authors, artists and photographers and were currently being considered within the Ministry of Justice. A Government bill with proposals for amendments to the relevant acts was expected in the course in 1992.

255. In reply to other questions, the representative of the State party noted that radio and television stations were established by licenses accorded by the Swedish Broadcasting Corporation. The Government had also made an agreement with a private company, whose income was generated through advertising, to broadcast programmes, of which at least 50 per cent had to be in the Swedish language. Satellite television was not subject to any particular regulation. The rights of authors were protected under Swedish legislation as were those of physical and judicial persons from other countries that were parties to the Berne Convention for the Protection of Literary and Artistic Works. Only films were subject to censorship, particularly violent films and those destined to be viewed by children.

256. Special measures were being taken to preserve or support the cultural identity of immigrants and Gypsies, notably through State subsidies given to immigrant organizations, newspapers, literature production and libraries. The provision of mother tongue education to the children of immigrants in public schools and broadcasts of radio and television programmes in the languages of the principal immigrant groups were also subsidized. Municipalities and local councils also financed cultural activities. Special education programmes were produced and broadcast for use in schools and commission had been appointed to study the possibility of introducing distance education through the media. Subsidies to cultural establishments were intended to benefit as large a proportion of the population as possible and enabled such institutions to reduce the price of entrance tickets. It was not yet clear what the cultural policy of the new Government would be.

Concluding observations

257. The Committee expressed its satisfaction with the full and detailed answers the representative of Sweden had been able to give to the questions raised by the pre-sessional working group. They had done much to make up for a Government report which, in its view, was too brief and did not reflect the degree to which the Covenant was being applied. It noted the considerable efforts Sweden had made to give effect to the rights covered by articles 13 to 15, in particular the progress in primary education and educational assistance for the handicapped.

258. The Committee was nevertheless concerned about the status of the Covenant under Swedish domestic legislation and opportunities for individuals to invoke the Covenant before the courts.

259. While noting with satisfaction the action Sweden had taken in the area of cultural rights, the Committee was also concerned for the fate of ethnic minorities such as the Sami and Gypsies, feeling that emphasis should be laid on the need to help them preserve their cultural identity and on the efforts that must be made to promote their cultures.

CESCR E/1996/22

134. At its 13th, 15th and 16th meetings on 9 and 10 May 1995, the Committee considered the third periodic report of Sweden on articles 1 to 15 of the Covenant (E/1994/104/Add.1), as well as the written replies to the list of issues prepared by the pre-sessional working group, and, at its 27th meeting on 18 May 1995, adopted the following concluding observations.

Introduction

135. The Committee expresses its appreciation for the report and supplementary information submitted by the State party, as well as for the written replies to the list of issues, and welcomes the high level of the delegation representing the State party during the consideration of the report. The Committee expresses satisfaction at the quality of the dialogue established with the State party, which it considers to have been frank and highly constructive in enabling the Committee to gain a clear understanding of the extent of the State party's compliance with the International Covenant on Economic, Social and Cultural Rights.

Positive aspects

136. The Committee notes with satisfaction Sweden's achievements to date in promoting economic stability and providing social benefits for most persons living within its territory. It welcomes the recent establishment of the Office of the Children's Ombudsman and the previously noted Office of the Ombudsman against Ethnic Discrimination. It further notes with appreciation the high degree of attention being paid to human rights in the areas of education, overseas development assistance, and training of personnel involved in the administration of justice.

137. The Committee acknowledges the social assistance benefits being accorded to refugees, which include provision of temporary housing and other settlement benefits.

138. The Committee also notes the significant degree of autonomy granted to the Sami people, which is evident in the existence of a parliament elected by the Sami, in their education and in their cultural and economic activities.

139. The Committee welcomes the Government's training policies to help the unemployed - particularly among young persons, the group which has been most affected by the economic recession - learn new skills to facilitate their return to the labour force.

Factors and difficulties impeding the implementation of the Covenant

140. The Committee takes note of Sweden's reduced financial ability to continue its programmes of social security at the levels enjoyed in the past, due in part to domestic structural adjustment and the effects of the global economic recession on the internal economic situation. The Committee notes that the recession has aggravated the levels of unemployment, especially among men and young persons.

141. The Committee also notes with concern the growing number of immigrants whose economic, social and cultural rights Sweden should endeavour to protect. The Committee further notes that the problems of this group are aggravated by their unfamiliarity with Swedish culture and language, which renders more difficult their ability to find gainful employment. The economic recession has unfortunately contributed to rising social tensions, which have been manifested in the rising number of cases of racism, xenophobia and segregation and which have sometimes resulted in violence.

Principal subjects of concern

142. The Committee notes that many of the Government's social welfare programmes have been curtailed in response to the changed economic conditions. In this regard, the Committee notes with concern the adverse impact of the economic recession on the living conditions of the most vulnerable groups.

143. The Committee notes with concern the lack of information possessed by the Swedish Government in relation to the problems of child pornography and domestic violence against women. The Committee notes that the Government considers these to be serious problems and is concerned that the lack of statistical information on these problems prevents both the Committee and the Government itself from ascertaining the true extent of the problems and thus hinders efforts to combat them.

144. The Committee notes that the Government of Sweden has not ratified ILO Convention No. 103 (1952) on maternal protection in due course.

Suggestions and recommendations

145. The Committee encourages the Government to continue to take adequate measures to ensure that the reduction of its social welfare programmes does not result in a violation of the State party's obligations under the Covenant. In this connection, the Committee recommends that particular attention be paid to fighting unemployment and to ensuring the same degree of welfare for all segments of Swedish society, as well as to speeding up the social integration of immigrants.

146. The Committee urges the Government to intensify its efforts to combat child pornography and domestic violence against women, as well as its measures for monitoring and registering all such cases. It draws attention to the need to ensure the imposition of appropriate penalties for such offences.

147. In view of the importance of maternity leave in the context of article 10 of the Covenant, the Committee encourages the Government in its stated intention to review its position with regard to ILO Convention No. 103.

148. The Committee welcomes the delegation's offer to provide additional written responses to the issues raised but not fully addressed during the consideration of the report, particularly regarding the status of the Covenant in domestic law and, in relation to cases where the Covenant was invoked in a court of law, the results of such cases. The Committee also looks forward to receiving information

regarding the status of immigrants and the Government's efforts to combat discrimination and violence against them.

CESCR E/2002/22 (2001)

708. The Committee considered the fourth periodic report of Sweden on the implementation of the Covenant (E/C.12/4/Add.4) at its 61st and 62nd meetings, held on 13 November 2001 and adopted, at its 74th and 75th meetings, held on 21 and 22 November 2001, the following concluding observations.

A. Introduction

709. The Committee welcomes the fourth periodic report of the State party, which follows the Committee's guidelines.

710. The Committee notes with appreciation the extensive written replies by the State party to its list of issues (E/C.12/Q/SWE/2). The Committee also expresses its satisfaction with the constructive and frank dialogue with the State party's delegation, which consisted of members with expertise in all the fields relevant in the context of the Covenant. The Committee welcomes the State party's intention to disseminate the contents of these concluding observations among all levels of society by, inter alia, holding a press conference.

B. Positive aspects

711. The Committee warmly welcomes the creation of an interdepartmental working group to draw up a proposal for a national plan of action for human rights, as foreseen in paragraph 71 of the Vienna Declaration and Programme of Action.^{10/} The Committee also takes note that the national plan of action is being drawn up with the broad participation of civil society and that economic, social and cultural rights are being addressed.

712. The Committee notes with appreciation the sustained efforts of the State party to combat racism, xenophobia, anti-Semitism and other forms of intolerance in the country through a variety of measures. The Committee, in the light of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, warmly welcomes the adoption of the National Action Plan to Combat Racism, Xenophobia, Homophobia and Discrimination, early in 2001.

713. The Committee warmly welcomes the efforts of the State party with respect to the mainstreaming of human rights in bilateral and multilateral development cooperation programmes, in accordance with article 2, paragraph 1, of the Covenant.

^{10/} Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF. 157/24 (Part I), chap. III).

714. The Committee acknowledges that the State party for many years has allocated 0.7 per cent or more of its GNP to development assistance, thereby meeting and sometimes surpassing the United Nations goal and contributing to the realization of economic, social and cultural rights in other countries.

715. The Committee recognizes that a number of Ombudspersons exist in the country, dealing with different aspects of human rights with a focus on discrimination issues. The Committee welcomes the creation of the office of an Ombudsperson against Discrimination due to Sexual Orientation.

716. The Committee notes with satisfaction the State party's policies and measures aimed at reducing unemployment and at improving the situation in the labour market.

717. The Committee notes with satisfaction the State party's efforts to combat domestic violence. The Committee particularly welcomes the introduction of the offence of "gross violation of the woman's integrity" in chapter 4, section 4 (a) of the Swedish Penal Code, as well as its support of men's organizations dedicated to combating violence against women.

718. The Committee appreciates that the State party is committed to combating prostitution by strengthening its efforts to prevent trafficking in persons and by making the buying or even soliciting of sexual services a criminal offence.

719. The Committee welcomes the new legislation criminalizing in particular complicity in child pornography and the efforts undertaken by the State party to facilitate the prosecution of perpetrators.

720. The Committee notes with appreciation that the State party has allocated increased resources to social programmes, starting in the mid-1990s, with a view to restoring the social security system.

C. Factors and difficulties impeding the implementation of the Covenant

721. The Committee notes that there are no factors and difficulties which prevent the effective implementation of the Covenant in the territory of the State party.

D. Principal subjects of concern

722. The Committee regrets that the Covenant is not given full effect in the State party's legal order and therefore cannot be directly invoked before the courts.

723. The Committee expresses its concern about the persisting unclear situation with regard to Sami land rights.

724. The Committee regrets that the State party has not yet ratified ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries in spite of an apparently favourable attitude towards it.

725. The Committee expresses its concern about the increasing number of complaints concerning discrimination on ethnic grounds in the workplace.

726. The Committee, while commending the State party's efforts with regard to gender equality, notes with concern that there continues to be inequality in wages and that women earn only 83 per cent of men's salaries.

727. The Committee is concerned that domestic work is not adequately regulated in national law.

728. The Committee takes note that the State party has maintained its reservation with regard to article 7 (d) of the Covenant concerning the right to remuneration for public holidays.

729. The Committee notes that the State party has not ratified ILO Convention No. 131 (1970) concerning minimum wage fixing, with special reference to developing countries, and that it has no intention to do so, on the ground that the minimum wage is settled by means of collective agreements or individual contracts.

730. The Committee regrets that sexual exploitation of minors and women committed by Swedish citizens abroad is only punishable if the requirement of "dual criminality" is fulfilled.

E. Suggestions and recommendations

731. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties under the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 22 and 23 concerning international assistance and cooperation.

732. The Committee urges the State party to ensure that the promotion of economic, social and cultural rights is made a major component in the pending national plan of action for human rights.

733. While recognizing that a number of Ombudspersons exist in the State party, the Committee recommends that the State party consider, in the framework of its national plan of action for human rights, the creation of a national human rights institution to deal with the protection and promotion of all human rights, including economic, social and cultural rights.

734. The Committee urges the State party to take appropriate steps to give full effect to the Covenant in its legal system, so that the rights covered by it may be directly invoked before the courts.

735. The Committee recommends that the State party implement the proposal, made in the additional information provided after the dialogue had taken place, of setting up a committee to review, identify and clarify the issues concerning the land rights of the Sami, so that ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries can soon be ratified.

736. The Committee encourages the State party to take additional measures to prevent discrimination against immigrants and refugees, especially in the workplace.

737. The Committee urges the State party to intensify its efforts with respect to gender equality and to take the necessary measures, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.

738. The Committee recommends that the State party ensure that domestic work is adequately regulated, so that domestic workers enjoy the same legal protection as other employees.

739. The Committee recommends that the State party withdraw its reservation to article 7 (*d*) of the Covenant.

740. The Committee invites the State party to reconsider its position towards the ratification of ILO Convention N o. 131 (1970) concerning minimum wage fixing.

741. The Committee encourages the State party to adopt a comprehensive national public health strategy and a plan of action in which it sets benchmarks for its health care strategies.

742. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

743. The Committee urges the State party to adopt special measures criminalizing the trafficking of human beings.

744. The Committee urges the State party to ensure that education in independent schools, including those that have been established in the form of private companies with shareholders, is in full conformity with article 13 of the Covenant, in particular paragraph 1, on educational aims and objectives, and with the Committee's General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

745. The Committee urges the State party to take additional and effective measures that promote instruction in the mother tongue of minorities and immigrants.

746. The Committee urges the State party to repeal the requirement of "dual criminality" in relation to the offence of sexual exploitation of minors and women committed by Swedish citizens abroad.

747. The Committee encourages the State party to provide more specific, disaggregated and comparative data in its fifth periodic report, in particular with respect to the privatization of health care in the country.

748. The Committee requests the State party to inform the Committee in its next periodic report of steps taken to implement the present concluding observations. The Committee also encourages the

State party to continue involving non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

749. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2006.