

Universal Periodic Review

(21st session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Sweden

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> dd/mm/yyyy	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	21/03/1968			Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification 22/01/1985			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 26/01/2011			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification 26/01/2011			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

1. “The Constitution consists of four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.”¹
2. The **Instrument of Government**² contains provisions on free basic education [...]. It ensures compulsory and free basic education (art 18) without discrimination (art 12-13).

Legislative Framework:

3. The legislative framework of Sweden is composed of:
 - a) The “new **Education Act (2010:800)**³ adopted in June 2010 and entered into force on 1 July 2011 [replacing the 1986 Education Acts]. The **new Ordinance on the compulsory school system (2010:37)**, the **Ordinance on upper secondary school (2010:2039)**, and the **Ordinance on adult education (2011:1108)** supplement the Act. [...]. In 2011, **new curricula and new syllabuses** in all subjects for the preschool class, leisure-time centres, the compulsory school, and upper secondary school have been issued. A **new grading scale and grading criteria** specifying the minimum knowledge requirements for the state school system have also been introduced. Municipal adult education is regulated by **the Education Act and the Ordinance on Municipal Adult Education** (förrordningen om kommunal vuxenutbildning). The new Education Act will apply to municipal adult education from 1 July 2012.
 - b) “[...] the **Act on Equal Treatment of Students at Universities, which entered into force in 2002**⁴ [...] is intended to promote equal rights for students and applicants and to combat discrimination [...]”⁵.
 - c) “**The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students** – entering into force on 1 April 2006. The purpose of the Act is to promote equal rights for children and school students and to combat discrimination [...] and degrading treatment.”⁶
 - d) “**The Discrimination Act**⁷ (2008:567) (diskrimineringslagen) explicitly bans discrimination in the educational system. **The Equality Ombudsman** (Diskrimineringsombudsmannen) monitors compliance with the Discrimination Act.”⁸ “[...] **The act replaced the Equal Opportunities Act** (jämställdhetslagen) and

¹ Information available online on the official website of the Swedish Parliament at:

<http://www.riksdagen.se/en/Documents-and-laws/Laws/The-Constitution/> (Accessed on 24 February 2014)

² <http://www.unesco.org/education/edurights/media/docs/20933f8a00ac55a00842080556b4c70729ddf362.pdf>

<http://www.riksdagen.se/en/Documents-and-laws/Laws/The-Constitution/> (Accessed on 24 February 2014)

³ The Education Act (Skollagen *SFS 2010:800*) is available in Swedish at:

<http://www.unesco.org/education/edurights/media/docs/f9b3be5604855a81db6b5b84b0fa2f922e785e88.pdf>

For a link to an English summary: <http://www.government.se/sb/d/12996/a/142354>

⁴ <http://www.unesco.org/education/edurights/media/docs/3fe3cbdd63a8719957d631e3d0e6a94b8abcd61b.pdf>

⁵ Sweden Report submitted for the Seventh Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 4

⁶ <http://www.unesco.org/education/edurights/media/docs/bcafb243647e956b5e857be5dd24193cfd29c2ac.pdf>

⁷ <http://www.unesco.org/education/edurights/media/docs/c614b29c5d56d035b8c8aa9741644cfd84c11df.pdf>

⁸ Sweden Report submitted for the Eighth Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 2

six other anti-discrimination laws. Two new grounds for discrimination have been introduced: transgender identity or expression, and discrimination on grounds of age.”⁹

e) “According to **Ordinance (2001:976) on education, pre-school activity and school childcare for asylum seekers**, asylum seekers have essentially the same right to education in pre-school, school and after-school centre as those who have their residence in Sweden.”¹⁰

Policy Framework:

4. “The Government communication entitled *A national action plan for human rights 2006-2009* was presented to the Parliament in March 2006. The action plan focuses on protection against discrimination and specifies several measures aimed at combating discrimination on grounds of sex, ethnicity, religion or other belief, disability, sexual orientation and, to a certain extent, age [...] including the indigenous Sami people.”¹¹

5. “The National Agency for Education has the overall responsibility for the school sector and has compiled a **plan of action with handicap policy goals** for a period of eight years, 2002-2010.”¹²

6. “From the autumn 2011 organizers of secondary schools are allowed to offer education in Jewish studies. In 2010 two new Folk High Schools (folkhögskolor) were approved by the Council of Adult Education as state grants entitled: Kista Folk High School with a Muslim focus and Agnesbergs Folk High School with Roma focus.”¹³

7. “**The Swedish Schools Inspectorate** was created in 2008 and is now the agency responsible for inspection. [...] **The Swedish National Agency for Higher Education** has the task to review the quality of higher education.”¹⁴

Cooperation:

8. Sweden is **party** to the 1960 UNESCO Convention against Discrimination in Education since 21/03/1968.

9. Sweden **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

⁹ Sweden Report submitted for the Eighth Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 11

¹⁰ Sweden Report submitted for the Seventh Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 5

¹¹ Sweden Report submitted for the Seventh Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 9

¹² National Report submitted for the 48th International Conference on Education, Geneva, 2008, p. 21, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/sweden_NR08.pdf (Accessed on 24 February 2014)

¹³ Sweden Report submitted for the Eighth Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 18-19

¹⁴ Sweden Report submitted for the Eighth Consultation of Member States on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 14-15

10. Sweden did **not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **Fourth Consultation** of Member States (covering the period 2005-2008). However, it **reported** within the framework of the **Fifth Consultation** of Member States (covering the period 2009-2012).

11. Sweden **reported** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011)

12. Sweden **is not party** to the 1989 UNESCO Convention on Technical and Vocational Education and Training.

Freedom of opinion and expression

Constitutional and Legislative Framework:

13. Freedom of expression is guaranteed under the Fundamental Law on Freedom of Expression (1991), one of four fundamental laws constituting the Swedish Constitution.¹⁵ Sweden has a vibrant and free media landscape.

14. The Press is regulated under the Freedom of the Press Act (1766), which is an integral part of the country's Constitution and also serves as the country's legislation on freedom of information.¹⁶ The Act guarantees the general public's access to public documents, and is considered the world's oldest piece of freedom of information legislation.

15. Sweden has adopted the new Radio and Television Act since 1 August 2010¹⁷, which entails provisions that include the regulation of new advertisement technologies, new rules for license obligations and on license transfer for broadcasting radio and TV programmes.¹⁸ These new rules have also been introduced on commercial and community radio. The Act also establishes the Swedish Broadcasting Authority, which merged previous agencies, the Broadcasting Commission and the Swedish Radio and TV Authority.

16. The Electronic Communications Act (2003) is aimed at ensuring that electronic communications are as accessible and efficient as possible and are open to free competition.¹⁹

17. Defamation is a criminal offence in the Swedish Penal Code (1962, amended in 2008), carrying a punishment of a fine for a regular case, and a penalty of up to two years in prison or a fine for a gross defamation case that produces "serious damage". Insult is punishable with a fine or, if it is gross, with a jail term of up to six months.²⁰

¹⁵ <http://legislationline.org/download/action/download/id/1644/file/5ac75a51ea7c8e9af5cebd93cdde.htm/preview>

¹⁶ http://www.servat.unibe.ch/icl/sw03000_.html

¹⁷

<http://www.radioochtv.se/Documents/Styrdokument/Radio%20and%20Television%20Act.pdf?epslanguage=sv>

¹⁸ <http://ec.europa.eu/competition/sectors/media/documents/sweden.pdf>

¹⁹ <http://www.government.se/content/1/c6/01/84/54/5ae98894.pdf>

²⁰ <http://www.government.se/content/1/c6/02/77/77/cb79a8a3.pdf>

Media Self-Regulation:

18. Media self-regulatory mechanisms is highly developed in the country²¹ including through the Swedish Press Council, Swedish Press Ombudsman, the Swedish Union of Journalists and the National Press Club, the Newspaper Publishers Association and the Magazine Publishers Association.²²

Safety of Journalists:

19. UNESCO recorded no killing of journalists in Sweden between 2008 and 2012²³. Journalists work in a safe environment.

III. RECOMMENDATIONS

20. Recommendations made within the framework of the Working Group on the Universal Periodic Review in 2010²⁴

21. The recommendations formulated during the interactive dialogue and listed below have been examined by Sweden and enjoy its support:

i) A - 95.32. Create greater awareness on the part of law enforcement personnel, and launch efforts in the field of education and training on **tolerance and cultural diversity** (Egypt); The recommendation as read during the interactive dialogue: “Create greater awareness on the part of law enforcement personnel; and set up its efforts in the field of education and training in tolerance and cultural diversity, and launch, with the participation of all media, a process of reflection on the role and responsibility of the media to combat racism, xenophobia and related intolerance (Egypt)”.

ii) A - 95.47. Strengthen **human rights education** programmes at the national and local levels aimed at eradicating racism and xenophobia (Philippines);

iii) A - 95.67. Continue taking measures to promote **education for all children** (Chile);

iv) A - 95.70. Implement measures aimed at eliminating **discrimination against the Sami people**, with particular focus on ensuring access to basic services in education, employment and health, as well as access to land, and ensuring that their right to land and cultural life is preserved (South Africa);

22. The following recommendations were examined by Sweden, which provided responses by the fifteenth session of the Human Rights Council, in September 2010. The response of Sweden to these recommendations was included in the outcome report adopted by the Human Rights Council at its fifteenth session:

i) R - 96.42. Put an end to denying the **right to education of children belonging to minorities or who do not have a residency permit in the country** (Cuba) (Sweden does not accept the first part of this recommendation as no child is denied the right to education in Sweden on the grounds of belonging to a minority);

²¹ <http://www.osce.org/fom/31497>

²² <http://www.rjionline.org/MAS-Press-Councils-Sweden>

²³ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/>

²⁴ http://www.upr-info.org/IMG/pdf/Recommendations_to_Sweden_2010.pdf

ii) A - 96.44. *Adopt legislative measures to guarantee the right to **education for all migrant boys and girls (Spain)** – Sweden accepts this recommendation; The recommendation as read during the interactive dialogue: “Adopt legislative measures to guarantee the taking of care of unaccompanied undocumented children, as well as the right to education for all migrant boys and girls (Spain)”.*

iii) A - 96.46. *Intensify its public policies in the area of **homeless migrant children**, by identifying the number of homeless children and their specific needs, and by guaranteeing their right to health, education and housing (Chile – Sweden accepts this recommendation);*

23. Analysis: The Constitutional framework of Sweden ensures compulsory and free basic education without discrimination. In addition, the new Education Act supplemented by various laws and plans aims at addressing discrimination on any ground. Moreover, Sweden adopted various plans for human rights, promoting minorities’ rights, including Sami and Roma people. Nevertheless, Sweden has not taken yet measures to further include immigrants, especially undocumented people, into the educational system.

24. Specific recommendations for the second UPR cycle on the right to education :

24.1 Sweden is encouraged to continue to submit state reports for the periodic consultations of UNESCO’s education related standard-setting instruments.

24.2 Sweden could be encouraged to take further measures to include immigrants and undocumented people, including children applying for asylum into the educational system and to provide them with educational opportunities.

24.3 Sweden is encouraged to actively continue to promote tolerance facing cultural diversity.

Freedom of opinion and expression

24. Sweden is encouraged to decriminalize defamation, currently in its Criminal Code, and place it within a civil code that is in accordance with international standards.

Cultural rights

25. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Sweden is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Sweden is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

26. With regard to contribution of science and technology to development, Sweden is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.