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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fifth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**Addendum**

**SWEDEN \* \*\* \*\*\***

[30 June 2006]

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\* The fourth periodic report (E/C.12/4/Add.4) concerning rights covered by articles 1 to 15 was considered by the Committee on Economic, Social and Cultural Rights at its twenty-seventh session in 2001 (see documents E/C.12/2001/SR.61-62; E/C.12/1/Add.70).

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## **Introduction**

1. This report contains a detailed account of the measures adopted by Sweden in connection with the implementation of the International Covenant on Economic, Social and Cultural Rights. The report also places emphasis on questions relating to the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.70).
2. In its concluding observations, 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.
3. Sweden adheres to the principle that international treaties do not automatically become part of Swedish law. To become applicable, international treaties must either be converted into Swedish legislation or be incorporated through a special Act. The traditional procedure for implementing an international agreement is to lay down equivalent provisions in an independent Swedish statute, where such provision does not already exist.
4. Preparation for the ratification of the International Covenant on Economic, Social and Cultural Rights included a comprehensive review aimed at ensuring that Swedish law was in conformity with the terms of the Covenant. The review, and the ensuing parliamentary Bill, led to the ratification of the Covenant.
5. The Swedish system is such that the material content of the Covenant is not directly applicable in Swedish courts or by Swedish authorities. However, under Swedish case law - as established by a number of rulings by the Supreme Court - domestic legislation and any amendments thereto must be interpreted in accordance with Sweden's international obligations.
6. During the preparation of the report Swedish NGOs have been invited to submit their views. A meeting with a broad range of NGOs was also organised.

## **Article 1**

7. It is the view of the Government of Sweden that indigenous peoples have the right to self-determination insofar as they constitute peoples within the meaning of common Article 1 of the 1966 International Covenant on Civil and Political Rights and 1966 International Covenant on Economic, Social and Cultural Rights.
8. By virtue of the right of self-determination indigenous peoples freely determine their political status and freely pursue their economic, social and cultural development. However, the right to self-determination shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction of any kind.
9. The Sami are recognised as an indigenous people and constitute a recognised national minority in Sweden.

10. Like others in society, it is important that the Sami population in Sweden feel empowered and have the opportunity to influence their own culture and the development of society as a whole. These are some of the reasons the Sami Parliament was established in Sweden in 1993. The Sami Parliament is both a Swedish government agency and a popularly elected body. The elected body is made up of 31 MPs elected by the Sami people in Sweden. Sami Parliament elections are held every four years and Sami who are registered on the Sami Parliament voting list are eligible to vote. Approximately 20 000 Sami live in Sweden and about 7 180 are registered to vote. Voter turnout increased to 66 per cent for the 2005 election, which is a reduction by 6 per cent since the first election in 1993. About 1 800 more Sami have registered to vote since the first election, however, indicating that voter turnout has increased in absolute numbers. As of the 2005 election, 32 per cent of the members of the Sami Parliament Plenary Assembly are women and 68 per cent are men. Women's representation has increased by 7 per cent since the 2001 election. Of the Sami who are eligible to vote and those who do vote, 49 per cent are women and 51 per cent are men.

11. The Sami Parliament is an important symbol for the Sami and it represents the Sami People in various contexts in its capacity as a popularly elected body. Regular dialogues and deliberations between the Swedish Government and the Sami Parliament serve an important function in strengthening the status of the Sami as an indigenous people and a minority in Sweden. The recurring dialogues focus on topical subjects, primarily those which the Sami Parliament wishes to discuss and illuminate.

12. Development has been ongoing for some time in Sweden aimed at increasing the influence of the Sami population over both more internal Sami affairs and matters that affect the Sami People from a wider social perspective. The Government has presented Bill 2005/06:86 "Greater Sami Influence" (*Ett ökat samiskt inflytande*) to the Riksdag as part of that effort. The Government expresses in the Bill its view that the Sami Parliament should assume tasks currently performed by the County Administrative Board and the Swedish Board of Agriculture that pertain mainly to internal Sami conditions. The Riksdag voted in favour of the proposals in the Bill on 11 May 2006. According to the decision, much of the responsibility for reindeer husbandry will be transferred from the County Administrative Board and the Board of Agriculture to the Sami Parliament and the Sami Parliament will become the administrative agency responsible for reindeer husbandry as of 1 January 2007.

13. Another part of this development is that Sweden intends to become a party to ILO Convention 169 as soon as possible. The Government has identified two areas in which clarification is necessary prior to future ratification with respect to the rights of the Sami and other peoples to land and water. (See item 28 of the Committee's *Concluding Observations*.)

14. Towards that end, the Government appointed a boundary committee in January 2002 which it instructed to study the boundaries of land where reindeer husbandry rights exist. The committee was also intended to establish the extent to which the Sami traditionally occupy and use land in common with others as meant by Article 14 of ILO Convention 169. The committee presented its report and recommendations in spring 2006 and the report has been referred for consideration.

15. With a view to gaining further clarity prior to ratification of the ILO Convention, the Government appointed a special committee of inquiry in April 2003 whose task was to survey, as far as possible, the grounds and extent of hunting and fishing rights held by landowners and Sami Village members within Sami lands and on reindeer grazing mountains. The report was submitted to the Government in January 2006 and has been referred for consideration. After the referral period is over, the studies and outcome of the referral round will be dealt with by the Government Offices.

16. A project is in progress at the Nordic level to harmonise the situation of the Sami People in Sweden, Norway and Finland. One result of the effort is that the Sami ministers and Sami parliamentary chairmen in the three countries have appointed a committee that has been instructed to write a draft for a Nordic Sami Convention. The committee was made up of representatives of the Sami Parliaments and the national governments of the three countries. The committee presented the draft in November 2005 and the report was referred for consideration in all three countries in spring 2006. Thereafter, national and joint Nordic drafting processes will take place.

## Article 2

### **A new national action plan for human rights**

17. The Government took a decision in March 2006 concerning “A National Action Plan for Human rights 2006-2009” (Government Communication 2005/06:95). The action plan, which was adopted by the Riksdag in May 2006, is the Government’s second national action plan for human rights. The first action plan, which was adopted in 2002 and covered the period of 2002-2004, has been followed up and evaluated. The measures announced in the first action plan have, with isolated exceptions, been implemented.

18. The new Government Communication contains an action plan for human rights for the period of 2006-2009 (Part I) and a survey of human rights in Sweden in 2005 (Part II). The survey is intended to shed light on any shortcomings that may exist with respect to protection and advancement of human rights in Sweden and thus provide a basis for the action plan. The action plan details measures based on the survey aimed at strengthening a number of rights. 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. In accordance with recommendations from bodies including the UN Committee on Economic, Social and Cultural Rights (see item 25, *Concluding Observations*) and the evaluator of the first action plan, greater emphasis was put on economic, social and cultural rights than in the first action plan, with separate sections and measures related to the right to employment, housing, health, education and the rights of national minorities, including the indigenous Sami people. A non-discrimination perspective was added to economic and social rights.

19. Other issues addressed include the rights of people with disabilities, children’s rights, men’s violence against women, including violence in the name of honour, and human trafficking, rule of law issues and asylum and migration. Other measures are announced which are aimed at increasing knowledge and information about human rights within the education system and the public sector as well as among the general public. Finally, the action plan

addresses issues concerning the organisation of human rights effort and methods and follow-up and evaluation of the action plan. Noteworthy concerning methodology is that the Government announces in the action plan its intention to commence a project in 2006 to identify national objectives for human rights and to define indicators for following up and evaluating efforts to realise the objectives.

20. The human rights issues to be addressed in the survey and action plan were selected on the basis of a large body of material. This material comprised, first of all, comments and criticism from the treaty-monitoring bodies of the UN and the Council of Europe; secondly, valuable material was found in comments from the evaluation of the first action plan; and thirdly, viewpoints and suggestions were gathered as to what should be included in the survey and the action plan from a large number of social actors including political parties represented in the Riksdag, government agencies, municipalities and county councils, institutions of higher education and non-governmental organisations. The National Action Plan for Human Rights will be translated to English.

### **The Delegation on Human Rights in Sweden (ToR 2006:02)**

21. In conjunction with the presentation of the action plan, the government established a Delegation to support the long-term task of securing full respect for human rights in Sweden based on the action plan (ToR 2006:27). Within the framework of its remit, the Delegation shall:

- Support government agencies, municipalities and county councils in their work to secure full respect for human rights in their areas of activity;
- Develop and implement strategies to increase information and knowledge about human rights among special target groups in the community;
- Stimulate public discussion on human rights; and
- Present proposals on how to support the task of ensuring full respect for human rights in Sweden when the Delegation has completed its assignment.

22. The Delegation consists of a chair and ten representatives with expertise related to human rights. The Delegation is required to have a reference group made up of representatives of NGOs. It also has a secretariat staffed by three full-time secretaries. The Delegation shall deliver its final report to the Government by 31 March 2010.

### **The Swedish Government's human rights website**

23. The Government's human rights website ([www.manskligarattigheter.se/](http://www.manskligarattigheter.se/) [www.humanrights.gov.se](http://www.humanrights.gov.se)) was established in 2002 as one aspect of implementing the first action plan. Information posted on the website includes key human rights conventions translated to Swedish as well as other important documents including Sweden's reports to the treaty-monitoring bodies of the UN and the Council of Europe, also in Swedish. A project was commenced in 2006 aimed at further adapting the website for people with disabilities and translating sections to minority languages spoken in Sweden.



### Parliamentary Committee on Discrimination

24. The Government resolved in January 2002 to appoint a Parliamentary Committee on Discrimination whose tasks included consideration of consolidated discrimination laws; that is, legislation that encompasses all or most grounds for discrimination and areas of society. The Committee on Discrimination delivered a final accounting of its assignment in February 2006 with a report on consolidated discrimination legislation (*En sammanhållen diskrimineringslagstiftning del I och II (SOU 2006:22)*). The recommendations in the report include that current laws prohibiting discrimination (the Gender Equality Act, the labour laws of 1999 on discrimination, the Equal Treatment of Students at Universities Act, the Prohibition of Discrimination Act and the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students) should be repealed and replaced with a new act prohibiting discrimination. The Committee also recommends that the current four discrimination ombudsmen - the Ombudsman Against Ethnic Discrimination (DO), the Disability Ombudsman (HO), the Ombudsman Against Discrimination on Grounds of Sexual Orientation (HomO) and the Equal Opportunities Ombudsman (JämO) - should be amalgamated into one government agency, the Discrimination Ombudsman. (See item 26, *Concluding Observations*.)

25. The new ombudsman will oversee discrimination according to the new law. It has been proposed that the new law should - as today - also apply to the workplace, parts of the education system, labour market policy programmes, starting or running a business, practicing a profession, membership etc. in employers' organisations, trade unions and similar organisations, provision of goods, services and housing, Social Services, the social insurance system, unemployment insurance, healthcare and State student financial aid. It has also been proposed that the law shall also apply within new social sectors:

- The entire education system;
- Public gatherings and public entertainment;
- Compulsory military service and civil defence;
- Public sector employment or public sector commissions.

26. In addition, it has been proposed that private persons shall be prohibited from discriminating when they supply goods, services or housing to the public and that companies, associations and other legal persons in the area shall be protected by law as needed. Under current anti-discrimination laws, protection from discrimination is provided only to natural persons. The Government intends to prepare the proposals with a view towards a new law taking effect by 2008.

27. It is the view of the Government that public funds should not be allocated to activities which violate human rights. In order to prevent this from occurring, anti-discrimination clauses should be applied in public procurements and several measures have been taken to that end. At the request of the Government, the National Board for Public Procurement (NOU) drafted

sample anti-discrimination clauses. The Government thereafter instructed NOU to conduct an information campaign aimed at supporting organisations in their continued efforts in the context of procurements. NOU accordingly produced an informational leaflet on the use of anti-discrimination clauses and arranged a conference at which related issues were addressed. The Government has also enacted the Ordinance on Anti-Discrimination Conditions in Procurement Contracts (*Förordning (2006:260) om antidiskrimineringsvillkor i upphandlingskontrakt*), which took effect 1 June 2006. The ordinance requires certain large government agencies to incorporate anti-discrimination conditions in their procurement processes. NOU has been instructed to draft instructions on applying and following up the ordinance.

28. Pursuant to the Ordinance on State Grants for Activities that Prevent and Combat Discrimination (*Förordningen (2002:989) om statligt stöd för verksamhet som förebygger och motverkar diskriminering*), funding may be granted to organisations and foundations for activities aimed at preventing and combating discrimination on the grounds of sex, ethnicity, religion or other belief, disability and sexual orientation. The Integration Board takes decisions to grant funding under the ordinance. The anti-discrimination agencies and JämO, DO, HO and HomO are engaged in a partnership that will be developed with regard to advice, support and education provided by the ombudsmen to the anti-discrimination agencies.

### **The Prohibition of Discrimination Act (2003:307)**

29. The Prohibition of Discrimination Act (2003:307) took effect 1 July 2003 as an aspect of implementing two EC directives.<sup>1</sup> The purpose of the law is to combat discrimination on grounds including ethnicity and religion or other belief. According to the law, “discrimination” means direct and indirect discrimination, harassment and instructions to discriminate. The applications of the law are broad. The prohibition of discrimination on the grounds of ethnicity and religion or other belief applies to:

- Labour market policy programmes;
- Starting or running a business;
- Professional practice;
- Membership, involvement and membership benefits in trade unions, management organisations or professional organisations;
- Goods, services and housing;
- Social Services, subsidised transport for medical reasons, national subsidised transport for medical reasons and grants to adapt housing for people with disabilities;
- Social insurance and associated benefit schemes;
- Unemployment insurance;

- State financial aid for students; and
- Health care and other medical services.

The legal sanctions that may be imposed if prohibitions against discrimination are violated are invalidity and damages.

30. Under the law, a person alleged to have discriminated against someone cannot subject an individual to reprisals because he or she lodged a complaint or objected to discrimination or cooperated in an investigation of the same. Breaches of the prohibition against reprisals may entail liability to pay damages.

### **The Act on Measures Against Ethnic Discrimination in Working Life (1999:130)**

31. The law was amended on 1 July 2003 as an aspect of implementing the two aforementioned EC directives. A new ground for discrimination - “religion or other belief” - has been incorporated into the law. The name of the law was accordingly changed to “The Act on Measures Against Ethnic Discrimination in Working Life on Grounds of Ethnicity, Religion or Other Belief.” The amendment reflects the separation of “belief” from the “ethnicity” grounds for discrimination, as it is now encompassed by the “religion or other belief” grounds. According to the law, “ethnicity” refers to belonging to a group of persons of the same national or ethnic origin, race or skin colour. The definitions of discrimination have been harmonised with EC law and the law now explicitly states that harassment and instructions to discriminate against a person are forms of discrimination. The scope of the law was also expanded. The law also applies when an employer decides upon or takes measures pertaining to work experience positions, training or other vocational guidance. People who apply for or complete a work experience position and people who are not employees but perform work in a workplace on loan or through a temporary employment agency are also protected under the law.

32. The Integration Board’s appropriation directions for 2005 instructed the Board to use situation testing to examine opportunities to study the incidence and extent of ethnic and religious discrimination in the labour market and, if the prerequisites exist, to develop and initiate such studies. According to the Integration Board’s remit, the studies shall be designed to produce a national picture and enable comparisons between regions, industries, and men and women. As assigned, the Integration Board has delivered a project plan based on delivering a final report in October 2006. As a result of its proposal, the Board has been authorised to enter into an agreement with the International Labour Organisation (ILO) on performing such studies in the Swedish labour market. ILO has developed a method for situation testing in the labour market that has been used in several European countries. Indications are that discrimination occurs in several areas of society. A large number of the complaints lodged with the Ombudsman Against Ethnic Discrimination (DO) pertain to the housing market. Based on the Integration Board’s conclusions from the labour market study, the Government therefore intends to consider the need for situation testing in additional areas of society.

33. The Government instructed a special committee in October 2003 to review and present research and information about structural discrimination on the grounds of ethnicity or religion, recommend initiatives towards improving understanding in the area and to propose measures against such discrimination. The committee delivered its report “The Blue and Yellow Glass

House - Structural Discrimination in Sweden” (SOU 2005:56) in June 2005. The report has been referred for consideration and the Government will be deliberating appropriate measures based on the proposals. The committee’s remit did not however include performing its own studies or research to remedy knowledge gaps. In part for that reason, the Government resolved on 22 April 2004 to issue a directive for a committee on power, integration and structural discrimination (ToR 2004:54). According to the directive, the committee shall identify structural discrimination on the grounds of ethnicity or religious affiliation and, to the extent such discrimination can be shown, identify and analyse the underlying mechanisms and the consequences upon power and influence as well as the consequences in relation to integration policy objectives. The committee shall also propose measures to combat structural discrimination on the grounds of ethnicity or religion and to increase opportunities to gain influence and power for people who are at greatest risk of being victims of such discrimination. The committee shall deliver its final report by 1 August 2006. The Government will also be deliberating appropriate measures based on the committee’s forthcoming recommendations.

### **Sweden’s new Policy for Global Development**

34. In December 2003 the Swedish Riksdag unanimously adopted “Shared Responsibility: Sweden’s Policy for Global Development” (Government Bill 2002/2003:122; report 2003/2004:UU3, Riksdag Communication 2003/2004:112). The policy was drafted in accordance with the insight that many policy areas, including those that have not traditionally focused on development issues, affect global development and conditions for poor people in developing and transition countries. It applies to all policy decisions that affect these people directly or indirectly. The general objective, which applies to all policy areas, is to contribute to equitable and sustainable global development. Greater consensus in interactions between the policy area and actors such as the European Union, the United Nations, international financial institutions, other multilateral organisations and countries will lead to more effective poverty reduction. The policy shall be imbued with two perspectives: a rights perspective and the perspectives of poor people on development. The policy has eight main features: respect for human rights, democracy and good governance, gender equality, sustainable use of natural resources and environmental concern, economic growth, social development and security, conflict management and global public goods.

35. The Government provides an annual report to the Riksdag on implementation of the policy. Focus is currently on five issues: the environment, agriculture, trade, migration and security and the respective connections to development (Riksdag Communication 2004/2005:4, Riksdag Communication 2004/2005/161, Riksdag Communication 2005/2006:204).

### **Article 3**

36. The status of women and men is outlined under the relevant articles in this report.

37. A brief report of Government measures to promote equality between women and men during the relevant period follows. For a more detailed account, please refer to the Swedish Government’s combined sixth and seventh periodic reports to the Convention on the Elimination of All forms of Discrimination Against Women, which shall be submitted to the UN by 3 September 2006.

38. The Government adopted a separate plan in April 2004 to implement gender mainstreaming in the Government Offices through 31 December 2009.

39. In a 2002 report to the Riksdag (*Jämt och ständigt* 2002/03:140) the Government outlined the gender policy measures taken since 1999 and presented a National Action Plan for Gender Equality for the 2002-2006 term in office. The report states that significant progress has been made in recent years to strengthen the status of women in society, including greater women's representation in the political arena. Beyond gender mainstreaming, there are five focus areas in the action plan: representation; equal distribution of power and influence; equal pay for equal and comparable work; men's violence against women; prostitution and trafficking in women for sexual purposes; men and gender equality; and the sexualisation of the public space.

40. The Government presented a Bill in March 2006 to the Riksdag titled *The Power to Shape Society and One's Own Life - New Gender Policy Objectives (Makt att forma samhället och sitt eget liv - nya mål i jämställdhetspolitiken*, Government Bill 2005/06:155). The Bill contained proposed new gender policy objectives and a proposal to establish a new government agency. The Riksdag passed the bill in late May. The overall objective is that women and men shall have equal power to shape society and their own lives. The Bill addresses the problem of violence against women, particularly men's violence against women. The interim objectives are:

- Equal distribution of power and influence. Women and men shall have the same rights and opportunities to be active citizens and to shape the conditions of decision-making;
- Economic equality. Women and men shall have the same opportunities and conditions with regard to education and paid work that provide life-long economic independence;
- Equal distribution of unpaid care and household work. Women and men shall take the same responsibility for household work and have the same opportunities to give and receive care on equal terms;
- Men's violence against women shall come to an end. Women and men, girls and boys, shall have equal rights and opportunities to physical integrity.

41. The violence perpetrated upon women and which is the ultimate consequence of the structural imbalance of power between women and men is still a serious problem. The Government intends to continue efforts in the direction provided in the Government Bill 1997/98, "Violence Against Women" (see the preceding report).

42. Significant efforts have been made in recent years, including major education initiatives and development of guidelines within government agencies, increased funding of women's shelters, fuller support to victims and stricter laws.

43. The Government plans to commence a review of legislation on gross violations of women's integrity in 2006. The Government Offices are currently considering the methods for such a review in greater detail.

44. A new Sexual Crimes Act took effect 1 April 2005. The purposes of the law are to further strengthen and clarify the absolute right of every human being to personal and sexual integrity and sexual self-determination and in various ways to bring to the fore and reinforce protection of children and young people against sexual exploitation. This included expansion of the legal definition of the crime of rape, prohibition of purchase of sex acts from minors, insertion of a special penal provision to protect children exploited for sexual posing and expansion of the Act Prohibiting the Purchase of Sexual Services to also apply to persons who use a sexual service paid for by another.

45. The new Sexual Crimes Act eliminated the requirement of dual criminality to permit convictions for serious sexual crimes against minors committed by Swedish citizens abroad. The amendment abolishes the requirement for dual criminality for the following offences if the crime was perpetrated on a minor: rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a dependent position, gross sexual exploitation of a person in a dependent position, rape of a child, gross rape of a minor, sexual exploitation of a minor, child molestation, gross child molestation, gross exploitation of a child for sexual posing, procuring and gross procuring, as well as attempts to commit these offences. The amendment also permits punishments for the listed offences that may be regarded as more severe than the punishments allowed under applicable law where the offence was committed. (See items 23 and 39, *Concluding Observations*.) A committee has also been instructed to review the reasons for and against repealing or restricting the requirement for dual criminality for human trafficking crimes.

46. On 15 June 2004, the Government instructed the Equal Opportunities Ombudsman to analyse the factors that may contribute to failure to report sexual assault, study how victims of sexual assault perceive the criminal investigation and subsequent legal proceedings and recommend strategies and measures aimed at increasing willingness to report sexual assault and reducing the distress and difficulty of the entire legal process for the victim. In November 2005, the committee delivered several recommendations for measures in the form of legislative proposals and other measures concerning e.g. relevant government agencies and educational issues.

47. The recommendations related to the production of guidance materials for young people on sexual attitudes, special information on sexual crimes in connection with the creation of a crime victims' portal under the Crime Victim Compensation and Support Authority's mandate to develop a national coordination programme for management of issues related to crime victims in the community have already been implemented. The legislative proposals have been referred for consideration. Other proposals are currently being prepared.

48. A new crime designated "human trafficking for sexual purposes" was incorporated into the Swedish Penal Code as of 1 July 2002. Penal protection against trafficking in persons was expanded 1 July 2004 to include non-transnational human trafficking and trafficking in persons aimed at forms of exploitation other than sexual exploitation, such as forced labour and trafficking in human organs. (See item 36, *Concluding Observations*.)

49. Sweden has become a State Party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime.

50. The Government has appointed a committee to produce an overview of the crime of trafficking in persons.
51. Sweden has approved an EU framework decision on combating trafficking in human beings.
52. Sweden has become a State Party to the Council of Europe Convention on Action against Trafficking in Human Beings.
53. The Government Offices are currently drafting a plan of action against all forms of trafficking in human beings. The plan of action will be in two parts. The first will focus on efforts to combat prostitution and trafficking in persons for sexual purposes, especially women and children, and will be finished in spring 2006. The second will focus on efforts to combat trafficking in persons for the purpose of labour exploitation and trafficking in human organs and will be finished in autumn 2006.
54. The Government has been taking particular measures for several years aimed at improving the situations of young people of both sexes at risk of honour-related violence and oppression perpetrated by families. The Government has allocated a total of SEK 180 million for this purpose for the period of 2003-2007.

## **Article 6**

### *Guideline 1*

55. Sweden is a Party to ILO Conventions 122 of 1964 (on Employment Policy) and 111 of 1958 (on Discrimination (Employment and Occupation)).
56. Sweden is also a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination and to the International Convention on the Elimination of All Forms of Discrimination against Women.

### *Guidelines 2 a-c, e and f*

57. Reference is made to the fourth periodic report on implementation of this convention.
58. Reference is also made to previous reports submitted by Sweden concerning implementation of ILO Convention 122 of 1964 (on Employment Policy).
59. Reference is further made to the sixth and seventh periodic reports submitted by Sweden under the International Convention on the Elimination of All Forms of Discrimination against Women. A summary of the contents of these reports and additional information follows.
60. Increasing the employment rate and reducing unemployment are two key objectives for the Swedish Government. Several policy areas must interact and labour market actors must work in partnership for goal attainment to be possible.

61. Effective matching between employees and employers is important to attaining the Government's objective of full employment and the interim target of 4 per cent unemployment and an employment rate of 80 per cent for people age 20-64. Within the framework of the labour market policy, the Government is implementing measures to ensure that available jobs are filled quickly and that job-seekers are equipped to meet the needs of the labour market. Action is also being taken to facilitate workforce mobility in the labour market to prevent local or regional labour shortages. The labour market policy accords priority to people with disabilities whose capacity to work is impaired, unemployed youth and women and men of foreign background.

### **Labour market trends**

62. After the years of economic crisis in the 1990s, unemployment was 7.7 per cent in 1995 for people age 16-64 (6.9 per cent for women and 8.4 per cent for men). The employment rate was 72.2 per cent (73.5 per cent for women and 70.9 per cent for men).

63. Unemployment had dropped to 4.7 per cent by 2000 (4.3 per cent for women and 65.0 per cent for men). The employment rate had risen to 74.2 per cent (72.2 per cent for women and 76.1 per cent for men) and trends in the Swedish labour market were favourable. The economic downturn in 2001 resulted in redundancies. Despite the weaker economy, the labour market situation did not get appreciably worse until 2003 when the employment rate declined and unemployment rose. Despite strong economic growth and greater resources allocated to labour market policy programmes, open unemployment rose and the employment rate declined further in 2004. Economic growth remained strong in 2005 but there was no concurrent drop in unemployment: 6.0 per cent were openly unemployed (5.7 per cent of women and 6.2 per cent of men) and the employment rate was 73.9 per cent (71.9 per cent of women and 75.9 per cent of men).<sup>2</sup> Full-time unemployment is higher for men than for women, but the situation is the reverse for part-time unemployment. Women are part-time unemployed to a significantly greater extent.

**Table 6:1**

**Part-time unemployed age 16-64 as a per cent of job-seekers registered for full or part-time work, 2001-2005**

| Year | Women | Men |
|------|-------|-----|
| 2001 | 48    | 15  |
| 2002 | 46    | 13  |
| 2003 | 39    | 11  |
| 2004 | 35    | 11  |
| 2005 | 33    | 11  |

*Source:* National Labour Market Board.

64. Aimed at remedying the problem of involuntary part-time unemployment, the Government appointed a committee to explore opportunities to strengthen the right to full-time employment. The committee delivered its recommendations to the Government in late



November 2005 (SOU 2004:50). The Government intends to decide late fall 2006 to refer a proposal entailing stronger rights to full-time work to the Council on Legislation for consideration.

65. The number of people on sickness leave also increased sharply around the turn of the millennium. In response, the Government set a target to halve the number of days on sickness benefit by 2008, compared to 2002, while reducing the number of new cases of sickness compensation and activity compensation. The Government believes the conditions for attaining the goal by 2008 are favourable. There are wide disparities between men's and women's absences due to illness. Women account for 62 per cent of the number of days on sickness benefit and men account for 38 per cent. The reduction of the number of days on sickness benefit in recent years has been equal for men and women. Compared to 2002, the number of days on sickness benefit has declined by 31 per cent. Women are also more frequently on part-time sickness leave compared to men. As of March 2006, the 37 per cent of women and 32 per cent of men on sickness leave were on part-time leave.

66. Approximately 60 per cent of insurance cases for sickness benefit (the social insurance benefit that, along with activity compensation, replaced the former benefits of disability pension and sickness pension in 2003) are women and 40 per cent are men. Of the people on full-time sickness benefit, 67 per cent are women. Here as well, women receive part-time benefit more frequently than men. The reasons that more women than men are on sickness benefit are unclear. One reason may be that part-time work is more common among women than among men and that the degree of sickness benefit is linked to the extent of the previous work and not to the actual incapacity to work. On average, one out of three women receiving sickness benefit or activity compensation is receiving part-time benefit, compared to one out of five men.

67. The Social Insurance Administration has performed a gender-based analysis of social insurance schemes at the request of the Government. The Social Insurance Administration's final report addressed a number of challenges and problems related to processing of social insurance cases, primarily the benefits associated with sickness insurance. In order to ensure that sickness insurance cases are processed in an equivalent manner for men and women, the Government instructed the Social Insurance Administration to prepare a plan to integrate a gender perspective into the application of social insurance schemes.

68. Aimed at facilitating the transition from dependency on benefits to self-support through employment, the Government appointed the Committee from Social Assistance to Work (2005:01). The committee will deliver its final report on 1 November 2006.

69. In its 2006 Budget Bill, the Government proposed an action package to increase the employment rate and decrease unemployment. The package is expected to give about 55 000 people opportunities for employment, work experience positions or education. The bulk of the initiatives will be implemented within the framework of the labour market policy and will entail jobs or skills enhancement programmes for more than 40 000 unemployed persons. The Government also proposed a number of initiatives to make it easier for people with disabilities whose capacity to work is impaired to gain employment, including a three-stage model towards higher employability. Proposals also included a new role for "Samhall," a State-owned limited liability company that offers work to people with disabilities, as well as a higher ceiling for the wage subsidy.

### **Labour market policy programmes**

70. Labour market policy programmes are intended to enhance the skills and knowledge of job-seekers in various ways to strengthen their position in the labour market and improve the prerequisites for getting a job. The programmes are also meant to help ensure that job-seekers have the skills that are in demand and thus prevent labour shortages (“bottlenecks”) that trigger inflation and inhibit economic growth. The purpose of certain programmes is to stimulate employers to employ certain categories of the unemployed.

71. An enhanced form of employment subsidy known as “Plusjobb” were introduced 1 January 2006. “Plusjobb” refer to employment by the State, municipalities, associations of local authorities and contractors engaged by these organisations. The target group is made up of unemployed persons who have been registered with the Employment Service for at least two years.

72. The temporary trainee replacement scheme was reinstated for 2006 and 2007. The temporary trainee replacement scheme is intended to make it possible for the public sector to invest in better training and education for its staff while providing work experience to 10 000 unemployed men and women. This time, the scheme is oriented towards the healthcare sector with a view to increasing the level of education among less educated staff.

73. A pilot project in twelve municipalities providing sabbatical leave was concluded in 2004. The sabbatical leave scheme was launched nationwide as of 1 January 2005. The scheme allows employees to apply for sabbatical leave of three to twelve months if an unemployed person is employed as a substitute. While on sabbatical leave, the regular employee is paid 85 per cent of the amount he or she would have received as an unemployed person receiving activity compensation.

74. Participants in labour market policy programmes that do not involve paid employment receive benefit in the form of activity compensation. The amount of activity compensation for people who are entitled to unemployment compensation is the same as they would have received if they were unemployed but not participating in a scheme. Other participants receive SEK 223 per day in activity compensation.

### **The gender-segregated labour market**

75. The Swedish labour market is not gender-equal, despite Sweden’s high ambitions with regard to gender equality (see items 19 and 30, *Concluding Observations*). While labour market participation is nearly equal for men and women, the Swedish labour market is still strongly gender-segregated despite a slight flattening of the differences in the 1990s. Women are the primary source of the change.

76. Women have broadened their occupational choices more than men and have to a greater extent entered male-dominated occupations that require higher education. The same change cannot be observed in male-dominated occupations with low educational requirements. Men

have not entered the female-dominated occupations, regardless of whether educational requirements are high or low. Half of all women age 20-64 work in the public sector and half in the private sector. Of men in the same age group, about 20 per cent work in the public sector and about 80 per cent in the private sector.

77. Nor are women and men found at the same hierarchical levels in the labour market, meaning women do not hold managerial positions as often as men. Men are found to a higher extent in higher-paying occupations while women are found in occupations with lower wages and thus lower compensation from the insurance systems. Women also work part-time to a much higher extent than men and significantly more women than men are employed under temporary contracts. Of all persons in temporary positions in 2003, 60 per cent were women and 40 per cent were men.

78. The disparate working and living conditions of women and men are also reflected to a certain extent within labour market policy programmes. For example, male and female representation in the schemes differs somewhat in relation to their representation among all unemployed persons. There are more women than men in preparatory training and career guidance and job placement activities. Men are over-represented in subsidised employment schemes such as employment support, wage subsidies and business start-up grants.

### **People with disabilities**

79. The labour market participation of people with disabilities increased sharply between 1996 and 2000 (from 61.3 per cent in 1996 to 70.7 per cent in 2000). Labour market participation decreased thereafter due to the poorer labour market. Labour market participation among this group was 65.7 per cent in 2004. Participation is slightly higher among men with disabilities than among women. The difference between labour market participation in each group differed by 5.2 percentage on average during the period of 1998-2004 in men's favour. Labour market participation in 2004 among women with disabilities was 63.1 per cent and the corresponding figure among men with disabilities was 68.1.

80. The employment rate among people with disabilities likewise increased between 1996 and 2000 (from 54.8 per cent in 1996 to 67 per cent in 2000). The employment rate declined thereafter to 61.6 per cent in 2004. It is however noteworthy that trends for people with disabilities whose capacity to work is not impaired were favourable during the period and the trend was better than for non-disabled persons. The employment rate for people with disabilities whose capacity to work is not impaired was 65.3 per cent in 1996, 76.4 per cent in 2000 and 76.8 per cent in 2004. The employment rate for non-disabled persons was 74.7 per cent in 1996, 76.8 per cent in 2000 and 75.5 per cent in 2004.

81. The employment rate is higher for men with disabilities than for women with disabilities. The employment rate for people with disabilities during the period of 2000-2004 was on average 4.8 percentage points higher for men than for women. Among people whose capacity to work is not impaired, the difference during 2002-2004 was 1.6 percentage points in men's favour.

82. The most important special labour market policy programmes for people with disabilities are wage subsidies and sheltered employment in the public sector (the OSA programme). The number of employees with subsidised wages and sheltered public sector employment has been

successively increased over the last ten years. There was an average of 55 400 subsidised wage or OSA positions per month in 1995 (of which 38 per cent were women and 62 per cent were men). The corresponding figure in 2000 was 53 900 (of which 37 per cent were women and 63 per cent were men). The figure was unusually low that year and rose to 56 800 by the following year, 2001 (gender distribution unchanged since 2000). By 2005 the figure had risen to 62 900 subsidised wage positions and OSA jobs (gender distribution unchanged since 2000).

83. Job-seekers with disabilities shall also be accorded priority in ordinary economy-dependent labour market policy programmes. The proportion of economy-dependent schemes used by people with disabilities rose from 12.3 per cent in 1995 to 18.6 per cent in 2000 and 19.1 per cent in 2005. The share in policy schemes for women with disabilities was approximately 1 percentage point higher than for men with disabilities in the period of 2000-2005. The percentage of people with disabilities among job-seekers registered with the Employment Service increased somewhat between 1995-2000 (from 9 per cent to 10.7 per cent). The percentage declined thereafter to 8.9 per cent in 2005. The percentage of women with disabilities among the unemployed in the period of 2000-2005 was approximately 2 percentage points lower than that of men with disabilities. Comparison of the percentage of unemployed people with disabilities with the corresponding percentage in economy-dependent schemes illustrates the higher priority accorded to people with disabilities in these schemes. Women have been accorded somewhat higher priority than men.

84. As a means of further strengthening the position of people with disabilities in the labour market, the Government and the Riksdag have adopted a new model for working more systematically with special labour market policy initiatives for people with disabilities. The new model was implemented 1 January 2006.

85. A new initiative referred to as in-depth assessment and guidance can be offered to job-seekers who are unsure of their skills and abilities. During a limited period, they can get assistance towards progressing in their choice of Employment Service, during which time they receive activity compensation for their support.

86. The next step may be an employment development program which is a temporary position of no more than one year's duration. The employee is paid wages and other benefits in accordance with collective agreements. The job shall entail opportunities for certain rehabilitation schemes as well as skills development. The employer is compensated for the employee's impaired capacity to work with a wage subsidy and a job provider subsidy of a maximum of SEK 100 per day.

87. The third possible step is a sheltered employment by other actors than Samhall, a state owned company for sheltered employment. Social Security Jobs are permanent jobs with wages and other benefits in accordance with collective agreements. The employer is compensated for the employee's impaired capacity to work with a wage subsidy and a job provider subsidy of a maximum of SEK 100 per day.

88. Wage subsidies are granted as a percentage of wages up to a maximum subsidy-qualifying wage. As of January 2006, the Government increased the maximum subsidy-qualifying monthly wage from SEK 13 700 to 15 200.

89. The State currently provides aid of approximately SEK 12 billion per year for labour market policy programmes earmarked for people with disabilities, including Samhall. The Government's ambition has been to create a more consolidated labour market policy for people with disabilities that impair capacity to work. As part of that effort, the National Labour Market Board (AMS) was assigned in 2006 overall responsibility for disbursing the various forms of aid for initiatives for people with disabilities, which includes allocations to Samhall. This is expected to streamline partnership between AMS and Samhall and improve goal attainment by Samhall.

### **Young people**

90. Relative unemployment among young people age 16-24 was 15.3 per cent in 1995. Unemployment among young women was 14.0 per cent and among young men was 16.6 per cent. Unemployment had dropped to 7.9 per cent by 2000 (7.4 per cent for young women and 8.6 per cent for young men). Unemployment has since risen to high levels again and was 13.9 per cent in 2005 (12.7 per cent for young women and 15.9 per cent for young men).

91. The number of young people participating in labour market policy programmes has declined sharply in the last ten years. An average of approximately 58 000 young people per month participated in various labour market policy programmes in 1997. Of those, 27 000 were young women and 31 000 were young men. The average number of participants per month declined to 20 000 by 2000, of which approximately 9 000 were young women. The average number of participants had increased to 21 000 by 2005, including approximately 9 000 women.

92. The average number of long-term unemployed youth, that is, people who have been openly unemployed for longer than 100 days, was 3 500 in 2005. The percentage of young women among the long-term unemployed was 39 per cent. Long-term unemployment dropped sharply in the late 1990s. During a ten-year period, long-term unemployment among young people declined by 87 per cent, although it has increased by 12 per cent in the last five years.

93. The Education Act was amended in July 2005 to assign more distinct informational responsibility to young people's home municipalities. The municipalities are now obliged to follow up occupation among young people in the municipality who have completed compulsory schooling but are younger than age 20. This information is intended to make it easier for the municipality to offer appropriate individualised initiatives to young people who neither going to school nor working.

94. Young people who have been registered with the Employment Service for more than six months and who have participated in career guidance and job-seeker activities shall be able to get a job with general employment support. This is a support scheme under which companies and organisations can employ young people for half the cost of wages for a period of six months. The goal is to give the Employment Service a more effective tool for supporting young people towards getting a job in the regular labour market.

95. In partnership with the job-seeker, the Employment Service shall draft an individualised action plan stating the job-seeker's obligations and planned activities. According to AMS instructions, the action plan should be written within 14 days for people under age 25 and shall be regularly followed up. Continued cooperation among the Employment Service, the municipality and young people is expected.

96. All unemployed young people shall be guaranteed job-seeker activities within 90 days. This shall apply even at Employment Service offices where no youth guarantee is in effect. The municipal youth programme and the youth guarantee shall also begin with career guidance and job-seeker activities. Youth schemes shall also be given more distinct educational content and lead to certificates of competence.

97. As of 1 July 2006, 1 000 Bonus Jobs will be implemented especially for long-term unemployed youth in parallel with continued support to "navigator schemes" in which municipalities partner with the Employment Service, various organisations and the local business community to offer support and personal advice to young people.

98. With a view to giving young people a foothold in the labour market, the Government will be allocating a total of SEK 100 million in 2006 to aid municipalities that offer summer jobs to secondary school students. The Government has appointed a National Coordinator to explore other measures that pave the way for young people to become established in the labour market faster. The Coordinator shall report the conclusions of the study by 30 November 2006.

### **Older workers**

99. The employment rate for people in the 55-64 age group was slightly higher than 54 per cent for women and 60 per cent for men in 1996. The employment rate has since increased sharply for both women and men. In 2005, 67 per cent of women and 74 per cent of men in this age group were employed.

100. The most significant change has occurred in the last five years in the 60-64 age group. The employment rate has increased by slightly more than 11 percentage points from 46.8 per cent to 58.5 per cent for both women and men. The active labour market policy and labour laws are key factors in Sweden's position in this area. Another explanation is that the level of education in this age group has increased, which improves opportunities to remain in the labour market.

101. In 2005, 69.0 per cent of Swedish women and 75.9 per cent of Swedish men between age 55 and 64 were in employment. This can be compared to average workforce participation for the 16-64 age group of 76.1 per cent for women and 81 per cent for men.

102. Unemployment levels for older workers is still below the average for all workers in Sweden. Average unemployment was 4 per cent for women and 4.8 per cent for men in 2005 for the 55-64 age group. Unemployment levels were considerably higher in 1996 due to the recession of the 1990s. In 1996, 9 per cent of men and 7 per cent of women were unemployed. It can be difficult for older workers to re-enter the labour market after becoming unemployed. About 40 per cent of older workers who are unemployed, both women and men, are long-term unemployed. That figure has dropped from the level in past years of 50 per cent.

## Integration in the labour market

103. The employment rate has increased since 1997 for both foreign-born and native-born Swedes. In relative terms, the improvement has been greater among the foreign-born. The disparities in employment are nevertheless unacceptably large and more needs to be done to narrow the gap. The employment rate among foreign-born citizens and residents of Sweden is considerably lower than for native-born Swedes. In 2005, 61.6 per cent of all foreign-born people in Sweden age 16-64 were employed (58.7 per cent of women and 64.8 per cent of men).

104. Relative unemployment in 2005 was slightly more than twice as high for foreign-born citizens and residents of Sweden compared with native-born Swedes. Unemployment among the foreign-born has declined sharply however compared to 1995. The foreign-born are also over-represented among the long-term unemployed.

**Table 6:2**

### Unemployment, foreign-born people in Sweden, age 16-64

|       | 1995* | 2000* | 2005** |
|-------|-------|-------|--------|
| Total | 17.6  | 10.2  | 11.3   |
| Women | 16.8  | 9.1   | 10.5   |
| Men   | 18.3  | 11.1  | 11.9   |

Source: AKU.

\* Refers to the second half of the year.

\*\* Due to restructuring of the public statistics, AKU, the figure for 2005 is not comparable with the other years; refers to the full year.

**Table 6:3**

### Employment rate, foreign-born people in Sweden, age 16-64

|       | 1995* | 2000* | 2005** |
|-------|-------|-------|--------|
| Total | 53.9  | 60.6  | 61.6   |
| Women | 51.1  | 56.5  | 58.7   |
| Men   | 56.9  | 64.9  | 64.8   |

Source: AKU.

\* Refers to the second half of the year.

\*\* Full year.

105. The disparities in workforce participation between foreign-born and native-born Swedes do not depend solely on causes that can be related to immigrants personally. The gap remains after controlling for variables such as education, experience, gender, marital status and place of residence.

106. The Parliamentary Committee on Discrimination mandated to deliberate consolidated discrimination legislation recently submitted its final report. The Government intends to prepare the proposals with a view to enacting a new law that would take effect by 2008.

107. The possibility of implementing a system of de-identified job applications has been studied. The study was recently reported and the Government will determine in 2006 whether and how it would be appropriate to test the method within one or more government agencies.

108. Integration in the labour market is relevant to many different policy areas. The labour market policy is one important instrument for resolving the problems of low employment rate and high unemployment among people of foreign background. As the ultimate aim is for people to gain employment, the social partners in labour market negotiations play a central role in the context. Two initiatives have been taken recently to bring about collaboration between the Government and the social partners.

109. A committee made up of representatives of the Confederation of Swedish Enterprise and the Government Offices was appointed in January 2003 to suggest measures to improve the situation for people of foreign background in the labour market. The committee delivered its report and recommendations to the Government in late April 2004. The recommendations include the new labour market policy programmes "Occupational Assessment in the Workplace" ("Occupational Assessment") and "Trial Employment."

110. The Government finalised discussions with the central social partners in labour market negotiations in summer 2004 concerning initiatives to improve integration. The discussions resulted in a joint declaration of intent signed by the Government, the Association of Swedish Local Authorities and the Federation of Swedish County Councils, LO, TCO and SACO on a number of integration schemes aimed at increasing the employment rate, promoting equal treatment and combating discrimination on the basis of ethnic origin. The new labour market policy programmes Trial Employment and Occupational Assessment were introduced in 2005 as a result of the joint declaration.

111. As mentioned above, the majority of initiatives within the Government's employment package presented in the 2006 Budget Bill were implemented within the framework of the labour market policy. The target group for these initiatives is the long-term unemployed, where women and men of foreign background are over-represented. The package will provide new opportunities to many people of foreign background.

112. It has been clearly established that many immigrants lack the contacts and networks that are significant factors in getting a job. The purpose of the Workplace Introduction scheme is to compensate for this barrier with extra support from the Employment Service prior to employment and during the initial period at a new job. Support is also provided to employers, where needed, by specially trained Employment Service caseworkers. Pilot workplace introduction projects have been in progress since 2003 and the scheme will be made permanent after 2006.



*Guideline 2 d*

113. Reference is made to the reports submitted by Sweden in September 2000 and before on the terms of ILO Convention 29 of 1930 (on Forced Labour).

*Guidelines 3 a and c*

114. Reference is made to the sixth and seventh periodic reports submitted by Sweden under the International Convention on the Elimination of All Forms of Discrimination against Women and to the report submitted by Sweden in November 2004 under the terms of ILO Convention 111 of 1958 (on Discrimination (Employment and Occupation)).

*Guideline 3 b*

115. Reference is made to guidelines 2 a-c, e and f under article 6 in this report. Reference is also made to the report submitted by Sweden in November 2004 under the terms of ILO Convention 111 of 1958 (on Discrimination (Employment and Occupation)).

*Guideline 4*

116. The requested statistics are not available.

117. Sweden has data on the percentage of all employed persons with more than one job, but the statistics do not show whether the primary job is full-time, nor the reasons for the second job.

**Table 6:4**

**Percentage of all employed people with second jobs**

| Year | Total | Men  | Women |
|------|-------|------|-------|
| 1999 | 9     | 9.4  | 8.6   |
| 2000 | 9     | 9.5  | 8.5   |
| 2001 | 9.5   | 10.2 | 8.7   |
| 2002 | 9.4   | 9.9  | 8.9   |
| 2003 | 9.2   | 9.7  | 8.7   |
| 2004 | 9.2   | 9.5  | 8.8   |

118. According to the Swedish Work Environment Act (1977:1160), the employer shall be liable for adapting the workplace to the physical and psychological needs and conditions of individuals. The Swedish Work Environment Authority has overall responsibility for issues related to disability and the work environment and shall coordinate, support and promote issues in relation to other relevant parties. The Authority's measures include drafting checklists to monitor disability issues according to the Work Environment Act, e.g., in relation to accessibility and requirements for workplace adaptation.

#### Guideline 5

119. Labour market policy measures are regulated through several laws and ordinances. A number of changes have been implemented since the last report. Ordinances have also been replaced and new ones have been enacted. The measures are regulated mainly by the following laws and ordinances:

The Labour Market Policy Programmes Act (2000:625)  
The Labour Market Policy Programmes Ordinance (2000:634)  
The Occupationally Disabled Persons (Special Measures) Ordinance (2000:630)  
The Employment Subsidy Ordinance (1997:1275)  
The Relocation Grants Ordinance (1999:594)  
The Sabbatical Leave Ordinance (*Förordning (2001:1300) om friåret*)  
The Workplace Introduction Ordinance (*Förordning (2003:623) om arbetsplatsintroduktion*)

120. The Equal Opportunities Act (1991:443) has been amended twice since the last report, on 1 January 2001 and 1 July 2005. The amendments have fully implemented the “burden of proof” directive under EC law (Council Directive 97/80/EC) into the Equal Opportunities Act. For a full account, reference is made to the sixth and seventh periodic reports submitted by Sweden under the International Convention on the Elimination of All Forms of Discrimination against Women.

### Article 7

#### Guideline 1

121. Reference is made to Sweden’s fourth periodic report. The matter of whether the reference to ILO reports is relevant is determined under each individual guideline.

#### Guideline 2

122. (a) Reference is made to Sweden’s fourth periodic report, paragraph 84.

123. (b) Sweden does not have a minimum wage law. Wages are determined through collective agreements. Rules on minimum wages are in some cases regulated in collective agreements.

124. (c) Wage statistics. Official wage statistics are developed to encompass the entire labour market. A method has been devised by which it is now possible to continually track pay disparities between women and men. The information is reported on an annual basis by Statistics Sweden (SCB).

### Pay disparities have not improved since the early 1990s

125. Pay disparities have remained essentially unchanged since the early 1990s. According to wage statistics, women’s wages correspond on average to 84 per cent of men’s wages. If statistics are adjusted to the distribution of women and men according to age, level of education,

working hours, sector and occupational group, the pay disparity narrows so that women's wages are equal to 92 per cent of men's wages. Occupational group is the strongest explanatory factor in pay disparities. (All calculations are based on full-time wages.)

**Table 7:1****Women's wages as a percentage of men's wages 1992-2004**

| Year | Primary municipalities |     | County municipalities |     | State sector |     | Public sector |     | Private sector |     | All sectors |    |
|------|------------------------|-----|-----------------------|-----|--------------|-----|---------------|-----|----------------|-----|-------------|----|
|      | Not SW                 | SW  | Not SW                | SW  | Not SW       | SW  | Not SW        | SW  | Not SW         | SW  | Not SW      | SW |
| 1992 | 86                     | -   | 75                    | -   | 84           | -   | 83            | -   | 83             | -   | 84          | -  |
| 1993 | 85                     | -   | 75                    | -   | 83           | -   | 82            | -   | 83             | -   | 84          | -  |
| 1994 | 86                     | -   | 74                    | -   | 83           | -   | 82            | -   | 85             | -   | 84          | -  |
| 1995 | 87                     | -   | 72                    | -   | 83           | -   | 82            | -   | 85             | -   | 85          | -  |
| 1996 | 87                     | 98  | 71                    | 94  | 83           | 93  | 81            | 95  | 85             | 91  | 83          | 92 |
| 1997 | 88                     | 98  | 71                    | 94  | 83           | 92  | 81            | 95  | 84             | 91  | 83          | 93 |
| 1998 | 89                     | 98  | 71                    | 93  | 84           | 92  | 82            | 95  | 83             | 90  | 82          | 91 |
| 1999 | 90                     | 98  | 71                    | 93  | 84           | 92  | 82            | 95  | 84             | 90  | 83          | 92 |
| 2000 | 90                     | 98  | 71                    | 93  | 84           | 92  | 82            | 95  | 84             | 90  | 82          | 92 |
| 2001 | 90                     | 99  | 71                    | 93  | 84           | 92  | 82            | 96  | 84             | 90  | 82          | 92 |
| 2002 | 90                     | 98  | 71                    | 92  | 84           | 92  | 82            | 95  | 85             | 90  | 83          | 92 |
| 2003 | 91                     | 98  | 71                    | 93  | 85           | 92  | 82            | 96  | 85             | 90  | 84          | 92 |
| 2004 | ...                    | ... | ...                   | ... | 85           | ... | 83            | ... | 85             | ... | 84          | 92 |

SW = Standard weighting, i.e., adjusted for age, education, sector, working hours (recalculated to full-time for part-time workers) and occupational group.

Source: SCB.

**Work evaluation**

126. The Equal Opportunities Ombudsman (JämO) has devised a quick and easy method for evaluating work demands called Steps to Pay Equity. The method can be used to survey wages to detect unjustified pay disparities between women and men as required by the Equal Opportunities Act.

**More stringent Equal Opportunities Act**

127. The provisions of the Equal Opportunities act relevant to pay equity were strengthened and clarified as of 1 January 2001. (See items 19 and 30, *Concluding Observations*). Only after the 2001 amendment can it be said that the provisions now work as the legislature intended when the rules were instituted in 1994. According to JämO, the stronger provisions have begun to have distinct impact especially in the last two years. The provisions have been successful in the sense that pay has been adjusted for individuals as well as many groups of female-dominated occupations.

128. Since the amendment took force, JämO has carried out a large number of audits to assess employer compliance with the stricter provisions of the Equal Opportunities Act on pay surveys. JämO has also carried out several major education initiatives in connection with the audits.

### **Pay disparities in the public and private sectors**

129. The effects of statistical changes show that pay disparities in the public sector vary according to the sub-sector studied. Pay disparities are minor in the municipal sector, but are considerable in the county sector due to comparison of widely disparate occupational groups, such as doctors and nurses. Many male employees of county councils are highly paid doctors and their pay is compared to the low wages of practical nurses, who are nearly exclusively women. Pay disparities in the state sector are about the same as in the private sector. Pay disparities between women and men are somewhat greater in the public sector as a whole than in the private sector. The reverse is true when standard weighting is applied: pay disparities are greater in the private sector than in the public sector.

130. The statistics show that there is still an average pay disparity of 8 per cent for the entire labour market after adjusting for predetermined factors that affect wages. It cannot however be definitively stated that the remaining 8 per cent constitutes pay discrimination. This can only be determined using the survey and analysis required under the Equal Opportunities Act.

### **The Equal Opportunities Act**

131. SCB studied whether the legislative amendments had any discernible effect in the statistics for 2003 at the request of the National Mediation Office (MI). The aim of the study was to find out whether pay disparities between women and men performing work of equal value had narrowed as a result of the changes to the Equal Opportunities Act. The groups studied were found within municipalities, county councils and a few state agencies. The following conclusions were drawn:

- Generally speaking, no clear signs of pay discrimination *within* occupations in the public sector were apparent;
- Women and men are paid essentially equal pay for the same occupation;
- The pay disparities that have been brought up in public debate and often described as pay discrimination are found mainly *between different* occupations. Low-paid female-dominated occupations have, for instance, been compared with higher paid male-dominated occupations. For these differences to be considered discrimination under the Equal Opportunities Act, the jobs must be considered of equal value and must be performed for the same employer;
- The statistics provide no guidance in assessing whether two jobs are of equal value.

### **The role of the National Mediation Office**

132. The wage formation process is the concern of social partners in the labour market negotiations (labour/management organisations). In its appropriation directions for 2003 and 2004 the National Mediation Office was thus instructed to emphasise, in its contacts with the partners, the importance of drafting central agreements in such a way that the agreements

facilitate the efforts of local labour market partners to achieve pay equity between men and women. MI has also arranged seminars on the theme of “wage formation and gender quality.” The social partners in the labour market were the target group for the seminars, which covered essentially the entire labour market.

### **Pay disparities dependent on social structures**

133. Women’s work in the public sector should be assigned higher value in order to reduce the structural pay disparities between women and men. Accordingly, the Government has proposed allocation of additional resources in the 2006 budget to the municipal sector for the next few years. Discussions will be conducted with the Swedish Association of Local Authorities and Regions well in advance of forthcoming collective agreement negotiations in order to clarify conditions for matters including reducing pay inequity between women and men.

### **The Government’s Pay Equity Action Plan**

134. In cooperation with the Left Party and the Green Party, the Government will present a national plan of action against gender-discriminatory pay disparities in spring 2006.

135. The broad-based plan will encompass the areas that directly or indirectly affect individual wages. This means that over and above the Equal Opportunities Act, the plan will cover areas including forms of employment, skills development and the distribution of paid and unpaid work. The long-term objective is the elimination of all gender discrimination in the labour market.

(d)

**Table 7:2**

#### **Monthly wages for certain past years**

|         | Men    | Women  |
|---------|--------|--------|
| 2001    |        |        |
| Private | 23 578 | 19 785 |
| Public  | 22 574 | 18 602 |
| 2002    |        |        |
| Public  | 24 265 | 20 605 |
| Private | 23 520 | 19 404 |
| 2003    |        |        |
| Private | 24 980 | 21 319 |
| Public  | 24 404 | 20 234 |

*Source:* SCB, Wage and salary structures statistics.

### *Guideline 3*

136. The main work environment laws in Sweden are the Work Environment Act (1977:1160), the Work Environment Ordinance (1977:1166) and approximately 120 regulations issued by the Work Environment Authority.

137. The Work Environment Authority is the supervisory authority. The Authority is empowered to obtain the disclosures, documents and tests and to order the investigations required to exercise supervision. The Authority is empowered to access workplaces to perform supervision. The Work Environment Authority is empowered to issue the injunctions or prohibitions to the entity responsible for worker safety that are necessary to ensure compliance with the law or regulations issued under the law. Fines may be levied in connection with prohibitions and injunctions. The Government may order that special fees may be charged in cases under the Work Environment Act.

138. Persons who intentionally breach a prohibition or injunction may be sentenced to a fine or imprisonment for up to one year, unless a fine was levied in connection with the prohibition or injunction. Certain provisions of the law carry direct penal sanctions. Other sanctions include forfeiture of property or the value of the property and penalty fees.

139. (a) The Work Environment Act applies to all activities in which employees perform work for employers, other than employees age 18 or older who perform work in the employer's household. The latter are instead covered by the Domestic Employment (Working Hours etc.) Act (1970:943).

140. For the purposes of the central provisions of the Work Environment Act, the following shall be equated with employees: 1) persons undergoing education, 2) persons who, as inmates of an institution, perform work which they have been allotted, and 3) persons performing service under the Total Defence Duty Act (1994:1809) and other persons performing statutory service or participating in voluntary training for activities within the total defence establishment.<sup>3</sup>

141. The scope of the Work Environment Act has been expanded since the last report and made applicable to work on board ship. The same work environment regulations shall in principle be applied to work on board ship as to work on land, except when the special conditions of shipping make application of the law impossible or inappropriate. The Swedish Maritime Administration shall supervise the work environment on board ships in cooperation with the Work Environment Authority.

142. (b) The number of reported occupational accidents resulting in absence from work increased, starting in the latter half of the 1990s and up until a couple of years ago. After 2003, the number of reported accidents declined by slightly more than 10 per cent. The number of accidents is currently on par with levels prevalent in the mid 1990s.

143. The number of fatal accidents suffered by employees has remained relatively constant at about 50 a year since the late 1990s. Viewed from a longer horizon, there has been a drastic decline in fatal accidents.

144. The number of reported occupational illnesses increased sharply starting in the second half of the 1990s up until a couple of years ago. The statistics since 2003 show a steep decline. The number of reported occupational illnesses in 2005 has dropped by about one third compared to 2003, but the level is still higher than in the mid 1990s.

145. The highest relative incidence of occupational accidents is in the Steel and Metal Production and Food, Beverage and Tobacco Manufacturing industries. Relative incidence is highest for women in Wood Products Manufacturing, followed by Steel and Metal Production. Manufacturing of Mineral Products is the category with the highest number of reported occupational illnesses per 1 000 employees; for women, the number of reported illnesses is clearly highest in Vehicle Manufacturing. (Data refer to 2004.)

146. Occupational injury reports have been managed according to new procedures, based on new definitions and coded according to new EU-harmonised classifications since 2002. In certain cases, this precludes comparison with earlier years.

147. Reference is made to the preceding report with regard to the number of reported occupational accidents in 1996. The figures for 2001-2004 are as follows (the data refer to all employees and self-employed persons):

|   | 2001      | 2002      | 2003      | 2004      |
|---|-----------|-----------|-----------|-----------|
| Occupational accidents                        | 37 461    | 37 688    | 34 592    | 32 705    |
| of which lethal                               | 56        | 61        | 56        | 57        |
| Occupational illnesses                        | 26 440    | 22 339    | 25 565    | 20 787    |
| Number of employees and self-employed persons | 4 101 867 | 4 147 174 | 4 169 566 | 4 173 085 |

148. The final statistics for 2005 showed 53 deaths among employees and 14 deaths among self-employed persons. As of the end of the first quarter of 2006, a total of 46 654 occupational accidents and occupational illnesses (employees and self-employed persons) had been reported.

#### *Guideline 4*

149. (a) See the report in paragraph 3 of the guidelines for article 6 in Sweden's last report and in this one. The report of November 2004 concerning ILO Convention 111 is particularly germane.

150. The Work Environment Act (1977:1160) states that employers shall be responsible for adapting the workplace to people's individual physical and psychological conditions. The Work Environment Authority has overall responsibility for issues related to disability and the work environment and shall coordinate, support and promote issues in relation to other parties in the field. The Authority's measures include the drafting of checklists for monitoring disability issues according to the Work Environment Act, e.g., in relation to accessibility and requirements for workplace adaptation.

151. It is otherwise noteworthy that a large number of government agencies are participating in a regional development project towards diversity and anti-discrimination. The Administrative Development Agency has been tasked with leading and coordinating the project, providing method support and knowledge transfer and following up the project. The Agency for Public Management will evaluate the project.

*Guideline 5*

152. With respect to rest and reasonable limitation of working hours, certain amendments have been made to the Working Hours Act (1982:673) with a view to more clearly incorporating the EC Working Hours Directive (Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time) in national Swedish law.

153. The amendments to the Working Hours Act (1982:673) took legal force 1 July 2005 (with an extended transition period to 1 January 2007 applicable to existing collective agreements). The scope of the amendments is as follows:

- Clarified implementation of the directive's requirement of maximum weekly working time of 48 hours calculated as an average over a period of four weeks (while the norm of 40 hours remains unchanged in Swedish law);
- Clarified implementation of the directive regulation of a maximum of eight hours of night work, with average calculation permitted for work that does not involve heavy physical or mental strain;
- Clarified implementation of the regulation that all employees shall be ensured a minimum daily rest period of 11 hours, with limited deviations permitted in cases where this cannot be ensured due to circumstances which the employer could not have foreseen and if the employees are given equivalent compensatory time off;
- The previous exception from the scope of the law with regard to work performed in the employee's home was repealed. The law now thus applies to work performed in the employee's home.

154. Departures from the new regulations on eight hours of night work and eleven hours of daily rest are possible in collective agreements to the extent that such would not mean that employees were treated less favourably than they would be under the directive. Reference is otherwise made to previous reports.

*Guideline 6*

155. No substantively important changes have been made during the relevant period other than those referred to above and in the report of November 2004 concerning ILO Convention 111.

156. Reference is made to the report of November 2004 concerning ILO Convention 111.

157. With respect to rest for people who work in the employer's home, the Domestic Employment (Working Hours etc.) Act (1970:943) states that such employees shall be given at least 36 hours of consecutive time off every week. The time off shall as far as possible be scheduled during weekends. Working hours for these individuals shall normally be a maximum of 40 hours a week. Average calculation over four weeks is permitted. Daily rest shall be of the necessary extent and scheduled as far as possible between midnight and five a.m. (See items 20 and 31 *Concluding Observations*.)



158. Employers are also required by law to prevent ill health and accidents at work. Employees shall also observe due care and otherwise contribute to preventing ill health and accidents.

159. As of 1 July 2005, the Working Hours Act (1982:673) applies in full to employees who perform work in their own homes. The previous exception by which the law did not apply to this category of employees has been repealed.

160. The reservation in article 7 (d) concerning the right to remuneration for public holidays is based on the fact that the convention provision regulates issues that are not governed by law in Sweden. These matters are instead determined by collective agreements between labour and management organisations. For that reason, solutions may in certain cases conflict with article 7 (d). (See items 21 and 32, *Concluding Observations*.)

## Article 8

### *Guideline 1*

161. Sweden is a State Party to the UN Covenant on Civil and Political Rights mentioned in the context and has ratified:

ILO Conventions:

- C 87 Freedom of Association and Protection of the Right to Organise Convention, 1948;
- C 98 Right to Organise and Collective Bargaining Convention, 1949;
- C 151 Labour Relations (Public Service) Convention, 1978;

Sweden has also ratified other conventions including C 154, the Collective Bargaining Convention of 1981.

162. The relevant laws have not changed appreciably during the reporting period of 2000-2006. Reference is made with regard to the parts where such has taken place and with respect to certain relevant case law to Sweden's report concerning the ILO Conventions above. Reference is also made to previous reports concerning this article. In addition, the following points are noteworthy.

### *Guideline 2*

163. Negative freedom of association is governed in Sweden through that the European Convention on Human Rights and Fundamental Freedoms applies as domestic law pursuant to the Act (1994:1219) on the European Convention for the Protection of Human Rights and Fundamental Freedoms.

164. The scope of negative freedom of association was also clarified through the January 2006 ruling handed down by the European Court of Human Rights in Strasbourg (*Sørensen v. Denmark* and *Rasmussen v. Denmark*, Judgment 11 January 2006).

165. (d) It can be noted that the status of trade unions was strengthened through amendment of the Act on Codetermination at Work (1976:580) to harmonise the law with Directive 2002/14/EC of the European Parliament and of the Council establishing a general framework for informing and consulting employees in the European Community. The new regulations took effect 1 July 2005.

166. A new compulsory provision has been added to the Act on Codetermination at Work by which employers who are not bound by a collective agreement are required to regularly inform trade unions to which employees belong concerning development of the business in terms of production and finances as well as concerning guidelines for the human resources policy.

167. The duty to provide information shall be carried out vis-à-vis the local trade union, if one exists, and apply to all employees covered by the Act on Codetermination at Work regardless of the number of employees.

168. Union representatives who are provided information according to the new provision shall have a right to reasonable time off to receive the information.

169. The new regulations are found in sections 19, 19 a and 20 of the Act on Codetermination at Work.

### *Guideline 3*

170. Any trade union or an employer or employers' association shall be entitled to take industrial action unless otherwise provided in an act of law or under an agreement, according to Chapter 2, Article 17 of the Instrument of Government (one of the laws making up the Swedish Constitution).

171. (a) Under section 41 of the Act on Codetermination at Work, a labour stability obligation applies to the parties to a collective agreement. The peace obligation entails (first and foremost) a "strike moratorium" for both employers and employees wishing to take industrial action in order to:

1. Exert pressure in a dispute over the validity, existence or correct interpretation of a collective agreement, or in a legal dispute;
2. Bring about an amendment to a collective agreement already in force;
3. Effect a provision that is intended to enter into force upon termination of the agreement; or
4. Aid someone else who is not permitted to implement an industrial action.

172. According to Section 42, first paragraph, of the Act on Codetermination at Work, employers' associations and trade unions may not arrange or otherwise bring about an illegal industrial action. According to the third paragraph of the same section, however, the peace obligation applies only to an employment relationship to which the Act on Codetermination at Work is directly applicable.

173. Section 25 a of the Act on Codetermination at Work establishes that a collective agreement invalid under foreign law as a consequence of it having been entered into following an industrial action is, notwithstanding this, still valid in Sweden if the industrial action was in compliance with the Act on Codetermination at Work.

174. Section 31 a of the Act on Codetermination at Work establishes that subsequent collective agreements take precedence over earlier agreements to which the Act on Codetermination at Work is not directly applicable.

175. According to the travaux préparatoires, whether the Act on Codetermination at Work is directly applicable or not depends on whether the employment relationship has a dominant connection to Sweden, e.g., if:

- The job is permanently located in Sweden;
- The job is located abroad, but the employer and employee are Swedish.

176. The right to take industrial action does not mean that the employer or employee has a right to commit acts that violate penal law or other regulations. Criminal acts such as vandalism or assault are illegal even if committed in the context of a strike or lock-out.

177. Strike or other industrial action thus may not be taken in cases where the parties are under a peace obligation. The parties are also obliged under separate regulations to provide advance notice of a planned industrial action.

178. In Government Bill 1999/2000:32 Wage Formation for Full Employment, the Government proposed the establishment of a new government agency, the National Mediation Office, and a number of changes in regulations related to wage formation. The proposals in the bill were implemented and are summarised below.

179. The National Mediation Office was established 1 June 2000 and was given a broader mandate than its predecessor, the National Conciliator's Office. The National Mediation Office's principal tasks are to mediate in labour disputes and to promote an efficient wage formation process. The agency's objective is wage formation that sustains economic balance and peace in the labour market. The Office's activities are governed in an ordinance (2000:258) containing guidelines for the National Mediation Office and by Sections 46-49, 51-53 and 62 a of the Act on Codetermination at Work (1976:580). Early action is part of the task of promoting an efficient wage formation process. Among else, the National Mediation Office shall convene talks with the social partners or otherwise gather information on forthcoming or current negotiations and consult with the partners concerning the national economic conditions for negotiations. The National Mediation Office's analytical and informational work is also aimed at providing the Riksdag and the Government with input concerning trends in wage formation and informing the public. The National Mediation Office is responsible for an annual report on wage formation while the National Institute of Economic Research produces an annual report on the economic conditions for wage formation.

180. Responsibility for official wage statistics was transferred from Statistics Sweden to the National Mediation Office as of 1 January 2001. Certain amendments were enacted to the Act on Codetermination at Work (1976:580) and the Secrecy Act (1980:100) effective 1 June 2000 with regard to provisions on collective bargaining and industrial action. The National Mediation Office was given the following powers. Upon the consent of the parties negotiating a collective agreement, the National Mediation Office may appoint one or more negotiations leaders or mediators. If there is risk of industrial action or if an industrial action has already commenced, the Office is empowered to appoint a mediator without the parties' consent, unless the parties are bound by an agreement on order papers containing rules on mediation, etc. that is registered with the National Mediation Office.

181. The period of institutional advance notification prior to an industrial action was extended from seven days to seven business days. The party that fails to notify the National Mediation Office may become liable to pay a penalty to the state of SEK 30,000 minimum and SEK 100,000 maximum. If it would promote favourable resolution of the dispute, the National Mediation Office may at the mediator's request decide that a party must postpone a notified action for a maximum of 14 days. An order of postponement may be handed down once for each mediation assignment. A party which takes an industrial action contrary to the Office's order may become liable to pay an increased penalty to the state of SEK 300,000 minimum and SEK 1,000,000 maximum. The objective behind the changes was to promote wage formation processes while maintaining economic balance which enable the combination of higher real wages with low unemployment and stable prices, without restricting the social partners' options and responsibility for the wording of collective agreements. Labour cost trends and the consequences on macroeconomic development were more clearly brought to the fore through improved wage statistics and more regular analysis of how wage formation works. Improving input information in this way ameliorates the risk that various groups in the labour market will, in competition with each other, drive wage increases up in a manner that ultimately creates a poorer outcome for everyone.

182. The division of responsibility between the social partners and the State was clarified. The social partners have main responsibility for wage formation, while the State has general responsibility for the economy over and above the partners' responsibility for wage formation. This general responsibility for the economy includes safeguarding the legitimate interests of all citizens in efficient wage formation. No changes in principle were made to the division of responsibility between the social partners and the State. The advantage of collective agreements to regulate order papers and commencement of industrial actions was emphasised. When agreements cannot be reached, the law was reinforced by making the road to industrial action more difficult and by providing a more powerful conflict resolution system.

183. In addition, a rule was instituted that an employee may not take or participate in an industrial action whose purpose is to bring about a collective agreement with a company that has no employees or whose only employees are the sole owner or owners of the business or their family members. The same applies when the purpose of an industrial action is to support someone whose intent is to bring about a collective agreement with such a company. This does not preclude an employee from participating in an employment blockade that targets such a company and which has been resolved in due order by a trade union.

184. Section 4 of the Act on Codetermination at Work further states that collective agreements may prescribe a more extensive labour stability obligations than stipulated in Sections 41, 41 a, 41 b and 44 as well as more extensive liability for damages than prescribed by this act.

## Statistics

The number of disputes in which mediation was ordered is shown on Table 8.1.

185. Table 8.2 shows that the number of disputes in which mediation was ordered without the consent of the partners, which has happened only in exceptional cases. The National Mediation Office did not appoint a negotiations leader at any time during the evaluation period. According to the National Mediation Office, this is because the partners have not asked for negotiations leaders, but only for mediators. One reason for this may naturally be that the use of negotiations leaders is an untried instrument in practice and that the National Mediation Office has not promoted the appointment of negotiations leaders to any appreciable extent. The National Mediation Office has decided to postpone a notified industrial conflict on only two occasions, one of which was during the evaluation period.

**Tabell 8.1 Antalet tvister där medlare förordnats och antalet lagda varsel i dessa tvister**

| År   | Tvister där medlare förordnats | Lagda varsel i tvister där medlare utsetts | Verkställda varslade åtgärder i tvister där medlare utsetts | Antalet förlorade arbetsdagar <sup>15</sup> |
|------|--------------------------------|--|---|---|
| 2001 | 20                             | 14   | 5   | 11 098                                      |
| 2002 | 6                              | 6  | 2   | 838   |
| 2003 | 6                              | 3  | 1   | 627 541 <sup>16</sup>                       |
| 2004 | 24                             | 15   | 4   | 15 282                                      |

Källa: Medlingsinstitutet.

**Table 8.1**

**Number of disputes in which mediation was ordered and the number of notices of action filed in these disputes**

Year

Disputes with ordered mediation

Notices of industrial action filed in disputes with ordered mediation

Notified actions that were carried out in disputes with ordered mediation

Number of working days lost

Source: The National Mediation Office.

**Table 8:2**

| År   | Twister där medlare förordnats | Twister där medlare förordnats utan samtycke |
|------|--------------------------------|--|
| 2000 | 12                             | 0  |
| 2001 | 20                             | 2  |
| 2002 | 6                              | 1  |
| 2003 | 6                              | 0  |
| 2004 | 24                             | 0  |

Year

Disputes with ordered mediation

Disputes with ordered mediation without consent

186. (b) Sections 23-29 of the Public Employment Act (1994:260) regulate industrial actions in the public sector. Sections 23-24 contain special rules imposing certain limitations on *the right to implement industrial action*. The legal rules in these sections have not been amended during the reporting period, but please see below regarding the “Basic Agreement” and the excluded category.

187. Approximately 240 000 people are employed by the State Source: Swedish Agency for Government Employers.

188. Approximately 827 000 people are employed by the municipalities and approximately 250 000 by the county councils. (Figures as of 1 November 2005). Source: Swedish Association of Local Authorities and Regions.

#### *Current cases before the Labour Court - Referrals to the European Court of Justice*

189. A case is presently before the Labour Court concerning an industrial action by a Swedish union against a Latvian company aimed at bringing about a Swedish collective agreement. Another Swedish union has taken sympathetic action against the Latvian company. The company brokers temporary labour to companies operating in Sweden and has a collective agreement with a Latvian trade union. The Labour Court has requested a preliminary ruling from the European Court of Justice on matters of law including whether Swedish regulations on industrial action are in conformity with provisions on free movement of services in the EC Treaty (ECJ Case C-341/05).

#### *Guideline 4*

190. There are no special restrictions for employees of the Armed Forces, Police, or State Administration with regard to *the right to organise*.

191. The abovementioned Public Employment Act also applies to the specified categories with regard to *the right to strike*.

192. It is noteworthy in the context that a “Basic Agreement” was entered into on 13 June 2000 between the Swedish Agency for Government Employers (the representative of the State as an employer) and OFR’s sectoral areas (OFR: The Public Employees’ Negotiations Council) within the State negotiations sector jointly and SACO and unions affiliated with SACO jointly on amendments to the Basic Agreement of 24 June 1993. On the same date, the Agency for Government Employers entered into a new Basic Agreement with the Union of Service and Communications Employees (SEKO).

193. The agreements are identical. The Government approved the agreements and associated minutes of negotiations on 31 August 2001.

194. An agreement was met on 22 February 2001 on new wording of Annex 2 to the main agreements (that is, the excluded category). The Government approved the agreement on 29 March 2001.

195. The Basic Agreement includes a special section C regarding industrial actions, etc. The agreement provides among else that the areas and functions for which the right to take industrial action should be used with particular caution may be stipulated in advance. The parties agree that national security, upholding law and order, caring for people who are sick or in social care and other needy individuals and payments needed for the financial security of individuals constitute such examples. The parties also agree to avoid industrial actions that can be expected to cause serious disruption of the economy or public supply. The parties also agree to avoid industrial actions that would be offensive for humanitarian reasons, such as actions at schools for disabled persons.

Chapter 3 contains rules aimed at preventing industrial actions that would threaten the public interest by which the parties must refer such questions to a special board, the Public Service Council.

196. If a party believes that the action is likely to unduly disrupt important social functions, negotiations between the parties shall take place upon his request with a view to avoiding, limiting or cancelling the action. If a party refuses to negotiate or if agreement cannot be reached in negotiations, the party must refer the matter to the Public Service Council to determine whether the action is of such a nature.

197. Chapter 4 of the same section also contains rules on the “excluded category”, which according to information provided contains approximately 10 000 employees. Industrial actions may not include employees whose jobs are listed in a special annex, which are referred to as the excluded category. (This does not however apply to employees on leave of absence and who have a position during the leave of absence other than as specified in the annex.) Nor may the industrial action include personnel who are necessary for employees who belong to the excluded category to perform their tasks.

198. The excluded category includes employees of the Government Offices, certain high-ranking judges, certain high-ranking military officers, employees of certain State rescue services agencies, heads of central government agencies and others.

## Article 9

### *Guideline 1*

199. Sweden is a Party to the ILO Conventions specified in the guidelines for article 9, item 1.

### *Guideline 2*

200. All branches of social security listed in item 1 of article 9 of the guidelines exist in Sweden.

### *Guidelines 3 and 7*

201. All persons, regardless of citizenship, who live or work in Sweden are covered by the Swedish social insurance system. Social insurance is general and obligatory and provides benefits based on residency and employment. Persons regarded as residing in Sweden are insured for residency-based benefits. To meet the residency requirement, people must have their actual domicile in Sweden and be expected to remain in the country for more than one year. People who work in Sweden are also insured for employment-based social insurance benefits. The law governing eligibility for social insurance is found in the Social Insurance Act (1999:799), which took effect in 2001.

202. The social insurance system has been administered by a State agency, the Social Insurance Administration, since 1 January 2005. The State agency replaced the former National Social Insurance Board and 21 regional social insurance offices. The change was implemented to promote more efficient and legally secure case processing.

203. The social insurance system is financed through income taxes and employer's and employee's contributions to social security. Unemployment insurance is mainly financed through employer's contributions.

### **Medical care**

204. Reference is made to Sweden's latest report on ILO Convention 102 (out-of-pocket expense limits for pharmaceuticals and medical care).

205. There has been a traditional appointment guarantee since 1997 by which primary care providers shall offer assistance, either by phone or with an appointment, on the same day the provider is contacted. If a doctor's visit is required, the waiting time shall be no longer than seven days and patients who have been referred to specialist care shall be offered an appointment within 90 days. The State and the Swedish Association of Local Authorities and Regions (SKL) agreed to expand the guarantee. The new expanded medical care guarantee went into effect 1 November 2005. The new guarantee also covers all planned medical care and entails a commitment by the county councils to offer treatment within 90 days of the date upon which a treatment plan was decided. If a county council cannot meet the deadline, patients shall be offered assistance with seeking care in another county council within the guaranteed time. If treatment is provided by another county council under the medical care guarantee, there shall be no extra cost to the patient.



### **Cash sickness benefits**

206. Reference is made to Sweden's latest report on ILO Convention 102 and the fourth periodic report.

207. The cash sickness benefit was increased from 77.6 per cent to 80 per cent of qualifying income as of 1 January 2005. The period for which the employer pays sick pay was changed at the same time from 21 days to 14 days. The Social Insurance Office pays sickness benefit to people who do not have an employer.

208. Aimed at creating stronger financial incentives and reducing absences due to illness, the employer also pays, through a sickness insurance fee (15% of the cash sickness benefit) part of the cost for employees receiving 100% sickness benefit from the Social Insurance Office after the sick pay period. The purposes of the scheme include to stimulate preventive initiatives and rehabilitation. Rules on out-of-pocket expense limits apply to certain groups.

209. The cash sickness benefit is adjusted for unemployed people to be equal to unemployment benefit. Prior to July 2003, people who were insured could get higher benefits from sickness insurance than from unemployment insurance.

210. The income ceiling for sickness insurance will be raised as of 1 July 2006 from 7.5 to 10 price base amounts. The price base amount for 2006 has been set at SEK 39 700.

### **Parental benefits**

211. Reference is made to Sweden's latest report on ILO Convention 102 and the fourth periodic report.

212. The term of parental benefit was extended for children born on or after 1 January 2002 by 30 days to a total of 480 days, of which 60 are reserved to each parent when the parents have joint custody. Parents may also choose to draw one-eighth parental benefit. Prior to the change, parents could withdraw only full, three-quarters, half and one-quarter parental benefit to look after a child. The basic level (previously called the guarantee level) of parental benefit is now SEK 180 per benefit day. In addition to these days, a benefit of SEK 60 (the "minimum level") is paid for an additional 90 days. The minimum level will be increased to SEK 180 per day as of 1 July 2006.

213. The right to temporary parental benefit has been expanded for parents of seriously ill children under age 18. Benefit may be paid for an unlimited number of days.

214. Temporary parental benefit that can be paid for ten days to new fathers can now in certain cases be paid to another person.

215. Parents of certain children with disabilities have a right to ten contact days per child and year until the child has reached the age of 16.

216. The income ceiling for parental insurance will be increased from 7.5 to 10 price base amounts as of 1 July 2006.

### **Retirement, invalidity and survivors' benefits**

217. The schemes for retirement pensions, survivors' pensions and invalidity pensions were changed as of 1 January 2003. Invalidity pensions and disability allowance benefits have been discontinued and replaced by activity compensation and sickness compensation. These benefits are now social insurance schemes and no longer part of the pension system. For a more detailed description of the schemes, refer to Sweden's latest report on ILO Convention 128.

218. The minimum age of 16 for pension earnings has been eliminated for people born in 1938 or later. Income for which pension entitlements have been earned during the entire lifetime is now pension-qualifying.

219. The rules allowing adoptive parents to count pension-qualifying amounts for early childhood years have been improved.

220. The conversion pension and guarantee pension to survivors of people who die after 2005 are payable for twelve months, extended from the previous ten months. As before, these benefits may be payable for a longer period if the survivor lives with a child under the age of 12.

221. The rules on housing supplement for the elderly and others have been reformed. Housing supplement is payable to insured persons who reside in Sweden and are receiving a full retirement pension, sickness compensation or activity compensation, a widow's pension, special survivor's pension, or a wife supplement. The amount of benefit depends on the applicant's housing costs and income. For people over age 65, the housing supplement is a maximum of 91 per cent of that part of the monthly housing cost under SEK 4,850 for unmarried persons and SEK 2,425 for married persons. The corresponding amounts for others who are entitled to housing supplement are SEK 4,500 and SEK 2,250, respectively. The housing cost for each spouse is calculated at half the joint housing cost. The maximum possible housing supplement is established based on the applicant's housing costs. A certain part of the applicant's income is deducted from that amount and the remainder is disbursed as housing supplement.

222. Maintenance support for the elderly is a new type of social insurance benefit introduced in 2003 to guarantee a reasonable standard of living for people whose basic maintenance needs are not met by other benefits in the national pension system or by other means. It is payable to persons who reside in Sweden and are age 65 or older. Maintenance support for the elderly is entirely means-tested and is calculated based on the applicant's income. Maintenance is provided up to a reasonable standard of living which is considered to be equal to 1.294 price base amounts for unmarried persons and 1.084 base amounts for married or cohabiting persons. Compensation is provided for reasonable housing costs. The amounts considered reasonable housing costs are a maximum of SEK 6,050 per month for unmarried persons and SEK 3,025 per month for married or cohabiting persons. Housing costs for each spouse are calculated as half of their joint housing costs. The price base amount for 2006 has been set at SEK 39 700.

### **Other benefits for people with disabilities**

223. Reference is made to Sweden's latest report on ILO Convention 102 and the fourth periodic report.

224. Disability allowance is payable as of the month of July after the insured person has turned 19 years of age. The allowance was formerly payable as of the year the person turned 16 years of age. The main reason for the change is to give young people with disabilities access to educational and job-oriented programmes and prevent exclusion at an early age.

### **Occupational injury benefit**

225. Reference is made to Sweden's latest report on ILO Convention 121 and the fourth periodic report.

226. The burden of proof rule for occupational injury insurance was changed in 2002 and shall be applicable to injuries that presented after 1 July 2002. The assessment is now performed with a uniform requirement of proof. An occupational injury shall be regarded as having arisen due to accident or other harmful effect if indicated by predominant cause. When occupational injuries are assessed, an overall assessment of various independent conditions shall be made. In the past, the assessment was in two stages: injuriousness and correlation.

227. Special occupational injury compensation aimed at compensating people for waiting periods in the sickness insurance system has been introduced. It is payable to persons granted compensation for loss of income due to an occupational injury and is meant to compensate for loss of income for a two-day waiting period. If the insured person had a waiting period of longer than two days, special occupational injury compensation may be payable for the additional days. Special occupational injury compensation is payable at 80 per cent of the annuity basis in effect when the decision is taken, divided by 365. The rules for recalculation of the occupational injury annuity have been changed. The annuity is now index-linked so that general income trends are taken into account.

### **Unemployment benefit**

228. Unemployment insurance is administered by 37 unemployment insurance funds, of which 36 are linked to a particular sector of the labour market and are open to everyone who works in that sector. One unemployment insurance fund that started 1 January 1998 has a wider ambit and is open to everyone within all sectors of the labour market. This new unemployment insurance fund also administers the basic benefit for people who are not members of an unemployment insurance fund. Unemployment insurance comprises income-related compensation and a basic benefit.

229. To be eligible for income-related compensation, people must have been members of an unemployment insurance fund for at least twelve months and meet the general conditions (e.g. be registered with the Employment Service as a job-seeker, be unemployed, actively looking for work and willing to take a suitable job if offered) and meet an employment condition. The employment condition is met if the person has during the past twelve months been gainfully employed for at least six months for at least 70 hours per month or has worked at least 450 hours during a contiguous period of six months with a minimum of 45 hours per month. Income-related compensation is payable at 80 per cent of the insured's normal income prior to unemployment. The maximum is SEK 730 per day for the first 100 benefit days and SEK 680 for the rest of the period (days 101-300).

230. The basic benefit is not based on previous income and is payable to people who meet the general conditions, an employment condition, or have concluded academic studies of a particular extent but do not meet the membership condition, that is, are not a member of an unemployment insurance fund or have not been a member long enough. The basic benefit is SEK 320 per day and is proportionately lower if the work on which the compensation is based was part-time.

231. The Activity Guarantee took effect nationwide as of 1 August 2000. The Activity Guarantee is a labour market policy programme for people at risk of long-term unemployment. The unemployed person participates in organised full-time activities with activity support between shorter or longer periods of employment and other labour market policy programmes. The Activity Guarantee is offered until the person is re-established in the labour market. The benefit, which is equal to unemployment benefit, provides a financial safety net for people who have exhausted their unemployment benefit.

232. The following significant changes to the unemployment insurance scheme have taken effect since February 2001:

- The requalification requirement has been repealed. Participation in labour market policy programmes no longer entitles people to a new period of unemployment benefit; see above concerning Activity Guarantee;
- The maximum benefit period is 300 benefit days for everyone, regardless of age;
- A possible extended benefit period of a maximum of 300 benefit days without having met a new employment condition was introduced. Extensions are granted if the applicant is not referred to the Activity Guarantee;
- Higher maximum benefit during the first 100 day;
- Rejection of an offer of suitable employment or participation in a labour market policy programme results in reduction of benefit by 25 per cent the first time and 50 per cent the second time. Benefit is revoked entirely upon the third refusal.

### **Family benefit**

233. Reference is made to Sweden's latest report on ILO Convention 102 and the fourth periodic report. See also the appended fact sheet on Swedish family policy.

234. The universal child benefit is currently SEK 12 600 per child and year, plus a supplementary allowance for additional children: SEK 1 200 per year for the second child, SEK 4 248 per year for the third child, SEK 10 320 kronor per year for the fourth child and SEK 12 600 per year for the fifth child and each child in addition to five.

235. Maintenance support amounts to SEK 1 273 per month. Following an amendment to the Swedish Children and Parents Code, parents are eligible for extended maintenance support for children between age 18 and 21 who are still attending school.

236. A parent is entitled in certain cases to carer benefit for children with disabilities through the month of June in the year the child turns 19. The cut-off age was previously 16. The change was made simultaneously with the change to disability allowance.

237. A new form of housing allowance called “contact allowance” has been introduced for parents whose children live in their homes periodically due to custody or contact arrangements. The allowance is payable monthly at SEK 300 for one child, SEK 375 for two children and SEK 450 for three or more children. The special allowance for children living at home is now SEK 950 per month for one child, SEK 1 325 for two children and SEK 1 750 for three or more children.

#### *Guideline 4*

238. Sweden reports statistics from ESSPROS here. According to these statistics, Sweden’s costs for social security in 2004 were SEK 815.7 billion, which is equal to 32 per cent of GNP. Costs in 1994 were SEK 597.4 billion or 36 per cent of GNP. As of Sweden’s last report, the corresponding figures (for 1996) were SEK 606.7 billion and 33 per cent of GNP.

239. The expenditure level for social security expressed in 2004 prices increased by SEK 146 billion between 1994 and 2004. This corresponds to a real increase of 22 per cent. As GNP has grown at a higher rate, the percentage spent on social security has declined.

240. The increased cost is mainly attributable to a larger number of people receiving sickness compensation and activity compensation (formerly called disability pension) in 2004 compared to 1994. The costs of cash sickness benefit have likewise grown. In addition, expenditures for retirement pensions have increased as the number of people with pensions above the basic level (that is, with income-based pensions) has grown during these ten years. Expanded support for people with disabilities has also entailed large costs. The increasing costs of pharmaceuticals and technology as well as an ageing population can be considered factors which have contributed to higher costs for medical care. Declining unemployment has however resulted in a reduction in costs for participation in labour market policy programmes and unemployment compensation.

#### *Guideline 5*

241. Reference is made to Sweden’s fourth periodic report.

#### *Guideline 6*

242. A permanent residence permit is as a rule required for an individual to be considered a resident for social insurance purposes. Special benefit exists for people who are waiting for a residence permit according to the Reception of Asylum Seeker and Others Act (1994:137). In other respects, reference is made to Sweden’s fourth periodic report.

### **Economic assistance**

243. Economic assistance is the ultimate safety net of the social welfare system and fills a vital function towards reducing economic exclusion of individuals and families. It is meant to be complement the social insurance schemes and provide assistance when general forms of social security are inadequate or cannot be granted. The purpose is for economic assistance to provide

temporary, short-term support when individuals cannot support themselves by other means, such as employment or the general social policy system. Economic assistance is the only component of the system that is entirely related to the individual household's needs for support. Economic assistance is regulated by the Social Services Act (2001:453) and municipal Social Services offices are responsible for administering and financing the programme. The National Board of Health and Welfare drafts support and guidelines for case management. The amount of economic assistance grants is based on a national norm set by the Government. In addition to the basic grant, municipalities may provide assistance based on individual assessment for other reasonable costs and life needs in other respects.

244. (a) According to the Health and Medical Service Act (1982:763), every county council shall offer good health and medical services to persons living within its boundaries. The county council shall also offer immediate, but not planned, health and medical services to people who are living in the county but are not residing permanently there. This obligation extends to both asylum-seekers and other foreigners who are in the country for various reasons without a residence permit. Health and medical services for asylum-seekers and others are regulated in special agreement between the State and the Swedish Association of Local Authorities and Regions. This agreement extends beyond county council obligations under the Health and Medical Service Act. The State compensates the county councils.

245. (b) Under the aforementioned agreement, minors who are seeking asylum and minors who are being kept hidden to prevent execution of a deportation or removal order ("hidden children") are offered the same health, medical and dental services as minors who are residing in Sweden.

246. There is a close connection between the need for economic assistance and employment rate trends. In February 2005, the Government appointed the Committee from Social Assistance to Work (S 2005:10). The committee shall submit recommendations for measures to facilitate the transition from social assistance to self-support through employment. The general points of departure for the committee are that public resources shall be used efficiently and provide clear incentives to the individual and society towards establishment in the labour market without delay. The committee shall deliver its final report by 1 November 2006 (ToR 2005:10).

247. The Committee on Eviction and Homelessness Among Families with Children presented its report (SOU 2005:88) in October 2005. The committee's assessment was that a total of at least 1 000 children were evicted from their homes in 2004. It stated that the problem is multifaceted and therefore requires Social Services initiatives as well as an improved housing policy. The Government Offices are currently preparing the report for further action.

#### *Guideline 8*

248. Bilateral or multilateral social security legislation is significant to people to work and/or live in other countries. From the Swedish perspective, EC legislation in this area is the most significant to the greatest number of people. Sweden also has conventions on social security with about twenty countries. The conventions with Chile, Canada, the Nordic countries, Turkey

and the United States have been renegotiated since the fourth Swedish periodic report due to changes in domestic law. Sweden and Serbia and Montenegro have also agreed that the previous convention on social security between Sweden and Yugoslavia shall apply between the countries.

## **Article 10**

### *Guideline 1*

249. Reference is made to previous reports. Sweden has not ratified ILO Convention 103 on Maternity Protection.

Sweden's fourth report to the UN Committee on the Rights of the Child will be submitted in early 2007.

### *Guideline 2*

250. Reference is made to the fourth report, item 152.

### *Guideline 3*

251. Reference is made to the fourth report, item 153.

### *Guideline 4*

252. (a) Reference is made to the fourth report, items 154-158.

253. (b) See Sweden's fourth report and above under the guidelines for article 9.

### *Guideline 5*

254. See Sweden's fourth periodic report and above under the guidelines for article 9.

### *Guideline 6*

255. Reference is made to previous reports and to Sweden's reports to the UN Committee on the Rights of the Child for all points under item 6. Sweden is working continually to strengthen protection for vulnerable and disadvantaged children. This has taken place in part within the social services system and in part within the legal system. The changes which have occurred since the last report are recounted in brief here.

## **Children with disabilities**

256. The foundation of the Swedish disability policy is that children with disabilities shall first and foremost have the right to be children. Children with disabilities also have special needs to compensate for their disabilities. Children and young people with disabilities shall be given opportunities to grow up in their family homes. Parents and children/young people can obtain support provided as e.g. respite service, companion service, personal assistance and short-term stays away from home. The schemes provide respite for parents and greater opportunities for

children with disabilities to liberate themselves from their parents. Support is provided under the Social Services Act or may be applied for under the Act Concerning Support and Service for Persons with Certain Functional Impairments (hereinafter "LSS") if the child is covered by the law. For further information, reference is made to Sweden's report to the Committee on the Rights of the Child.

### **Social services**

257. New provisions took effect 1 July 2003 which are aimed at strengthening social support for children at risk. The duties of government agencies and employees of government agencies whose activities concern children were expanded to also include agencies within the Prison and Probation Service and forensic psychiatric departments within the National Board of Forensic Medicine. With a view to increasing knowledge about mandatory reporting to Social Services and raising awareness of the duty among all concerned, references to mandatory reporting were inserted into the laws that regulate agencies and activities that come into regular contact with children.

258. A provision was inserted simultaneously into the respective laws on the duty of the police, health and medical care providers, preschools, schools and school-age child care centres to cooperate at the request of Social Services regarding children and young people who are in danger or at risk.

259. The Care of Young Persons Act (1990:52) was amended as of 1 July 2003 to strengthen the child's perspective in the law. A provision was inserted which states that the best interest of the young person shall be of vital concern in decisions under the Act, that the young person's point of view shall be clarified and that account shall be taken of the will of the young person with due consideration of his or her age and maturity. That both physical and mental abuse may harm the health and development of the child was also clarified.

260. A parliamentary committee was given a Government mandate to draft a proposal for a national plan of action for social care of children and young people. The committee submitted its proposal to the Government in October 2005 (SOU 2005:81). The Government intends to submit a bill to the Riksdag before the end of 2006.

### **The legal system**

#### *Child abuse*

261. Special grounds for increasing the severity of criminal penalties were introduced 1 July 2003. According to these grounds, if a crime was likely to damage a child's sense of security and trust in the relationship to a person close to him or her, it shall be regarded as an exacerbating circumstance in connection with judgment of culpability.

262. The new law on gross violation of a person's integrity has been in force for some time now. The Government plans to commence a review of the law in 2006. The details of such a review are currently under consideration by the Ministry of Justice.



*The sexual crimes reform*

263. The content of the new Sexual Crimes Act which entered into force 1 April 2005 is reported above under article 3. The following aspects are particularly noteworthy.

264. Among the purposes of the reform were to further strengthen protection of minors from sexual exploitation. In order to emphasise the gravity of sexual crimes against minors, special penal provisions were incorporated into the law, including with respect to rape of a child and sexual molestation of a child. The scope of such crimes was expanded by the repeal of the coercion requirement.

265. The prohibition of purchases of sexual acts from children was reinforced, including by expanding the scope to include purchase of sexual acts from children in circumstances that do not constitute clear cases of prostitution. A special penal provision was incorporated into the law with regard to exploitation of minors for sexual posing, by which protection of minors against being exploited for such purposes was further strengthened. The customary penalties are a fine or imprisonment for up to two years. For gross crimes, the penalty is imprisonment for six months to six years.

266. In order to further reinforce children's opportunities to gain redress, the statute of limitations for certain sexual crimes against minors has been extended, in that it does not begin tolling until the date the child turns 18 or would have turned 18.

*Trafficking in human beings*

267. Provisions on trafficking in human beings for sexual purposes were introduced 1 July 2002, as discussed above under article 3. A report on the legislation was also provided in Sweden's third report to the UN Committee on the Rights of the Child, 2002, items 9.3.3-4).

268. The Government has also instructed a committee to produce an overview of the crime of trafficking in human beings, evaluate the scope of the crime, analyse the legislative changes that may be required for Sweden to become a State Party to the Council of Europe Convention on Action against Trafficking in Human Beings and to analyse whether Sweden's penal legislation offers satisfactory protection against underage and forced marriage.

*Child pornography*

269. The new Sexual Crimes Act which entered into force 1 April 2005 increased the maximum penalty for the crime of gross child pornography from four to six years in prison. In August 2005, the Government decided to conduct a review of the provisions on depiction of minors in pornographic pictures and related legislation. The purpose of the review is to enable more effective combating of child pornography and to strengthen the status of children in connection with child pornography crime, inter alia, in the following respects. The review will include consideration of imposing a definitive limit of 18 years on the definition of "child." The Government will also consider whether the crime needs to be adapted with regard to penalised

forms of offence and whether criminalisation should be extended to other dealings with child pornography. The need for changes will be considered based on established practice concerning classification of crimes and penalties for child pornography crimes. The issue of whether children depicted in child pornographic material may be regarded as injured parties in connection with the child pornography crime and thus be entitled to financial compensation shall also be clarified.

*Grooming of children for sexual purposes*

270. Technical progress also entails increased risk to children and young people. Adults and others who have reached the age of criminal responsibility seek contact (groom) children for sexual purposes, often via the Internet. In response, the Government has recently resolved to issue assignments to the National Council for Crime Prevention (Brå) and the Prosecutor-General. Brå has been instructed to develop a research overview describing the nature and scope of the phenomenon, in detail, and past and current measures to combat the phenomenon. Brå shall also consider other measures to prevent grooming. Based on Brå's research overview and deliberations, the Prosecutor-General shall analyse the applicability of penal law to the phenomenon and the tools available to anti-crime agencies to deal with grooming. The Prosecutor-General shall also consider whether current legislation is adequate to protect children from grooming and, if such is not deemed to be the case, propose the necessary legislative amendments and produce draft statutes.

271. (a) Reference is made to the first and second reports, paragraphs 585-592 on the UN Convention on the Rights of the Child.

272. (b) Statistics are available for children age 16-19. Last year, about 22 000 children in that age group worked. The vast majority worked during the summer school holidays. There are no statistics for children under the age of 16. To the extent that children age 13-16 engage in paid employment, they do so exclusively during school holidays as school attendance is compulsory for children in that age group.

273. (c) There are no statistics available.

274. (d) Minors who are seeking asylum have a right to education, preschool and school-age child care on the same terms as children permanently residing in Sweden.

275. In the concluding observations to Sweden's third report in 2002, article 38, the UN Committee on the Rights of the Child recommended that Sweden ensure all children the right to education, including those who do not have residence permits and "hidden children", that is, children and young people who are being kept in hiding to prevent execution of a deportation or removal order.

276. According to current regulations, Swedish municipalities may accept children whose applications for asylum have been rejected and who are being kept in hiding to prevent execution of a deportation or removal order into compulsory and secondary schools, but are under no obligation to provide education to these children. The Government appointed a committee in

early 2006 which will be studying the conditions for regulating the right to education, preschool and school-age child care for these “hidden children.” In the interim until the committee delivers its finding, the municipalities have been allocated additional funds to enable acceptance of these children in the schools.

### **Raising of awareness about human rights among State officials and the judiciary**

(See item 35, *Concluding Observations*.)

#### *The Children’s Policy realises the rights of the child*

277. With respect to children, Sweden’s efforts to implement the International Covenant on Economic, Social and Cultural Rights is intrinsically connected to efforts to realise the rights of the child in accordance with the UN Convention on the Rights of the Child (UNCRC). Efforts are governed by the national strategy to realise the UNCRC as per the Government Bill presented to the Riksdag in 1998, which the Riksdag passed unanimously in March 1999.

278. Initiatives within the framework of the general social welfare policy are the foundation that will make realising the rights of the child possible. Welfare policy initiatives aimed at guaranteeing equal childhood conditions to girls and boys include access to high-quality preschool programmes, school, school-age child care and maternity and paediatric care on gender-equal terms. Parents have a shared main responsibility for the child’s rearing and development. The public task is to support and complement parents so that good and secure childhood conditions can be guaranteed to every child. This extends to providing various programmes that make it possible for both parents to participate in and take responsibility for the child’s childhood.

279. In addition to the general welfare policy, initiatives have been taken in areas such as social and traffic planning, food and consumer policy, environmental policy, public health policy and culture and media policy that are significant to the development of living conditions for children and young people. Due to the cross-sector nature of the children’s policy, initiatives for children and young people are carried out within a wide variety of policy areas. All initiatives are contributing to attaining the goals of the children’s policy. With a view to creating structure and lucidity for the initiatives being taken in Sweden to realise the rights of the child and improve living conditions for children and young people in various respects, six target areas have been identified:

- The child’s right to a good standard of living;
- The child’s right to a secure childhood;
- The child’s right to health;
- The child’s right to education;
- The child’s right to participation and influence;
- The child’s right to the protection and support of society.

*Expertise on children's rights with the Government Offices*

280. There is a coordinating function within the Government Offices whose tasks include coordinating, monitoring and pursuing efforts to integrate a children's perspective in all Government decisions that affect the rights and interests of children and young person. Contact persons for UNCRC issues have been appointed in all ministries as one aspect of improving and developing UNCRC efforts within the Government Offices.

*The Children's Ombudsman's mandate to raise awareness of the rights of the child*

281. The role of the ombudsman includes shaping opinion about the rights of the child and participating in social discourse. The Children's Ombudsman has worked actively to stimulate UNCRC efforts among municipalities, county councils and government agencies and in the course of that effort to provide methodological support, show good examples, stimulate knowledge transfer and continually follow up, analyse and evaluate implementation of the UNCRC.

*Children's Assessment Centres*

282. On 3 February 2005, the Government instructed the Regional Public Prosecution Office to work with the National Police Board, the National Board of Health and Welfare and the National Board of Forensic Medicine to establish Children's Assessment Centres. "Children's Assessment Centre" is the general designation for operations wherein various agencies cooperate under one roof in investigations related to children who are possibly victims of serious crimes, such as sexual and physical abuse.

283. The purpose is to ensure that investigations carried out in connection with such suspected crimes are adapted to the children. The children should not have to go to different places and be subjected to repeated interviews by different people and for different purposes. A second goal is to improve the quality of the investigations.

284. Pilot Children's Assessment Centre projects have been ongoing since 2006 in Stockholm, Göteborg, Malmö, Linköping, Umeå and Sundsvall. The final report on the assignment shall be delivered 1 March 2008 and an interim report shall be delivered by 15 June 2006.

285. The Department of the Sociology of Law at Lund University will evaluate the programme under the direction of Professor Karsten Åström.

*A centre for the rights of the child*

286. The Government instructed the University of Örebro in March 2006 to present a concrete proposal for the establishment of and activities within a centre for method and skills development and knowledge transfer in the effort to realise the rights of the child. The plan is for the centre to open in autumn 2006.

*Manual for implementation of the UNCRC*

287. The Government resolved in December 2005 to allocate SEK 1 million to UNICEF Sweden to pay for the production of a Swedish manual on implementation of the UNCRC.

*Awareness of the rights of the child among local government agencies and others*

288. With a view to focusing attention on efforts to implement the UNCRC and to support local development efforts, the Government has initiated a project called "A Sweden for Children" which has been in progress since spring 2006. The target group includes municipal policymakers and officials with a view to raising awareness and understanding of the UNCRC and disseminating successful methods for securing the rights of the child in municipal activities.

*The rights of the child in higher education*

289. All institutions of higher learning in Sweden were instructed in 2004 to provide a report on efforts to incorporate awareness of the UNCRC in academic programmes where such understanding is considered relevant. The Government plans to hold a number of regional conferences in 2006 to support UNCRC efforts by academic institutions and facilitate knowledge transfer among colleges and universities.

*The rights of the child and the budget process*

290. Mainstreaming the child's perspective into the State budget process is a vital component of revealing the consequences of political decisions on girls and boys. The Government has raised awareness of initiatives for children and young people reported in the State budget by means of two Government Communications that have been presented to and addressed by the Riksdag.

**Swedish youth policy**

291. The foundations of the Swedish youth policy include a rights perspective; that is, the principle that young people have the same rights to good living conditions as all other citizens. "Good living conditions" refers to that the human rights of young people shall be protected and promoted and young people shall be assured social and economic security, good health and opportunities for development. Not least importantly, good living conditions have to do with the right to empowerment to affect their own lives, their communities and social development in general. The UN Convention on the Rights of the Child is a key point of departure for all public endeavours that affect children and young people under the age of 18 and thus for the national youth policy as well. The spring Budget Bill for 2006 includes substantial investments in young people including an allocation of SEK 6.57 billion for youth initiatives in 2006-2008. Sweden is investing in programmes that will improve young people's lives in terms of employment, education, housing, health and security, influence and empowerment and culture and leisure.

## Article 11

### *Guideline 1*

292. The deep recession in the first half of the 1990s caused financial distress to several population groups in Sweden. Household finances improved for most people after 1997. The percentage of poor people (in relation to an absolute poverty line) in Sweden rose after the economic crisis from 5 per cent in 1991 to 11 per cent during the three-year period of 1996-97 but declined thereafter to 6 per cent in 2003. At about 2 per cent, the percentage of very poor people is low and has remained essentially stable over time. The distribution of income, which demonstrates the magnitude of disparities between low and high-income households, increased in the 1990s. The widest income gap was measured in 2000 and declined thereafter through 2003.

293. Income disparities between women and men declined between 1991 and 2002. This is attributable among else to that women are engaged in paid employment to a greater extent than in the early 1990s, the employment pattern is more similar between women and men and the percentage of families in which both the woman and the man work full-time has increased. Women's median income from gainful employment rose between 1991 and 2002 from 64 to 68 per cent of men's median income. Restricted to full-time workers, women's median income rose from slightly less than 81 per cent to slightly more than 84 per cent of men's median income from gainful employment.

294. Capital gains, primarily from the sale of equities and equity funds, have had substantial impact on the distribution of household income in the 1990s and early 2000s. Developments since the early 1990s show that when capital gains grow, so does the income gap. This is explained by that financial assets are very unequally distributed among households and primarily affect the households with the highest incomes.

295. Modern Swedish poverty is in all likelihood less severe than in many other countries. The defining characteristic of poverty in Sweden is that it is connected on the individual level to the person's foothold in the labour market. People of active working age without appreciable income from gainful employment and who also essentially lack income from a pension, unemployment benefits or sickness insurance are at great risk of lasting poverty. Data from the EU statistical office Eurostat showed, in a comparison of the 15 member states that existed in 2001, that average income in Sweden is below the average for the EU. Greece had the lowest average income while Luxembourg had far and away the highest. But the income gap in Sweden was among the lowest. The income gap was least in Slovenia, followed by Sweden and Hungary along with Denmark and the Czech Republic. The income gap was widest in Portugal.

#### **(a) Standard of living and living conditions for the population as a whole**

296. The household economic standard increased by 26 per cent between 1995 and 2004 and by 15 per cent between 1991 and 2004. The trend was most favourable for couples living together with children, whose disposable income adjusted for the burden of support has increased by 30 per cent between 1995 and 2004. Couples age 45-64 living together with no children in the home have the highest economic standard. Households made up of older retired persons and single women with children have the lowest standard. The proportion of

economically disadvantaged households, those whose incomes are below 60 per cent of the median, is approximately 9 per cent. The trend towards a wider distribution of income has been broken and the income gap is now somewhat lower than in 2000, when it was at its widest.

297. The Gini coefficient increased by 13 per cent between 1991 and 2004. The gap widened primarily during the second half of the 1990s. Distribution of income has remained relatively stable since then. The wider income gap is mainly attributable to increases in the incomes of affluent families and individuals. The percentage of income for those with the highest economic standard has increased somewhat since 1991. The most affluent tenth of the population increased their percentage of total income from 20 per cent in 1991 to 22 per cent in 2004.

298. The following tables show disposable income for Swedish households and the Gini coefficient for the period of 1991-2003. The first table shows trends including capital gains and the second excluding capital gains.

**Table 11:1**

**Disposable income including capital gains per consumption unit in 1991 and 1996-2003 all individuals. Median value in SEK thousands per consumption unit in 2003 prices**

| Year | Median value | Gini coefficient | Top 5% |
|------|--------------|------------------|--------|
| 1991 | 143.9        | 0.230            | 355.4  |
| 1996 | 132.9        | 0.238            | 334.5  |
| 1997 | 139.4        | 0.254            | 400.1  |
| 1998 | 140.8        | 0.242            | 366.5  |
| 1999 | 149.9        | 0.261            | 431.2  |
| 2000 | 165.3        | 0.295            | 586.1  |
| 2001 | 162.4        | 0.263            | 475.3  |
| 2002 | 165.5        | 0.258            | 460.3  |
| 2003 | 165.5        | 0.254            | 450.7  |

*Source:* Statistics Sweden.

**Table 11:2**

**Disposable income excluding capital gains per consumption unit in 1991 and 1996-2003, all individuals. Median value in SEK thousands per consumption unit in 2003 prices**

| Year | Median value | Gini coefficient | Top 5% |
|------|--------------|------------------|--------|
| 1991 | 139.2        | 0.213            | 297.2  |
| 1996 | 127.9        | 0.221            | 280.7  |
| 1997 | 131.8        | 0.225            | 300.8  |
| 1998 | 135.4        | 0.227            | 315.6  |
| 1999 | 140.2        | 0.230            | 325.1  |
| 2000 | 149.9        | 0.244            | 381.0  |
| 2001 | 154.7        | 0.239            | 375.8  |
| 2002 | 158.3        | 0.239            | 376.1  |
| 2003 | 158.6        | 0.234            | 368.2  |

*Source:* Statistics Sweden.

299. Poverty has declined among families with children. Slightly more than 15 per cent of all families with children were poor in 1997 according to an absolute poverty line (constant purchasing power) constructed by the National Board of Health and Welfare. (See below under *Poverty statistics in Sweden*). That percentage has since been halved; at most, slightly more than 7 per cent of all children live in poor families. Children and families with children were hit harder than other groups by the economic crisis of the 1990s. On the heels of the economic recovery a number of reforms were implemented to improve conditions for children and their families. Children of single parents, children in households with many children, children of foreign-born parents and children whose parents have only a compulsory school education are at great risk of living in economically disadvantaged families.

300. A maximum fee for child care was introduced in 2002 which lowered preschool fees on average by SEK 12 000 per year for a family with two children.

301. The child benefit has been increased in steps from SEK 750 in 1994 to SEK 1 050. The child benefit is now at the highest nominal and real level since inception. The supplementary benefit for additional children has also been increased. A supplementary benefit for the second child in a family was implemented as of 1 October 2005 and maintenance support was increased as of 2006.

302. The parental leave insurance period was extended in 2002 to 480 days. Of those days, 60 are reserved for each parent and cannot be transferred to the other. The ceiling for parental leave benefit was increased as of 1 July 2006 to 10 price base amounts, which equals approximately SEK 33 000 per month. The increase will also apply to temporary parental benefit and pregnancy cash benefit. The minimum parental benefit was increased at the same time from SEK 60 to SEK 180 per day. Options for when temporary parental benefit can be payable for an unlimited number of days for the purpose of caring for a sick child were also expanded.

303. The reforms have improved the economic status of families with children. The economic standard of couples living together with children in the home has improved by 30 per cent since 1995.

### **Standard of living and living conditions for elderly people**

304. Poverty was less widespread among elderly people in 2003 than in the 1990s, although many senior citizens have limited financial resources. People in the 65+ age group, however, are among those who, unlike many young people, more often have financial assets at their disposal when their pensions are inadequate. It should however be kept in mind that the net assets of elderly people consist to a great extent of home equity.

305. Statistics Sweden's statistics for 2002 (household finances) show that median disposable income for women age 65+ is approximately SEK 104 000 for single women and SEK 78 000 for cohabiting women. Single women have higher incomes in all age groups. One explanation of the lower disposable incomes of cohabiting women compared to single women is that single women have higher income-based pensions. Income from transfers to cohabiting women is also lower in many cases. Single men, however, have lower disposable income than cohabiting men. The median is SEK 114 000 per month for single men and SEK 125 000 for cohabiting men. The disparity between the incomes of cohabiting/married women and men is thus greater than for single people.



306. Several measures have been implemented to make Sweden a better country for elderly people. The income-related pension has been index-linked since 2002. Since then, income-related pensions have been increased by 3.5 per cent above inflation. The housing supplement for retired persons has been increased several times. The benefit has increased from 85 per cent of housing costs in 1995 to 93 per cent in 2005. Maintenance support for the elderly who have no pensions or whose pensions provide inadequate support was introduced in 2004. Means-testing of the widow's pension was repealed in 2003.

307. A limit on out-of-pocket expenses for dental care for elderly people was implemented in 2002. The scheme takes effect in the calendar year the patient turns 65. During one round of treatment, the patient's out-of-pocket expenses are limited to SEK 7 700 for treatments such as crowns, bridges, implants and removable prostheses.

308. A maximum fee was introduced in 2002 for care for the elderly and people with disabilities to lower fees in the elder care system.

309. The economic standard of retired persons has increased by 18 per cent since 1995.

### People with disabilities

310. The number of people granted assistance under LSS (Act Concerning Support and Service for Persons with Certain Functional Impairments (1993:387)) with an individual plan or personal representative for the period of 1999-2004 is shown on the table below.

**Table 11:3**

**Assistance under the Act Concerning Support and Service for Persons  
with Certain Functional Impairments, number of people**

| Type of assistance      | 1999   | 2002   | 2003   | 2004   | Change<br>1999-2004 |
|-------------------------|--------|--------|--------|--------|---------------------|
| Day activities          | 19 800 | 21 700 | 23 200 | 24 100 | +22%                |
| Housing, adult          | 16 500 | 18 000 | 19 000 | 19 800 | +20%                |
| Contact person          | 13 400 | 14 500 | 15 200 | 16 100 | +20%                |
| Short-term stay         | 9 400  | 9 900  | 10 400 | 10 500 | +12%                |
| Counselling and support | 18 600 | 11 900 | 11 700 | 10 400 | -44%                |
| Companion service       | 7 400  | 8 500  | 9 200  | 9 400  | +27%                |
| Personal assistant      | 4 500  | 4 300  | 4 300  | 3 900  | -13%                |
| Respite service         | 3 600  | 3 500  | 3 600  | 3 700  | +3%                 |
| Short-term supervision  | 2 800  | 3 400  | 4 000  | 4 400  | +57%                |
| Housing, child          | 1 200  | 1 200  | 1 300  | 1 300  | +9%                 |
| Individual plan         | -      | -      | 3 200  | -      | -                   |
| Personal representative | -      | 1 200  | 2 600  | 3 200  | +167%               |

311. Approximately 52 900 people were receiving assistance under LSS in 2004, excluding those receiving counselling and other personal support. This is an increase of approximately 20 per cent since 1999. Counselling and support assistance is usually part of the county council's area of responsibility and is thus reported separately in the statistics.

In 2004, 10 400 people had been granted counselling and support service under LSS, which entails a further decline. Otherwise, the only group of people receiving assistance under LSS that has declined since 1999 are those with personal assistants. The number of persons receiving assistance under LSS has increased in 80 per cent of Swedish municipalities since 1999.

312. In addition to these people, about 12 700 people were granted State assistance allowance under the Swedish Personal Assistance Act (1993:389) (LASS) because they had a basic need for assistance for 20 hours or more per week. The number of people entitled to assistance allowance has increased continually from 7 600 in 1998. The number of hours per person and week has also increased.

313. The proportion of women is higher among people granted only personal assistance provided by the municipality in 2004, while men were in the majority among people granted assistance allowance.

### **Initiatives under the Social Services Act**

314. The statistics above refer only to services for people with severe disabilities. In the social services statistics, people with disabilities are only one of several groups, including people who need support according to the Social Services Act (2001:453) for social reasons or due to mental disabilities or age.

315. In 2004, 16 400 people age 0-64 were granted home help service under the Social Services Act (SoL) and an additional 5 300 people in the same age bracket were granted special housing under SoL. Services for people under age 65 according to SoL have increased in slightly more than half of Swedish municipalities since 1999. The total number of people receiving services under LSS or SoL (age 0-65) has decreased since 1999 in about one out of ten municipalities.

316. The Government appointed a National Psychiatric Care Coordinator in October 2003, whose tasks are to oversee issues related to methods, cooperation, resources, personnel and expertise in psychiatric care, social services and rehabilitation for people with serious mental illnesses and/or mental disabilities (ToR 2003:133). The mandate includes working in partnership with all relevant actors to facilitate improvements in care and service for this target group. The coordinator shall provide regular recommendations concerning various questions presented in the terms of reference, but also those which arise during the course of work. The mandate will expire 1 November 2006.

### **Poverty statistics in Sweden**

317. Although no official statistics on poverty in Sweden are kept, a number of studies have been produced in which poverty was measured. Sweden does not have an official poverty line.

318. Even though the risk of poverty for young adults declined between 1997 and 2003, it is considerably higher than in 1991. It is taking increasingly longer for young people to get established in the labour market and form families, which means that the present generation of young adults is facing greater challenges than the generations who came before them. Longer periods in academic studies and higher unemployment have increased the risk of poverty.

319. The following table shows that the declines in real income that occurred in the 1990s pushed increasing numbers of people below the poverty line, defined as percentages (40, 50, 60 or 70) of median disposable income during the measurement year.

**Table 11:4**

**Percentage of poor people among the entire population in 1991 and 1995-2003**

The relative poverty line as a percentage of median disposable income during the measurement year.

| Year | <40% | <50% | <60% | <70% |
|------|------|------|------|------|
| 1991 | 2.1  | 4.1  | 8.3  | 16.0 |
| 1995 | 2.0  | 3.4  | 6.5  | 13.8 |
| 1996 | 2.1  | 3.5  | 7.5  | 15.3 |
| 1997 | 1.8  | 3.5  | 7.4  | 15.4 |
| 1998 | 2.1  | 3.8  | 7.9  | 16.0 |
| 1999 | 2.1  | 4.1  | 8.3  | 16.0 |
| 2000 | 2.2  | 4.6  | 9.4  | 17.3 |
| 2001 | 2.1  | 4.4  | 10.0 | 18.3 |
| 2002 | 2.4  | 4.7  | 10.2 | 19.1 |
| 2003 | 2.3  | 4.4  | 9.1  | 18.1 |

*Source:* Processed data from statistics on Household Finances produced by Statistics Sweden.

320. Two per cent of the population in 2003 were thus living in households with incomes below 40 per cent of the median and 9 per cent in households with incomes below 60 per cent of the median. Households with incomes below 60 per cent of the median can be designated economically disadvantaged. When a poverty line is constructed to indicate constant purchasing power (absolute poverty line), the National Board of Health and Welfare finds that 6 per cent of the Swedish population were living in households below the poverty line in 2003. The corresponding figure for 1991 is 5 per cent. The highest percentage during the period was in 1996/97, at 11 per cent. The National Board of Health and Welfare also finds that the percentage of very poor people is low, at about 2 per cent, and relatively stable over time.

321. The Government has set a target to halve the number of people receiving economic assistance, measured in full-year equivalents, between 1999 and 2004. The target has not yet been reached but is still active. The number of full-year equivalents declined by 26 per cent between 1999 and 2004.

322. Data on the number of recipients of economic assistance are available only up to 2004. The number of people receiving long-term economic assistance increased by 10 per cent in 2004. Recipients of economic assistance are often young. In 2004, nearly 40 per cent of recipients were in the 18-29 age group, which is a minor increase compared to 2003. The foreign-born are also over-represented. Slightly more than 42 per cent of economic assistance was disbursed to households with at least one member born outside Sweden.

323. When poverty is measured based on long-term economic assistance, the picture that emerges is virtually the same as when poverty is measured using income data. That is, there were more people receiving long-term economic assistance in 2003 than in 1991. Although long-term economic assistance has declined since the recession, there has been an increase by 58 per cent since 1991.

324. The groups in Sweden with the lowest economic standard are households made up of elderly retired people and single women with children.

325. The following table shows the percentages of women and men with disposable incomes below 60 per cent of the median in 1997 and 2004. The relatively large number of single people with incomes below 60 per cent of the median reflects that a large portion of them are students. The greatest increase in the percentage with incomes below 60 per cent of the median was among single retired persons, especially those age 75+, and single women of all ages. The smallest increase was among cohabiting adults, especially those with children. One of the causes of the weak trends for retired persons and other vulnerable groups has to do with the development of certain means-tested transfers.

**Table 11:5**

**Percentage of individuals with economic standards below 60 per cent of median income in 1997 and 2004**

| Percentage                  | 1997 | 2004 | Change |
|-----------------------------|------|------|--------|
| Women, single with children | 15.0 | 20.7 | +5.7   |
| Women, single, age 20-44    | 15.0 | 19.6 | +4.6   |
| Women, single, age 45-64    | 3.1  | 6.8  | +3.8   |
| Women, single, age 65-74    | 6.4  | 9.9  | +3.6   |
| Women, single, age 75       | 15.4 | 21.6 | +6.1   |
| Men, single with children   | 8.8  | 11.1 | +2.3   |
| Men, single, age 20-44      | 13.2 | 16.3 | +3.2   |
| Men, single, age 45-64      | 8.6  | 9.9  | +1.3   |
| Men, single, age 65-74      | 7.6  | 14.2 | +6.6   |
| Men, single, age 75+        | 10.6 | 18.2 | +7.5   |
| Cohabiting with children    | 6.7  | 6.6  | -0.1   |
| Cohabiting, age 20-44       | 4.2  | 5.1  | +0.9   |
| Cohabiting, age 45-64       | 2.6  | 2.5  | -0.1   |
| Cohabiting, age 65-74       | 2.4  | 3.3  | +0.9   |
| Cohabiting, age 75+         | 4.6  | 6.0  | +1.4   |
| All                         | 7.8  | 9.1  | +1.3   |

*Source:* Household Finances, Statistics Sweden, calculations performed by Ministry of Finance.

326. An important objective stated in Sweden's 2003 national action plan to eliminate poverty and social exclusion is that of significantly reducing the number of people at risk for poverty and social exclusion by 2010. The objective shall be attained by reducing the percentage of women

and men whose income is lower than the economic assistance norm and the percentage of those whose incomes are below 60 per cent of the median income. The percentage of people in families with children whose income is below 60 per cent of the median income shall also be reduced.

The following tables show statistics related to these objectives for 2000, 2001 and 2003.

**Table 11:6**

**Number of women and men with incomes below the economic assistance norm**

|                      | 2000   | 2003   |
|----------------------|--------|--------|
| Women                |        |        |
| Single with children | 46 311 | 38 826 |
| Single, no children  | 58 682 | 56 373 |
| Men                  |        |        |
| Single with children | 5 322  | 5 240  |
| Single, no children  | 96 519 | 86 954 |
| Married/cohabiting   |        |        |
| With children        | 37 469 | 27 283 |
| No children          | 13 910 | 13 399 |

**Table 11:7**

**Percentage of women and men with disposable incomes below 60 per cent of median disposable income**

|       | 2001 | 2003 |
|-------|------|------|
| Women | 11.2 | 11   |
| Men   | 9.0  | 10   |

**Table 11:8**

**Percentage of people in families with children with disposable income below 60 per cent of median disposable income**

|                                     | 2001 | 2003 |
|-------------------------------------|------|------|
| Single, at least one child          | 13.5 |      |
| Two adults with one child           | 4.4  |      |
| Two adults with two children        | 4.8  |      |
| Two adults, at least three children | 10.6 |      |
| Other households with children      | 8.0  |      |
| Households with children            |      | 10   |

327. There are relatively more students in post-secondary education today than in the past. Almost every third person age 20-24 was engaged in academic study in 2003 compared with one out of eight in 1991. The percentage of poor people among students age 20-24 was 46 per cent in 2003, twice as many as in 1991. For most poor students, the problem is usually temporary.

328. Immigrants who arrived in Sweden in the 1990s have had severe difficulties acquiring a means of self-support. Of the poor adults in 2003, about one third were born abroad or are of foreign background.

329. The number of persons with substance abuse problems who have been given assistance for care and treatment has remained essentially unchanged for the past five years. Greater numbers are being provided care and treatment in outpatient settings and fewer in 24-hour care, family homes or institutional care.

330. (b) All people in Sweden are guaranteed the right to a satisfactory standard of living through the social insurance system and Social Services which provide income-related compensation or benefit for people who cannot work or support themselves. The social insurance system covers all citizens, is based on the loss of income principle and provides income-related compensation when there is a loss of income. Examples include parental benefit, cash sickness benefit, occupational injury compensation and retirement pension. The ultimate social safety net in Sweden is the Social Services system. It assures individuals the right to support and help from society when they various circumstances have put them in a social situation that makes such services necessary. A nationwide norm has been established as a basis for calculating reasonable costs of living.

331. In March/April 2006, Sweden reported to the UN Food and Agriculture Organisation (FAO) regarding the commitments adopted at the World Food Summit (WFS) in 1996 (arranged by the FAO). The countries participating in the WFS agreed a common commitment to an ongoing effort to eradicate hunger and reduce the number of undernourished people by half before 2015, an objective since confirmed in the UN First Millennium Goal. In parallel, the countries agreed **a plan of action with seven commitments**. With a view to following up these commitments, the FAO resolved to require biannual national **reporting** to the FAO. The European Commission submitted a joint report for all EU Member States in 2004.

332. The FAO appended compiled statistics for each country taken from various official statistical databases to the material it distributed this year. Sweden supplemented the report with respect to certain items.

333. With respect to other reporting, the European Commission also submitted a joint report from EU Member States in 2006 after gathering opinions from the Member States. The report was submitted to the FAO in April 2006. As shown in the annex, the report is comprehensive. The EU chose to concentrate this year's report on three of the seven commitments:

334. *Commitment III* - Participatory and sustainable food production, that is, sustainable development of food production, agriculture, fisheries and forestry in order to increase production without harming the resource base.

335. The Commission's response addresses issues including measures taken within the EU Common Agricultural Policy (CAP), the Common Fisheries Policy (CFP), rural development, biodiversity, genetic resources, sustainable development and research in the agricultural sector.

336. *Commitment IV* - Fair trade, especially in food and agricultural products.

337. The Commission's response focuses primarily on the WTO and Doharundan, the Everything But Arms Initiative and the Community preference system.

338. *Commitment VI* - Public and private investments in human resources, sustainable systems for food production, agriculture, fisheries and forestry systems and in rural development.

339. The Commission addresses development assistance/ODA, the Paris Declaration, debt relief, etc.

### **The Swedish National Food Administration**

340. The National Food Administration, which reports to the Ministry of Agriculture, is the central supervisory authority for matters relating to food, including drinking water.

341. The National Food Administration works for safe food of good quality, fair practices in the food trade and healthy eating habits. Fair practices in the food trade imply that the consumer can rely on labelling as regards the composition, weight, keeping qualities and origin of the food.

342. The National Food Administration has overall responsibility for managing and coordinating food control (including drinking water) in Sweden. The National Food Administration shall also:

- Execute investigations and practical scientific studies of food and eating habits and develop food control methods;
- Actively promote compliance with Riksdag and Government guidelines on diet and health;
- Inform the public of important conditions in the food sector;
- Draft regulations related to food;
- Exercise supervision pursuant to the Food Act and manage and coordinate food control.

343. The National Food Administration maintains a food database that is regularly updated with new foods.

344. The Nordic countries cooperate in many areas within the framework of the Nordic Council of Ministers. Nordic cooperation extends to legislation, food supervision, toxicology (assessment of health risks), food hygiene, diet and nutrition, etc.

345. The work of the National Food Administration shall to the greatest extent possible be based on international partnership, particularly within the EU. Most food regulations in Sweden are harmonised with those in effect in the rest of the EU. New knowledge and product development in the industry requires the drafting of new statutes. In most instances, this takes place jointly with other EU Member States. The National Food Administration participates actively in this work, which gives the agency an opportunity to influence new regulations so that they are favourable to Swedish consumers.

346. Joint regulations within the EU are often influenced by the Codex Alimentarius, a set of international standards and guidelines aimed at facilitating the world food trade. The National Food Administration also participates actively in Codex efforts.

### *Guideline 2*

(a)

#### **The Swedish Board of Agriculture**

347. The Board of Agriculture, which reports to the Ministry of Agriculture, is the Government's expert authority in the field of agricultural and food policy and is the authority responsible for the sector's agriculture, horticulture and reindeer husbandry. Accordingly, the Board of Agriculture's activities include monitoring, analysing and reporting to the Government on developments in these areas and implementing policy decisions within its designated field of activities. The Government has established that Swedish agriculture shall be both ecologically and economically sustainable. Ecological sustainability means that agriculture shall be resource-conservative, adapted to the environment and ethically acceptable. The Board of Agriculture promotes good animal health as well as a rich and varied farming landscape with maintained biodiversity. The Board of Agriculture is also working to ensure minimum environmental impact from agriculture and is responsible for fighting horticultural pests.

348. Administering the EU agricultural policy is one of the Board of Agriculture's main tasks. The Board of Agriculture's mandate is to promote simplification of EU regulations within the CAP and efficient, environmentally adapted agricultural policy in the EU. Other important issues are reducing plant nutrient losses, reducing the risks of pesticides, preservation of biodiversity and increasing organic production. The Board of Agriculture is the responsible agency for the National Environmental Objective "A Varied Agricultural Landscape."

349. The Board of Agriculture is also involved in the EU Council strategy for integration of environmental policy and sustainable development in the CAP. The underlying principle is that environmental protection is vital, among else so that we will be able to utilise resources in the future. Land, water, air, natural habitats for animals and plants, biodiversity and genetic resources for food and agriculture must be protected.

(b)

#### **The right to adequate food**

350. Participants at the "World Food Summit: five years later" in 2002 (arranged by the FAO) resolved to elaborate a set of voluntary guidelines to support the progressive realisation of the right to adequate food. The resolution on the guidelines was adopted by the FAO Council on 23 November 2004.

351. The intent behind the voluntary guidelines is to operationalise the right to adequate food by offering needy countries a range of measures significant to the realisation and which create better conditions for fulfilling people's right to food. The initiative is unique in that it attempts to combine two traditionally separate areas within the UN in one instrument: human rights and secure food supply.



352. Sweden was actively involved in the process. The main Swedish priorities were that the voluntary guidelines should be concrete and applicable, that national responsibility for the realisation of secure food supply and of the right to adequate food should be clear, that the guidelines should not suggest binding commitments or reinterpret existing legislation and that the importance of good government should be emphasised.

### **Housing policy**

(c) Measures within the framework of the housing policy

353. Access to housing is connected to personal finances.

354. Generally speaking, the income requirements housing companies impose on prospective tenants may have negative impact on economically vulnerable groups.

355. The objective of measures aimed at increasing the supply of reasonably priced housing is to make it easier for low-income families and individuals to gain access to good housing at reasonable cost. Measures to enhance transparency with regard to housing company allocation policies and things including the establishment of housing allocation offices can make it easier for economically vulnerable groups to get housing.

### **Initiatives to reduce housing costs and increase the housing supply**

356. *Interest subsidies* are granted for new construction and refurbishment of rental housing and tenant-owned flats. The county administrative boards and the National Board of Housing, Building and Planning deal with matters related to interest subsidies.

357. *Investment subsidies* (2001-2006). An investment subsidy scheme for housing construction was introduced in 2001. Eligibility for the investment subsidy requires that the planned housing is intended for permanent use and will be rental housing or cooperative rental housing. The 2006 spring Budget Bill includes a proposal to extend the subsidy to 2008.

358. *Investment stimulus* to promote construction of small rental flats and student housing (2003-2006). The investment stimulus scheme was introduced in 2003. It corresponds to a reduction of value added tax on construction costs from 25 to 6 per cent. The objective of the new investment stimulus is to reduce the costs of constructing small rental apartments and student housing. Grants are provided for the first 60 square metres for student housing and rental flats with floor areas of no more than 70 square metres. The 2006 spring Budget Bill includes a proposal to extend the stimulus scheme to 2008.

359. *Forum for Building Costs*. In February 2001, the Government instructed the National Board of Housing, Building and Planning to establish a Forum for Building Costs. The aim includes reducing the costs of construction and, above all, reducing housing costs in the long term through information, education and development.

360. *Pilot projects*. The National Board of Housing, Building and Planning has since 1 January 2002 had an allocation of SEK 20 million per year to support appropriate pilot projects that employ innovative methods to reduce housing costs in connection with new construction of rental housing while promoting ecological sustainability.

### **Housing provision initiatives**

361. *Review of the Housing Provision Act.* The Government appointed a working committee in May 2005 whose task was to review legislation related to municipal housing provision and prerequisites for fair and equal conditions in the housing market. The committee's proposals were presented in a ministry memorandum, "Fair and Equal Conditions in the Housing Market. The proposed amendments to the Act on Municipal Responsibility for Housing Provision (*Lagen (SFS 2000:1383) om kommunernas bostadsförsörjningsansvar*) address aspects including clarification of the objectives of housing provision, the need to provide housing allocation service to applicants and property owners and the need for input information to draft municipal guidelines. The memorandum was referred for consideration in May 2006.

362. The committee's proposals include that every municipality or housing market region should establish a housing service that informs housing applicants, arranges a housing queue, fights discrimination, compiles information on the housing allocation policies of property owners and supports people who have difficulties getting housing on their own. The committee also recommends that property owners should adopt housing allocation policies and inform the municipality about them.

363. *Housing coordinator.* In March 2005, the Government appointed a National Housing Coordinator whose tasks are to identify barriers standing in the way of young people getting housing of their own and spreading knowledge about successful private and municipal initiatives (ToR 2005:37). The mandate also includes reviewing the initiatives required to stimulate people to move house and thus get moving chains started. Young people are the Coordinator's main target group, but the proposed measures may also benefit other groups. A final report on the assignment shall be delivered by 18 December 2007. The Housing Coordinator issued an interim report in December 2005 called "Spoilt Youth and Crotchety Property Owners" (*Bortskämnda ungdomar och sura fastighetsägare*) (Committee on Housing M 2005:1 Interim Report 1). Among the conclusions in the report are that property owners' formal requirements on tenants exclude many young people whose income and employment status do not permit access to the primary rental contract market. It also emerges that housing shortages have created fertile ground for the burgeoning black market, primarily in the metropolitan regions. Illegal sales of black market rental contracts, black market subletting and exorbitant rents in the sublet market occur, but the problems are difficult to deal with from the legal perspective due to the difficulty of proving black market trade and the lack of incentives for the parties involved to report black market trade.

364. *Rent guarantee.* The Government announced in April 2006 a proposal to introduce State aid to municipalities that want to use rent guarantees as a form of support earmarked for people facing challenges getting established in the housing market.

365. *Assignment on crowded living conditions.* The 2006 appropriation directions for the National Board of Housing, Building and Planning instructed the agency to produce a report on historical trends in crowded living conditions and how crowded living conditions vary among

different groups. The report on the consequences of crowded living conditions shall pay particular attention to the children's and gender equality perspectives. The report shall be delivered by 1 September 2006.

### **General information about crowded living conditions**

366. Access to a room of one's own is important to the opportunities of school-age children for a calm environment, for sleeping and doing homework for instance. According to statistics from the Standard of Living studies, 88 per cent of schoolchildren in years 3-6 had their own room and 93 per cent of children in years 7-9 had their own room. Among the children in the sample whose parents were born in Sweden, 94 per cent had their own room, while the corresponding figure among children with foreign-born parents was 66 per cent.

### **Indoor environment**

367. The technical requirements imposed by society on buildings are meant to make adaptation of the building to the intended use/activities a fundamental principle according to the Act on Technical Requirements for Construction Works (1994:847). This principle is manifested in a variety of ways including standards for disabled access and child safety.

368. Buildings etc. shall be maintained so that their main characteristics are preserved. It emerged in the late 1980s that this is not the case and that ventilation systems, for instance, were not being properly maintained.

369. In response, the Government requested and was granted authority to issue regulations on compulsory inspection of ventilation systems in essentially all buildings. (Functional Inspection of Ventilation Systems Ordinance (1991:1273) as amended (1999:373.) (*Förordning (1991:1273, ändrad 1999:373) om funktionskontroll av ventilationssystem.*) The regulations were imposed in response to the confirmed rise in allergies and hypersensitivities. The regulations particularly emphasise the environments of children and young people and require inspection of ventilation systems in preschools and schools every two years.

370. The significance of an acceptable indoor environment has also been expressed in the interim target adopted by the Riksdag for the National Environmental Quality Objective "A Good Built Environment." The interim target reads as follows (Government Bill 2001/02:128): "By 2020 buildings and their characteristics will not have adverse impacts on health. It must therefore be ensured that:

- All buildings in which people frequently spend time or spend extended periods of time have ventilation of documented efficiency by 2015;
- Radon levels in all schools and preschools are below 200 Bq/m<sup>3</sup> air by 2010 and that;
- Radon levels in all dwellings are below 200 Bq/m<sup>3</sup> air by 2020."

371. A committee was appointed in 2002 at the Government's initiative to review the Planning and Building Act. The review will include the issue of access for people with disabilities. The committee has presented a report which was referred for consideration and is now being prepared by the Government Offices.

372. The Government allocated SEK 30 million in 2004 for a lift grant aimed at stimulating the installation of lifts in existing apartment buildings and thus improve access for all, including the elderly and people with disabilities. Eligibility for the grant is conditional upon other necessary measures to improve access having been implemented.

### **Lift safety improvement measures**

373. A Government decision was taken in February 2006 to amend the Ordinance on Technical Requirements for Construction Works as follows:

- Warning signs shall be affixed to lifts intended for passenger transport and which lack protection towards the shaft wall by 1 April 2007;
- In buildings that are mainly used as commercial premises/workplaces, car doors or other protection shall be installed in lifts intended to carry passengers and which lack protection towards the shaft wall by 31 December 2012;
- When significant changes are made to a lift, the necessary measures shall be taken to improve the safety of the lift.

### **Measures within economic family policy**

374. *Housing supplement* may be applied for by households with children living at home and households with children with access rights and by young people with no children who are at least 18 years of age but younger than 29.

### **Measures within the social services policy**

375. *Homelessness* The latest national survey of homelessness in Sweden was conducted in 2005. It shows that the number of people who lack their own housing has increased in Sweden in recent years. At the time of the survey, at least 17 800 people were homeless, three quarters of them men. A large proportion of homeless people are suffering from addiction and mental illness. Initiatives to improve substance abuse care and psychiatric care are thus critical to solving the problem of homelessness.

376. The Government proposed a number of measures to fight homelessness in the spring Budget Bill for 2006 (Government Bill 2005/06:100). The objectives of the measures include clarifying the responsibility of Social Services to prevent eviction and homelessness among families with children. The Government has also proposed allocating greater resources to the National Board of Health and Welfare to support local initiatives against homelessness.

377. The Government commenced a three-year addiction care and treatment initiative in 2005 called "A Contract for Life." The initiative provides targeted State funding of addiction care and treatment to stimulate municipalities and other actors to develop and strengthen addiction care and treatment. The objective is to make it easier for people suffering from addiction to get their needs for care and treatment met. The State allocation is a total of SEK 820 million for 2005-2007.

378. Through a special psychiatric care initiative, the Government has also allocated a total of approximately SEK 700 million in 2005-2006 for targeted investments in care, housing and meaningful occupation for people with mental illnesses and/or mental disabilities. Several projects oriented towards mentally ill homeless people are in progress within the framework of the initiative.

## Article 12

### *Guideline 1*

379. Trends for average life expectancy and reduced mortality for several causes of death and, in particular, the sharp decline in mortality for cardiovascular disease show that public health is still improving in Sweden.

380. The overarching national public health objective is that more people should live long and healthy lives. If trends are studied with measurements in which morbidity, mortality and self-perceived health are co-weighted, the picture takes on greater nuance. Elderly people have gained greater functional capacity since the end of the 1980s and they believe their health has improved. Average life expectancy also increased during the period of 1970-2003 without serious activity impairments, but more people are living with chronic illness now compared to the early 1980s.

381. The greatest cause of premature death is cardiovascular disease, which often also causes chronic health problems and functional impairments. The risk of cardiovascular disease, especially myocardial infarction, declined by about 23 per cent between 1987 and 2002 and the risk of death due to cardiovascular disease declined even more. This is the main reason average life expectancy has increased so much in recent years. Mortality from cardiovascular disease is substantially higher among men than among women.

382. The reduced risk of cardiovascular disease is attributable to better habits affecting health, primarily a reduction in tobacco smoking and, to a certain extent, improved diet. The reduction in risk of death for people with cardiovascular disease is primarily attributable to medical intervention.

383. An estimated 300 000 people in Sweden have diabetes, of whom about one tenth have type 1 diabetes. There is a weak increase in the percentage of diabetics among adults, but the incidence of diabetes has not increased despite increasing BMI (body mass index) at diagnosis. The mortality rate for diabetes has declined since 1980 by 28 per cent among women, but has

remained constant among men. Active preventive treatment of high cholesterol and hypertension and better treatment of diabetes are the likely explanations for the declining mortality rate and the increasing numbers who are living successfully with diabetes. The incidence of type 1 diabetes has increased since the early 1980s, especially in the youngest age groups, but seems to be declining among young adults.

384. More than half of men and slightly more than one third of women age 16-74 in Sweden are overweight or obese. Slightly less than 10 per cent of men and women are obese. The percentage of overweight individuals is increasing in all age groups, including children of school age. The percentage of obese individuals increased sharply in the 1990s but the increase seems to have levelled off between 2002 and 2004.

385. The percentage of overweight individuals has increased in all socioeconomic groups and in groups of varying levels of education since the early 1980s. Social differences have increased somewhat among both men and women with regard to incidence of obesity, in that the percentage of obese individuals is higher among the less educated than among the highly educated.

386. Following a downturn in the 1980s, the percentage of the population who report that they feel anxious or worried has increased since the early 1990s. The increase applies generally to the population except among elderly women, where the percentage has been at a constantly high level since 1980. Twenty-five per cent of women and 15 per cent of men reported such problems in 2002 and 2003. However, the most recent data from 2004 indicates that a lower percentage of the population is now reporting severe symptoms of anxiety or worry compared to the period of 2002-2003. It is too early to say whether this represents a reversal in the trend.

387. There are substantial disparities in mental health between socioeconomic groups. People who are unemployed or receiving sickness compensation or activity compensation, single parents and foreign-born persons suffer from poor mental health to a greater extent than the average.

388. Poor mental health is a significant risk factor for suicide. The suicide rate has declined significantly since the early 1970s. The number of deaths by suicide between 1987 and 2002 declined by one third for both men and women, but there has been a minor tendency towards an increase among young men age 15-24 since 1998. Suicide is more common among men. Three times as many men than women committed suicide in 1998, but attempted suicide is more common among women.

389. According to studies of living conditions performed by Statistics Sweden, 8 per cent of women and men age 16-84 reported in 2002 and 2003 that they had been the victims of violence or threat on at least one occasion. The percentages of women and men who were victims of violence or threat were equal for the first time.

390. About 100 people a year die as a consequence of violence: 66 men and 37 women in 2002. Lethal violence has remained at essentially the same level for the last 30 years. The number of children subjected to lethal violence has declined; at present, about 7 per cent of victims of lethal violence are children.

391. Infectious diseases were once a dominant cause of death but have declined drastically. Resistant bacteria and resistance to antibiotics have however made treating infectious diseases more difficult. There is a constant influx of resistant bacteria from elsewhere in the world carried by travellers. Resistant tuberculosis, which in some cases is untreatable, constitutes a particular problem. A reduction in vaccination coverage among small children was recorded in the late 1990s, but that trend has now reversed.

392. The incidence of sexually transmitted diseases is once again on the rise. Chlamydia is now the most common sexually transmitted disease in Sweden. HIV and syphilis are at present relatively limited problems in Sweden, but the increasing incidence may indicate a greater need for preventive efforts.

393. The percentage of children and young people with no dental caries increased continually during the period of 1985-2000, but no continued improvement was recorded for the first time during the period of 2001-2002 and there was even a marginal deterioration found among 12-year-olds. The percentage of adults in the population who have all of their own teeth has continually increased but social disparities in dental health are still substantial and showing no tendencies to decline.

394. Reproductive health is excellent in Sweden. The birth rate is rising again after the lull in the late 1990s. Despite fluctuations in the birth rate, the average number of births during a woman's lifetime remained stable at two throughout the 20<sup>th</sup> century. Young people are protecting themselves better against unwanted pregnancy than against sexually transmitted diseases. Sexually transmitted infections are the most common cause of infertility. The outcome of pregnancies and births is favourable in Sweden.

395. In international comparison, children and young people in Sweden enjoy excellent health. Swedish children and young people appear to be the healthiest and most satisfied with their lives in qualitative studies carried out in European countries. Despite this, the incidence of psychosomatic symptoms, such as stomach-ache, headache and trouble sleeping, has increased. Environment-related health among children in Sweden is generally good although allergies are a significant problem. Children and young people today are exposed to noise that causes hearing damage to an unprecedented extent.

396. Most people among the elderly population are relatively healthy. Elderly people also believe that their health has improved since the late 1980s.

397. Tobacco smoking has declined among both men and women and in all socioeconomic groups since the early 1980s. Smoking has declined more rapidly among men than among women, but a much higher percentage of foreign-born men smoke than men born in Sweden. The social disparities have become more distinct in recent years. The highest percentage of smokers is found among people who are receiving sickness compensation and activity compensation and the long-term unemployed.

398. The use of Swedish "snus" (moist tobacco placed under the lip/between the cheek and gums) has increased since the early 1970s and the percentage of snus users increased in the 1990s among both women and men. One third of daily users of snus report that they also smoke occasionally.

399. Alcohol consumption increased by almost 30 per cent during the period of 1996-2004. The latest statistics indicate that the increase in alcohol consumption may have levelled off. The percentage of people whose consumption is in the risk zone has increased in the last ten-year period and binge drinking has increased among young people.

400. Alcohol-related mortality has declined since the 1980s among men but has increased among women, primarily in the 45-65 age group. Most at-risk consumers of alcohol are young men and women, but deaths due to alcohol abuse usually do not occur until about age 60. The impact of higher alcohol consumption among the current generation of youth will thus not become apparent for three or four decades.

### *Guideline 2*

Reference is made to items 26 and 28 of the "Health for All" report.

401. In spring 2003 the Riksdag adopted eleven objective domains for the public health policy presented in "Public Health Objectives" (Government Bill 2002/03:35, report 2002/03:SoU07, Riksdag Communication 2002/03:145). In accordance with the Bill, the Government also resolved that the overarching objective of the national public health policy shall be to create social conditions that will ensure good health, on equal terms, for the entire population. The Government will be submitting a written communication to the Riksdag in 2006 in order to follow up on implementation of the national public health objective and the adopted cross-sector objectives structure.

402. A comprehensive initiative to reinforce primary care, geriatric care and psychiatric care (see item 34, *Concluding Observations*) commenced with the national plan of action for improving health and medical services (Government Bill 1999/2000:149, report 2000/01:SoU5, Riksdag Communication 2000/01:53).

403. The development contract upon which the plan of action was based expired at 31 December 2004. The State and the Swedish Association of Local Authorities and Regions have agreed on the importance of continuing the positive development work that began with the plan of action in future years as well. The Riksdag has accordingly decided to renew the agreement between the parties.

404. The National Board of Health and Welfare has been tasked with performing a follow-up of the continuation of the national plan of action in autumn 2006.

### **The elder care system**

405. Two Swedish laws (1999:1175) and (1999:1176) give people the right to use the Sami language, Finnish, or Meänkieli (Tornedal Finnish) in dealings with public authorities and courts in connection with the exercise of public authority in the geographical areas ("linguistic administrative areas") where the languages have been used by tradition and are still used to sufficient extent. The rights protected by the laws include the right of individuals to preschool and elder care carried on entirely or partially in the specified languages in certain geographical



areas. There is however a need for elder care adapted to all of the national minority languages and cultures, even outside the linguistic administrative areas. All health and medical services and elder care facilities should be aware of and take into consideration the special needs that people from national minority groups may have.

406. Several municipalities have thus increased, or plan to increase, services provided to their residents in other languages and have established special housing for the elderly or special wards in nursing homes for elderly people who speak Finnish, for instance. There were 30 special housing units with ethnic orientation nationwide in 2004, of which 19 for Finnish-speakers. The difficulties reaching people of other linguistic background may depend on inadequate knowledge or inadequate information to the groups concerning public measures. The municipalities are taking measures to meet the needs of people of foreign background or who belong to the national minorities. Only 34 per cent of Swedish municipalities which report that they have elderly citizens with special needs based on ethnicity say they are able to meet the needs of all or a majority of them with respect to having staff who can speak the users' language. Of the municipalities affected, 59 per cent have no activities adapted to any ethnic group.

407. The Government believes there is a need to improve the quality and range of care alternatives for people of foreign background or people who belong to one of the national minorities. That applies to everything from better information and more adapted housing alternatives to expanded day activity programmes and special home help service teams who possess adequate linguistic and cultural skills. In the municipalities located in the administrative areas for Sami, Finnish and Meänkieli, it is particularly important to inform people of their rights to elder care entirely or partially adapted to the specified languages and to offer adapted programmes to these groups. Accordingly, the Government's spring Budget Bill proposes an allocation of SEK 50 million per year in 2007 and 2008 to stimulate development of elder care services adapted to a multicultural society.

### *Guideline 3*

408. The Health and Medical Services Act decrees that good care shall be offered to everyone on equal terms. Healthcare expenditures in 2004 amounted to approximately SEK 232 billion (including municipal expenditures for geriatric care), which corresponded to 9.0% of GNP. Compared to 1994 when expenditures were SEK 137 billion, healthcare expenditures have risen as a percentage of GNP. In 1994, healthcare expenditures equalled 8.2% of GNP, which had risen to 8.4% by 1999. Thus, the percentage of GNP spent on healthcare has increased at a faster rate in the last five years than in the five years prior to that.

409. Of the principals' (county councils and municipalities) total net expenditures for healthcare, 19% is devoted to primary care, which corresponds to SEK 26 billion.

### *Guideline 4*

410. (a) In addition, the infant mortality rate has been halved since 1984. There were 3.1 deaths during the first year of life per 1 000 live births in 2004.

411. (b) 100 per cent.

412. (c) 100 per cent.

413. (d) 100 per cent with regard to all except TB, which is offered only to certain groups.

414. (e) Life expectancy is still rising. As mentioned above, trends for average lifespan and declining mortality for several causes of death show that public health is still improving in Sweden. A newborn boy in 2004 could expect to live 78.4 years and a newborn girl 82.7 years. The average lifespan has increased since 1990 by almost four years for men and slightly more than two years for women. Men's average lifespan has thus increased at a faster rate than women's and the difference between men's and women's average lifespan has decreased from 5.6 to 4.3 years since 1990.

415. (f) 100 per cent.

416. (g) 100 per cent.

417. (h) 100 per cent.

*Guideline 5 a-d*

418. All children in Sweden have access to medical care, including the children of asylum-seekers and people who are in the country without a permit.

419. According to the Education Act, school healthcare shall be provided for pupils in preschool classes, compulsory comprehensive school, upper secondary school, school for children with learning disabilities, special school and Sami school. School healthcare comprises health checks and basic medical care and the service shall be staffed with a school medical officer and a school nurse. In the Health, Learning and Security Bill (Government Bill 2001/02:14), the Government announced intentions to introduce a Student Health Service. The Student Health Service will comprise medical, psychological, psychosocial and special education initiatives.

420. (e) All expectant first-time parents are offered parental training aimed at promoting children's health. The training teaches parents how to care for the child and provides understanding of the healthiest lifestyle for children and parents. All parents are also offered care at maternity care centres and, after the birth, at paediatric care centres. There are no queues for maternity care or paediatric healthcare, which is free to all parents and children.

421. (g) The new Communicable Diseases Act (Government Bill 2003/04:30) took effect in June 2004. The purpose of the new law is to create better balance between the population's need for protection against communicable diseases and the rights of people with communicable diseases to privacy and due process.

422. The Government has also initiated a review of the need for extraordinary measures to control outbreaks of communicable diseases consequent upon natural or intentional spread of infectious matter and the Riksdag has voted in favour of the Government proposal. The amendments to the law took force 1 January 2005. Disaster preparedness efforts were also

stepped up during the period, including with regard to communicable diseases. The responsible supervisory authority also presented in March 2005 a national plan of action for emergency response to pandemic spread of influenza. The Government has taken a number of measures towards realising the plan of action.

423. (h) See article 9, *Medical care*.

### **Article 13**

#### **Education for children and young people**

##### **Promote understanding of national minorities**

424. It is important that all children and school pupils, regardless of whether they belong to a minority or the majority population, are taught the history of national minorities in Sweden and about their cultures, languages and religions. The national curricula and course syllabi for compulsory and secondary schools state that knowledge about national minorities and minority languages shall be provided. (See item 38, *Concluding Observations*.)

425. The Government directed the National Agency for Education in May 2005 to review a selection of textbooks used in compulsory and secondary schools. The textbooks shall be analysed with respect to how and how far they deviate from the fundamental values expressed in the national curriculum. Particular attention shall be paid to any manifestations of discrimination or other forms of degrading treatment. The National Agency for Education shall deliver its report by 1 December 2006.

426. The National Agency for Education presented an information report in 2002 called "Sweden's National Minorities - Giving expression to origin in child care and the schools." The report presented the history, language and culture of five national minorities. The purpose of the report was to bring the national minorities into focus and inspire other organisations in the child care and school systems to do the same. The report also provided a brief introduction to the new minority policy and its impact on child care and the schools.

427. A special school project was carried out within the framework of the comprehensive information initiative pertaining to the Sami as the indigenous people of Sweden. The project was initiated by the Government in 2000 and was allocated a total of SEK 20 million during 2001-2004. The project was an information and knowledge initiative aimed at pupils in years 7-9 and all teachers in the country. The purpose was to further the effort to increase understanding of Sweden's indigenous people, give teachers in years 7-9 a basis for lessons and inspire discussions of the current situation for the Sami and of Sami culture and history. The project was divided into two phases. An informational leaflet called "*Same, same but different*" (Note: "Same" is the Swedish spelling for "Sami" and was used in the title of the leaflet, which is otherwise in Swedish. The first "Same" in the title is not the English word "same.") was produced and distributed to a large number of schools. Year 7-9 classes were also invited to Stockholm to attend a seminar and field trip on the Sami and Sami environments in order to more deeply explore the subject.

428. In November 2004, the Government instructed the National Agency for Education to produce an updated survey of educational conditions for national minorities. The objective was to gain a clear and current picture of the overall situation for minorities and any additional initiatives that might be needed. The National Agency for Education presented its report in October 2005, which confirmed shortcomings in educational conditions for the national minorities and recommended measures to improve the situation.

429. The National Agency for Education's recommendations mainly involved changes to regulations on teaching in the mother tongue of students and the need for information campaigns. The recommendations also emphasise the need for greater awareness among municipalities of their responsibility for the educational conditions of national minorities and for organising mother-tongue instruction.

430. The National Agency for Education recommends amendments to State regulations on teaching in the mother tongue of students to ensure that:

- All five national minorities are offered instruction in the language even if it is not the language of daily social intercourse or the students do not have basic skills in the language; and that
- All five national minorities are offered teaching in the minority languages even if there are fewer than five students.

431. The National Agency for Education also recommended that the Government should consider a separate provision on the national minority languages in the Compulsory School Ordinance and the Upper Secondary School Ordinance, which would be a means of giving positive distinction to minority languages specifically. Thereafter, the Government directed the National Agency for Education to calculate the economic costs of the proposals. The Agency delivered its report in May 2006 and the material is currently being prepared by the Government Offices. The Government intends to present proposals for measures thereafter. The National Agency for Education has also issued recommendations on how local authorities can improve conditions for education in the national minority languages, which were communicated by printing and distributing the report to every municipality in the country to inform them of the results of the Agency's survey and about the national minorities in Sweden.

432. The fundamental values that apply to preschool, school-age child care, compulsory school, upper secondary school and municipal adult education express the democratic values and the principle of the equal worth and rights of all human beings upon which the UN conventions on human rights are based. Aimed at strengthening protection against discrimination and other forms of degrading treatment and promoting equal treatment, the Government proposed a law prohibiting discrimination and other degrading treatment of children and students in "Security, respect and responsibility - on prohibition of discrimination and other degrading treatment" (Government Bill 2005/06:38). The Riksdag passed the Government Bill on 8 February 2006. The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67) applies to preschool, school-age child care, the preschool class, compulsory school, upper secondary school, school for children with learning disabilities, special school, Sami school and municipal adult education. It took effect 1 April 2006. The law prohibits discrimination on the grounds of sex, ethnicity, religion or other belief, sexual orientation and

disability. The law also applies to other degrading treatment not on those grounds of discrimination, such as bullying. The law strengthened demands for active measures against discrimination and other degrading treatment while imposing regulations on all organisations covered by the law prohibiting these forms of degrading treatment. The law reinforced and clarified the fundamental values mandate of the organisations. In March 2006, the Government appointed a Children's and Students' Ombudsman for equal treatment within the National Agency for Education, who has been assigned particular responsibility for ensuring compliance with the law as of 1 April 2006.

### **Preschool and school-age child care**

433. The legal regulation of preschool and school-age child care was transferred from the Social Services Act to the Education Act on 1 January 1998. Supervisory responsibility for preschool and school-age child care was transferred at the same time from the National Board of Health and Welfare to the National Agency for Education. The first preschool curriculum reinforcing the educational mandate went into effect 1 August 1998. In parallel, the national curriculum for the compulsory school system was adapted to include after-school leisure centres.

434. Since 1 January 1995, local authorities are required by law to provide preschool and school-age child care for children age 1-12 without unreasonable delay and to the necessary extent based on the parents' employment or studies or the child's own needs. The children of people who are unemployed or on parental leave were as of 2001 and 2002 respectively given the right to preschool for at least three hours a day or fifteen hours a week. A maximum fee for preschool and school-age child care was implemented in 2002. Free public preschool for four and five-year-olds of at least 252 hours a year was introduced in 2003. The maximum fee and public preschool reforms were implemented for reasons including increasing access to preschool.

435. The mandate of preschool in Sweden is to offer children sound educational programmes in which care, development and learning form an integrated whole. School-age child care shall stimulate the child's development and learning through group educational activities, complement the schools and provide meaningful recreation to children. Children who need special support for their development shall be offered the same. The programmes shall make it easier for parents to combine paid work and parenthood.

436. Annual quality reporting for municipal preschool and school-age child care has been required since August 2005. This is meant to contribute to continual follow-up and evaluation. The objective of quality reporting is to promote local quality enhancement efforts and thereby contribute to realising national objectives.

437. The Government Bill "Quality in Preschool" (Government Bill 2004/05:11) emphasised the multicultural preschool. The Government has amended the preschool curriculum (Lpfö 98) to state that preschools shall endeavour to assure that every child whose mother tongue is other than Swedish develops his or her cultural identity and ability to communicate in both Swedish and the mother tongue.

438. The Government has also clarified that the Ordinance on State Funding of Production of Certain Educational Materials (1991:978) (*Förordningen (1991:978) om statsbidrag till produktion av vissa läromedel*) shall also be used for educational materials to support the mother tongues of preschool pupils.

#### *Preschool class*

439. The preschool class is a non-compulsory form of education created 1 January 1998, by which municipalities are obliged to offer children places in a preschool class at no charge which shall extend to at least 525 hours a year starting in the autumn term of the year the child turns six and until the child reaches the age of compulsory school attendance. Education in the preschool class shall stimulate every child's development and learning and provide a solid foundation for future schooling. Essentially all six-year-olds are enrolled in preschool classes. The national curriculum for the compulsory schools was amended on 1 August 1998 to also apply to the preschool class. The preschool class is the first step towards implementing and fulfilling the objectives of the national curriculum.

### **Compulsory school**

#### *Curriculum and grading system*

440. There is a common curriculum for compulsory education (Lpo 94), which applies to the preschool class, after-school leisure centre, compulsory school, Sami school, compulsory school for children with learning disabilities and special school. The curriculum states the fundamental values of education in Sweden and basic objectives and guidelines. There is also a national syllabus for each subject. The Government announced in the national action plan for human rights adopted in March 2006 its intention to clarify in a forthcoming Bill proposing a new Education Act that education shall promote human rights. In connection with a review of steering documents for education, the Government also intends to clarify that human rights are a central component of the democratic mandate of the schools and that knowledge of human rights shall be imparted in the schools.

441. The Government has announced that it wants to repeal the requirement for a local school plan in connection with review of the Education Act. Focus shall instead be on the quality reports that all schools and bodies responsible for schools shall prepare every year as an aspect of continual follow-up and evaluation of the organisation. The purpose of quality reporting is to promote local quality enhancement efforts and thereby contribute to realising national objectives for education.

442. The guaranteed minimum number of hours of teacher-led instruction in various subjects to which students have a right is stated in a timetable. A certain number of hours in the timetable are allocated to student options, which means that individual students may choose more advanced studies in one or more subjects. Schools may also use hours, within given frameworks, to devote more time to certain subjects than required by the timetable. Almost 20 per cent of municipal compulsory schools have been involved since autumn 2000 in a pilot programme of education without a nationally set timetable. The work of the schools is instead

governed entirely by the targets stated in the curriculum and course syllabi. A committee whose tasks included monitoring and evaluating the pilot programme has recommended elimination of the timetable for all compulsory schools. The proposal is currently being prepared.

443. Grades are given out every term on a three-level scale starting with the autumn term in year 8. Students who do not attain the goals stated in the syllabus for year 9, that is, those who do not pass, do not receive a grade for that subject but are given a written assessment instead. Students and their parents are given regular information about academic progress and performance throughout the compulsory school years, in part through regular personal development dialogues in which the parent, teacher and student participate. If it has emerged that a student needs special support measures, the head teacher shall ensure that a plan of action is prepared. The student and the student's legal guardian shall be given the opportunity to participate in preparing the plan. The Government decided on 23 March 2006 to amend the provisions in the ordinance on the action plan by which the head teacher shall ensure that an assessment process is commenced if it emerges that a student may need support measures. The action plan shall specify the needs, how they will be met and how the measures will be followed up and evaluated. In the view of the Government, the school's duty to continually inform parents and students about the student's academic progress throughout the compulsory school years needs to be made clearer. Accordingly, the Government has decided that all students in compulsory school and equivalent forms of schooling shall have a future-oriented individual development plan starting with the spring 2006 term. In conjunction with the personal development dialogue, the teacher shall summarise in the future-oriented individual development plan the measures needed for the student to attain the targets and otherwise develop to the greatest extent possible within the framework of the curriculum and course syllabi.

444. The national examinations in Swedish, English and mathematics that are given in year 5 (voluntary) and year 9 (mandatory) are compiled by the National Agency for Education to facilitate assessment of student progress and evaluate teaching outcomes. Almost all schools administer the national examinations in year 5. The national examination system is a useful tool for teachers as it also contains diagnostic instruments. A database of examinations in various subjects is being created.

#### *Teaching in the mother tongue*

445. If one or both of the student's legal guardians has a mother tongue other than Swedish and the language is used by the student in daily social intercourse, the student shall be provided teaching in that language as a separate subject (mother-tongue instruction). (See item 38, *Concluding Observations*.) In the 2004/05 academic year, nearly 14 per cent of schoolchildren had a mother tongue other than Swedish and approximately 55 per cent of them received instruction in that language. The most common languages were Finnish, Bosnian/Croatian/Serbian and Arabic.

446. The Government instructed the National Agency for Education in November 2004 to survey educational conditions for national minorities in Sweden. The final report was delivered to the Government in October 2005. The National Agency for Education's recommendations included a more comprehensive right to mother-tongue instruction for all national minorities (Finns, Tornedal Finns, Jews, Sami and Roma). The proposals are currently being prepared by the Government Offices.

*Education in segregated areas*

447. The Government has over a period of several years carried out special investments aimed at improving the situation for preschools and schools in segregated areas. Students who have difficulty attaining educational goals, many of whom are of foreign background, are over-represented in these areas. The investments were intensified in 2006 by SEK 70 million and SEK 155 million in 2007, for a total of SEK 225 million. Particular focus will be on students who immigrate to Sweden late in their school-age years. The objective is to improve goal attainment and increase the number of students who leave compulsory school and secondary school with passing grades. The investments will fund initiatives towards reading improvement, teaching of subjects in the mother tongue, including the language itself, Swedish and Swedish as a second language and skills enhancement for teachers and head teachers. The investment will be earmarked for 100 schools in 38 municipalities where needs are greatest.

*Investing in newly arrived students*

448. The Government states in the 2006 Spring Budget Bill (2005/06:100) that a national strategy for educating newly arrived children and young people shall be developed. The Government intends to direct the relevant education authorities to perform a national evaluation of educational conditions for newly arrived children and young people. The mandate should include recommending measures including regulatory changes and other measures required to improve equality and enhance the quality of education for newly arrived students.

*Independent schools*

449. There were 565 independent (privately run) compulsory schools in Sweden in 2004/05. About 6.8 per cent of school students in Sweden attended these independent compulsory schools.

450. Independent schools must meet the same standards as municipal schools. They are obliged to provide teaching in accordance with the provisions of the Education Act and the national curriculum. They are subject to the same supervision and inspection as municipal schools. Conditions shall be fair and equivalent between municipal and independent schools and independent schools shall be open to all students, regardless of social background, culture or religious convictions. The funding rules for independent schools entail a municipal duty, governed by law, to set the amount of funding that shall be provided for each student, with consideration given to the school's commitment and the student's needs. Funding shall be determined on the same grounds the municipality applies when allocating resources to its own schools.

*General*

451. One per cent of students left compulsory school during the 2004/05 academic year without a passing grade.

**Upper secondary school**

452. Upper secondary education is voluntary and comprises 17 national programmes as well as specially designed and independent study programmes. All young people shall have equal access to education, which shall be equivalent wherever it is provided nationwide. Consideration



shall be given to students who need special support. No school fees are charged, but the municipality may decide that students must provide certain (limited) materials. There may also be certain isolated elements of the organisation which may entail an insignificant cost for the students.

453. In order to be admitted to a national upper secondary school programme, the student shall have completed the final year of compulsory school or the equivalent and have a passing grade in Swedish or Swedish as a second language, English and mathematics.

454. Municipalities are required to offer education in independent study programmes to students who were not accepted into a national or specially designed programme. One of the goals of the independent study programme is to prepare the student for continued studies in a national programme. As of 1 July 2006, all municipalities will be assigned clearer responsibility for offering full-time education in independent study programmes.

455. Ninety-eight per cent of compulsory school students go on to upper secondary school. Of those students in autumn 2004, 80 per cent were enrolled in a national or specially designed programme; 7 per cent were enrolled in an independent study programme and 12 per cent were enrolled in other (non-programme-oriented) secondary education. About 30 per cent of students in independent study programmes make the transition to a national or specially designed programme after one year.

456. At the end of the 2003/04 academic year, a total of 82.5 per cent of third-year upper secondary school students earned a leaver's certificate (85 per cent of women and 80 per cent of men). Of all third-year upper secondary school students in autumn 2000, 36 per cent went on to higher education within three years.

457. The Riksdag has resolved on a number of measures with a view to further developing and improving the quality of upper secondary schools so that more students attain educational goals, which will mainly apply as of the 2007/08 academic year. Subject grades will replace course grades, an upper secondary school degree will be introduced, the quality of independent study programmes will be increased, students will be given the option to apply to any school to widen their freedom of choice, history will become a new core subject, the quality of vocational programmes will be enhanced and modern apprenticeship programmes will become an alternative.

### **Adult education**

458. According to the Education Act, Swedish municipalities must offer municipal adult education (Komvux), adult education for people with learning disabilities (Särvux) and Swedish for immigrants (SFI). All programmes are free.

459. *Municipal adult education* (Komvux) consists of primary and secondary education programmes for adults complemented by advanced courses. In the 2003/04 academic year, 4.1 per cent of the population age 20-64 were enrolled in municipal adult education; 65 per cent were women and 35 per cent were men. Students in municipal adult education programmes are eligible for student financial aid.

460. *Primary adult education* is aimed at giving adults knowledge and skills equivalent to the compulsory school level. Under the Education Act (1985:1100) municipalities are required to have outreach programmes targeting people who lack these skills, as they have a right to primary adult education.

461. *Secondary adult education* is aimed at offering adults knowledge and skills equivalent to the upper secondary school level. Advanced courses are intended to give adults education leading to specialised training in their present occupations or to a new occupation.

462. Targeted State funding has been available since 2004 for Komvux and Särvox for e.g. infrastructure, educational theory and methodology to promote adult learning. The allocation for 2006 is SEK 1.8 billion, which is meant to correspond to slightly more than 43 000 full-time places in the adult education system.

463. *Adult education for people with learning disabilities* (Särvox) is aimed at offering adults with learning disabilities knowledge and skills equivalent to those young people can gain in compulsory school for pupils with learning disabilities and in national or specially designed upper secondary school programmes. There were 4 794 students enrolled in Särvox in the 2004/05 academic year, of whom 49 per cent were women and 51 per cent were men.

464. Almost SEK 50 million has been allocated annually since 1997 to trade unions, which use the funds to reach out to and motivate adults with limited education to take part in adult education programmes.

465. *Swedish for Immigrants* (SFI) shall according to the Education Act give adult immigrants basic Swedish language skills and understanding of Swedish society. In the 2003/04 academic year, 47 604 people were enrolled in SFI, of whom 40 per cent were men and 60 per cent were women.

466. *Advanced vocational training* (KY) was established in 2001 as a post-secondary form of education within the Swedish education system that is designed and carried out in partnership between municipalities, private education providers, post-secondary institutions and the business community. KY is intended to meet the need for qualified labour with specialised vocational training. The programmes last from one to three years and about one third of the training period is carried out in the workplace. Students in KY programmes are eligible for student financial aid and the programmes are under State supervision. In 2004, 13 800 people were enrolled in KY programmes, evenly divided by sex. The KY organisation is still developing and 1 000 new full-time places were added in 2006.

467. *Adult colleges* (“*Folk High Schools*”) and *study associations* receive State funding to provide academic and cultural education programmes. Education at an adult college can lead to eligibility for admission to a college or university. There were 148 adult colleges in Sweden in 2006. An average of 27 500 people are enrolled in long-term courses at adult colleges every term, of whom 65 per cent are women and 35 per cent are men. The Government has increased State funding for this form of adult education by SEK 400 million (from the current level of about SEK 2.6 billion in 2006), in part aimed at supporting activities that contribute to strengthening and developing democracy.

## **General**

468. There are various forms of financial aid available so that adults can go to school without being limited by their financial resources. There is an integrated study grant system for adult education at the compulsory and secondary school levels as well as the college or other post-secondary level.

469. For the period of 2004-2007, the Government has appointed a committee whose task is to promote the development of legitimacy, quality and methods in the field of validation, primarily outside the higher education system. Validation is meant to identify people's actual skills and expertise and is particularly relevant with regard to skills and expertise acquired in other countries.

470. As directed by the Government, the National Agency for Education has developed an Internet portal for academic and vocational guidance.

## **Higher education**

471. Higher education in Sweden is free for both national and foreign students. There are universities and university colleges in every county, which is the result of a goal-oriented investment by the Government. The Government's long-term objective is that 50 percent of each age cohort should have commenced studies in higher education by the age of 25. In 2005, 44.4 per cent of all 25-year-olds had begun post-secondary studies. Slightly more than half of women in the group, 51.3 per cent, and 37.8 per cent of men were or had been at some time engaged in academic study at a post-secondary institution by the age of 25. The percentages of women and men in post-secondary education in the 2003/2004 academic year were 60 and 40 per cent respectively.

## **Protection against discrimination**

472. At the initiative of the Government and with a view to providing students with stronger protection against discrimination, the Riksdag voted to enact the Act on Equal Treatment of Students at Universities (2001:1286) which entered into force in 2002. The Equal Treatment Act is intended to promote equal rights for students and applicants and to combat discrimination on grounds of gender, ethnicity, religion or other belief, sexual orientation and disabilities. The law has given students powerful protection against discrimination and clear responsibility has been imposed on universities and colleges to prevent and remedy harassment.

473. In addition to prohibiting discrimination, the law requires post-secondary institutions to prepare an annual plan that shall contain an overview of the measures required to promote students' equal rights and prevent and remedy harassment. The plan shall also contain a statement concerning the measures the institution plans to take or commence in the next year.

## **Wider recruiting**

474. The Government is working actively to make higher education studies accessible to new groups of students and achieve more balanced recruiting. The doors to the knowledge society shall be open to all, regardless of social background, gender, ethnicity, disability, place of residence or sexual orientation.

### **The Equal Treatment Act**

475. With a view to facilitating equal opportunities for access to education, the Government is working consciously to counteract ethnically and socially skewed recruiting to post-secondary institutions. The Act on Equal Treatment of Students at Universities (2001:1286) has been in force since 1 March 2002. The purpose of the law is to promote equal rights for students in higher education and fight discrimination on grounds including among others ethnicity and religion or other belief. The law applies to higher education provided at universities and institutes of higher education run by the State, a municipality or a county council and to private education providers who are accredited to issue certain degrees. The provisions of the law prohibit direct and indirect discrimination, harassment and instructions to discriminate. Nor may institutes of higher education subject a student or applicant to reprisals because he or she has lodged a complaint against the institute of higher education for discrimination or has participated in an investigation under the law. The law states that institutes of higher education shall within the framework of their activities pursue goal-oriented efforts to actively promote equal rights. Institutes of higher education shall take measures to prevent and remedy harassment of students and applicants. Institutes of higher education shall also prepare an annual plan that shall contain an overview of the measures required to promote students' equal rights and to prevent and remedy harassment. Institutes of higher education also have a duty to investigate the circumstances surrounding complaints of harassment and take the measures that can reasonably be demanded to prevent continued harassment. Violations of the prohibition of discrimination may result in liability for damages.

476. The Government presented a number of proposals and assessments to improve the efforts of academic institutions to broaden recruitment and ease the transition from secondary school and adult education to higher education in "Reforms in higher education - a more open system" (Government Bill 2001/02:15, report 2001/02:UbU4, Riksdag Communication 2001/02:98). A new provision was also inserted into Chapter 1, Section 5 of the Higher Education Act (1992:1434) requiring universities and colleges to actively promote and expand recruitment.

477. The number of students in higher education has more than doubled since the early 1990s. The percentage of students from working class homes, which refers to students whose parents were classified as either skilled or unskilled workers, increased between the 1993/94 and 2003/04 academic years from 18 to 24 per cent of beginning higher education students age 18-34.

478. Via the Recruiting Committee, the Government invested SEK 120 million during the period of 2002-2004 to stimulate recruiting activities at universities and university colleges. The Government continues to put priority on efforts to expand recruiting and has accordingly given the Agency for Networks and Cooperation in Higher Education a mandate to support the efforts of academic institutions towards that end.

479. Special support is provided to students with disabilities. The number of students granted special educational support increased between 2002 and 2004 from slightly more than 2 000 to slightly more than 3 400 students, an increase by about 60 per cent. The share of allocated funds for compulsory education that institutions must set aside for support to pupils with disabilities was increased in 2004 from 0.15 per cent to 0.3 per cent.

### **Teacher education**

480. The school system has undergone comprehensive changes in the last decade. The changes require a new role for teachers, which in turn must be based on a new teacher education programme. The new teaching degree programme instituted on 1 July 2001 requires 120-220 credits (3 to 5.5 years) and is made up of three integrated areas of education: general education, one or more concentrations and an area of specialisation. A degree that qualifies teachers for preschool, after-school leisure centres and the early years of compulsory school requires 140 credits. A degree that qualifies teachers for the latter years of compulsory school and upper secondary school requires 180-220 credits. The connection to research has been substantially reinforced. The degree description for the teaching degree was changed in 2005 to reflect the requirement that students must be able to communicate and apply applicable regulations aimed at preventing and fighting discrimination and other degrading treatment of children and pupils.

### **Skills enhancement for teachers**

481. The National Agency for School Improvement is offering an opportunity to apply for a stimulus grant for the 2006/2007 academic year (SEK 150 000/organisation) to municipalities/schools that provide teaching in the mother tongue in various subjects or allow companion teachers who speak the mother tongue to work in parallel with the classroom/subject teacher. Within the framework of their employment, these bilingual educators shall also be given opportunities to study at an institute of higher education (and earn at least 20 credits). The hope is that municipalities will take advantage of this opportunity for purposes such as to hire for example Roma staff.

482. The National Agency for Education and the National Agency for School Improvement provided opportunities in 2001-2003 and 2005-2006 to preschool and compulsory school staff to attend the higher education course called "Teaching young multilingual children and pupils" (5 and 10 credits respectively). In the first round, municipalities in northern Sweden were invited to send members of staff who work with Finnish, Meänkieli and Sami.

483. At the directive of the National Agency for Education, Malmö University drafted a proposal in 2002 for a programme in education oriented primarily towards work with Roma children and pupils (80 credits). After completing the programme, students would be qualified as "assistant educators." The programme has unfortunately not been realised because there were no applicants, but the offer is still open.

484. Teachers who teach in the minority languages are invited every year to participate in a two-day in-service seminars in their respective languages. Seminars have thus far been held in Sami, Finnish and Meänkieli and will also be held in 2006 for Roma members of staff.

### **Human rights in education**

485. Against the backdrop of the introduction of a new education and degree structure in higher education, the Government has decided to amend the rules pertaining to degrees in the Higher Education Ordinance (1993:100, appendix 2) which among else regulate the

requirements and objectives for professional degrees. The degree descriptions for a number of degrees state that the student shall demonstrate a certain capacity for valuation and approach with particular observance of human rights. The new provisions shall apply to degree programmes as of 1 July 2007. (See item 35, *Concluding Observations*.)

486. The Government has also announced in the new national plan of action for human rights that the National Agency for Higher Education will be mandated in 2997 to study how human rights are incorporated into degree programmes where such education can be presumed of great significance to future professional practice.

### **Expenditures for education**

487. Expenditures for education in 2004 were SEK 40 billion, which corresponds to approximately 5.2 per cent of the State budget. The municipalities are responsible for offering education at the compulsory and upper secondary school levels and for adult education. Those costs amounted in 2004 to approximately 32 per cent of total municipal expenditures. The costs of preschool and school-age child care in the same year amounted to 13 per cent of total municipal expenditures. The total direct budgetary allocation for undergraduate and post-graduate education is SEK 32.4 billion.

### **Article 15**

488. The State, county councils and municipalities share responsibility for public support to cultural life. The State finances the central cultural institutions and provides support to local and regional cultural activities. State grants have been available for the last couple of years to organisations that represent a national minority group. The purpose of the grants is to promote initiatives that strengthen culture and identity and efforts to support the minority policy and the influence of minority groups in the civil society. As of 2006, the grants are regulated through the State Grants for National Minorities Ordinance (2005:765) (*Förordningen (2005:765) om statsbidrag för nationella minoriteter*). The budget allocation is SEK 4 million per year.

489. The National Council for Cultural Affairs was given particular responsibility and special budgetary funds in 2002 to promote the language and cultures of national minorities. This enabled substantial reinforcement of State support to cultural centres, libraries, theatres, etc.

490. Funding has been provided for many years from the culture budget to the Sami Parliament for grants to non-governmental Sami organisations at the local and national levels devoted to education and research and projects pertaining to Sami culture. The grants are allocated by the Sami Cultural Council according to established criteria and methods for grant allocation by the parliament. The effort to establish a Sami theatrical institution mentioned in Sweden's first report on compliance with the Council of Europe Framework Convention on Protection of National Minorities has produced results and there is now a Sami theatre in Sweden. The Sami Theatre in Sweden, *Sámi Teáther*, has received State funding since 2001. *Sámi Teáther* is located in Kiruna and Tärnaby, with the registered office in Kiruna. The objective of the Sami Theatre is to promote cultural revitalisation and development while preserving and promoting the Sami language. Its activities in 2004-2005 included a joint production with the Norwegian Sami theatre of two works by Shakespeare performed in Sami, *Hamlet* and *Macbeth*, at the Ice Globe Theatre in Jukkasjärvi.

491. The National Council for Cultural Affairs has also provided funding to institutions including *Tornedalsteatern* (which concentrates on theatrical productions in Meänkieli), the Finnish Cultural Association for *Uusi Teatteri* (Finnish language theatrical productions), the Roma Cultural Centre (RKC) in Stockholm, the Roma Library in Malmö and the Jewish Congregation. These are only a few examples of organisations that receive State cultural funding. The National Council for Cultural Affairs consults with representatives of the national minorities concerning matters pertaining to allocation of funding as well as the cultures and languages of the national minorities. This is carried out in part through the Swedish Bureau for Lesser Used Languages (SWEBLUL), which is the national committee for the European Bureau for Lesser Used Languages. Consultation is accomplished in by various means; for instance, SWEBLUL sends copies of grant applications received by the National Council for Cultural Affairs to organisations that represent the national minorities, which are given the opportunity to recommend which applicants should receive State funding. Their opinions are taken into consideration in the Council's final assessment.

492. Subsidies to help meet the costs of adding Swedish subtitles to film and video and for producing oral descriptions of films for the visually impaired were incorporated into the 2000 Film Agreement. This improved opportunities for people with visual and hearing impairments to experience new Swedish films in the cinema and on video. Grants for this purpose amounted to approximately SEK 1.5 million in 2004. A new Film Agreement took effect in January 2006. Subsidies for oral and sign-language interpretation have been separated from the actual agreement. Instead, the Swedish Film Institute Foundation is responsible for and administers the subsidies. The objective is to make film more accessible to people with disabilities and people who belong to the national minority language groups. Priority shall be given to film for children and young people.

493. The mission of the Swedish Library of Talking Books and Braille (TPB) is to make literature accessible to people with disabilities. The goal is for production of talking books to equal 25 per cent of annual publications. Funding for talking newspapers in 2006 amounts to SEK 126.4 million. The Centre for Easy-to-Read is a foundation dedicated to easy-to-read news and information. It produces an easy-to-read newspaper ("8 PAGES") that is read every week by about 130 000 people who have reading disabilities or other disabilities. On the literary side, the foundation has published more than 750 titles. The Centre for Easy-to-Read is meant to be a centre of excellence concerning matters related to reading easiness and comprehensibility.

494. The Government has presented a proposal to the Riksdag on new conditions for public service radio and television operated by Swedish Radio (Sveriges Radio AB) and the Swedish Educational Broadcasting Company (Sveriges Utbildningsradio AB) during the next licence period, which begins 1 January 2007 and ends 31 December 2012 (Government Bill 2005/06:112). The Government proposes that the programming companies' level of ambition regarding opportunities for people with disabilities to enjoy programming shall be increased and that access shall continue to be improved.

495. Ambitions for subtitling programming are higher. The requirement for subtitled programming on SVT (Swedish Television/Sveriges Television) for original broadcasts of Swedish origin is being increased from 50 to 65 per cent. The long-term objective shall be for

all programming to be made accessible to everyone in Sweden. In addition to the ordinary funding, SVT was allocated SEK 10 million in 2002 to fund initiatives towards improved access for people with disabilities. The public service broadcasting companies are required to report every year in their public service reports how well they are meeting the standards specified in their broadcasting licences.

496. As of the end of 2005, 260 out of 290 main libraries had performed architectural inventories and drafted plans of action with funding from the National Council for Cultural Affairs. In partnership with the Centre for Easy-to-Read, the National Council for Public Affairs provides training to cultural institutions in the art of writing easy-to-read text. The training courses will continue in 2006.

497. The Government has presented a proposal to the Riksdag on new conditions for public service radio and television operated by Sveriges Radio AB (Swedish Radio) and the Swedish Educational Broadcasting Company (Sveriges Utbildningsradio AB) during the next licence period starting 1 January 2007 and ending 31 December 2012 (Government Bill 2005/06:112). The Government proposes that the programming companies' level of ambition regarding opportunities for people with disabilities to enjoy programming shall be increased and that access shall continue to be improved.

498. The State's mandate extends to the limited legislation related to cultural life, such as that relating to preservation of cultural heritage, archives and libraries. There is also legislation on freedom of the press, copyright and radio and television.

499. Regional institutions have been developed through the State subsidy system since the mid 1970s and in accordance with the culture policy objectives of 1974. As a result, there is now a network of cultural institutions nationwide and forms of support for local arts and culture presenters have been developed. In order to guarantee the existence of cultural workers and their opportunities for work, society has built up a system of various types of allowances and funding. Popular education organisations and culture workers' organisations and similar play an important role in the culture policy. For that reason, the State, municipalities and county councils provide extensive support to the cultural activities of non-governmental organisations.

500. The Riksdag adopted new culture policy objectives in 1996. The national objectives thereafter apply to all social areas within the State, municipalities and county councils. The objectives also have sweeping significance to efforts in areas such as preschools, schools, social planning and regional and local development and constitute an integrated national frame of reference. The objectives are also aimed at clarifying the roles and responsibilities of public bodies in areas for which there is no general legislation.

501. The objectives are: to safeguard freedom of expression and create genuine opportunities for everyone to make use of that freedom; to take action to enable everyone to participate in cultural life, to experience culture and to engage in creative activities of their own; to promote cultural diversity, artistic renewal and quality, thereby counteracting the negative effects of commercialism; to enable culture to act as a dynamic, challenging and independent force in society; to preserve and make use of the cultural heritage; to promote cultural education; and to promote international cultural exchange and meetings between different cultures in Sweden.



502. The Government has declared 2006 a Year of Multiculture with a view to deepening understanding of the importance of ethnic and cultural diversity in cultural life. The goal is for ethnic and cultural diversity within publicly financed cultural activities to increase starting with the 2006 Year of Multiculture. This means among else that cultural endeavours shall be multifaceted and that the proportion of artistic creators, performers and cultural administrators with non-Swedish or minority backgrounds must increase permanently and constitute a larger percentage of the people who are professionally active in every aspect of publicly financed cultural life.

503. The Act on Library Services enacted in 1996 which inter alia guarantees free book lending to the public, has been developed since 2005 to strengthen cooperation and instruct municipalities and county councils to produce special library plans with a view to promoting efficient and fair distribution of library resources.

504. Free entrance to most State museums was implemented in 2005 as an aspect of making cultural heritage accessible to all citizens. Another prioritised issue is that of how institutions convey and teach the knowledge under their stewardship with the ambition of attracting new groups of visitors to the museums. Towards that end, a continuation of a museum education initiative that the Government carried out a number of years ago was commenced in 2005.

505. Culture for young people will be the cultural theme year in Sweden in 2007 - Youth Culture 07. Youth Culture 07 will follow the 2006 Year of Multiculture as the fourth of the Government's cultural theme years. Long-term, Young Culture 07 is intended to strengthen arts and culture for, by, and with children and young people, promote partnership and networking to improve resource utilisation, and reinforce and spread exemplary methods, but also to put priority on the creativity of children and young people and increase the influence and participation of the young in cultural life.

506. The Riksdag adopted objectives for a national language policy in December 2005: Swedish is to be the main language in Sweden; Swedish is to be a complete language, serving and uniting society; Public Swedish is to be cultivated, simple and comprehensible; and everyone is to have a right to language; to develop and learn Swedish, to develop and use their own mother tongue and national minority language and to have the opportunity to learn foreign languages. In order to attain the objectives of the language policy, a State-financed body for language preservation will be coordinated and reinforced as of 1 July 2006. It will be organised under the Institute for Dialectology, Onomastics and Folklore Research, a government agency, and enable new and expanded investments in Swedish, Swedish sign language, Sweden's recognised minority languages of Finnish, Meänkieli, Romany Chib and Yiddish. The Sami Parliament will remain in charge of Sami language preservation efforts.

507. In spring 2006 the Government presented a written communication to the Riksdag on the internationalisation of cultural life. The communication presented a programme for more extensive international cultural exchange and a declaration that the State supports continued internationalisation, primarily as an integrated component of the national culture policy. The Government outlined objectives for the internationalisation of cultural life from a long-term

perspective, how State initiatives should in general be developed and how the allocation of responsibilities and tasks among the relevant State actors should be designed. Swedish initiatives should be characterised by high quality and artistic integrity and be long-term and based on mutual exchange.

508. The Government emphasises strongly the importance of close partnerships between institutions of higher learning and the rest of society. The 1992 amendments to the Higher Education Act regulated partnership and the duty to inform the public of the activities of academic institutions as a third mandate alongside education and research. The Swedish Research Council informs the public about ongoing research and research findings via the Internet and publications. All Swedish universities and colleges have access to current research information via a database. A non-governmental organisation called "Public and Science" receives State funding to promote contact and exchange between the public and the research community.

509. The Swedish Constitution decrees that authors, artists and photographers shall own the rights to their works according to statutes handed down in law. The import of the provision is *inter alia* that there shall exist copyright law enacted by the Riksdag. More detailed provisions on protection for authors, artists and other similar categories of holders of rights are found in the Act on Copyright Act in Literary and Artistic Works (1960:729) (the Copyright Act). The law has been amended on a number of occasions.

510. On 1 January 1994, a nearly complete redraft of the second chapter of the Copyright Act, which pertains to limitations on copyright, went into force. The Copyright Act has also been amended on a number of occasions consequent upon implementation of various EC directives. The Council Directive on legal protection of computer programs was implemented in early 1993, while the directives on rental right and lending right, on satellite broadcasts and cable retransmission and on legal protection of databases were implemented in Swedish law in 1995, 1996 and 1997 respectively.

511. There have been a number of other amendments to the Copyright Act. Opportunities to take legal action against copyright infringement were expanded as of 1 July 1994 when the courts were empowered to issue penalty injunctions to stop such infringement. Two additional amendments to the Copyright Act took effect on 1 January 1999. The first amendment introduced "cassette tape remuneration," which is remuneration intended to compensate the holder of rights to some extent for legal copying for private use. The second amendment incorporated provisions on "infringement searches," which make it possible to secure evidence in civil cases relating to copyright infringement.

512. Comprehensive amendments to the Copyright Act took effect 1 July 2005. The amendments are based on two international treaties and the EC directive on the harmonisation of certain aspects of copyright and related rights in the information society. The new rules are aimed at adapting copyright law to the development of digital technology and refer *inter alia* to copying of music, books and films and opportunities for schools, libraries and people with disabilities to use copyright protected material. Under the new rules, the manufacture of products that circumvent technological measures that protect copyrighted material is also now prohibited.

### Notes

<sup>1</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

<sup>2</sup> Due to restructuring of the public statistics (AKU) the figures for 2005 are not comparable with those of other years. With respect to unemployment, Statistics Sweden has determined that relative unemployment has increased by a total of 0.4 percentage points. No linking has yet been performed with respect to women and men.

<sup>3</sup> This applies to provisions in the law on the state of the working environment (Chapter 2), general obligations (Chapter 3), statutory powers (Chapter 4), supervision (Chapter 7), penalties (Chapter 8) and appeals (Chapter 9). In addition, students and patients (items 1 and 2) shall be equated with employees upon application of certain of the law's provisions in minors on Chapter 5.

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