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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-seventh session
12-30 November 2001

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

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

SWEDEN

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Sweden on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.4) at its 61st and 62nd meetings, held on 13 November 2001 (E/C.12/2001/SR.61 and 62) and adopted, at its 75th meeting, held on 22 December 2001, the following concluding observations.

A. Introduction

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

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

B. Positive aspects

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

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

6. The Committee warmly welcomes the efforts of the State party with respect to the mainstreaming of human rights in bilateral and multilateral development cooperation programmes, in accordance with article 2.1 of the Covenant.

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

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

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

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

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

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

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

C. Factors and difficulties impeding the implementation of the Covenant

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

D. Principal subjects of concern

15. 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.

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

17. The Committee regrets that the State party has not yet ratified International Labour Organization (ILO) Convention No. 169 (Indigenous and Tribal Peoples Convention, 1989) in spite of an apparently favourable attitude towards it.

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

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

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

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

22. The Committee notes that the State party has not ratified ILO Convention No. 131 (Minimum Wage-Fixing Convention, 1970) and that it has no intention to do so, on the ground that the minimum wage is settled by means of collective agreements or individual contracts.

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

E. Suggestions and recommendations

24. The Committee encourages the State party, as a member of international financial institutions, in particular the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the

obligations of States parties to the Covenant, in particular the obligations contained in Articles 2.1, 22 and 23 concerning international assistance and cooperation.

25. The Committee urges the State party to ensure that the promotion of economic, social and cultural rights is made a major component in the pending National Plan of Action for Human Rights.

26. While recognizing that a number of Ombudspersons exist in the State party, the Committee recommends that the State party consider, in the framework of the National Plan of Action for Human Rights, the creation of a national human rights institution to deal with the protection and promotion of all human rights, including economic, social and cultural rights.

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

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

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

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

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

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

33. The Committee invites the State party to reconsider its position towards the ratification of ILO Convention No. 131 on Minimum Wage-Fixing.

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

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

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

37. The Committee urges the State party to ensure that education in independent schools, including those that have been established in the form of private companies with shareholders, is in full conformity with article 13, in particular article 13.1 on educational aims and objectives, of the Covenant and with the Committee's General Comment No.13.

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

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

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

41. The Committee requests the State party to inform the Committee in its next periodic report of steps taken to implement the present concluding observations. The Committee also encourages the State party to continue involving non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

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

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