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Third Report

submitted by the Government of Sweden

in accordance with Article 21 of the Revised European Social Charter on the measures taken to give effect to the following provisions of the

Revised European Social Charter

– Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20 for the period 1st January 2001 to 31st December 2002.

In accordance with Article 23 of the Revised Charter, copies of this report have been communicated to

- (1) Svenskt Näringsliv (Confederation of Swedish Enterprise)
- (2) Sveriges Byggindustrier (the Swedish Construction Federation)
- (3) Svenska kommunförbundet (the Swedish Association of Local Authorities)
- (4) Landstingsförbundet (the Federation of Swedish County Councils)
- (5) Arbetsgivarverket (Swedish Agency for Government Employers)
- (6) Landsorganisationen i Sverige (the Swedish Trade Union Confederation)
- (7) Svenska Byggnadsarbetareförbundet (the Swedish Building Workers' Union)
- (8) Tjänstemännens Centralorganisation (the Swedish Confederation of Professional Employees)
- (9) SACO, Sveriges Akademikers Centralorganisation (the Swedish Confederation of Professional Organisations)

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ARTICLE 1

THE RIGHT TO WORK

1:1

Reference is made to the previous report. In addition:

QUESTION A

Most (55.0 per cent) of the participants in regular labour market programmes during 2002 were men. The proportion of women has declined somewhat since 2000, when it was 45.4 per cent (as against 45.0 per cent in 2002).

The proportion of non-Nordic nationals taking part in programmes has declined since 1996 according to statistics from the National Labour Market Board. Non-Nordic nationals in 2002 constituted 10.6 per cent of participants in the counter-cyclic programmes. On the other hand the proportion of non-Nordic nationals taking part in programmes for the occupationally handicapped has been steadily rising since 1997 and for 2002 was 4.3 per cent.

The groups expanding most among programme participants are persons in the age intervals 20-24 and 55-64. Both increased 5 per cent during 2002. People aged 20-24 comprised 18.6 per cent of all programme participants in 2002, while people aged 55-64 comprised 15.5 per cent.

The proportion of participants with functional impairment has remained constant since 2000 and in 2002 was 18.6 per cent.

QUESTION B

Employment has been rising steeply in the whole of the Swedish labour market for the past five years, though the increase decelerated somewhat in 2001 and 2002. Employment grew by 8 per cent during the five-year period, and employment participation in the 16-64 age group reached 74.9 per cent in 2002, as against 70.7 per cent in 1997. Employment rose by about 1.2 per cent between 2001 and 2002, which was appreciably more slowly than for the preceding year. Employment participation rates in 2002 were 76.3 for men and 73.4 per cent for women. Roughly 78 per cent of the employed population work full time, and 12 per cent of all employees have fixed term contracts. About 69 per cent of all employees in the Swedish labour market work in the private sector. National and local government account for roughly 31 per cent of all employees.

The main employment growth has been in densely populated regions. Employment in the three metropolitan regions grew by 11 per cent between 1996 and 2002, as compared with 3 per cent for the sparsely populated regions of northern Sweden. Employment growth slowed down during 2002 in the whole country, including the densely populated metropolitan regions and especially the Stockholm region, where growth had previously been outstandingly rapid. Employment declined in the sparsely populated regions in 2002 while continuing to increase, albeit less rapidly than before, in the rest of the country.

Employment participation among persons aged between 16 and 64 has risen over the past five years from about 76.5 to 78 per cent (2002). The level remained more or less stationary between 2001 and 2002. Men's and women's employment participation rates in 2002 were 79.8 and 76.1 per cent respectively.

The job market for young persons aged between 16 and 24 has shown greater improvement than for other ages in recent years. Employment has risen by 14 per cent in five years and the employment participation rate in 2002 was 46.5 per cent, as compared with 39.6 per cent in 1997. Young women have a marginally higher employment participation rate than young men, *viz* approximately 47 per cent as against roughly 46 per cent. About 60 per cent of economically active young persons with full time and half of all young employees have fixed term contracts. Most young employees, about 80 per cent, work in the private sector. The national and local government sectors employ about 20 per cent. Young persons' employment participation rate has risen in the past five years from about 47 per cent to 51 per cent (2002). The participation rate is the same for both sexes.

QUESTION C

The number of job vacancies reported in 2002 was the same as in 2001, namely 474,000. These included 253,000 indefinite term hirings, whereas the number of permanent job opportunities declined somewhat from year to year.

Information in respect of Conclusions 2002 page 226

The reason for the Adult Education Initiative being excluded from the previous report was that it is to be seen as very much of an educational initiative and not purely a matter of labour market policy. The scheme was ended in 2002.

Participant numbers in whole-time equivalents were as follows:

1999	143,254
2000	133,080
2001	124,423
2002	109,852

1:2

QUESTION A

Reference is made to the previous report. In addition:

Stronger anti-discrimination safeguards

The 2001 Discrimination Commission presented its report, entitled "Extended Protection Against Discrimination" (SOU 2002:43), in May 2002. An English summary is appended, **app. 1**. In its Bill Prop. 2002/03:65 the government has proposed that extended protection against discrimination be introduced with effect from 1st July 2003. In the employment sector, a ban on discrimination is proposed with regard to labour market policy activities, commencement or conduct of business activity, professional activity and membership of, participation in and membership benefits from workers' organisations, employers' organisations or professional organisations. The ban on discrimination is also to apply when an employer decides on or takes measures relating to work experience, training or vocational guidance. The scope of the legislation is also being extended in such a way that prohibitions of discrimination and reprisals will also apply in favour of a person who, though not an employee, is applying for or undergoing a work experience programme at a workplace. This protection refers to

discrimination on grounds of ethnic identity, religion or other belief, sexual orientation and functional impairment.

Further issues relating to discrimination and the activities of the Ombudsmen are being investigated by the parliamentary Discrimination Committee, which is due to report not later than 1st December 2004.

During 2002 the Government set aside MSEK 4 for support to anti-discrimination offices run by NGOs. Offices of this kind have now been set up in 14 municipalities, and the Government has allocated a further MSEK 5 for them during 2003.

A national action plan for human rights

In January 2002 the Government introduced in the Riksdag (parliament) a national action plan for human rights (skr 2001/02:83). Protection against discrimination is included as a priority field in this action plan, and the Government has also opened a human rights website (www.manskligarattigheter.gov.se).

Focus on ethnic discrimination

In February 2001 the Government instructed the National Labour Market Board (AMS) to take steps to counteract discrimination in the activities of the employment offices and to present a plan for continued work in this context. Among other things, AMS was to analyse and appraise the risks of discrimination in different sectors of Employment Service activity and ensure that placement officers and other Labour Market Administration (AMV) staff were adequately informed concerning the underlying mechanism of discrimination and current rules in this field, as well as diversity issues in working life. The remit particularly stresses the importance of employment offices not complying with calls for discrimination from employers requiring their services, and also the importance of not refusing to enrol jobseekers because of inadequate command of Swedish. AMS has presented the Government with its report on the assignment.

At the beginning of 2002 the Government instructed the Ombudsman against Ethnic Discrimination (DO) to initiate long-term, strategic work to prevent and counteract discrimination of Romanies. This has resulted in more attention being paid to discrimination of Romanies and in more Romanies filing discrimination complaints with DO.

In addition to measures directly relating to the prevention of discrimination, a number of measures are being taken in the context of labour market policy and city policy to strengthen the labour market position of persons with foreign backgrounds.

During 2002 MSEK 165 was applied within the Labour Market Administration to the specific purpose of strengthening the labour market position of persons with foreign backgrounds.

MSEK 100 over and above regular funding allocations is being allotted for the period 2001-2003 to boost the employment of immigrants. Special funding allocations under this initiative have, for example, been made to:

- The National Labour Market Board (MSEK 70 in 2002), for supplementary training of unemployed persons holding foreign higher education diplomas for occupations with staffing shortages.
- The Swedish Integration Board, for improvements to the induction of new arrivals.
- The National Agency for Education, to improve Swedish language teaching for various groups.

MSEK 50 was reserved in 2002 for vacation employment opportunities for young high school students having special difficulty in making their own summertime employment arrangements. The proportion of young immigrants included is estimated at 20 per cent.

During 2002 the Government specially instructed the National Labour Market Board to:

- ensure that refugees have priority for Employment Service activities during the introductory period,
- support co-operation between municipalities and County Labour Boards in the context of local development agreements (see below).

For the period 1999-2003 the Government has estimated that upwards of MSEK 2,000 will be devoted to initiatives in the 24 city districts covered by the local development agreements forming part of the City Policy initiative, one of the aims of which is to counteract ethnic residential segregation. As from 2002, additional effort is being devoted to employment, among other things.

Focus on sex discrimination

Concerning gender-based discrimination, reference is made to the reply concerning Article 20.

QUESTION B

Reference is made to the previous report.

In addition:

The remits of the Ombudsmen (the Ombudsman against Ethnic Discrimination, the Equal Opportunities Ombudsman, the Ombudsman against Discrimination because of Sexual Orientation (HomO), and the Disability Ombudsman) include education and information aimed at heightening awareness of discrimination and counteracting it. Together the Ombudsmen have created a website from which educational material can be downloaded free of charge (www.antidiskriminering.nu). This website is primarily intended for workers' and employers' associations and trade organisations. It also includes material from a number of workers' and employers' associations.

Concerning gender discrimination, reference is also made to the reply concerning Article 20.

QUESTION C

Reference is made to the previous report.

PROHIBITION OF FORCED LABOUR

QUESTIONS D-G

Reference is made to the previous report.

Information in respect of Conclusions 2002 pages 227-229

1. The Committee has asked on what statutory rules persons considering themselves victims of discrimination on grounds other than those covered by the anti-discrimination laws, e.g. age, political opinion and family situation, can base legal action.

The Government has instructed the parliamentary Discrimination Committee to consider how a ban on age discrimination in the workplace is to be constructed. The Committee's proposals are to be submitted not later than 1st December 2004. Chap. 1, Section 2 of the Constitution Act has, with effect from 1st January 2003, provided that the public sector shall counteract discrimination on grounds of age, among other things. That section sets forth an objective and does not generate any rights for the individual.

The following can be said regarding discrimination on account of the applicant's family situation. Pregnant women are protected from discrimination by the Equal Opportunities Act. This Act, as currently worded, does not require the pregnant woman to be passed over for a person of the opposite sex, and the same principle has been applied by

the Labour Court in a case arising before the rule in question entered into force (AD 45/2002, see below, 3).

Section 16 of the Parental Leave Act (SFS 1995:584) lays down that an employee may not be given notice or summarily dismissed for exercising their statutory right to parental leave. Nor is an employee obliged to accept any other reduced employment benefits or less favourable working conditions than those necessitated by the leave. The National Institute for Working Life, tasked by the Government with reviewing labour law, recommends in its report (Hållfast arbetsrätt – för ett föränderligt arbetsliv, Ds 2002:56) that the Parental Leave Act be made to include a more comprehensive prohibition of discrimination of employees taking parental leave. The proposals are currently being processed in the Government Offices.

Other rules which can be invoked against discrimination

Objective grounds for dismissal

Section 7 of the Employment Protection Act requires notice of dismissal by an employer to be objectively founded. Notice of dismissal for which there is no objective ground can be declared invalid by a court of law and may entail liability in damages. Circumstances such as age, political opinion and family situation are not normally presumed to constitute objective grounds for notice of dismissal. In a dispute concerning the validity of notice of dismissal, it is for the employer to prove the existence of an objective ground.

Accepted labour market practice

The term “accepted labour market practice” has been defined as generally observed behaviour representing a certain level of professional ethics or common morality. It mirrors an unwritten principle maintained especially in the case law of the Labour Court, its implication being that terms of a collective agreement or legal acts will be of no legal effect if they are contrary to accepted labour market practice or are otherwise improper.

The Labour Court has applied the principle, for example, to discriminatory situations. In AD 1983 No. 107 a collective agreement was modified because it was considered discriminatory. A collective agreement concerning the order in which employees were to be given notice of dismissal had the effect of putting employees who spoke only Finnish after other employees. The employer had failed to satisfy the Court that allowance of this kind was objectively justified. The Labour Court found the agreement discriminatory to the Finnish-speaking employees and thus contrary to accepted labour market practice, whereupon it modified the agreement so as to eliminate the unfairness.

Decision AD 1994 No. 60 concerned the question of whether a collective agreement could be construed in such a way that a part-time employee working roughly the same hours as the part-time employees in the same firm could be deemed to be employed full time. In this case the Labour Court ruled that there was no general principle whereby collective agreements had to be construed so as to achieve perfect justice between different employees or groups of employees. On the other hand the Court was of the opinion that a different situation prevailed if the employer's action had been discriminatory or otherwise contrary to law and accepted practice. This, however, was not alleged in the case, and so the question of discrimination against the part-time employee was not dealt with.

Section 36 of the Contracts Act

The Contract Act – the Contractual and Other Legal Relations (Property Law) Act (1915-218) – makes it possible for contracts and their conditions to be voided or adjusted. The general clause in Section 36 of this Act indicates general grounds of assessment whereby unreasonable terms of contract can be voided or modified. Under this section, one or more contractual conditions found to be unfair, either by nature or due to the circumstances of the individual case, can be voided in such a way that they will no longer be binding, or modified so as to make them fair and reasonable. Whether or not a condition is to be deemed unfair/unreasonable depends on the content of the contract, the circumstances in which it was made, conditions arising subsequently and circumstances generally. Consideration is paid to whether one party to the contract is a consumer or otherwise at a disadvantage.

The *travaux préparatoires* of Section 36 of the Contracts Act indicate several different typical cases in which modification of contractual conditions may come to be considered. Discrimination is one of them. This is instanced with a party applying different contractual conditions depending on the opposite number's sex, age, race, nationality etc. (Government Bill Prop. 1975/76:81, p. 121).

In principle, the possibility of voiding or modification also applies to conditions of collective agreements. The *travaux préparatoires* of Section 36 of the Contracts Act state, however, that the practical scope for applying the general clause to collective agreements is probably very limited, but that there may on the other hand be reason for using the clause with respect to individual contacts of service (Government Bill Prop. 1975/76:81, p. 114). This approach has been further developed in Labour Court case law.

2. The Committee has asked whether there are categories of employment from which aliens are excluded, and if so, which.

Public employment and appointments

The main rule is that aliens are equated with Swedish nationals with regard to eligibility for national or local government employment or appointments, but this main rule has a number of exceptions. Chap. 11, Section 9 (3) of the Constitution Act (RF) contains provisions concerning the extent to which Swedish citizenship is a prerequisite for the tenure or exercise of public employment and appointments.

Under this provision, only a Swedish citizen may hold or exercise a judicial appointment, an office immediately accountable to the Government, a position or appointment as head of a national authority directly accountable to the Riksdag or Government, or as a member of such an authority or its governing body, an appointment within the Government Offices reporting directly to a cabinet minister, or a position as Swedish envoy, as well as posts or appointments filled by parliamentary election.

Over and above the basic provisions of chap. 11, Section 9 (3) of the Constitution Act, the same Act makes Swedish citizenship a necessary qualification for MPs, the head of state and cabinet ministers.

Otherwise stipulations of Swedish citizenship are contained above all in the Public Employment Act (1994:260), LOA, under which only Swedish citizens may serve as prosecutors or police officers or in the armed forces. In addition, the Government is empowered to prescribe, or to direct in particular case, that certain categories of employment shall be reserved for Swedish citizens, namely:

- employment within the Government Offices or the foreign service,
- national government employment which may be combined with the exercise of authority or the handling of matters concerning relations with other states or with international organisations, and
- national government employment which may confer knowledge of matters of importance for national security or for other important public or private economic interests.

The stipulation of Swedish citizenship in the Constitution Act and Public Employment Act has above all been prompted by considerations of national security and by a desire for decisions affecting the legal position of individuals to be made by Swedish citizens.

The Security Protection Act (1996:627) also stipulates Swedish citizenship is certain cases where this is justified by considerations of national security. Under this act a security-classified post in national, regional or local government can only be held by a person who is a Swedish citizen. The Government is empowered to waive this requirement in individual cases. There are three security classes (1-3). Security class 1 refers to an activity in which the participant has extensive access to information which is classified as secret and is of particular

importance for national security. Security class 2 refers to access to such information to a not insignificant extent. Security class 3 refers to activity in which the participant otherwise has access to information which is classified as secret and is of importance for national security, if disclosure of the information will presumably entail more than slight detriment to national security.

Non-public posts and appointments

The Safety on Board Ships Ordinance (1988:594), which contains provisions relating to the Safety on Board Ships Act, requires the masters of large fishing vessels to be Swedish citizens. This requirement can be waived by the Swedish Maritime Administration in special cases. The stipulation of Swedish citizenship has been prompted by considerations of safety in wartime conditions. Account has also been taken of the stipulations of the 1958 Geneva Convention and the UN Law of the Sea Convention.

Review of stipulations concerning Swedish citizenship

The Government takes the view that everybody living in Sweden shall, as far as possible, have the same rights and obligations, regardless of citizenship. A special investigator was therefore appointed by the Government in January 1999 to analyse citizenship stipulations or other citizenship-related stipulations in statute law and other statutory instruments. Later the Government resolved to place this inquiry on the footing of a parliamentary committee.

The Citizenship Stipulations Committee presented its report, *Citizenship Stipulations in Swedish Legislation* (SOU 2000:106), in December 2000. Among other things the Committee proposed that the absolute stipulation of citizenship in the Constitution Act be removed for under-secretaries of state, Swedish envoys and the management of national authorities directly accountable to the Government. The Committee further recommended that the Government consider abolishing the stipulation of Swedish citizenship for Security Class 3 employment.

The Committee further proposed that the stipulation of Swedish citizenship be abolished for the following and other types of employment:

- lay assessors, jurors, law clerks and county administrative court clerks, as well as a number of positions with courts and quasi-judicial tribunals which do not entail any judicial duties,
- several posts with the enforcement authorities,
- membership of the Swedish Bar Association.

Swedish citizenship as a qualification for admission to the Bar Association was abolished on 1st July 2002. The Committee's other proposals concerning citizenship stipulations are now being processed further at the Government Offices.

3. The Committee has requested examples of cases where the shared burden of proof has lightened the burden of proof on the plaintiff

There has been only one judgement in which the court has found ethnic discrimination in the workplace (AD 128/2002); see **app. 2**. In that judgement the court applied a shared burden of proof.

Summary of the judgement:

An employer whose business concerns market research by means of telephone interviews intended hiring additional staff. A telephone conversation with one of the applicants resulted in his recruitment being curtailed. In a dispute as to whether the employer had been guilty of ethnic discrimination, the employer, by reason of what happened during the telephone conversation, was considered to have been the cause of the recruitment being curtailed. There was further found to be a presumption of the employer's decision being partly due to the job applicant, in the employer's view, not meeting the requirement of being able to speak clear Swedish. In court, however, the employer did not allege that the job applicant had failed to meet such a requirement. The employer was found liable in general damages on account of ethnic discrimination.

The Ombudsman Against Ethnic Discrimination considers it likely that the rule of shared burden of proof accounts for part of the increase in the number of extra-judicial settlements compared with the situation pre-1999 and the increase in the number of complaints received, the reason being that the possibility of vindication is now more widely believed in.

Concerning sexual discrimination, the court applied a shared burden of proof in the case AD 45/2002; see **app. 3**.

Summary of the judgement:

A county council advertised a vacancy as midwife at a health centre. Five women applied. One of them was pregnant. After the job had gone to another of the women, a dispute arose between the Equal Opportunities Ombudsman and the county council as to whether the county council, by not hiring the pregnant woman, had been guilty of unlawful sex discrimination. The Labour Court found that the pregnant woman was passed over at the time of hiring, since she had better objective qualifications for the work than the person who was hired. The Labour Court also found that the pregnant woman was passed over in the hiring process, because she had better objective competence for the work than the person who was hired. The Labour Court further found that the county council's action was not at variance with the Equal Opportunities Act as worded before 1st January 2001. The County Council's action, however, was found to be contrary to the ban on sex discrimination under the Equal Treatment Directive adopted by the EU. Equal

Treatment Directive, articles of which were found by the Labour Court to be directly applicable to the dispute (“direct effect”). By similar application of Section 25 of the Equal Opportunities Act, the county council was required to pay general damages to the woman passed over.

4. The Committee requests statistics concerning the number of complaints to the different Ombudsmen and the number of times the Labour Court has found for the plaintiff

Statistics are given below concerning the number of complaints to the four anti-discrimination ombudsmen and concerning the number of times the Labour Court has found for the plaintiff in case brought before it by the ombudsmen. One reason for the small number of judgements in the Labour Court (both for and against the complainant) is that the ombudsmen try wherever possible to engineer extra-judicial settlements between the parties. The ombudsmen do not have a primary right of representing an aggrieved party in discrimination cases: they only intervene when no proceedings are filed by the complainant’s trade union. The complainant can plead his own case in the Labour Court if neither the union nor the ombudsman will do so. Thus there are Labour Court cases where a union or the complainant has pleaded directly, but these are not included in any statistics.

The Ombudsman against Ethnic Discrimination

No. complaints of discrimination in the workplace

1999: 183

2000: 164

2001: 272

2002: 307

Decisions in favour of the complainant:

1999: 0

2000: 0

2001: 0

2002: 1

The Equal Opportunities Ombudsman

No. complaints of discrimination in the workplace

1999: 110

2000: 120

2001: 177

2002: 129

Decisions in favour of the complainant:

1999: 0

2000: 0

2001: 0

2002: 1

The Ombudsman against Discrimination because of Sexual Orientation (HomO)

No. complaints of discrimination in the workplace

1999*: 13

2000: 6

2001: 12

2002: 7

Decisions in favour of the complainant:

1999-2002: 0

* The Office was inaugurated on 1st May 1999

The Disability Ombudsman

No. complaints of discrimination in the workplace

1999: 35

2000: 48

2001: 53

2002: 50

Decisions in favour of the complainant:

1999–2002: 0

Information in respect of Conclusions XV-2 page 230

– Forced labour

We do not understand this question and its relevance escapes us.

– Prison work

(3 enclosures, **app. 4-6**)

Employment in the Swedish prison and probation system comprises industrial employment, service employment, agricultural and forestry employment and craft activities. The goods and services produced are marketed under the KrimProd brand label. As part of these activities, commissions are accepted for business undertakings in a number of fields, e.g. engineering (woodworking, mechanical engineering etc.), assembly and packaging, laundry etc. KrimProd also has an extensive range of proprietary products such as furniture and fittings, prison and remand centre fittings etc.

Inmates' participation in employment activity is to a great extent combined with other programme activity, such as client training, crime and substance abuse-related programmes and/or other structured activity.

Section 10 of the Correctional Treatment (Institutions) Act (1974:203), KvaL, requires an inmate to be given the opportunity during working hours of employment, instruction, education, work training, specially organised activity aimed at counteracting criminal behaviour or substance abuse, or some other suitable occupation which will as far as possible enhance his prospects of social integration after release.

Section 12 of the same Act makes it the duty of an inmate to take part in the activity and to engage in the occupation generally to which he or she is referred. Employment may not be enjoined, however, in the case of a person receiving old age pension under the Old Age Pensions (Income-Related) Act (1998:674) or guarantee pension under the Guarantee Pensions Act (1998:702, and in the case of a person who has been awarded sickness benefit or activity compensation it may only be enjoined to the extent which can be considered suitable for that person.

Under Chap. 26, Section 7 of the Penal Code, the date of conditional release may be postponed if the inmate significantly infringes the rules of enforcement. The *travaux préparatoires* of this section give refusal to work as a ground for the postponement of conditional release.

Failing sufficient cause for the postponement of conditional release under Chap. 26, Section 7 of the Penal Code, the inmate can instead be issued with a warning under Section 49 of KvaL. The Provisions and General Recommendations of the National Prison and Probation Administration concerning Postponement (KVVFS 2000:15) state that one day's refusal to work should normally entail one day's postponement. Normally a postponement is not justified until previous refusal to work has resulted in repeated admonitions and/or warnings.

Under Section 41 of the Institutional Provisions of the National Prison and Probation Administration concerning Institutional Correction (KVVFS 1998:8), the regular time for programme activity, i.e. what in Section 10 of KvaL is referred to as occupation, shall be 40 hours per week. This includes breaks totalling 30 minutes daily. The time for programme activity is to come between 07.30 and 19.00 from Monday to Friday inclusive, barring public holidays.

Section 44 of KvaL provides that an inmate shall receive payment, in keeping with standard rates issued by the Government or an authority appointed by the Government, for the work which he or she has done, unless the work has been done on his own behalf or for an employer outside the institution. Payment shall also be provided when an inmate, in keeping with a decision made concerning his or her person, participates during working hours in instruction, education or some other specially arranged activity or treatment or engages in private studies.

The question of payment is dealt with in the Provisions and General Recommendations of the National Prison and Probation Administration concerning Remuneration of Inmates of Prisons and Remand Centres (KVVS 2001:5). The amount of remuneration is determined as a percentage of the price-related base amount. The normal rate of remuneration at present is approximately SEK 9, but actual payments can vary between SEK 3 and SEK 10 per hour. Normal remuneration is also paid in connection with education and participation in crime and substance abuse-related programmes. Piece rates can be paid in certain cases, and the maximum total amount will then be approximately SEK 13 per hour. Ten per cent of remuneration has to be withheld for parole and release purposes.

Under Section 11 of KvaL it is also possible for an inmate, with a view to facilitating his or her social adjustment, to be permitted to leave the institution during working hours in order to work, take part in instruction or education, receive treatment or take part in some other specially arranged activity. The type of work to be considered depends on the inmate's needs. In assessing this matter it shall be particularly considered whether the inmate is in need of inductive training for working life or whether the day release can be presumed to significantly enhance his prospects of earning a livelihood following conditional release.

Information in respect of Conclusions 2002 page 231

In Sweden, there is no specific legislation dealing explicitly with matters such as minimum working hours or pay for those with part-time employment contracts.

However, as of 1st July 2002, Sweden has implemented Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC (with Annex: Framework agreement on part-time work).

The EC Directive is implemented through the Act "Lagen om förbud mot diskriminering av deltidssarbetande arbetstagare och arbetstagare med tidsbegränsad anställning" (SFS 2002:293; not yet available in English). See **app. 7**.

The purpose of the Act is to prevent discrimination of part-time workers (and fixed-term workers) as regards pay and other conditions of work. Under the Act, in respect of employment conditions, part-time workers shall not be treated in a less favourable manner than comparable full-time workers solely because they work part time.

We fail to understand the question “rules to prevent non-declared work through overtime.”

1:3

Reference is made to the previous report. In addition:

QUESTION A

At every month's end in 2002 an average of 615,000 jobseekers were enrolled with the Employment Service. This was about 25,000 fewer than in 2001. On average every month, upwards of 8 per cent of the enrollees obtained work. This was slightly up on the percentage for 2001. In 2002 there were 294,000 men and 322,000 women enrolled. The year-on-year decline in the number enrolled is entirely accounted for by the women. There were no appreciable differences between the sexes regarding the percentages of enrollees obtaining work during the year, but the percentage proceeding to employment varies considerably between different age groups. It is highest for the youngest members of the labour force, i.e. those just over 30 and younger. The level declines after age 30, remaining fairly steady until age 50, after which it gradually declines until age 64.

The number of job vacancies rose steeply between 1996 and 2000, peaking at 522,000. This was followed by a slight falling-off, with 475,000 new job vacancies registered in 2002. The largest percentage of vacancies is reported for caring services, other services and sales occupations. Teachers are another sought-after professional category. The past two years have seen the number of job vacancies diminishing in industry, in industrially related activities and in the private service sector, in all cases due to the economic downturn.

QUESTIONS B-E

The answers given in the previous report should suffice. Activities are still being organised according to the model described there. Self-service has been further developed in the form of self-enrolment for jobseekers looking for employment through the Employment Service and for employers reporting job vacancies. Many jobseekers can do their own job-searching through the on-line self-service systems which have been developed within the Employment Service, thereby freeing up the bulk of resources for the benefit of those jobseekers most in need of help and support.

Information in respect of Conclusions 2002 page 231

Sweden does not have any data for the “performance” indicators enumerated. As regards “placement rate”, both we and the National Labour Market Board find the wording of this question unclear and are therefore unable to answer it pending further elucidation.

Data are given below concerning numbers of employed and market shares.

No. employees:

	No. whole-year equivalents*		
	Af/Ami	AMS/LAN/Öv	Total
1990	7,032	2,193	9,194
1991	7,800	2,100	9,900
1992	7,935	2,193	10,128
1993	8,860	2,147	11,007
1994	8,738	2,392	11,130
1995	9,283	2,593	11,876
1996	8,864	2,391	11,255
1997	8,914	2,608	11,522
1998	9,157	1,986	11,143
1999	8,610	1,902	10,512
2000	7,806	1,725	9,531
2001	7,572	1,673	9,245
2002	7,439	1,643	9,082

* No. whole-year equivalents, June 1992-1996. Average 1997-1999.

The total for 2000 refers to whole-year equivalents in May, 2001 and 2002 with estimated breakdown

Af/Ami and AMS/Lan/Öv

Af = Employment Service

Ami = Employability Institute, the present Employment Service Rehabilitation

AMS = National Labour Market Board

LAN= County Labour Board

Öv = Others

Employment Service market share, job vacancies (market shares):

1994	38.4 %
1995	33.3 %
1996	28.3 %
1997	27.0 %
1998	28.5 %
1999	30.1 %

2000	32.3 %
2001	32.8 %
2002	34.2 %

1:4

Reference is made to the previous report.

ARTICLE 5

THE RIGHT TO ORGANISE

QUESTION A

Reference is made to the previous report. In addition:

a. The right to form, join or remain a member of an organisation applies equally to all employees – including civil servants and other persons employed by any public authority, such as the armed forces or the police.

Most police officers are organised in the trade union Polisförbundet (the Union of Swedish Policemen). The union organises more than 99 per cent of all active policemen and women in Sweden. Students at the police academies and retired police officers are also members.

Employees within the armed forces are organised in either Försvarsförbundet, Officersförbundet or Sveriges Reservofficersförbund.

Försvarsförbundet has 48 local branches in Sweden.

Officersförbundet organises all categories of professional officers of the armed forces, including trainee officers undergoing education. The Union is organised in 57 local branches and has approx. 11,400 members. The Union is a member of the central organisation SACO (Sveriges Akademikers Centralorganisation or the Swedish Confederation of Professional Associations). SACO is a confederation of 26 independent associations that together have over half a million members, all of whom are academics or graduate professionals with a university or college degree. The members include economists, lawyers, physiotherapists, graduate engineers, doctors, teachers, officers and many others.

Sveriges Reservofficersförbund is a trade union for officers of the reserve, with approx. 5 500 members. It is affiliated to SACO.

There are no restrictions on membership or formation of trade unions by nationals of other Contracting Parties. Nor are there any restrictions in law regarding positions in the administration or management of trade unions or eligibility for election to consultative bodies.

b–d. Reference is made to the previous report.

QUESTION B

Reference is made to the previous report. In addition:

b. “The right not to join a union”

Recently, two aspects of the protection in Sweden of the negative right of association – the right not to join a union – have been discussed. The two aspects are (a) closed shop clauses, and (b) wage monitoring work. Pre-entry closed shop clauses and monitoring clauses occur in some collective agreements. The Government’s position is that the occurrence of these clauses, and the fact that they are not unlawful, do not imply that there is any sort of obligation for anyone to join or remain a member of a trade union. Protection of the negative right of association, in law and in practice, is provided. However, not everyone agrees. The Confederation of Swedish Enterprise has expressed the view that Sweden is in breach of Article 5 of the revised Social Charter as regards pre-entry closed shop clauses and wage monitoring work. For details on the discussion, see below regarding Collective complaint no. 12/2002.

The Employment (Co-determination in the Workplace) Act of 1976 provides protection for the positive right of association, but not for the negative aspect.

However, the European Convention on Human Rights (ECHR) was enacted as law in Sweden as of 1st January 1995. Thus, the provisions of the European Convention, including the negative right of association, may be invoked before a Swedish court and the Courts must apply the protection thus provided.

There is no case law from the Swedish Labour Court dealing with pre-entry closed shop clauses since the enactment of the ECHR in 1995.

In the absence of recent case law from the Labour Court, the exact practical implications of the protection thus provided are not clear as regards the legal standing of closed shop clauses in Swedish law. The legal status of the protection of the negative right of association, however, has been clarified by the Swedish Labour Court. In its judgement AD 2001 no. 01, the Court declared that “through the incorporation of the European Convention the negative right of association has been given legal protection.”

As regards closed shop clauses, legal protection against dismissals on grounds related to such clauses is provided. A non-unionised worker who wishes not to join a union is protected against dismissal through the

Employment Protection Act of 1982 (Section 7). This Act upholds the principle that dismissals by the employer must be based on objective grounds. It follows from the *travaux préparatoires* to the Act that an employer being bound by a closed shop clause is not considered to be an objective reason for dismissal.

Furthermore, workers' rights to reemployment in the business are not affected by closed shop clauses (Section 25). In addition to this it is considered unlawful to apply the rules on priority in cases of dismissals due to shortage of work in a way that is detrimental to non-unionised workers (Section 22). As a consequence hereof, the Labour Court has ruled that an employer's negligence to comply with a closed shop clause is not a violation of a collective agreement that makes the employer liable to pay damages.

Collective complaint no. 12/2002

The Confederation of Swedish Enterprise has lodged a complaint against Sweden under the Additional Protocol to the European Social Charter providing for a system of collective complaints. The Confederation alleges that Sweden is in breach of Article 5 of the revised Social Charter in two respects: firstly, pre-entry closed shop clauses continue to exist in collective agreements and, secondly, according to the Confederation, non-unionised workers are forced to accept compulsory deductions from their wages at source for direct transfer to the relevant trade union.

The European Committee of Social Rights has declared the complaint admissible and a hearing with the representatives of the parties was organised on 31 March 2003. The Committee's report to the Committee of Ministers was adopted and transmitted to the Committee on 15 May 2003.

The Swedish Government's position is that sufficient protection of the right not to join a union is afforded under Swedish law, and in practice, and that Sweden is not in breach of Article 5 of the Revised Social Charter.

(a) Closed shop clauses

The situation in practice

Some 4,900 pre-entry closed shop clauses still occur in the Swedish labour market. None of them are a part of collective agreements entered into by the trade unions and employers' organisations. Instead, such clauses – where they occur – are a part of so-called substitute collective agreements concluded with non-organised employers.

Pre-entry closed shop clauses occurred in earlier substitute collective agreements with the Building Workers' Union, concluded before 1st January 2000. As of 1st January 2000, no more substitute collective agreements holding pre-entry closed shop clauses are being concluded. A few pre-entry closed shop clauses may exist in substitute collective agreements concluded with the Painters' Union too.

In general, these clauses state that union members should "take precedence in cases of employment" (äger företräde) or words to that effect.

The number of these "old" surviving clauses is approx. 4,900 (as of April 2003). As companies enter into new collective agreements, fold or for any other reason cease to be bound by the earlier substitute collective agreements, this type of clause will gradually disappear from the Swedish labour market. According to the Building Workers' Union some 2,000 substitute collective agreements with this "old" wording are exchanged for collective agreements without pre-entry closed shop clauses every year.

The Swedish Government's approach: dialogue

The Swedish Government's policy in the matter of closed shop clauses is that such clauses are not a positive element in the Swedish labour market. It is desirable that they should not occur.

Sweden has not introduced explicit legislation against pre-entry closed shop clauses. So far, the Swedish Government has preferred dialogue with the social partners, rather than legislation. This approach has been chosen for three reasons:

- state non-interference in labour market matters is a long-standing Swedish labour market policy,
- dialogue has proved successful,
- the pre-entry closed shop clauses have not been perceived as a major, practical problem in everyday life.

As mentioned in the Swedish Government's First Report (2002), the Government's deliberations with the social partners – especially with the Building Workers' Union – has yielded concrete results; see references to a meeting in April 2001 and the Union's written instructions to its local branches (see appendices 4 and 5 to the First Report).

During 2002, and 2003 so far, the Government has conducted three conferences with the social partners. The most recent of these conferences took place in Stockholm on 20th March 2003. It was chaired by the Minister responsible for Labour Law, Mr Hans Karlsson. Representatives of the Building Workers' Union, the Painters' Union,

the Electricians' Union, the Swedish Trade Union Confederation (LO) as well as of the Confederation of Swedish Enterprise and the Swedish Construction Federation (i.e. the employers' organisation) attended the conference.

Mr. Hans Karlsson urged the Building Workers' Union to continue its work towards a complete abolition of pre-entry closed shop clauses in the substitute collective agreements. During discussions frequent reference was made to the collective complaint lodged by the Confederation and the deliberations within the European Committee of Social Rights, and to the possible future need of legislation against pre-entry closed shop clauses.

It was discussed whether the Building Workers' Union's written instructions to its various local branches are complied with by the local branches. According to the union the instructions not to invoke the pre-entry closed shop clauses are being followed. The representatives of the Confederation and the Swedish Construction Federation had no information of any single case of the instructions not being followed. (In Conclusions 2002, p. 232, reference is made to comments received from the Confederation of Swedish Enterprise suggesting that the instructions are not followed in all cases. During the conference on 20th March 2003 it was made clear that the Confederation has no such information. Indeed, the Confederation has made no such suggestions. The comments seem to have been made by the Swedish Construction Federation. However, according to the Swedish Construction Federation's representative at the conference, the Federation is not aware of any single example of the instructions not being followed. The Swedish Construction Federation's position is that there is a risk that pre-entry closed shop clauses can be invoked so long as they are still included in the substitute agreements.)

As long as pre-entry closed shop clauses still occur on the Swedish labour market, the Government's deliberations with the social partners will continue.

(b) The decision of the Labour Court, March 2001: wage monitoring work

Reference is made to the previous report. In addition:

The Construction collective agreement, Article 3, stipulates that the union's local branch has the right to continuously carry out monitoring work (reviews). In principle, the regulation may be construed to mean that the work is carried out at the discretion of the union. In practice, however, as the Government understands the arrangement, the reviews are carried out continuously – month after month, year after year without interruptions, in the way agreed upon by the union and the

individual employer concerned. Circumstances may differ from situation to situation. In the case tried by the Labour Court in 2001, it appears that the reviews were carried out every two months.

In the 2001 case the details of how and when the reviews were carried out were decided between the union and the employer and their detailed agreement on these practical matters was documented in writing. Supposedly, this is how the wage monitoring system functions in general. Apart from what follows from such a special agreement, under the collective agreement there is no obligation – or any need – for the union to make prior consultation before a review is carried out.

The reviews in the 2001 case covered all employees, both those unionised and those who were not unionised. An employee who opposes the reviews cannot, under the collective agreement, demand not to be part of the monitoring work.

The union's fee is 1,5 per cent of the monthly salary if wage monitoring work is carried out every month.

QUESTIONS C-E

Reference is made to the previous report.

Information in respect of Conclusions 2002 page 232

Reference is made to comments received from the Confederation of Swedish Enterprise suggesting that the instructions are not followed in all cases. During the conference on 20th March 2003 (see under question B) it was made clear that the Confederation has no such information. Indeed, the Confederation has made no such suggestions. The comments seem to have been made by the Swedish Construction Federation. However, according to the Swedish Construction Federation's representative at the conference, the Federation is not aware of any single example of the instructions not being followed. The Swedish Construction Federation's position is that there is a risk that pre-entry closed shop clauses can be invoked so long as they are still included in the substitute agreements.

ARTICLE 6**THE RIGHT TO BARGAIN COLLECTIVELY****6:1**

Reference is made to the previous report.

6:2**QUESTION A-C**

Reference is made to the previous report.

6:3**QUESTIONS A-C**

Reference is made to the previous report.

6:4**QUESTION A-E**

Reference is made to the previous report.

QUESTION F

See **app. 8**.

ARTICLE 7**THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION***General information on child labour:*

During the reference period, Sweden ratified the ILO Worst Forms of Child Labour Convention (182) and Recommendation.

7:1**QUESTION A-C**

Reference is made to the previous report.

7:2**QUESTION A-C**

Reference is made to the previous report.

Information in respect of Conclusions 2002 page 238

- We fail to understand the question.
- 5 Section 2 b of AFS 1996:1 lays down that a minor who has completed his or her compulsory schooling, has attained the age of 16 years and has completed vocational training for the task in question may be employed for or carry out hazardous work. This is an exception to the main rule forbidding minors to do hazardous work. Other exceptions refer to work done in the course of a training programme.

7:3**QUESTION A-C**

Reference is made to the previous report.

7:4

QUESTION A-E

Reference is made to the previous report.

7:7

QUESTION A-E

Reference is made to the previous report.

Information in respect of Conclusions 2002 page 240

Young workers cannot waive their right to annual holidays. There are no rules stipulating that annual holidays of young workers shall be suspended in the event of illness or accident during the holidays.

7:8

QUESTION A-F

Reference is made to the previous report.

7:9

QUESTION A-C

Reference is made to the previous report.

7:10

QUESTION A-C

Reference is made to the previous report.

QUESTION D

– The final report of the Parliamentary Committee against Violence to Children, presented to the Government in August 2001, contained a

number of proposals aimed at strengthening safeguards for children in vulnerable situations. In December proposals entitled *Stärkt skydd för barn i utsatta situationer m.m.* (Stronger safeguards for children in vulnerable situations, etc.) were referred by the Government to the Council on Legislation. This document contained several of the proposals made by the Committee against Violence to Children, as well as proposals from the LVU Commission tasked with reviewing the Care of Young Persons (Special Measures) Act (LVU).

1. *A common duty of co-operation* is to be enjoined on the police, health and medical care services, pre-school, schools and in-school child care services, at the instance of social services, regarding children and young persons suffering neglect or in danger of so doing. The main responsibility for bringing this co-operation about will devolve on the social services. The co-operation is to comply with current secrecy provisions. The National Board of Health and Welfare will be tasked, together with the National Police Board and the Agency for School Improvement, with drawing up a strategy of co-operation.

2. *The duty of notifying the social services* will be enlarged so as also to include prison and probation authorities and the National Board of Forensic Medicine, together with the employees of these authorities. A reference to notifiability under the Social Services Act will be added to the enactments relating to public service activities which regularly entail contact with children.

3. *For the long-term improvement of knowledge concerning children at risk*, various remits will be given to the authorities concerned. The National Board of Health and Welfare, for example, will be tasked with investigating the feasibility of introducing a system of fatality investigations concerning child deaths resulting from murder, manslaughter or assault. The Board will also be tasked with investigating the feasibility of setting up a national centre for children at risk. The National Council for Crime Prevention will be tasked with mapping school pupils' experiences of violence in the home, at school and during leisure.

4. *A special ground for heavier sentencing* is proposed in the Penal Code for cases where the crime was calculated to harm the security and trust of a child in its relation with a person closely connected to it. This ground for heavier sentencing refers to crimes directly against a closely related child but also situations in which a child, for example, witnesses inter-parental violence.

5. *The requirement of complainant identification* is to be abolished for the offence of causing bodily harm or illness to a non-aggravated degree, if the crime was committed against a person under the age of 8 and prosecution is called for in the public interest. The same is proposed concerning the criminal offences of liable, aggravated libel and, in certain case, insult, subject to the further condition of prosecution for special reasons being considered justifiable in the public interest.

6. *The principles of the child's best interests and the child's right to a hearing*, which have been a part of the Social Services Act since 1998, are to be incorporated in LVU.

7. For the reduction of uncertainty regarding a child's future, the Social Services Act and LVU will be made to include a new provision to the effect that, when a child has been in the same foster-home for three years, the social welfare committee shall consider whether it is in the child's best interests for custody to be transferred to the foster-parents.

– In February 2002 the Government appointed a working group to chart the state of knowledge concerning sexual exploitation of children in Sweden. The group, whose activities are to be concluded on 31st May 2004, will inventory and codify knowledge concerning sexual exploitation of children in Sweden, review the need for attitude conditioning in matters relating to the sexual exploitation of children, develop networks among the national authorities and NGOs concerned, devise procedures for future co-operation and follow up Sweden's national action plan against commercial sexual exploitation of children.

– In December 2002 the Government introduced in the Riksdag a Bill entitled "Public Health Objectives" (2002/03:35). This lays the foundations of working methods to create conditions for good public health on equal terms for the entire population. The Government defines eleven target areas for all work in the field of public health. Two of them are concerned with secure and safe sexuality and effective prevention of the spread of infections, while another concerns alcohol, narcotic drugs and tobacco. Work is currently in progress in developing more exact secondary objectives for the various target areas.

– Alcohol

The situation:

Young persons' drinking has increased during the past ten-year period. Boys consume about twice as much alcohol as girls. This applies at both ends of the age scale. Consumption is appreciably heavier among older than among younger members of this age group. In 2000, annual consumption in litres of pure alcohol was 5.4 among boys aged between 16 and 19 and 7.9 for young persons aged between 20 and 24. The corresponding figures for girls were 2.5 and 4.3 litres respectively.

The drinking and drug-taking habit surveys taken annually among 16-year-olds (the CAN grade 9 school survey) also point to a growth of intoxication drinking and binge drinking (roughly one bottle of wine per occasion). In the 2001 survey about 40 per cent of both sexes stated that they felt drunk every time or almost every time they consumed alcohol, while 30 per cent of the boys and 25 per cent of the girls reported binge drinking once every month or more frequently. Binge drinking among

boys has remained fairly constant since the beginning of the 1990s, while among girls it shows a steady increase.

Measures taken:

In February 2001 the Riksdag (parliament) adopted a national action plan for the prevention of alcohol-related injuries. The plan will be operated until the end of 2005, and MSEK 550 was reserved in the national budget for its implementation between 2001 and 2003. The aim of Swedish alcohol policy is to reduce the medically and socially harmful effects of alcohol. This is to be achieved through measures against harmful drinking behaviour and by reducing total alcohol consumption. Special priority is being given to the secondary objectives of achieving alcohol-free childhood and adolescence, deferring the onset of alcohol consumption and reducing intoxication drinking.

In March 2001 the Government appointed the Alcohol Committee to co-ordinate initiatives at national level and, together with municipalities and county councils, to encourage initiatives at regional and local levels. Initiatives for children and young persons are especially important, and support to groups at risk and individuals with risk behaviour is to be developed and reinforced.

General initiatives are also needed to prevent children and young persons from using and being harmed by alcohol. Schools have an important role to play in influencing their pupils' future alcohol consumption and drug-taking habits. Efforts to postpone the first drink are among the most important of preventive measures, and age limits are an important instrument for reducing young persons' access to alcohol. In 2002 the Riksdag resolved to tighten up the legislation on supervision of the sale and serving of class II beer, and the municipalities have been urged to offer restaurant staff further training on the subject of responsible alcohol management.

Principal initiatives by the Alcohol Committee, 2001-2002

Prevention development support to municipalities.

In-service training for 25 local preventionneers to serve as facilitators in the municipalities.

Support to six pilot municipalities for long-term co-ordinated prevention.

Initiatives to strengthen alcohol and drug prevention activities in schools.

Training of head teachers and other key persons.

Parental education and information.

Support for young girls.

– Tobacco

Situation:

Young persons' tobacco consumption has been relatively constant since the beginning of the 1990s, according to surveys of 16-year-olds (the CAN grade 9 school survey). Year-on-year comparisons are made difficult by changes in the questionnaire, but the tendency is clear.

10 per cent of boys and 16 per cent of girls in 2002 were daily or almost daily smokers.

Smoking is more widespread among girls, but tobacco consumption as a whole (smoking and snuff-taking) is equally balanced between the sexes.

Measures taken:

In its Bill "Public Health Objectives" (2002/03:35), the Government proposes that the objective of public initiatives in the tobacco sector be to reduce tobacco consumption, and it states the following partial objectives:

a tobacco-free start in life as from 2014,
 a 50 per cent reduction by 2014 in the number of young persons who start smoking or taking snuff before they are 18,
 a 50 per cent reduction by 2014 in the proportion of smokers among the groups where smoking is heaviest, and
 complete avoidance of involuntary exposure to smoke in people's surroundings.

Other measures taken comprise:

18-year limit for the sale of tobacco products

Limiting tobacco consumption among children and young persons is one of the main components of Swedish tobacco policy, hence the prohibition, in 1997, of the sale of tobacco to persons under the age of 18. Offences against this enactment are punishable by fines or up to six months' imprisonment.

Retail trade registration system

A tobacco retailing registration system came into force on 1st July 2002. In this way the municipalities are apprised of tobacco sale points and have less difficulty in monitoring compliance with the Tobacco Act's prohibition of sales of tobacco to persons aged under 18.

MSEK 90 for tobacco prevention

A total of MSEK 90 has been allotted for strengthening tobacco prevention activities between 2002 and 2004. MSEK 20 of this funding goes on the development of tobacco prevention methods specially targeting children and young persons but also addressed to adults.

Smoke-free areas in restaurants

As from 1st January 2003, all restaurants, cafés, bars and other places of refreshment are required to have smoke-free areas. This stipulation supersedes the "50 rule", whereby places of refreshment with seating for more than 50 persons had to provide non-smoking tables. The aim is for

all places of refreshment to be smoke-free as from 2004. The National Institute of Public Health has compiled a report on how to achieve this. The report is currently being circulated for comment.

Remits concerning direct advertising and tobacco parties

The Swedish Consumer Agency is to investigate, before 1st July 2003, the question of direct advertising at sale points and of what are known as tobacco parties.

– Narcotic drugs

Situation:

The CAN drug habit survey for 2000 indicated that 10 per cent of 16-year-old boys and 8 per cent of 16-year-old girls had taken drugs at one time or another, while 3 and 2 per cent of the boys and girls respectively stated that they had taken drugs within the past month. Of young persons signing up for compulsory military service, 16 per cent had taken drugs at some time. About 5 per cent of young persons between the ages of 16 and 24 stated that they had taken drugs during the past 12 months. Of those who had tried drugs on one or other occasion, about 60 per cent stated that they had only taken cannabis, while between 5 and 1 per cent had only taken some other substance. Amphetamine is the second commonest drug. Illegally used medical drugs (mostly somnifacients and tranquillizers) are as common as amphetamine.

Measures taken:

In 2002 the Riksdag adopted a special drug action plan, valid until the end of 2005, and the Government has appointed a special Drug Co-ordinator for its implementation. The Drug Co-ordinator has a total of MSEK 325 at his disposal for the first three years. In a special action plan the Drug Co-ordinator has indicated how this funding will be applied. Preventive measures are a priority field. Political assemblies, voluntary associations (young people's own organisations included), schools, recreational and social activities, working life, the entertainment sector and the media are singled out as the most important arenas.

The activities mentioned for the activity period are:

initiatives against experimental drug-taking and "recreational" abuse, mainly of cannabis and synthetic drugs,
networks of and for young persons,
a parental initiative,
drug prevention work in schools and at higher education establishments,
and
methods development, follow-up and evaluation.

– Sexually transmitted diseases

Situation:

The number of first-time STD cases has declined considerably or remained constant over the past 10 or 15 years, but in recent years an increase has been observed, above all concerning chlamydia among teenagers and young adults. Other STDs widespread in the population are genital herpes and condyloma. An estimated one-third of people in the younger age group are condyloma carriers. The number of reported cases of HIV infection has remained relatively constant for several years now, at barely 250 cases annually. There are no signs of a spread to younger age groups.

Chlamydia is by far the commonest STD reported in Sweden, and for several years now, according to the Swedish Institute for Infectious Diseases, the spread has been accelerating substantially. During the past five-year period the number of cases reported has risen by about 60 per cent. The increase in the youngest age groups is especially serious.

Chlamydia is commonest among women and men aged between 15 and 39, who accounted for 97 per cent of the cases reported in 2001. It is still more prevalent among young adults than among teenagers, with persons aged between 20 and 24 accounting for about 40 per cent of case and teenagers for about 20 per cent, but the increase in recent years has been heavier among teenagers than in the 20-24 age group. 77 per cent of case reported in the 15-19 age group during 2001 concerned females.

Statistics for 2002 show that, although chlamydia continues to increase, the rate of increase is down on the preceding year.

Measures taken:

Sweden has a long tradition of STD prevention. Primary measures of prevention mainly comprise information, and secondary preventive measures include contact tracing and treatment of infected persons. STD information, counselling and sampling are provided at many outpatient receptions, and the county councils have special STD treatment units. HIV preventive measures are also provided at infectious diseases departments, where a large proportion of HIV testing is carried out. At municipal level, information about STDs is supplied, for example, in the course of sex and personal relations education in schools and at youth receptions. Information measures aimed at preventing the spread of STDs are undertaken, for example, by the National Institute of Public Health, county councils and municipalities and various NGOs.

Surveys have shown a high level of knowledge among the general public concerning the way in which STDs and HIV are spread and how to protect oneself against them. On the other hand it is an established fact that risk behaviour is increasing in certain age groups, especially among men aged about 20 and among women in their late teens. Measures taken by the National Institute of Public Health in 2001-2002, aimed at developing new methods for altering risk behaviour, included co-

operation with voluntary organisations and support of various projects aimed at conditioning attitudes to safer sex and more frequent use of condoms.¹

In 2002 the Government resolved to appoint a special investigator to propose a national action plan against HIV/Aids.

QUESTION E

Reference is made to the previous report.

Information in respect of Conclusions 2002 page 241

See reply concerning Article 7:10, question D.

Information in respect of Conclusions 2002 page 242

– Under Chap. 6, Section 7 (2) of the Penal Code, any person who by coercion, deceit or any other improper influence induces a person who has attained the age of 15 but is under 18 to perform or participate in an act of a sexual nature shall be convicted of sexual molestation if the act is concerned with the production of a pornographic image or constitutes posing in a case other than that of production of a pornographic image. It is clear from the wording of this provision that there has to be some kind of positive action on the offender's part. Participation which is voluntary in every respect does not come within the scope of this provision. Points to be taken into consideration when judging the issue of voluntary participation include the maturity of the minor, the minor's relation to the offender and suchlike circumstances. If payment has been promised, the requirement of a person having been induced to participate will probably, as a rule, be deemed satisfied.

The report *Sexualbrotten Ett ökat skydd för den sexuella integriteten och angränsande frågor* (SOU 2001:14) proposes a revision of the sexual offences provisions in Chap. 6 of the Penal Code. The consultation process on that report has now been completed, and the aim is for a Government Bill to be introduced in the spring of 2004. In addition, the possibility cannot be excluded of the molestation provision in Chap. 6, Section 7 of the Penal Code needing to be reviewed in connection with the undertakings required for implementation of the EU frame resolution on measures to combat sexual exploitation of children and child pornography.

¹ Statens folkhälsoinstitut. Utveckling och insatser, 2002 års uppföljning av den nationella handlingsplanen för STI/hiv-prevention 200-2005.

– An employer intentionally or negligently contravening Chap. 5, Section 3 of the Work Environment Act (1977:1160) can be fined.

ARTICLE 12

THE RIGHT TO SOCIAL SECURITY

12:1-3

Reference is made to the previous report. In addition:

Changes in the legislation 1st January 2001 – 31 December 2002

Reference is made to the latest report to the Council of Europe on the application of the European Code of Social Security and its Protocol as well as the latest reports to the ILO concerning Conventions No. 102 (Social Security Minimum Standards), No. 121 (Employment Injury Benefits), No. 128 (Invalidity, Old-Age and Survivors' benefits) and No. 130 (Medical Care and Sickness Benefits).

General information

A new Social Security Act which entered into force on 1st January 2001 defines the scope of the Swedish social security system (except unemployment insurance) and divides the system into two parts. One part is work-based and the other part is residence-based. The Act lists the benefits belonging to each part of the system. The dividing line corresponds largely to the difference between contributory and non-contributory benefits. The new Social Security Act has abolished all direct references to nationality and work-related benefits are no longer related to residence in Sweden. The Act also contains provisions related to work and studies abroad as well as provisions on out-of-country benefits.

Social security agreements

An agreement supplementing the social security convention between Sweden and Turkey entered into force on 1st February 2002.

Base amount

During the period to which this report refers, the base amount, by which several benefits under the Swedish social security system are calculated, was raised as follows.

Year	Base amount	Increased base amount
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2001	SEK 36,900	SEK 37,700
2002	SEK 37,900	SEK 38,700

Medical care

See under “Conclusions 2002 page 244”

Sickness insurance

Changes have been introduced in regulation (1991:1321) regarding rehabilitation allowance (2001:550). The change implies that rehabilitation allowance, in form of a special limited allowance, can be paid for travelling expenses by car.

As from 1st January 2002 a so-called special high-risk protection was introduced for living donors of organs and tissues in connection with donation surgery or examinations of such surgical operations. The protection implies that the donator’s employer is entitled to compensation from the health insurance for its sick pay expenses. The individual receives compensation as from the first day of the sickness period.

Family benefits

Parental insurance

Changes as from 1st July 2001:

Temporary parental cash benefit may be drawn by another person than the parent if the parent should fall ill and is therefore unable to work or care for the child.

A person other than the father may under certain circumstances be entitled to draw the 10-day temporary parental cash benefit in conjunction with the child’s birth or adoption.

Changes as from 1st January 2002:

The minimum guaranteed benefit for parental cash benefit for parents on low income or no income at all, has been raised from SEK 60 to SEK 120 per day. In addition to these days, 90 days at a universally applicable flat rate of SEK 60 per day still remain.

One so-called contact day per child and year was introduced for children between the ages of six and eleven.

Parental cash benefit was prolonged by 30 days up to a total of 480 days. The 480 cash benefit days are divided equally between the parents. 60 days of the total of the parental cash benefit days may not be transferred from one parent to the other unless the transferee parent is sole custodian. The prolonged parental cash benefit concerns children born on 1st January 2002 and thereafter.

A new *benefit level*, one-eighth, was introduced for parental cash benefit and temporary parental cash benefit and is applicable for days drawn as from 1st January 2002.

Maintenance support

The right to maintenance allowance is extended for children between the age of 18 and 21 as from 1st January 2002. Should the child attend upper secondary school after the age of 18, the parents are always liable for maintenance for that period.

Child allowances

The basic child allowance was raised to SEK 11,400 per child and year (SEK 950 per month) from 1st January 2001.

In case of three or more children an additional benefit is paid out as follows:

SEK 3,048 per year (SEK 254 per month) for the third child

SEK 9,120 per year (SEK 760 per month) for the fourth child

SEK 11,400 per year (SEK 950 per month) for the fifth and every additional child.

Old age benefits

Housing allowance to pensioners

As from 1st January 2002, the compensation level of the income-tested housing allowance to pensioners was raised from 90 per cent to 91 per cent of the housing cost between SEK 100 and SEK 4,500 per month.

The age limit for when a child living with his/her parents should be considered to be self-supporting and therefore liable to pay part of the housing costs, was raised from the 18 to 20 with effect from 1st January 2002.

Pension supplement

A flexible indexation of supplementary pension was introduced as from 1st January 2002 for old-age pensioners born 1937 or earlier. The supplementary pension is thus calculated in relation to the general movement of incomes in society.

Invalidity benefits

Under new legislation effective from 1st January 2001, disability allowance can only be paid as an independent benefit (previously also as an additional benefit to a pension). The disability allowance is a benefit

for disabled persons aged between 16 and 65 who need daily assistance from another person or who need continuous assistance from another person so as to be able to work or in other cases have considerable extra expenditure. The benefit is paid out as 36%, 53% or 69% of the base amount, depending on the extent of the need for assistance or on the level of extra expenditure.

As a result of the new old pension system, the invalidity pension has been reformed as from 1st January 2003 (see **app. 9** on the new pension system).

Employment injury benefits

New rules governing proof of injury came into force on 1st July 2002. The division of the examination process into two parts with differing standards of proof was abolished. Instead, the new rules provide for a single integrated examination with a single standard proof (for details, see **app. 10**).

Financing

The following rates for the statutory employer's contributions apply for 2001 and 2002:

Sickness insurance	8.80%
Parental insurance	2.20%
Old age pension	10.21%
Survivors' pension	1.70%
Labour market	5.84%
Work injury	1.38%
 Total	 30.13%

The following rates for the statutory contributions for self-employed persons apply for 2001 and 2002:

Sickness insurance	9.53%
Parental insurance	2.20%
Old age pension	10.21%
Survivors' pension	1.70%
Labour market	3.30%
Work injury	1.38%
 Total	 28.32%

Contribution by the insured for 2001 and 2002:

General pension contribution 7%

Information in respect of Conclusions 2002, page 244

– The new Swedish pension system became fully operative as from 1st January 2003. For detailed information on the scheme, reference is made to the appended document.

– The Pharmaceutical Benefits Board, which began work on 1st October 2002, is responsible for deciding which medicinal products are to be included for reimbursement and how they are to be priced. The former system, whereby, as a rule, all prescriptive, priced medicinal products were automatically included in the pharmaceutical benefits, no longer applies. Medicinal products exempt from reimbursement before the 1st of October 2002 were medicinal smoking cessation products, medicinal products against hair loss, medicinal products treating erectile dysfunction, medicinal products treating obesity. The Pharmaceutical Benefits Board will review the inclusion or exclusion of these drugs on application being made by the manufacturers

The cost of medicinal products is gradually reduced for the individual patient over a 12-month period. The patient bears the full cost if the total cost of medicinal products does not exceed SEK 900 during a 12-month period. Thereafter, subsidies reduce costs by:

50% if costs exceed SEK 900 but not SEK 1,700.

75% if costs exceed SEK 1,700 but not SEK 3,300.

90% if costs exceed SEK 3,300 but not SEK 4,300.

100% if costs exceed SEK 4,300.

The maximum amount patients pay during a 12-month period is SEK 1,800.

In 2002, the cost of pharmaceutical benefits was SEK 18.6 billion (EUR 2.01 bn). This corresponds to a year-on-year increase of 8.9 per cent.

ARTICLE 13**THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE****13:1****QUESTION A**

A new Social Services Act (2001:453) entered into force on 1st January 2001. Apart from what is indicated in reply to question C, below, this did not entail any changes regarding the provision of assistance where needed. Ultimate responsibility in this respect rests, as previously, with the municipality in which the person in need of help is living when the need arises. This ultimate responsibility does not derogate from the responsibility devolving on other mandators.

Concerning health care and medical services, reference is made to the preceding report.

QUESTION B

Income support (social allowance) is the ultimate safeguard for persons unable to provide for themselves by any other means. This assistance is governed by the Social Services Act. Applications for income support are examined and decided by municipal social services.

Income support has a number of components. Income support towards such items of expenditure as housing, domestic electricity supply, travel to and from work and household insurance is decided by the municipality when examining the application. The components decided by the Government are covered by the Social Services Ordinance and are termed *the national standard*.

The national standard covers reasonable living costs relating to food, clothing and footwear, play and leisure, disposables, health and hygiene, a daily newspaper, a telephone and the television licence fee.

When prices and patterns of consumption change, the national standard amounts are revised accordingly. These adjustments are based on official price and consumer surveys concerning reasonable living costs.

Income support for items of expenditure assessed by the municipality where the application is made will vary according to what is considered reasonable expenditure.

During the 1990s the number of people claiming benefits rose by over 200,000 people and social security expenditures almost doubled. An increasing number of people were finding it difficult to earn a living and sought financial assistance from their local social security office. Increasing unemployment – which peaked in 1992 as the labour market collapsed – and increased immigration are the main factors behind this trend. In 1998, however, social security expenditure and the number of people and households claiming benefit fell for the first time in a decade. The present-day level of social assistance recipients matches the numbers in 1992-1993. In 2001 some 253,000 households comprising 469,000 individual persons received financial assistance at some time during the year. About 6.4 per cent of all households received financial assistance at some time during the year. The number of assistance recipients in the population has declined steeply in recent years, from 1.91 per 100 inhabitants in 1997 to 1.33 in 2001. A large proportion of the recipients are in the younger age groups. Numerically the majority of recipient households are single, childless persons. In relation to size of population group, however, single mothers are the commonest type of household. Roughly one-third of all assisted households included children, and nearly one child in every twelve aged under 18 in 2001 was living in a family which received financial assistance at some point during the year. There are great regional differences.

56 per cent of the households receiving assistance are Swedish-born, 7 per cent are refugees and the remaining 37 per cent of non-Swedish origin. Difficulty of access to the job market is a powerful contributory cause of the overrepresentation of persons of foreign birth among social assistance recipients.

One category frequently receiving long-term financial assistance in the 1990s was certain older persons who had not qualified for a pension they could live on. The Riksdag therefore introduced a national system of income support for older persons, effective from 1st January 2003. This assistance, which is means-tested and tax exempt, means that persons aged 65 and over will not need financial assistance towards their day-to-day livelihood.

New provisions in the Social Services Act concerning charges for elderly and disabled care came into force on 1st July 2002. They included a minimum level which, together with rent, makes up the reserved amount which must remain to the individual following payment of user charges. In addition, a high cost barrier was introduced for charges for elderly and disabled care. One of the purposes of this reform of user part charges

was for care recipients with small pensions to be more adequately protected against high charges.

Concerning health care and medical services, reference is made to the preceding report.

QUESTION C

Beginning with the 1997 amendments to the Social Services Act and until the new Social Services Act (2001:453) entered into force, decisions concerning assistance were in practice appealable to an administrative tribunal only insofar as they referred to income support or “other assistance”, the latter meaning assistance in the home and special serviced accommodation with nursing for older persons, or specially serviced accommodation for persons with functional impairment. The new Social Services Act eliminates this limitation, and all social welfare committee decisions in matters of assistance can now be appealed before an administrative tribunal.

Concerning health care and medical services, reference is made to the preceding report.

QUESTION D

Financial assistance payments, no. recipient households and individual recipients, 2000-2002

	Current prices, MSEK	2000s prices, MSEK	% of GDP	No. households w. financial	No. persons w. financial
2000	9,521	9,521	0.4%	278,700	522,200
2001	8,704	8,499	0.4%	252,900	469,000
2002*	8,543	8,164	0.4%		

*) No statistics were available at the time of writing concerning numbers of households and individual persons receiving

For the period 1990-1999, reference is made to previous reports

Health care and medical services:

The welfare system, i.e. everything from primary care to various financial benefits, comprises roughly 38 per cent of Sweden's GDP. Of this percentage, municipal responsibilities (mainly comprising elderly care) account for 10 per cent, county council medical responsibilities for about 8 per cent and national expenditure on social security for about 20 per cent.

In terms of per capita medical expenditure, Sweden comes sixteenth in the OECD and ninth in the EU. *Total* expenditure on health and medical care in 2000 (according to the latest available statistics) amounted to MSEK 163,000, which was 7.8 per cent of GDP. Municipal expenditure on health and medical care is estimated at some MSEK 14,600, equalling 0.7 per cent of GDP. In order, then, to obtain a full picture of health and medical care expenditure as a percentage of GDP in 2000, the percentage must be raised from 7.8 to 8.5.

See tables supplied by the National Board of Health and Welfare:

Table 3:2 Movement of medical expenditure, 1990-2000. MSEK 1,000

Year	Exp., current prices	Direct exp. in fixed money terms	% GDP
1990	119	119	8.8
1991	125	118	8.7
1992	117	107	7.9
1993	119	108	7.9
1994	121	106	7.6
1995	128	106	7.5
1996	135	106	7.7
1997	136	103	7.5
1998	144	107	7.6
1999	154	110	7.7
2000	163	112	7.8

Source: National Accounts, SCB (Statistics Sweden)

a) GDP 1990-1992, figures as per Hälso- och sjukvårdsstatistisk årsbok 1997, National Board of Health and Welfare, Socialstyrelsen 1997:1

Table 3:3. Expenditure on health and medical care and on elderly care, various age groups, 1976-1985-1997, with percentage breakdown of total spending. Index 1976 = 100 in 1997 prices.

Age	1976	%	1985	%	1997	%	Index
0-14	4,468	7.7	5,101	6.1	5,985	6.1	134
15-44	7,184	24.2	7,202	19.9	8,014	17.3	112
45-64	12,646	25.0	12,167	17.6	12,483	16.8	99

65-74	22,404	18.126,138	17.3	27,573	13.2	123
75+	51,336	25.079,186	39.1	97,092	46.5	189

Source: Ekman (2001)

But the question remains, how many people received medical care. The latest available facts in this field (for 2001) give a total of some 29,100 hospital beds in Sweden, the number having fallen from about 46,000 in 1997 to just under 33,000 in 1999 and just under 32,000 in 2000.

The National Board of Health and Welfare has a database containing all the treatments entered in the patients register for 2000, excluding psychiatric care, geriatric care, health and medical care in special housing, palliative care, aftercare, convalescent care and daytime nursing. These are the most recent particulars available. They show 1,301,703 treatments in 2000, utilising a total of 6,379,307 care days. During 2001 the number of treatments rose to nearly 1.5 million (total no. treatments reported to the patients register for 2001: 1,459,562), which is still less than the 1.7 million or so treatments annually recorded for the mid-90s.

According to the report by the Swedish Federation of County Councils (2003):

Net expenditure on county council health and medical care activities in 2001, MSEK 1,000

Field of activity	Total
Primary care	23,183
whereof	
general medical care	11,357
Specialist somatic care	68,643
Specialist psychiatric care	12,306
(Dental care	3,471)
Other health and medical care	9,882
(Political activity	1,851)
 (TOTAL county council health and medical care	 119,338)
 (TOTAL county council health and medical care excl. dental care	 115,867)

TOTAL county council health and medical care excl. dental care, political activity (sebastian)	<u>114,016</u>
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13:2

Reference is made to the previous report.

13:3

Reference is made to the previous report. It can be added, however, that at the end of the 1990s the Government signed local development agreements with a number of metropolitan municipalities with low employment participation rates and heavy dependence on handouts, the aim being to overcome social, ethnic and discriminatory segregation. One target area specially highlighted in these agreements is the reduction of dependence on social allowances in the districts concerned. These agreements have led to greater co-operation between municipalities and the national authorities responsible at local level, in particular employment offices and social insurance offices, which in turn has caused assistance payments to decline a good deal more swiftly in these areas than in others.

13:4

Reference is made to 13:1 and to previous reports.

Information in respect of Conclusions 2002, page 245

– Scope for discretionary assessments by the municipal social welfare committee.

Following the amendments, mentioned in the reply to Question C, to the possibilities of appealing assistance decisions, all such decisions can be appealed before an administrative tribunal. In its adjudication the tribunal takes account of the case law evolved, to a great extent on the basis of General Recommendations issued by the National Board of Health and Welfare, since the Social Services Act (1980:620) was originally passed. This contributes towards uniform application of the law.

– Competence-raising measures

Participation in competence-raising measures is to be part of a deliberate strategy aimed at improving the individual person's prospects of entering the regular job market or training. This should be specified in an individual plan. Obligatory participation must not mean people in social distress being exploited or having to meet requirements which are not relevant and are not objectively founded on their competence development needs. This provision is not intended to be used in relation to people with problems of a more personal kind, e.g. grave substance abuse problems or other clearly pronounced social problems. In cases of this kind, the social services must begin by assisting the individual concerned in some other appropriate way, with support or other care initiatives.

Acceptable reasons for not wishing to take part may exist, for example, if the individual person has cogent objections to the proposed activity, such as its requiring greater physical strength than he or she commands or otherwise being unsuitable with regard to his or her personal circumstances. The necessity of accepting such objections, however, should be more the exception than the rule, since work experience or competence-raising activity is meant to be part of a more far-reaching plan in which the individual is expected to co-operate. Acceptable reasons for absenting oneself from the activity may, for example, be illness affecting the individual or children living at home, or visits to an employment office or educational counsellor. If the social welfare committee does not accept the reasons given, it should in the first instance consider a certain reduction of income support. Complete refusal of income support should only be considered in exceptional cases, for example when the individual is repeatedly absent and talks and other measures arranged by the committee do not lead to an improvement. The ultimate responsibility devolving on the municipality also implies certain limitations, in that, even in cases of this kind, the social welfare committee must see to it that the individual at least has the wherewithal for his immediate sustenance.

Information in respect of Conclusions 2002, page 246

– Regarding statistics on the total population receiving social assistance benefits, see answer under Art. 13.1 B.

– The Committee wonders whether the fact of homeless persons not having a fixed address prevents them from obtaining medical care, given the requirement of civil registration. The answer is No: they receive medical care all the same.

– Regarding statistics on medical assistance, see answer under Art. 13.1 D.

Information in respect of Conclusions 2002, page 247

The statistics enquired after are not available.

ARTICLE 16**THE RIGHT OF THE FAMILY TO SOCIAL SECURITY, LEGAL AND ECONOMIC PROTECTION**

QUESTION A – C

Reference is made to Article 12 and to previous reports.

QUESTION D

Please indicate whether legislation or other provisions in your country provide for protection of victims of violence or sexual abuse within the household.

Reference is made to the reply under Art. 7, question D, concerning the proposals entitled *Stärkt skydd för barn i utsatta situationer m.m.* (Stronger safeguards for children in vulnerable situations, etc.) referred by the Government to the Council on Legislation. On other matters, reference is made to the previous report..

Please indicate whether there are regulations and measures to prevent the risk of ill-treatment and to support and rehabilitate the victims.

The Social Services Act includes a provision making the municipal social welfare committee responsible for victims of crime and their next-of-kin receiving support and assistance. In particular, the committee shall consider that women who are or have been subjected to violence or other abuse in the home may be in need of support and help in order to change their situation.

QUESTION E

Reference is made to the previous report.

QUESTION F

The housing stock contains upwards of 4.3 million permanent homes, corresponding to approximately 480 dwelling units per thousand inhabitants.

Housing construction has been very low for several years. Between 1993 and 1998 the number of apartment housing starts according to SCB averaged 12,000 annually. Some increase, however, has occurred since then. In 1999 there were approximately 14,400 housing starts and in 2000 about 17,000, almost half of them in the form of single-family dwellings. Few ordinary rental flats were produced. The remaining half of new output mainly comprises tenant-owner homes and special-purpose housing (student homes, senior housing, group housing etc.). Conversions from rental tenure to tenant-ownership are also reducing the total supply of tenanted homes, especially in the Stockholm region.

The regional differences in the housing market are considerable and are expected to persist. In its Report 19 the Regional Policy Commission forecasts a growth of Sweden's population by just under 200,000 for the period ending in 2010. Population growth will continue in the three metropolitan cities and in another 3-22 local labour markets. Meanwhile, depending on forecasting assumptions, population will decline in at least 78 of Sweden's 109 local labour markets.

State support for housing construction comprise an interest grant for the construction and rebuilding of multi-family dwellings and State credit guarantees for housing investment loans. The latter serve to augment the supply of credit to borrowers. Credit institution costs are reduced by the elimination of the capital coverage requirement for such lending, the credits concerned being instead advanced against security in the form of a State credit guarantee. This in turn helps to reduce the credit recipient's capital expenditure.

An investment grant was introduced in 2001 for the construction of rental housing in areas with housing shortages. This investment grant is intended to encourage production of rental housing at production costs conducive to rent levels which more disadvantaged groups in the housing market will also be able to afford. The grant totals MSEK 2,500 for a five-year period.

No. housing starts by type of housing, 1992 - 2002

Year	Single-family	Multi-family	Total
1992	17,000	35,000	52,000
1993	3,300	8,800	12,100
1994	4,000	7,800	11,900
1995	3,700	9,100	12,800
1996	4,000	9,100	13,200
1997	4,500	7,500	12,000
1998	5,700	6,800	12,500
1999	6,100	6,800	13,000
2000	8,100	8,750	16,850

2001	7,100	12,450	19,550
2002	7,750	12,850	20,600

QUESTION G

Reference is made to the previous report.

QUESTION H

Income development

The information given below comes from the Income Distribution Survey for 2000 (*Inkomstfördelningsundersökningen 2000*). This survey is conducted annually in Sweden by Statistics Sweden (SCB), the agency responsible for official statistics in this field, and is based on the collection of data concerning household incomes. The main purpose of the survey is to chart the distribution of available income between different households and to shed light on income structure and on the income distribution effected through taxes and allowances. It is a sample survey, based on a population comprising all households and individuals registered as residing in Sweden at some time during the survey year.

The steep decline in Sweden's economy in the early 90s, with steeply rising unemployment and an increased percentage of population outside the labour force, had the effect of reducing the earned incomes of many household groups. Public support in the form of compensation for unemployment, housing allowances and financial assistance increased, but not sufficiently to entirely offset the steep decline in direct income from employment and capital earnings. The aggregate effect was a decline in available incomes until the mid-1990s. A trend inflection then followed, with more and more groups increasing their incomes. Most groups of the population in 2000 had a higher available income than the corresponding groups in 1991. Only those included in the 10 per cent of households with the lowest income in 2000 had a smaller income than the corresponding group in 1991.

Households with children had experienced a growth of income in the late 90s and during 2000, whereas in the mid-1990s they had been a loser group in terms of income development. Couples with children had increased their incomes between 1991 and 2000 by over 7 per cent, while single parents had increased theirs by just under 3 per cent. The increase for single mothers was under 1 per cent.

The SCB Income Survey defines low-income households as those whose incomes are less than 50 per cent of the median value. Young singles

were overrepresented among low-income households. Upwards of 5 per cent of all households had low incomes, and just under 9 per cent of single parents. Just under 17 per cent of young singles aged 18-29 who had left home had low incomes, as did 4 per cent of couples with children.

Enclosures:

Share of households by type of household with an equalised available income related to the median value for all households in 2000

(*Inkomstfördelningsundersökningen 2000*, SCB), **app. 11**.

Number of households by type of household, in population register for the whole year, in 1991 and 2000 (*Inkomstfördelningsundersökningen 2000*, SCB), **app. 12**.

Social assistance

The following information is based on a report by the National Board of Health and Welfare, entitled *Ekonomiskt bistånd 2001 – årsstatistik över antal hushåll, biståndstagare med mera*. Approximately 6.4 per cent of households in the population (ages 18-64) received financial assistance at some time in 2001. The percentage of recipients was higher for single mothers than for other types of household, with about 25 per cent of single mothers receiving financial assistance in 2001. Single childless men were the type of household with the second largest recipient percentage: 10 per cent of all households. The corresponding figure for single fathers was 8 per cent, and 8 per cent of single childless women received assistance. Childless couples were the type of household with the smallest proportion of households – just over 1 per cent – receiving assistance, as compared with 4 per cent of couples with children. The number of households receiving assistance is declining in all groups. The heaviest decline concerned couples with children (14 per cent), while single mothers accounted for the smallest (6 per cent).

Enclosure:

Households receiving assistance, by type of household and no. per 100 households in the population aged 18-64 in 2001, plus percentage changes between 2000 and 2001 (*Ekonomiskt bistånd 2001 – årsstatistik över antal hushåll, biståndstagare med mera*, Socialstyrelsen), **app 13**.

Information in respect of Conclusions 2002, page 248

There was no progress during the reference period.

Information in respect of Conclusions 2002, page 249

– Concerning the national quality assurance grants:

In conjunction with the *maxtaxa* reform, two State grants were introduced for municipalities applying the user charge ceiling (*maxtaxa*) to pre-school activities and school child care. One grant amounts to MSEK 3,400 per annum and is intended to compensate the municipalities for the loss of revenue which they were expected to incur as a result of the reform. The other is designed to ensure the quality of activities and amounts to MSEK 500 per annum. This funding is requested annually from the National Agency for Education.

The Ordinance requires the State grant for QA measures to be devoted to staff reinforcements or to staff competence-raising measures.

According to municipal applications for 2002, the QA funding is intended to result in 1,650 new hirings, including 1,150 pre-school teachers and 375 childminders.

An initial follow-up of the use of QA funding by the municipalities during the first year of the *maxtaxa* reform shows 85 per cent of the money to have been devoted to staffing reinforcements and 15 per cent competence development.

– It is hard to say how general supportive payments for housing production affect the housing conditions of families. The grants described above apply to all housing meeting the requirements, be it large family apartments or smaller homes for one- or two-person households. If “family” is taken to mean households with children, one finds a large proportion of couples with children living in single-family dwellings. These do not qualify for the above mentioned forms of production support, but credit guarantees are obtainable. Indirect production support is provided through the waiver of property tax for the first five years following the completion of new housing (this applies to all forms of tenure) and only half the full rate being levied for five years thereafter.

Single-parent households are overrepresented, in percentage terms, in multi-family dwellings and, above all, in rental housing. Both production support and targeted housing allowances operate to the benefit of this group; see Table 3, below.

Table 1: No. households, types of household and tenure in 2000.

	freehold	Tenant- owner	rental	total
sing.-pers. hh.	172,500	301,000	745,000	1,218,500
childless couples	606,000	150,300	273,000	1,029,300
single parents	20,000	17,700	98,200	135,900
couples with children	327,000	47,500	90,200	464,700
others	175,000	41,100	112,000	328,100
Total	1,300,500	55,7600	1,318,400	3,176,500

Table 2: Household breakdowns of types of tenure in 2000. Percentages.

	freehold	Tenant- owner	rental
sing.-pers. hh.	13%	54%	57%
childless couples	47%	27%	21%
single parents	2%	3%	7%
couples with children	25%	9%	7%
others	13%	7%	8%
Total	100%	100%	100%

Table 3: Distribution of households between types of tenure in 2000.

Percentages.

		freehold	Tenant- owner	rental
sing.-pers. hh.	14%	25%	61%	100%
childless couples	59%	15%	27%	100%
single parents	15%	13%	72%	100%
couples with children	70%	10%	19%	100%
others	53%	13%	34%	100%

– We regret that we are unable to understand the question.

ARTICLE 19**THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES
TO PROTECTION AND ASSISTANCE****19:1****QUESTIONS A-C**

Reference is made to the previous report.

19:2**QUESTIONS A-B**

Reference is made to the previous report.

19:3

Reference is made to the previous report.

19:4

(a-c)

QUESTIONS A and B

Reference is made to the previous report.

19:5

Reference is made to the previous report.

19:6**QUESTIONS A-C**

Reference is made to the previous report.

19:7

All persons domiciled in Sweden, whatever their nationality, have the right to legal aid according to the Swedish Legal Aid Act. This means that migrant workers from all other state parties, including Bulgaria, are entitled to legal aid if they live in Sweden. The Swedish legislation is very generous in this respect compared to many other states and we are surprised that the Committee of Social Rights have found Sweden in breach of Article 19, paragraph 7. All migrant workers domiciled in Sweden have the right to legal aid, as the Social Charter requires.

There might have been some confusion with the rules on legal aid that apply to non-Swedish citizens not domiciled in Sweden. In those cases it is less evident that the Swedish state should cover legal costs. The Swedish rules of legal aid in this case are therefore based on reciprocity. Sweden will grant legal aid to citizens of states that will do the same for Swedish citizens. In Swedish legislation there is a list showing which non-Swedish citizens not domiciled in Sweden can be granted legal aid. The list is based on international conventions and bilateral agreements that Sweden has signed. Bulgaria is not a party to any of these conventions or agreements, which means that Swedish citizens are not granted legal aid in Bulgaria. If Bulgaria should grant Swedish citizens legal aid, the Swedish government will be happy to put Bulgarian citizens on the list.

However, there is still a possibility of Bulgarian citizens who are not domiciled in Sweden being granted legal aid, namely if a matter is to be dealt with in Sweden and there are special reasons why legal aid should be granted.

Information in respect of Conclusions 2002, page 253

See answer under Article 19:7.

19:8**QUESTION A**

Reference is made to the previous report.

QUESTION B

Reference is made to previous reports. The Government has, based on a proposal from NIPU (the Committee on a New Judicial Instance and Procedural Order for Aliens' Cases), submitted a draft Government Bill to Lagrådet (the Swedish Council on Legislation). In the draft Bill, it was suggested that the Migration Board's decisions should be appealed to certain County Administrative Courts, and that these courts' decisions should be appealed to one of the Administrative Courts of Appeal. However, in cases where an expulsion order has been decided on grounds of national security, it was suggested that the Migration Board's decision be appealed directly to one of the Administrative Courts of Appeal, which would then have to refer the case, with a recommendation of its own, to the Government for determination. Following the Council's recommendation that the draft Bill be rejected, a parliamentary committee has been appointed to propose such amendments to the Aliens Act as are necessary for the reform to take place. The committee is due to report by 15th December 2003 at the latest.

19:9

Reference is made to the previous report.

19:10

Reference is made to the previous report. In addition:

Legal aid for entrepreneurs is awarded to an immigrant entrepreneur (i.e. a person who has settled in this country) on the same terms as to a Swedish entrepreneur. A foreign entrepreneur who is not domiciled here can still obtain legal aid if the matter is to be tried in this country and there are special reasons why legal aid should be granted.

19:11

– Compulsory and post-compulsory schooling

As a means of increasing, in the short run, the numbers of teachers qualifying for areas where shortages prevail, funding has been allotted for "special teacher education programmes". This initiative includes, for

example, teachers of Swedish as second language and mother tongue. In the case of teachers of Swedish as second language, the Government has allotted funding for an additional 510 training equivalents. The training will be conducted at five different higher education establishments.

In the 2001/02 school year there were 58,151 pupils being taught Swedish as second language in compulsory school. This was 45.5% of the total number entitled.

For the 2001/02 school year, 1,250 and 1,137 students respectively left high school (“upper secondary school”) with one of the two courses of Swedish as second language included in their leaving certificates.

– Adult education

Swedish language instruction for immigrants (sfi) is a basic study programme for adults, combining Swedish language instruction with social studies. Swedish for immigrants is a form of schooling in its own right.

Every municipality is responsible for adult municipal residents entitled to sfi actually receiving it. Sfi is a form of schooling which students can start and finish at any time during the year. Normally speaking, the municipality must offer this instruction within three months at the most. The instruction is free of charge, and all sfi students must have a say in the construction of their study programmes. Illiterates are entitled to reading and writing instruction. The benchmark duration of sfi is 525 hours. Deviations from this norm depend on the amount of time and support a student needs in order to achieve the targets.

There are three different study paths which are designed to respond more adequately to the participants’ differing needs and aims. Individual needs and the flexibility of instruction are the starting point. A student may combine sfi course with other studies at different levels, e.g. adult education for the intellectually retarded, work experience or gainful employment.

Some facts

Number and character of education providers arranging sfi (2002)

Capacity: a total of 265 different education providers (2002), comprising 232 under municipal auspices, 32 other providers, e.g. national or private, adult education associations and folk high schools.

Staff

No. teachers in 2001 = 1,428 (of whom 1,142/80% with teaching qualifications), corresponding to 1,123 whole-time equivalents.

No. teachers in 2002 = 1,493 (of whom 1,131 / 76% with teaching qualifications)

corresponding to 1,154 whole-time equivalents.

Funding

Total municipal expenditure in 2001: SEK 756,123,000

Cost **per participant in 2001**: SEK 19,500 (full-time student / annual equivalent: SEK 44,700)

No. training participants

The number of students for **the whole of 2001** totalled 38,650 approx.

Municipal	28,773	75 % approx.
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Other	9,879	25 % approx.
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The number of students for **the whole of 2002** totalled 39,978 approx.

Municipal	26,148	65 % approx.
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Other	13,830	35 % approx.
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19:12

– Compulsory and high school

In June 2001 the Government commissioned the National Agency for Education to investigate the organisation and extent of mother tongue tuition in schools and attitudes to the same. The Agency's report on the remit, presented in May 2002, suggests a number of ways in which mother tongue instruction could be strengthened. The proposals are now being processed within the Government Offices.

The “special teacher education programmes” initiative will result in a further 380 mother tongue teachers qualifying. This training is being provided at four different higher education establishments. In the 2001/02 school year there were 66,006 pupils receiving mother tongue instruction in compulsory school. This was 51.6% of the total number entitled.

For the 2001/02 school year, 1,695 and 1,477 students respectively left high school (“upper secondary school”) with one of the three mother tongue courses included in their leaving certificates.

ARTICLE 20

THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

QUESTION A - E

Concerning the parts coming under the Equal Opportunities Act, no changes have taken place since the previous report was submitted.

QUESTION F

During 2002 JämO (the Office of the Equal Opportunities Ombudsman) ran a project entitled (in Swedish) “Children AND Jobs” – “Nine Months”. This was a campaign aimed at informing the general public of the legislation and rights applying to pregnant women in the workplace, and also at influencing the social partners so as to put an end to pregnancy-related discrimination.

The background to the project “Children AND Jobs” is the marked increase during recent years in discrimination complaints and inquiries received by the Ombudsman concerning problems in connection with pregnancy and parental leave. In 1999, for example, JämO received 2 complaints alleging discrimination in connection with pregnancy. In 2000 there were 6, in 2001 there were 12 and during the campaign year, 2002, JämO received 23 complaints.

Usually these complaints have concerned notice of dismissal, summary dismissal, curtailment of probationary employment and other such drastic measures, but transfers to other duties, impairment of pay improvements and other conditions of service, difficulty in combining parenthood and employment, and discrimination in connection with hiring have also been alleged.

Several extra-judicial settlements have been reached between complainants and employers, with the complainants receiving indemnities of between SEK 10,000 and 60,000. In one case which JämO took to the Labour Court, a pregnant midwife who lost her job was awarded SEK 50,000 damages for the indignity.

The principal message of the campaign was that disfavouring pregnant women amounted to discrimination. The message was spread, for example, through TV spots, advertisements in the daily press, weeklies and a selection of journals published by the social partners, posters on buses, the Stockholm Underground and suburban trains, give-away postcards in cafés, restaurants and student union buildings etc. The JämO website was made to include a separate section describing the project and legislation on the subject, listing employers who could serve as examples concerning the view taken of pregnant workers, and information about the responsibilities of employers and unions in this connection and the procedure for filing complaints with JämO. In addition, the Office of the Ombudsman provided information and headed discussions concerning discrimination of pregnant workers at meetings of its established networks.

Special information material in the form of overhead transparencies describing the campaign and giving facts about discrimination of pregnant workers was produced for JämO staff to use when speaking at conferences, seminars and training courses.

QUESTION G

All occupations are officially open to persons of both sexes.

QUESTION H

Reverse (“positive”) discrimination was not applied in Sweden during the period covered by this report.

QUESTION I

There has been a distinct growth of employment among both sexes in the past five years, *viz* 9 per cent for women and 8 per cent for men. The rise in men’s employment ceased during 2002, but women’s employment rose by a further 0.5 per cent. Taking the five-year period as a whole, women’s employment participation rose from 68.9 to 73.4 per cent and men’s from 72.4 to 76.3 per cent, thus reducing the gap between the sexes in this respect.

Open unemployment fell steeply over a five-year period. For women it was 3.6 per cent in 2002 as against 7.6 in 1997. Much the same applies to men, their unemployment having fallen from 9.7 to 4.4 per cent during

the same period. Thus, in contrast to the majority of European countries, unemployment in Sweden is lower for women than for men.

34.4 per cent of the 2,047,000 women employed in 2002 were employed part-time, as against only 10 per cent of the 197,000 men employed. The scale of part-time employment, involving a total of some 925,000, also means a considerable amount of part-time unemployment. Roughly a quarter of part-time employees stated in 2002 that they would like to increase their working hours. This is far less than in 1996, when the figure exceeded one-third. In absolute figures, the number has fallen from over 300,000 to upwards of 200,000. Not everyone professing to be part-time unemployed was enrolled with the Employment Service. The number thus enrolled at the end of 2002 was 78,000, representing a reduction by one-third in three years. Part-time unemployment is particularly widespread in nursing and other caring occupations, but is also common in retail trade and office employment.

The large number of part-time unemployed in nursing and caring services prompted the setting, in November 1999, of a national target to reduce this form of unemployment in the occupational field concerned – a form of employment mainly affecting women. Since then part-time unemployment in nursing and caring services has declined steadily, and the target was achieved in 2002.

QUESTION J

The Labour Market Administration is charged with continuously and systematically operating strategies to overcome the segregation of the sexes in the employment sector, applying an integrated equal opportunities perspective in all sectors of its activity. Equal opportunities promotion is to proceed within the framework of regular activities. Gender mainstreaming is a central strategy and a systematic working approach for the achievement of equal opportunities targets. Accordingly:

- Differences in conditions for women and men are to be brought out into the open.
- Every question affecting individuals shall be examined in an equal opportunities perspective.
- The potential consequences of changes for women and men respectively are to be analysed as a basis for decision-making.

In actual practice, the following shall apply concerning equal opportunities:

- The management's attitudes and knowledge have a critical bearing on employees' commitment, and accordingly on the outcome.
- All managers are to show distinct leadership in the promotion of equal opportunities at their workplaces.
- An equal opportunities perspective is to be present in the planning of work and analysis of outcomes at every workplace.
- All individually based statistics and all financial accounting relating to individuals shall be presented with a gender breakdown.
- All managers and employees shall have a basic knowledge of prevailing gender patterns and of the importance of gender identity for development and learning.

QUESTION K

Reference is made to the previous report.

Information in respect of Conclusions 2002, page 259

Government Bill Prop. 1999/2000:143, p.38, presents a theoretical argument concerning the possibilities of using industrial comparisons in the absence of an actual reference person. No such comparison between different branches having occurred, there is no judicial precedent.

Information in respect of Conclusions 2002, page 260

– No contingent fine has been exacted, but damages have been awarded. A county council advertised a vacancy for a midwife at a health centre. Five women put in for the job. One of them was pregnant. After the job had gone to another of the women, a dispute arose in the matter between the Equal Opportunities Ombudsman and the county council as to whether, by not hiring the pregnant woman, the county council had been guilty of unlawful sex discrimination. The Labour Court found that the pregnant woman was passed over in spite of having better objective qualifications for the job than the woman who was hired. It also found that the county council's action had not been contrary to the Equal Opportunities Act as worded before 1st January 2001, but that it was contrary to the ban on sex discrimination under the EU Equal Treatment Directive, articles of which (concerning direct effect) the Labour Court found to be directly applicable to the dispute. By analogous application of Section 25 of the Equal Opportunities Act, the county council was ordered to pay SEK 50,000 damages to the complainant.

– It is correct that Swedish unemployment insurance stipulates a certain minimum length of employment (70 hours per month) as a qualification for unemployment compensation. This minimum has a counterpart in

the entry qualification for unemployment insurance (an average of 17 hours' work per week).

The labour supply requirement, for an unemployed person, is at least 17 hours per week and at least 3 hours per working day.

For the purposes of the employment qualification, the distribution of the 70 hours during the month is immaterial (no stipulation of at least 3 hours per working day).

Nor is there any minimum stipulation of 3 hours for the entry qualification; the requirement is at least 17 hours per week.

The entry qualification for membership of an unemployment insurance fund is at least 17 hours work per week for at least four weeks during a five-week period (income-related compensation).

The *employment qualification* requires work for 6 months with at least 17 hours per month, or alternatively at least 450 hours during a continuous six-month period and at least 45 hours for each of those months. If necessary, 2 of the 6 months can be made up with time on parent's allowance or service time within the total defence establishment.

One *basic condition* for unemployment compensation is a labour supply (availability) of at least 17 hours per week and at least three hours per working day.

Cash labour market assistance has been a part of unemployment insurance since 1998. It is now termed *basic amount*.

The employment qualification and the basic condition (e.g. labour supply/availability during unemployment) is the same for income-related compensation as for the basic amount.

Information in respect of Conclusions 2002 page 263

– Equality plans

The Equality Ombudsman (JämO) has during the year 2002 examined more than 500 companies in the private sector and a large number of employers in the public sector in order to improve that the obligation of equality plans is respected in practice.

– Active policies

Unequal balance of the sexes in labour market policy programmes

One of the overriding objectives of labour market policy is to counteract gender segregation in the labour market, i.e. unequal representation of

men and women in different occupations, and to contribute towards greater equality between women and men in the employment sector. Labour market policy measures are part of the pursuit of this objective. Sweden's labour market, however, has a high level of segregation between the sexes, and men's and women's educational and occupational choices are to a great extent gender-based, as are many employers' choices of workers. The Labour market Administration's possibilities of overcoming gender segregation in the labour market are therefore limited.

AMS (the National Labour Market Board) has developed a strategy for reducing the imbalance between women and men in different occupations and sectors

AMS has devised a strategy for the ongoing task of overcoming gender segregation in the labour market. At the same time, new guidelines have been adopted for efforts by the Labour Market Administration (AMV) to achieve equality between women and men in the workplace. The strategy is conceived as part of AMV's basic task of overcoming gender segregation in the labour market. essentially, it implies the mainstreaming of the labour market equal opportunities assignment in all activities and all activity monitoring by AMV.

MSEK 28 reserved for Break projects

AMS is being allotted MSEK 28 annually for "Break projects", which essentially are projects designed to encourage women and men, by means of guidance and preparatory and orientational programmes of various kinds, to make untraditional occupational choices. Some of the projects have been concerned with introducing an equal opportunities mentality into county labour boards and employment offices. Others have concerned an augmentation of the gender perspective in guidance, getting more men to go in for untraditional occupations or training, making young women more interested in technology and training one's own staff to work actively for gender equality.

Commission appointed to review gender segregation in Sweden's employment sector

A special investigator has been commissioned by the Government to investigate gender segregation in the Swedish employment sector. Among other things, this will mean analysing the factors influencing women's and men's occupational choices. The investigator is also to analyse factors influencing women's and men's career paths in working life and the mechanisms perpetuating gender segregation in the workplace.

In addition to these topics, the investigator is also to report on the following areas, among others. Changes in the Swedish labour market over the past 10 years regarding gender segregation. The effect on gender segregation of employment declining and unemployment rising steeply during the economic recession of the 1990s. A general account of the more significant measures taken recently to overcome gender segregation in the employment sector, together with an analysis of their effects.