



Alternative half-term report on Economic, Social and Cultural Rights in Sweden 2019

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Introduction

This alternative half-term report aims to fill a void in the reporting cycle, namely a follow up of recommendations¹ given to Sweden by the UN Committee on Economic, Social and Cultural Rights (CESCR) in 2016. It scrutinises the implementation through a lens of racism and similar intolerance in order to highlight the relationship between access to economic, social and cultural rights (ESCR) and racism and similar intolerance and how marginalised groups have lesser access to their rights compared to others.

All human rights are indivisible and mutually interdependent, but ECSR are often depreciated and not regarded equally important as civil and political rights. We regard this report as a contribution to appreciating ECSR more.

For the scope of this report we have looked at five rights complexes in the Covenant of Economic Social and Cultural Rights (the Covenant), namely workers' rights, the right to social security and social protection, protection of and assistance to the family, the right to an adequate standard of living and the right to education.

The Swedish Foundation for Human Rights coordinates Swedish civil society's alternative report to the CESCR. The previous report was submitted in 2016. We are very pleased to have been able to compile a half-term report since we believe that there is great potential in using the reporting cycle and concluding observations more regularly to improve the implementation of Sweden's obligations according to the Covenant and other human rights treaties.

We can conclude that progress has been made in many areas, but there is still a long way to go in order for Sweden as a state party to comply with its obligations according to the CESCR and to come to terms with racism and similar intolerance in society.

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¹ E/C.12/SWE/CO/6 (Appendix 1)

En svensk sammanfattning

Fonden för mänskliga rättigheter har följt upp vad Sverige har åstadkommit inom området ekonomiska, sociala och kulturella (ESK) rättigheter sedan FN:s ESK-kommittés senaste granskning 2016. ESK-rättigheterna är en del av de mänskliga rättigheterna som alltför ofta glöms bort eller som inte ges samma tyngd som de medborgerliga och politiska rättigheterna. Mänskliga rättigheter är som bekant odelbara och inbördes beroende av varandra, varför det är olyckligt att ägna mindre uppmärksamhet åt vissa.

Fonden för mänskliga rättigheter samordnar svenska civilsamhällets parallellrapportering till ESK-kommittén och produkten i din hand är en halvtidsrapport, för att följa upp hur långt Sverige har kommit sedan förra rapporten 2016. Rapporten är inte uttömmande, utan fokuserar på fem rättighetsområden: arbetstagares rättigheter, rätten till social trygghet och socialt skydd, skydd av och stöd till familjen, rätten till en tillfredsställande levnadsstandard och rätten till utbildning i enlighet med de rekommendationer som kommittén gav i sin senaste rapport till Sverige. Uppföljningen har skett genom att undersöka situationen gällande rasism och liknande intolerans och hur marginaliserade grupper har sämre tillgång till sina rättigheter än andra.

Kommittén gav vissa generella rekommendationer som är centrala i granskningen av hur rättigheterna efterlevs. Det kommunala självstyret är ett återkommande bryderi, då ESK-rättigheterna i stor utsträckning genomförs på kommunal nivå, trots att det är regeringen som har tillträtt konventionen. Detta leder till att det offentliga, vare sig på statlig eller kommunal nivå, tar fullt ansvar som skyldighetsbärare och att tillgången till rättigheter varierar beroende på var i landet man bor.

Fortfarande finns det många brister på de olika rättighetsområdena och diskriminering mot ett flertal grupper är tydligt. Diskriminering kan ibland ha samband med flera diskrimineringsgrunder. Ett intersektionellt perspektiv² visar att samband mellan missgynnande och flera diskrimineringsgrunder placerar redan utsatta personer i en än mer utsatt situation. Dessvärre är det svårt att fånga upp detta med hjälp av diskrimineringslagen eftersom den inte innehåller skrivningar om flerfaldig diskriminering. Det finns även brist på forskning om olika rättighetsområden och en stor brist på studier om vad som orsakar diskrimineringen mot grupperna. Forskning är oumbärlig för att belysa problem och för att ta fram policyer och handlingsplaner för att förbättra situationen.

² Ett intersektionellt perspektiv är ett samhällsvetenskapligt analytiskt angreppssätt som används för att analysera hur olika maktstrukturer samverkar och skapar ojämlikhet (<https://www.sprakochfolkminnen.se/sprak/nyord/nyord/aktuellt-nyord-2002-2015/2015-09-25-intersektionalitet.html>). Besökt 20190611).

Sammanfattningsvis kan vi konstatera att framsteg har gjorts för att leva upp till ESK-rättigheterna och de rekommendationer som kommittén särskilt lyfte, men att mycket återstår att göra, i synnerhet när det gäller marginaliserade grupper som utsätts för rasism och liknande intolerans. Nästa rapport ska lämnas in till kommittén kring 2021-22. Då ska Sverige förklara vilka åtgärder som vidtagits för att bättre leva upp till åtagandena enligt konventionen.

Fonden för mänskliga rättigheter vill tacka alla de organisationer som bistått med sin expertis i detta projekt. Ett speciellt tack till referensgruppen som har bestått av Afrosvenskarnas riksförbund, Antidiskrimineringsbyrån i Uppsala, Funktionsrätt Sverige, Independent Living Institute, Judiska ungdomsförbundet, Lika Unika, Läkare i världen, Nätverket för fred på Afrikas horn, Ordfront, RFSU, Sameföreningen i Stockholm, Scouterna, Sensus Studieförbund, Svenska FN-förbundet, Svenska muslimer för fred och rättvisa, Sveriges Kvinnolobby och Teskedsorden.

Rapporten har tagits fram inom ett projekt finansierat av MUCF (Myndigheten för ungdoms- och civilsamhällsfrågor).

Principal subjects of concern and recommendations

The recommendations include Sweden's incorporation of CDESCR into national legislation and to raise awareness on the Covenant's justiciability among the judicial bodies and those who are working with law in one capacity or another.³ The Committee also reminded the Government of its duties to implement the Covenant on all governance levels and to ensure the enforcement on local levels. It therefore recommends that the State party ensure that all public authorities, including local authorities, are fully aware of their obligations under the Covenant, and to that end encourages the State party to issue and disseminate the necessary information and guidance to local authorities.

The Committee recommended that the State Party establish a national human rights institution (NHRI), in full conformity with the Paris Principles. The government has officially proposed the NHRI and stakeholders including civil society have been able to contribute with their opinion. We are now waiting for a formal decision of form, mandate and establishment.

The Committee recommended that the state study the root causes of the long-standing discrimination against persons of African descent and Muslims, and, based on the findings, develop programs and policies to combat this. This recommendation was aimed at many rights including health, education, housing and work. However the studies conducted have focused on the extent of discrimination rather than the root causes of the discrimination.

Workers' rights, articles 6 and 7

The progress related to the right to work varies. There have been some steps in the right direction, but there are still many problem areas that have not been addressed by the state. There are differences in work opportunities and circumstances depending on the municipality.

Inequality between the sexes is still present and the pay gap between women and men is unadjusted 11% and adjusted 4%.⁴ Involuntary part-time work and insecure employment conditions in the form of hourly-pay, temporary and short-term contracts were raised in the last alternative report (2016). The problems

³ This recommendation is a reminder of the previous recommendation from 2008: E/C.12/SWE/CO/5, para. 13.

⁴ Statistics Sweden, SCB, Subject area equality (Temaområde jämställdhet), *Women's pay as percentage (%) of men's salary by sector before and after standard weighting 1994-2017 (Kvinnors lön som andel (%) av mäns lön efter sektor före och efter standardvägning 1994-2017)*, 2018

remain and there are still substantially more women working part-time than men.⁵ In 2017 28% of women were working part-time compared to 11% of men. More than twice as many women as men (179 500 women and 85 000 men) say that the reason for their part-time is that there is no adequate full-time work or that they are searching for a job that fits their needs.⁶ Another 123 000 women report that they work part-time because of care of children, compared to 23 000 men.

The labour market in Sweden is rather closed and there is a lot of resistance from the market as a whole to employ persons of foreign descent or persons with disabilities due to racism or other intolerance.

There has been a recent study concerning Afro-Swedes in the labour market.⁷ The results of the study show remarkable differences between Afro-Swedes and the rest of the population in terms of gross wages, disposable income, number of days in unemployment, access to senior state professions and the opportunity to pursue a career and obtain managerial positions. Afro-Swedish citizens are segregated from the rest of the population, both horizontally and vertically⁸, in the Swedish labour market.

New rules for active measures in the Discrimination Act apply as of January 1, 2017.⁹ One new feature of the legislation is that all grounds of discrimination must be covered when it comes to the requirements for active measures. However, the State did not follow the Committee's recommendation of including social status and political opinion in the protected groups. These remain excluded from the discrimination grounds.

In the revised Discrimination Act (2017) active measures apply to all employers and education institutions. Active measures imply pre-emptive work in order to prevent discriminatory actions. For those employing 25 people or more, there is an obligation to document active measures. The new law is an extension of previous rules and does offer improvements, inter alia in that it now encompasses all grounds for discrimination as well as all employers and education institutions.¹⁰

One of the active measures is to detect, remedy and prevent unreasonable pay gaps and other terms of employment between women and men. All employers

⁵ Statistics Sweden, SCB, Lathund 2018 6, Förvärvsarbete, table LF07, 2018

⁶ Ibid.

⁷ Sima Wolgast, Irene Molina, Mattias Gardell, *Anti-black racism and discrimination in the labor market (Antisvart rasism och diskriminering på arbetsmarknaden)*, 2018, <http://uu.diva-portal.org/smash/get/diva2:1273400/FULLTEXT01.pdf>, accessed 02.04.2019

⁸ *Horizontal segregation* shows a pattern of a higher number of Afro-Swedes in low-status and low-income professions compared to the rest of the population, that dominates in other professions. This is also true in relation to the level of education. *Vertical segregation* describes the pattern that shows that Afro-Swedes have more difficulties than the rest of the population to advance to higher positions with higher status and a salary corresponding to their level of education. (ibid .p, 19)

⁹ Discrimination Act (Diskrimineringslag) (2008:567), Ch. 3

¹⁰ United Nations Association Of Sweden, Alternative Report To Sweden's 22nd And 23rd Periodical Reports To The Committee On The Elimination Of Racial Discrimination, March 2018, p. 19

must map and analyse differences every year (including pay gap and working conditions) between men and women in the workplace. For employers employing more than ten persons it is also mandatory to document the mapping.¹¹

A shortcoming in the new law is that pay gap mapping applies solely to differences between women and men. It ought to include all discrimination grounds. Another weakness in the Discrimination Act is the lack of an intersectional perspective.¹²

The new legislation has been accompanied by an information campaign, ordered by the government and executed by the Equality Ombudsman to increase employers' knowledge of the law.¹³ The Equality Ombudsman has published a guide aimed at high level persons and human resources representatives.¹⁴ The Ombudsman has the mandate to supervise but it is the employer who bears the responsibility for active measures and non-discrimination.

Despite the sharpening of the Discrimination Act, and the fact that the recruitment of personnel is part of active measures that employers need to take, the labour market remains rather closed, as discrimination often occurs in the recruitment process, which mostly does not favour minorities or other disadvantaged groups.

Persons with disabilities have a lower employment rate than others. 62% of women with disabilities are gainfully employed (compared to 72% of other women) and 67% of men with disabilities (compared to 77% of other men).¹⁵ Cutbacks in personal assistance often impact on people's possibilities to work.

The national minority Roma people also faces discrimination in the labour market. There are few studies concerning the employment rate of Roma either in Sweden or internationally. The studies available in Sweden suggest that Roma are one of the national minority groups that has the most difficulty in asserting themselves on the labour market.¹⁶ The number of Roma people in Sweden is about 50 000

¹¹ Discrimination Act, Ch. 3, 4§

¹² An intersectional perspective is a social scientific analytical approach used to analyse how different power structures interact and create inequality

¹³ Assignment to the Equality Ombudsman on special efforts to combat discrimination (Uppdrag till Diskrimineringsombudsmannen om särskilda insatser för att motverka diskriminering), Kulturdepartementet, 2017-08-24, Ku2017/01798/DISK, <https://www.regeringen.se/4a5758/contentassets/b2cbdb3b7a5647bea42bd8ac5aab9fd6/uppdrag-till-diskrimineringsombudsmannen-om-sarskilda-insatser-for-att-motverka-diskriminering>, see also the report: 117/5000 *Reporting of government assignments on special efforts to counteract discrimination in the labor and housing market (Redovisning av regeringsuppdrag om särskilda insatser för att motverka diskriminering på arbets- och bostadsmarknaden)*, 2018

¹⁴ The Equality Ombudsman, <http://aktiva-atgarder.do.se/> accessed 03.04.2019

¹⁵ Statistics Sweden, SCB, Lathund 2018 6, Förvärvsarbete, table LF11, 2018

¹⁶The County Administrative Board in Stockholm (Länsstyrelsen Stockholm) *Romas right to work - a current description of obstacles and opportunities (Romers rätt till arbete – en nulägesbeskrivning av hinder och möjligheter)*, 2014:23, p. 23

individuals.¹⁷ An estimated 90 percent of adult Roma are unemployed.¹⁸ Despite the situation for Roma in Sweden in general described as being better than in many other European countries, both testimony and interview studies show that Roma are subjected to a striking discrimination on the labour market based solely on the Roma identity.¹⁹ Low education, discrimination and the lacking demand of earlier traditional vocational skills of the Roma are some additional factors for a weaker Roma anchorage on the labour market. Another explanation as to why Roma have difficulty in asserting themselves on the labour market may be that employers avoid recruiting people who lack formal competence or references from previous employers.²⁰

Vulnerable EU citizens are also affected by this unemployment rate as Sweden requires a person to apply for a residence permit after being in the country for three months.²¹ Employment can often lead to a residence permit, but as the unemployment rate is so high in the group the opportunities are few and the possibility of a residence permit on grounds of work is very limited.

Transgender persons face challenges and discrimination in the work force that have not been addressed properly. Possibilities and routines for changing the gendered title or name on diplomas and other educational or work related documentation do not exist or are very difficult. This leads to discrimination and harassment since many transgender persons who have transitioned may have changed their names. Transgender persons may also face discrimination at their place of employment if their sex assigned at birth is made public due to documentation. LGBTQ-persons and especially transgendered are systematically subjected to discrimination on the labour market.²²

There is a lack of official sources and studies of the labour market of the Sami people. There are also conflicting perceptions within Sami society and there are differences of opinion between reindeer herders and other Sami people. The legislation on reindeer husbandry has significance as every Sami village²³ works in principle as a “zero sum game” as each Sami village is entitled to a restricted amount of reindeer.²⁴ If a reindeer owner increases their number of reindeers others in the same village must decrease their amount to a corresponding extent.

¹⁷ State Official Investigations, *Roma Rights – a strategy for Roma in Sweden*, SOU 2010:55, p. 116

¹⁸ *Ibid*, p. 367

¹⁹ SOU 2010:55

²⁰ *Ibid*.

²¹ Aliens Act (Utlänningslag) (2005:716) Ch. 2, 5§

²² The Swedish federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter), *Mapping of national surveys in force of homophobia, bifobia and transphobia, and identification of others national targets and follow-up systems for LGBT people's rights* (Kartläggning av nationella undersökningar gällande homofobi, bifobi och transfobi, samt identifiering av andra länders nationella mål och uppföljningssystem för hbtq personers rättigheter), 2017, pp. 36-41

²³ Translated from the Swedish word *Sameby*, meaning an economic and administrative association created to organise reindeer husbandry and fishing within its geographic area

²⁴ Reindeer Act (Rennäringslag) 1971:437, 15§

Reindeer herders within each village are both each other's closest colleagues and largest competitors creating internal barriers within the community.²⁵ It is difficult for many to achieve a sufficiently steady economic situation on reindeer husbandry alone and it is common for someone in the household to have a steady source of income outside the reindeer industry.²⁶ Sami traditional crafts are not protected which means that a potential income source is removed from the Sami people.

The right to social security and social protection, art. 9

The Committee expressed concern regarding the cutbacks in allocation of funds for personal assistance for persons with disabilities, depriving them of necessary services and assistance. Many people continue to be affected by severe cutbacks due to the interpretation of the Act Concerning Support and Service for Persons with Certain Functional Impairments.²⁷

The economic situation is dire for many relying on the basic allowance and social assistance. There is a lack of knowledge of the financial conditions for people with developmental disabilities.²⁸ The National Union for Children, Young People and Adults with Developmental Disabilities has presented an illustrative example that demonstrates that a person living in a group residence ends up in the negatives every month.²⁹ Breaking out of poverty is an impossible task as many who rely on these allowances do so because they are not capable of working full-time. Any inheritance they may receive from family or friends are seen as an asset and impacts the housing supplement negatively.³⁰

Only 17%, or 217 persons, were granted assistance allowance at their first application in 2018. The number of first-time applications was 1260 in 2018,

²⁵ The Sami Parliament (Sametinget), *Knowledge summary about Sami psychosocial illness (Kunskapssammanställning om samers psykosociala ohälsa)*, 2016, p. 6

²⁶ Ibid, p. 102

²⁷ Act (1993:387) Concerning Support and Service for Persons with Certain Functional Impairments (Lag (1993:387) om stöd och service till vissa funktionshindrade)

²⁸ The National Union For Children, Young People And Adults With Developmental Disabilities, *Economic Mapping, Caught In Poverty? Income And Expenditure For Adults With Developmental Disorders (Ekonomisk Kartläggning, Fångad I Fattigdom? Inkomster Och Utgifter För Vuxna Personer Med Utvecklingsstörning)*, 2018 p. 6

²⁹ Ibid, p. 25. The example shows that the total income (from allowances and supplements) of 14 411 SEK a month does not cover the living expenses. The living expenses are calculated to be 18 137 SEK/month which leads to a deficit of 3 726 SEK/month. The calculation is based on expenses reported by the Consumer Agency and does not include cost for glasses, special diets or other miscellaneous expenses.

³⁰ Ibid, p. 19

which can be compared with 1915 in 2015. In 1995 78% of all first time applicants were granted assistance allowance, in 2008 64% and in 2015 32%.³¹

At the moment the responsibility of providing personal assistance is shared between the state and the municipalities. A State Official Investigation has suggested making the state the sole decider of granting personal assistance but that the responsibility of providing the care should still lie with the municipalities.³² The same investigation suggests restrictions in the personal assistance to a standard amount of 15 hours a week relating to daily life at home.³³

Protection of and assistance to the family, article 10

Legislation concerning sexual violence and rape has been amended as of July 2018.³⁴ The new legislation is in accordance with the Committee's recommendation regarding amending the criminal code related to rape and sexual violence. Consent has been included as the deciding factor in rape cases. The law states that the element of the perpetrator's use of violence or threat is no longer a requirement for a case to be judged as rape. The law assumes that sex should be voluntary and based on consent. Additionally, two new offences of "negligent rape" and "negligent sexual abuse" have been introduced, both carrying a maximum prison sentence of four years. The aim of these offences is to ensure criminal liability in cases where sexual acts or intercourse are carried out without reasonable measures taken to establish the victim's consent. More acts become criminalised and the punishments are more severe than in previous legislation. The new law has already had effect and cases can now be judged as "negligent rape". Previously, similar cases might have been condemned as "sexual harassment". The first judgment based on the new legislation was passed on 29.10.2018.³⁵

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) which is an independent European human rights monitoring body mandated to monitor the implementation of the Istanbul Convention released a report in 2019 on the status on violence against women in Sweden

³¹ <https://assistanskoll.se/20190301-over-80-alla-sokande-avslag.html>

³² State Official Investigations, *Review of contributions according to LSS and the assistance allowance (Översyn av insatser enligt LSS och assistansersättningen)* SOU 2018:88 p. 59

³³ Ibid, p. 36

³⁴ Criminal Code (1962:700) (Brottsbalken (1962:700)), Ch. 6, 1§

³⁵ SVT Nyheter, *First conviction for negligent rape (Första fällande domen för oaktsam våldtäkt)*, 29.10.2018, <https://www.svt.se/nyheter/lokalt/stockholm/forsta-fallande-domen-for-oaktsam-valdtakt> last accessed 10.04.2019

in.³⁶ The report reflects the fact that the 290 different municipalities attempt to fulfil their obligation to act in cases of domestic violence with varying degrees of diligence and efficiency.³⁷ This is an issue of concern since different municipalities offer or guarantee different degrees of protection for women who are victims of violence. An ongoing trend of specialisation where different sections deal with different parts of the procedure (social welfare investigations, individual assessments, formal decisions on support and its actual provision) is resulting in a less holistic approach to support women who are victims of violence.³⁸ Women who are victims of violence are therefore forced to utilize a number of social services and case workers. An intersectional approach to women who are victims of violence is essential, as additional factors, such as other discrimination grounds, cultural background or drug use, may entail that the victim needs to contact multiple specialists of which all are not trained in how to proceed in cases of domestic violence.³⁹

Social services in Sweden seem to be ill-equipped to respond to specific challenges encountered by victims of domestic violence in minority communities such as the Sami or Roma. According to the Advisory Committee on the Framework Convention of the Protection of National Minorities, employees of county administrative boards and municipalities lack sufficient knowledge about national minorities and their rights.⁴⁰ Within the 19 administrative areas for Sami, where municipalities have specific obligations with regard to people who speak Sami, very few co-ordinators speak any of the Sami languages.⁴¹

There have not been many studies on domestic violence concerning national minorities. Interviews conducted in 2008 show that women from the national minorities who turned to the social services for help were very dissatisfied with the support provided due to the social services' lack of understanding of the cultural specificities of belonging to those groups.⁴² For example, awareness seems to be low when it comes to the patriarchal nature of Sami communities, the dual exposure of Sami women to structural violence (from within the community and from outside), the importance of Sami identity and the

³⁶ GREVIO's (Baseline) *Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) Sweden, 2019

³⁷ *Ibid*, Para.122

³⁸ Strantz, H., Wiklund, S., Karlsson, P., (2016), *People processing in Swedish personal social services. On the individuals, their predicaments and the outcomes of organisational screening* in *Nordic Social Work Research* 6 (3), pp. 174-187

³⁹ While most case workers responsible for social welfare investigations for adult victims of domestic violence have received specific training, plans to ensure domestic violence training for other types of case workers exist only in one third of the municipalities. Source: *Open Comparisons of the municipalities' work with violence in close relationships 2017 (Öppna jämförelser)*; available at: <http://www.socialstyrelsen.se/oppnajokforelser/valdinararelationer>.

⁴⁰ Fourth Opinion on Sweden, published on 22 June 2017, ACFC/OP/IV(2017) 004, para. 21.

⁴¹ *Ibid*, para. 17

⁴² GREVIO report para. 126

consequences of divorce.⁴³ The need for a specialized women's shelter for Sami women was once again highlighted in 2011 in a questionnaire to the Sami reindeer-herding communities carried out by the Sami Parliament as part of a government assignment to strengthen the participation of Sami women in social life.⁴⁴ Sami and Roma women also indicated that there are negative attitudes towards minorities and an overall lack of language skills among employees of social services.

Women in Sweden are generally reluctant to report intimate partner violence or sex offences to law enforcement agencies. Women from migrant communities, Roma women and, possibly, Sami women, are even less likely to seek help from law enforcement agencies, as their confidence in the Swedish authorities generally is low.⁴⁵

Women with disabilities are also victims of violence against women. The Swedish National Council for Crime Prevention has studied violence against persons with disabilities.⁴⁶ There are three factors that are most evident in promoting violence against persons with disabilities. The first factor is invisibility as they may be quite isolated from parts of society or because they have difficulties communicating. A second factor is the particular dependence on other people, explaining a higher risk of women with disabilities being exposed to violence, compared to women without disabilities. Vulnerability is a third factor depending on what kind of disability a person has. Persons who are not physically able to protect themselves against abuse are vulnerable as well as persons who lack the knowledge or opportunities to express their own rights or tell that they have been subjected to violence.⁴⁷ Persons with disabilities can also be subjected to violence particular to their disability such as the perpetrator hiding the victims' aids/appliances or refusing to interpret Sign Language.⁴⁸ It is currently not possible to analyse the extent of violence against women with disabilities due to lack of data, statistics and studies.⁴⁹

⁴³ For many Sami women, divorce from a Sami man means losing membership in the Sami community for themselves and their children. Divorce is not socially acceptable in all Sami societies. See GREVIO report para. 126. See also Monica Burman's discussion of the results of 2008 government-initiated review into the experiences of abused women of national minorities carried out by the then National Public Health Institute through a questionnaire survey and individual interviews in Monica Burman (2017), *Men's intimate partner violence against Sami women – a Swedish blind spot*, Nordic Journal on Law and Society, Vol. 01, No.01-02, p.197

⁴⁴ Ibid, p. 203

⁴⁵ GREVIO Report, para. 13-14, 201

⁴⁶ The Swedish National Council for Crime Prevention, Brottsförebyggande rådet, *Violence against persons with disabilities (Våld mot personer med funktionshinder)*, 2007

⁴⁷ The Swedish Agency for Participation (Myndigheten för delaktighet), *Men's violence against women with disability Development areas for the national strategy for to prevent and combat men's violence against women (Mäns våld mot kvinnor med funktionsnedsättning Utvecklingsområden till den nationella strategin för att förebygga och bekämpa mäns våld mot kvinnor)*, 2017, pp. 16-17

⁴⁸ Ibid, p. 19

⁴⁹ National Center for Women's Rights (Nationellt centrum för kvinnofrid) *Violence against women with disabilities (Våld mot kvinnor med funktionsnedsättning)*, 2013

The County Administrative Boards in Stockholm, Skåne and Västra Götaland have a special mandate from the government to support and coordinate the development of sheltered housing across the country with a particular focus on vulnerable groups.⁵⁰ In 2016, they presented a survey of protected housing for people in special vulnerability, where people with disabilities are included. The study concludes that in particular vulnerable women, often affected intersectionally, may have a more difficult time finding protected housing.⁵¹ This may be due to staff in the available housing lacking the competence or that the housing is not accessible to persons with disabilities. The study also demonstrates a lack of cooperation between responsible actors/stakeholders as well as incongruence in legislation and guidelines.

Women belonging to minorities and/or with disabilities also often have more difficulties finding safe housing as safe-houses claim that they do not have the special cultural competency to deal with these issues.

Persons in the LGBTQ community have a lower level of trust in different authorities and social services.⁵² One consequence of this is that crimes against this group of people is less likely to be reported and violations remain hidden.

The right to an adequate living standard, article 11

Housing

There is still an extensive lack of housing in Sweden,⁵³ partly due to a lack of affordable tenancies, mainly affecting low income families and the most vulnerable on the housing market.

The National Board of Health and Welfare conducted a survey in 2017 (the previous similar survey was conducted in 2011) on homelessness. The majority of homeless people were men but the amount of women living in homelessness has increased. The study differentiated between homeless Swedish citizens and EU citizens. The survey may however be misleading, as there are challenges carrying out a legitimate study on homelessness as a large portion of homeless

⁵⁰ The County Administrative Boards for Stockholm, Skåne and Västra Götaland (Länsstyrelserna i Stockholm, Skåne och Västra Götaland) *Survey of protected housing for particularly vulnerable people (Kartläggning av skyddat boende för särskilt utsatta personer)*, 2016

⁵¹ *Ibid*, p. 20

⁵² The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSU), *Trust to Strengthen. About the LGBTQ people's confidence in different public bodies and what needs to be changed, (Förtroende att Stärka. Om hbtq-personers förtroende för olika samhällsinstanser och vad som behöver förändras)*, 2016

⁵³ According to the National Board of Building, planning and housing (Boverket) there is a need for 535 200 new housing units until the year 2025 based on a prognosis made in 2018. National Board of Housing, Building and Planning, *Need for new housing 2018 – 2025 (Behov av nya bostäder 2018-2025)* Rapport 2018:24, p. 5

people are undocumented migrants and do not want to draw any kind of attention to themselves.⁵⁴

Persons of foreign descent still experience discrimination on the housing market. The Equality Ombudsman's information campaign that spreads information regarding the labour market also has the obligation to spread information about discrimination on the housing market.

Newly arrived persons are often neglected after the municipalities' initial obligation to offer housing. The newly arrived persons housing contracts can be terminated as the two-year "establishment period" ends. A recent case in the Administrative Court of Appeal found that municipalities are permitted to do so.⁵⁵ The same case determined that housing offered by municipalities for the establishment period can be of temporary nature as the legislation is stated in such a way that it permits flexibility of housing type.⁵⁶

The Enforcement Authority's statistics show that the amount of evictions executed in 2018 is higher than earlier years.⁵⁷ Statistics also show that children are still being evicted from their housing. In 2016, 2017 and 2018 the amount of evicted children was 387, 392 and 448 respectively.⁵⁸

Vulnerable EU citizens are often victim to evictions and the legislation changed in 2017 to clarify the police's responsibility to intervene against unauthorized settlements.⁵⁹ The police are urged to evict more actively. They should also try to evict at an earlier stage, before there has been "full establishment" of a residence.

A recent official mapping confirmed that in most Swedish municipalities, homeless EU citizens do not have access to long-term shelter or housing on similar terms as citizens or residents.⁶⁰ According to this mapping exercise, only 10% of municipalities provided shelter for people considered "vulnerable EU citizens" in autumn and/or winter. The mapping did not detail how many nights at

⁵⁴ Socialstyrelsen, *Homelessness 2017 – Scope and character (Hemlöshet 2017 – omfattning och karaktär)*, 2017

⁵⁵ Municipalities have an obligation to offer housing for a two-year period for newly arrived persons, see The Court of Appeal in Stockholm (Kammarrätten i Stockholm), Case nr. 4155-18, 26.03.2018

⁵⁶ Law (2016: 38) on receiving certain newly arrived immigrants for residence (Lag (2016:38) om mottagande av vissa nyanlända invandrare för bosättning)

⁵⁷ Applied and implemented evictions 2016–2018. The statistics are reported in counties and municipalities and compared with the number of rental units in the corresponding county / municipality (Ansökta och genomförda vräkningar 2016–2018. Statistiken redovisas på län och kommun samt jämförs med antalet hyresrätter i motsvarande län/kommun), The Enforcement Authority (Kronofogden)

⁵⁸ The Enforcement Authority (Kronofogden), Number of children affected by eviction 2008 through 2018, Statistics are reported in counties and municipalities (Antal barn berörda av vräkning 2008 till och med 2018. Statistik redovisas på län och kommun)

⁵⁹ Law (1990: 746) on payment orders and assistance (Lag (1990:746) om betalningsföreläggande och handräckning)

⁶⁰ County Administrative Board of Stockholm (Länsstyrelsen i Stockholm), Assignment regarding national coordination on vulnerable EU/EEA citizens lacking right of residence in Sweden – interim report, p. 24

a time individuals could stay there, nor did it specify how many of these municipalities also provide shelter during the rest of the year.⁶¹

Vulnerable EU citizens live in acute homelessness according to a study by The National Board of Health and Welfare.⁶² This means that many sleep in tents, sheds and huts, under tarpaulins, in parks, on sidewalks, under bridges and docks. Many look for places to sleep from day to day. Sleeping in cars is relatively common, either in a car they came here in or in one they acquired in Sweden.⁶³

The Roma people as a national minority also face discrimination on the housing market. One type of discrimination arises during the process of searching for housing, making it more difficult for them to be elected for rent housing.⁶⁴ Many also feel accused and are met by prejudice or even harassed by their neighbours.⁶⁵

Poverty

The Municipality of Vellinge enforced a ban on begging which was overturned in the second instance. However the Supreme Administrative Court judged that the municipality had followed the law and thus the ban was acceptable.⁶⁶ The ban in question only affects a few persons but has a large wider impact, since municipalities may decide independently if they too want to enforce a ban filling the necessary requirements set forth in the Order Act.⁶⁷ The principle of local governance leads to differences in the treatment of people depending on where they are located.

General concerns of the right to an adequate living standard

The Committee expressed concern over the increasing incidence of hate speech and violence against persons of African descent and Muslims. According to the latest estimated figure presented by the Swedish National Council for Crime Prevention, as many as 440 reported hate crimes were deemed having an Islamophobic motive. In only six years, the number has increased by 43 percent.

⁶¹ See also: Amnesty, Sweden: *a cold welcome human rights of Roma and other 'vulnerable EU citizens' at risk*, 2018

⁶²The National Board of Health and Welfare (Socialstyrelsen), *Homelessness 2017 – Scope and character (Hemlöshet 2017 – omfattning och karaktär)*, 2017, p. 72

⁶³ Ibid, p. 72

⁶⁴ National Board of Building, planning and housing (Boverket) *The second current description - part of Roma inclusion 2012–2032 (Boverkets andra nulägesbeskrivning – en del av romsk inkludering 2012–2032)*, Rapport 2018:25, 2018, p. 21

⁶⁵ Ibid, p. 22

⁶⁶ The Supreme Administrative Court's judgment in case no. 2149-18 (Högsta förvaltningsdomstolens dom i mål nr. 2149-18)

⁶⁷ Order Act (Ordningslagen) 1993:1617

No more than 4 percent of the total reported crimes in 2015 had resulted in prosecution in 2017.⁶⁸

A Coherent and long-term Strategy of Roma inclusion 2012-2032 includes many measures, but unfortunately it lacks a human rights perspective. According to economic, social and cultural rights, the state party is obliged to take prompt measures to promote, protect and fulfil the rights for everyone, without discrimination. Nevertheless, the strategy aims to accomplish its goals by 2032 and states that “The overall goal of the 20-year strategy is that a Roma who turns 20 years of age in 2032 is to have the same opportunities in life as a non-Roma”.⁶⁹

The right to education, article 13

There is a lack of teachers generally in Sweden. The government has acknowledged this and suggested in their renewed budget proposition in 2019⁷⁰ to add 475 million Swedish krona to fund teachers’ assistants.⁷¹

In Sweden, five national minority languages have been recognised and, in theory, speakers of the languages are entitled to mother tongue education. However, there is a widespread lack of initiatives within municipalities to foster mother tongue education and many national minority language speakers do not receive a sufficient education in their mother tongue.⁷² The Government allocated 800 000 Swedish krona to the Sami Parliament for the implementation of language activities during the indigenous language year 2019. The activities should aim to promote Sami language and Sami culture.⁷³ However, there is still a shortage of teachers to teach mother tongue to all national minorities. The national minority languages do also often have very different dialects that must be addressed from an educational perspective.

The Institute for Language and Folklore estimates that around 30 000 people in Sweden use Sign Language and 13 000 of these have it as their mother tongue.⁷⁴

⁶⁸ The Swedish National Council for Crime Prevention (Brottsförebyggande rådet, BRÅ), Report 2017:11, p. 88

⁶⁹ Government letter 2011/12: 56 *A coherent and long-term strategy of Roma inclusion 2012–2032 (En samordnad och långsiktig strategi för romsk inkludering 2012–2032)* Comm. 2011/12: 56, p. 1

⁷⁰ The Governments proposition 2018/19:100, 2019 economic spring bill (Regeringens proposition 2018/19:100, 2019 års ekonomiska vårproposition) The parliament will vote on the proposition on the 18th of June 2019

⁷¹ The spring budget proposition, p 25

⁷² State Official Investigations, *National minority languages in the school*, SOU 2017:91, 2017, p. 231-286

⁷³ Ministry of Culture (Kulturdepartementet), Ku2018/02257/CSM, 2019-04-18

⁷⁴ <https://www.sprakochfolkminnen.se/sprak/minoritetsprak/svenskt-teckensprak/fragor-och-svar-om-teckensprak.html>

Sign Language is not considered a national minority language and is therefore not encompassed by the same regulations.

There is insecurity regarding Roma students' situation in primary-, elementary as well as upper secondary school due to many not openly identifying as Roma.⁷⁵ This infringes on Roma people's right to an identity. As part of the five pilot municipalities included in the 2012-2032 Roma Inclusion Strategy, Stockholm County has reported a progress regarding education for Roma children. According to Roma parents and school teachers, an increased number of Roma children have been noticed enrolled in primary schools, more Roma students are completing elementary school and upper secondary school becomes more important for students.⁷⁶

A number of students attest to racism and xenophobia in school. According to the students there is a knowledge gap among the school staff when it comes to handling racism and xenophobia.⁷⁷ Not counteracting these phenomena creates an unequal education. Students exposed to racism risk poor schooling as well as psychologic scars for life. Racism in school also tends to reduce attendance and increase drop outs among the affected students.⁷⁸

New upper secondary school legislation from 2018 allows asylum seekers residence permits to go to high school for 13 months if they fulfil the requirements of the law.⁷⁹ If they are granted a residence permit, the asylum seekers are no longer seeking asylum and lose part of their support from the state. There are many challenges related to education and housing for unaccompanied children. The government has stated that asylum seekers granted an education based on temporary permits are expected to arrange their own accommodation and support themselves through the student support system.⁸⁰

⁷⁵ If Roma people do not openly identify themselves as Roma, and the institutions do not examine the students ethnicity, it is a challenge to collect data to analyse. See Länsstyrelsen Stockholm, Rapport 2014:22 *Current situation of obstacles and opportunities for roma people - education, work, housing, health, social care and security* (Nulägesbeskrivning av hinder och möjligheter för romers rätt - utbildning, arbete, bostad, hälsa, social omsorg och trygghet), 2014, p. 23

⁷⁶ Stockholm County Authority, *Detailed description of obstacles and opportunities on Roma rights*, 2014: 22, 2014, p. 8

⁷⁷ The Order of the Teaspoon (Teskedsorden), *Sorry is not enough (Förlåt räcker inte)*, 2018, p. 5, see also Arneback and Jämte, *Att motverka rasism i skolan och förskolan*, 2017, p. 7

⁷⁸ Ministry of Culture (Kulturdepartementet), *Samlat grepp mot rasism och hatbrott: nationell plan mot rasism, liknande former av fientlighet och hatbrott*. Stockholm, Regeringskansliet, 2016; The Order of the Teaspoon 2018, Arneback & Jämte, 2017

⁷⁹ Law (2016: 752) on temporary restrictions on the possibility of obtaining a residence permit in Sweden (Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige) 16 c § - f §

⁸⁰ The National Board of Health and Welfare (Socialstyrelsen), *Municipalities' readiness - young people who receive residence permit according to the new upper secondary education Act (Kommunernas beredskap – unga som får uppehållstillstånd enligt den nya gymnasielagen)* Art.nr 2018-12-52

Appendix 1: Concluding observations on the sixth periodic report of Sweden⁸¹

Committee on Economic, Social and Cultural Rights

Distr.: General
14 July 2016 (Original English)

Concluding observations on the sixth periodic report of Sweden*

1. The Committee on Economic, Social and Cultural Rights considered the sixth periodic report of Sweden on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/SWE/6) at its 24th and 25th meetings (see E/C.12/2016/SR.24 and 25), held on 7 and 8 June 2016, and adopted the following concluding observations at its 49th meeting, held on 24 June 2016.

A. Introduction

2. The Committee welcomes the timely submission of the sixth periodic report of the State party, as well as the submission of the written replies to the list of issues (E/C.12/SWE/Q/6/Add.1). The Committee also appreciates the constructive and frank dialogue that it had with the State party's high-level and multisectoral delegation. Furthermore, the Committee acknowledges the additional information provided in writing.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to promote economic, social and cultural rights in the State party, including:

- (a) The amendment to the constitutional law (Instrument of Government) which established that the Sami constitute "a people", in 2011;
- (b) The adoption of the new Patients' Law, strengthening the position of patients and their rights to make their own choices, in 2015;
- (c) The appointment of a national coordinator to address the situation of young people not in education, employment or training, in 2015;
- (d) The adoption and implementation of the strategy for Roma inclusion for 2012-2032;
- (e) The development of a new national strategy on violence against women.

⁸¹ Committee on Economic, Social and Cultural Rights. Concluding observations on the sixth periodic report of Sweden (E/C.12/SWE/CO/6). Adopted by the Committee at its fifty-eighth session (6-24 June 2016).

4. The Committee also appreciates the fact that the State party devoted 1.4 per cent of its gross national income in 2015 to official development assistance.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee notes the information provided by the State party's delegation about the existence of an internal dialogue concerning the incorporation of the International Covenant on Economic, Social and Cultural Rights into domestic law. However, the Committee remains concerned about the timeline for this process, and that, at present, several Covenant rights are still not incorporated into domestic law, thus rendering them non-justiciable in domestic courts.

6. **The Committee reiterates its previous recommendation (see E/C.12/SWE/CO/5, para. 13) that the State party take the necessary legislative measures to incorporate the Covenant into its domestic legislation and thus facilitate the application of the Covenant rights in domestic courts. The Committee also recommends that the State party raise awareness about the content of the Covenant rights and their justiciability, in particular among judges, lawyers and law enforcement officials, and among rights holders. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Devolution of obligations

7. The Committee notes the information about the division of responsibilities between national, county and municipal authorities in the State party. The Committee is, however, concerned about the limited awareness of local authorities as to their obligations in regard to the realization of Covenant rights.

8. **The Committee reminds the State party that its Government bears the responsibility for the implementation of the Covenant at all levels, including the county and municipal levels. The Committee therefore recommends that the State party ensure that all public authorities, including local authorities, are fully aware of their obligations under the Covenant, and to that end encourages the State party to issue and disseminate the necessary information and guidance to local authorities. The Committee refers to its general comment No. 3 (1990) on the nature of States parties' obligations.**

National human rights institution

9. The Committee, while appreciating commitments made by the State party with regard to the establishment of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), remains concerned that existing equality bodies are mandated to cover specific areas only, and that the Equality Ombudsman has limited mandate and independence, and thus only partially complies with the aforementioned Principles and therefore is accredited with "B" status.

10. **The Committee recommends that the State party expedite the process of establishing an independent human rights institution in full conformity with the Paris Principles, and that the State party ensure that**

due attention is given to economic, social and cultural rights in the institution's mandate and that the institution has the necessary human and technical resources to fulfil its mandate. The Committee also recommends that the State party ensure that existing equality bodies, including the Equality Ombudsman, cover all areas relevant to economic, social and cultural rights, and that the Equality Ombudsman fully conforms with the Paris Principles.

Swedish National Pension Funds' investments

11. The Committee is concerned about the lack of systematic control by the State party of the investments made abroad by enterprises domiciled under its jurisdiction, including by the Swedish National Pension Funds, which weakens the ability of the State party to prevent negative impacts from such investments on the enjoyment of economic, social and cultural rights by local populations. While noting the information about the existence of the Ethical Council within the Swedish National Pension Funds, and the continuous dialogue between the Funds and companies including on ethical and environmental issues, the Committee remains concerned about the level of effectiveness of the existing monitoring and remedial mechanisms (art. 2).

12. **The Committee recommends that the State party fully exercise its regulatory powers and strengthen its oversight of investment decisions made by the Swedish National Pension Funds and other investors acting abroad, with a view to ensuring that such decisions respect and protect human rights. It also recommends that the State party ensure that the Swedish National Pension Funds and other investors domiciled in the State party:**

(a) **Undertake a systematic and independent human rights impact assessment prior to making investment decisions;**

(b) **Establish effective monitoring mechanisms to regularly assess the human rights impact of such projects and to take remedial measures when required;**

(c) **Guarantee that there are accessible complaint mechanisms in case of violations of economic, social and cultural rights arising from investment projects.**

Sami land rights

13. The Committee is concerned that the Sami people still encounter obstacles to the full enjoyment of their indigenous rights that include access to their ancestral lands and maintenance of their traditional ways of living. This situation is exacerbated by the increase in extractive and development projects being carried out on or near to Sami lands (arts. 1 and 2).

14. **The Committee recommends that the State party redouble its efforts to resolve the remaining disputes related to Sami lands. In particular, the Committee recommends that the State party:**

(a) **Ensure that all Sami, including non-reindeer-herding Sami, enjoy equal access to water and land, and, to that end, that it introduce the necessary legislative changes to avoid unnecessary distinctions among the Sami people in such access;**

(b) **Reconsider its position on the burden of proof in court cases concerning Sami land rights with a view to assisting Sami in providing the necessary evidence and thus strengthening their ability to**

claim their rights effectively, and undertake to further facilitate Sami access to legal aid;

(c) Ensure, in law and in practice, that the necessary efforts are made to obtain the free, prior and informed consent of all Sami people on decisions that affect them, and provide legal assistance in that regard;

(d) Review relevant legislation, policies and practices that regulate activities that may have an impact on the rights and interests of the Sami people, including development projects and the operations of extractive industries, and in particular the Minerals Act, the Minerals Strategy and the Environmental Code;

(e) Expedite the negotiations leading to the adoption of the Nordic Sami Convention, and in case of further delays adopt the necessary legal solutions at the domestic level;

(f) Consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Sami Parliament

15. The Committee, while welcoming the State party's efforts to increase resources allocated to the Sami Parliament, remains concerned about the Sami Parliament's limited powers, especially on issues related to land rights.

16. The Committee recommends that the State party continue increasing the resources allocated to the Sami Parliament, which are necessary in order for it to discharge its role effectively. The Committee also recommends that the State party follow up on the decision voted by the Sami Parliament in 2014 on establishing a truth commission on the treatment of the Sami people throughout the history of Sweden.

Anti-discrimination legislation

17. The Committee is concerned that the Discrimination Act (2008) contains a closed list of prohibited grounds of discrimination, and that social status and political opinion are not included in that list (art. 2, para. 2).

18. The Committee encourages the State party to revise the Discrimination Act so as to bring it into line with article 2, paragraph 2, of the Covenant. The Committee also recommends that the State party include social status and political opinion in the list of prohibited grounds of discrimination. The Committee refers to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Discrimination against Roma and other vulnerable groups

19. The Committee is concerned about persistent societal discrimination against Roma, despite the many measures taken to address it, including the long-term Roma inclusion strategy and other projects. The Committee is also concerned that vulnerable foreigners, including citizens of other European Union countries, and in particular Roma, face major obstacles in accessing basic social services and social assistance benefits in the State party (art. 2, para. 2).

20. The Committee recommends that the State party step up its efforts to enhance actual enjoyment of the Covenant rights by Roma, as a follow-up to its acknowledgment of the findings of the 2014 government white paper on abuses and rights violations against Roma. The Committee also

recalls that the Covenant rights carry core obligations of an immediate nature and that the State party must meet those core obligations by ensuring that the minimum essential levels relating to the rights to housing, health, social security and education are respected, protected and fulfilled. To that end, the Committee recommends that the State party take measures to facilitate access to basic services by vulnerable foreigners, including citizens of other European Union countries, notably those of Roma origin.

Discrimination against ethnic and religious minorities

21. The Committee is concerned that people of African descent and Muslims face discrimination in the State party in many areas covered by the Covenant. Moreover, the Committee is concerned that the targeted measures to address this situation are inadequate. The Committee is also concerned at the increasing incidence of hate speech and violence against persons belonging to these groups (art. 2, para. 2).

22. **The Committee recommends that the State party study the root causes that have led to the long-standing discrimination against persons of African descent and Muslims, and, based on its findings, develop programmes and policies in consultation with the communities concerned aimed at combating ethnic- and religious-based prejudices and disparities in access to health, education, housing and work. The Committee also recommends that the State party take into account the recommendations put forward in 2015 by the Working Group of Experts on People of African Descent and that it expedite the adoption of, and implement effectively, the National Plan against Racism and Hate Crimes.**

Unemployment

23. The Committee is concerned that, despite the many measures taken by the State party, unemployment still disproportionately affects persons with disabilities, youth, Roma and persons from ethnic minorities (art. 6).

24. **The Committee recommends that the State party ensure the effective implementation of existing measures, such as the initiatives introduced in the Budget Bill 2016 aimed at assisting persons with disabilities in obtaining work, and the appointment of a national coordinator to address the situation of young people who are not in education, employment or training. It also calls on the State party to consider adopting other targeted measures to reduce the vulnerability of members of all the above-mentioned groups to unemployment, including the introduction of temporary special measures, and the strengthening of financial incentives for employers, such as tax incentives.**

Employment of women

25. The Committee is concerned that despite the progress achieved in the area of women's employment, a gender wage gap persists in the State party, notably as women are concentrated in low-paid jobs and remain overrepresented in part-time work arrangements (arts. 3 and 7).

26. **The Committee recommends that the State party promptly reintroduce the annual pay surveys, as indicated during the dialogue, that it take effective measures, including the adoption of temporary special measures, so as to achieve substantive equality between men and women in access to and choice of work, and in the enjoyment of just and**

favourable working conditions, and that it continue its efforts towards a more equal sharing of family responsibilities between men and women.

Just and favourable conditions of work

27. While welcoming the increasing budget for the Swedish Work Environment Authority and the development of a new working environment strategy, the Committee is concerned at the surge in occupational diseases and stress-related illnesses and at the decline in the number of labour inspectors. The Committee appreciates the information received that sexual harassment is criminalized under the Discrimination Act, but remains concerned about the lack of information on prosecutions and convictions of the perpetrators (art. 7).

28. The Committee recommends that the State party step up its efforts to address the surge in occupational and stress-related diseases, and to this end implement effectively the working environment strategy and increase the number of labour inspectors and the resources allocated to them. The Committee also recommends that the State party effectively investigate, prosecute and sanction individuals for acts of sexual harassment. The Committee refers to its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Social security

29. The Committee is concerned about the cutbacks in the allocation of funds for personal assistance benefits for persons with disabilities, depriving such persons of necessary services and assistance (art. 9).

30. The Committee recommends that the State party reconsider the financial cuts and the eligibility criteria for the provision of personal assistance benefits to persons with disabilities, whose rights should prevail over financial considerations. To that end, the Committee also recommends that the State party introduce the necessary amendments to the Social Code and to the Act concerning Support and Service for Persons with Certain Functional Impairments. The Committee refers the State party to the letter concerning austerity measures which was sent to all States parties to the Covenant by the Chair of the Committee in 2012, and to the Committee's general comment No. 19 (2007) on the right to social security.

Refugees and asylum seekers

31. While welcoming the State party's generosity in receiving a substantial number of asylum seekers and migrants, as well as the many measures taken to accommodate the rights of unaccompanied children, the Committee notes with concern the act on asylum seekers and refugees, newly adopted in 2016, which in some respects contains restrictive features. It is particularly concerned that the new act will restrict the right to family reunification for asylum seekers and refugees. The Committee is also concerned that adult asylum seekers receive restricted access to health-care services (arts. 2, 10 and 12).

32. The Committee recommends that the State party revise the new act in question. It urges the State party to apply a definition of "family members" and of "economic dependency" that is sufficiently broad to protect the family reunification of refugees, asylum seekers, and beneficiaries of subsidiary protection. The Committee also recommends that the State party take steps to ensure that all asylum seekers have access to adequate health-care services, and reminds the State party that health

facilities, goods and services should be accessible to everyone without discrimination, in line with articles 2 and 12 of the Covenant. The Committee draws the State party's attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Harmful practices

33. While appreciating legislative amendments introduced in 2014 aimed at strengthening the protection against early and forced marriages, the Committee is nevertheless concerned at the lack of information on judicial cases regarding early and forced marriages that have reportedly taken place in the State party. The Committee is also concerned that incidents of violence against women and children remain widespread and that despite the numerous measures taken to address the problem, reporting and prosecution rates remain low. Furthermore, the Committee is concerned that the definition of rape in the Criminal Code has not been amended (art. 10).

34. The Committee recommends that the State party enforce effectively the relevant criminal provisions and ensure that all cases of violence against women and children are promptly and thoroughly investigated, that perpetrators are brought to justice and that victims have access to effective remedies, compensation and means of protection. The Committee also recommends that the State party accelerate the revision of the definition of rape in the Criminal Code so as to integrate the element of the victim's consent into the definition. The Committee further recommends that the State party continue public awareness-raising campaigns on all forms of violence against women and children, including against women belonging to ethnic minorities, and that it provide systematic training for the members of the judiciary and law enforcement personnel in this regard.

Poverty

35. The Committee is concerned about the increased number of children living in poverty in the State party, and that refugees, asylum seekers, Roma and Afro-Swedes are particularly affected by poverty (art. 11).

36. The Committee recommends that the State party step up its efforts in addressing poverty, including through the effective implementation of the relevant employment and social protection policies and programmes referred to during the dialogue, while paying particular attention to groups exposed to continuing poverty.

Right to housing

37. While welcoming the increased resources dedicated to housing on the basis of the government bill of 2016, the Committee remains concerned about the shortage of housing in the State party, especially in main cities, the limited access to affordable tenancies and the lack of social housing, which generate homelessness. The Committee is also concerned about the persistence of de facto residential segregation, which particularly affects Afro-Swedes, Muslims and Roma (art. 11).

38. Recalling its general comment No. 4 (1991) on the right to adequate housing, the Committee recommends that the State party step up its efforts in addressing the housing shortage. Among other measures, the Committee recommends that the State party:

(a) **Increase the availability of affordable tenancies and consider allocating resources to social housing so as to meet the demand, particularly of those most in need;**

(b) **Include statistical information on the extent of homelessness, disaggregated by age, sex, urban/rural population and ethnic groups, and on the measures taken to address homelessness and the results achieved in that regard, in the next periodic report under the Covenant;**

(c) **Take targeted measures with a view to ending de facto residential segregation affecting in particular Afro-Swedes, Muslims and Roma.**

Forced evictions

39. The Committee is concerned about the increased incidence of forced evictions affecting Roma persons living in informal settlements. The Committee is also concerned about the proposed legislative amendment on eviction procedures, which reportedly would further weaken the vulnerable position of those subject to eviction and expedite the eviction process from informal settlements (art. 11).

40. **The Committee recommends that the State party address the root causes leading to Roma vulnerability to forced evictions. It should, among other measures, facilitate access to adequate housing by Roma and take effective steps to remove discriminatory obstacles in such access, which could also prevent the expansion of informal settlements. The Committee recommends that the State party ensure that the legal framework governing forced evictions establishes appropriate procedures to be followed prior to an eviction and takes into account the Committee's general comment No. 7 (1997) on forced evictions. The Committee, in particular, recommends that the State party ensure that forced eviction is considered only as a last resort, and that in all such cases the individuals affected are provided with long-term housing solutions.**

Drug use

41. The Committee commends the State party on the introduction of harm-reduction strategies in respect of drug users. The Committee is, however, concerned at the restricted access to opioid substitution therapy by prisoners, at the prevalence of hepatitis C among drug injectors and at the increase in the rate of deaths from overdose (art. 12).

42. **The Committee calls upon the State party to intensify its efforts in regard to preventing drug abuse, including through education and awareness-raising programmes, and expansion of the provision of drug substitution therapy, particularly in prisons. The Committee also encourages the State party to continue expanding the needle exchange programme. Furthermore, the Committee recommends that the State party widely disseminate the 2015 guidelines on hepatitis C prevention and that it take measures to ensure that drug injectors are tested for hepatitis C and are provided with the necessary treatment on the basis of general principles applicable to the therapy for this sickness. Finally, the Committee recommends that the State party strengthen its overdose prevention programmes.**

Mental health

43. The Committee is concerned about the insufficient use of alternative treatments for persons with psychosocial disabilities in the State party, and about the prevalence of compulsory admissions of such individuals to psychiatric institutions. The Committee is also concerned that these persons enjoy limited opportunity to appeal against decisions for compulsory admission. Furthermore, the Committee is concerned about the use of coerced treatment against persons, particularly women, during compulsory care (art. 12).

44. **The Committee recommends that the State party:**

(a) **Take measures to provide alternative forms of mental health treatment, in particular outpatient treatment;**

(b) **Guarantee full respect for the human rights of patients in psychiatric institutions, including through independent and effective monitoring of treatments and through the effective judicial review of orders for confinement to a psychiatric institution;**

(c) **Ensure that treatments are provided on the basis of free and informed consent, unless exceptional circumstances require otherwise, taking into account the World Health Organization's 2003 guidance package on mental health, legislation and human rights.**

Minority and indigenous languages

45. The Committee is concerned about the limited educational opportunities available to indigenous children and children belonging to minorities to achieve proficiency in their mother tongue. The Committee is also concerned at the shortage of teachers of indigenous and minority languages (arts. 13 and 14).

46. **The Committee recommends that the State party take immediate steps to provide indigenous children and children belonging to minorities with educational opportunities that allow them to develop their mother tongue skills. The Committee also recommends that the State party broaden the access to bilingual education in areas populated by indigenous peoples and minority groups, and that it increase the availability of Sami and minority language teachers, including by substantially increasing the resources for training teachers in national minority languages.**

Cultural rights

47. The Committee regrets the lack of information on the right to enjoy the benefits of scientific progress and its applications (art. 15).

48. **The Committee requests that the State party include in its next periodic report information on measures taken to guarantee the right of everyone to enjoy the benefits of scientific progress and its applications, in conformity with article 15, paragraph 1 (b), of the Covenant.**

D. Other recommendations

49. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

50. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

51. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

52. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society at national, provincial and territorial levels, particularly among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee also encourages the State party to continue its engagement with non-governmental organizations and other members of civil society throughout the entire reporting process under the Covenant, including the preparation of the next periodic report and the implementation of the present concluding observations.

53. The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 June 2021. It also invites the State party to update its common core document, as necessary, and in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).



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