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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais Wilson, Geneva,

on Tuesday, 13 November 2001, at 3 p.m.

Chairperson: Mr. CEAUSU(Vice-Chairperson)

later: Ms. BONOAN-DANDAN(Chairperson)

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In the absence of Ms. Bonoan-Dandan, Mr. Ceausu, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a)REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH

ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fourth periodic report of Sweden (continued) (E/C.12/4/Add.4; E/C.12/CA/SWE/1; E/C.12/Q/SWE/2; HRI/CORE/1/Add.4; written replies

by the Government of Sweden to the list of issues (document without a symbol))

1.At the invitation of the Chairperson, the members of the delegation of Sweden resumed their places at the Committee table.

2.The CHAIRPERSON invited the delegation of Sweden to resume its exchange of views with the Committee.

Articles 9-11 of the Covenant (continued)

3.Mr. RIEDEL said that it appeared from reports by non-governmental organizations that some social-assistance decisions by local authorities were not subject to appeal. He would like to know whether that was indeed the case.

4.Ms. MANSNÉRUS (Sweden) said that a 1998 law had indeed removed the possibility of appeal against decisions by local authorities concerning the allocation of some forms of social assistance (such as assistance for dental care or for detoxification for drug addicts); however, given the criticism unleashed by the change, the provision in question was very shortly to be repealed and the right of appeal in force before 1998 would be reinstated.

5.Mr. AHMED, referring to the United States Department of State report on human rights practices for 1999, raised the question of

the practice of forced sterilization that had existed in Sweden before 1976. Newspaper investigations conducted in 1977 had shown that 62,888 such operations had been performed between 1934 and 1976, those on women accounting for 95 per cent. In 1999 a government committee had estimated that between 10,000 and 15,000 of the sterilizations performed had been forced sterilizations. Most of those sterilized had suffered mental or physical disabilities. In 1999, following an inquiry, Parliament had decided to compensate the victims. Ministers had expressed their regret and astonishment at the practice of forced sterilization and its considerable duration.

6. While he was grateful to the Swedish authorities for not attempting to hide that sombre episode in its history, he sought an explanation of the phenomenon. Was it linked to events in another country at the time? Had those responsible for the forced sterilizations been prosecuted and convicted? Had legislative provisions been adopted to prohibit the practice and prevent its recurrence?

7. Mr. GRISSA, referring to paragraphs 172-174 of the report, asked what criteria were used in separating children from their parents for placement in foster homes and why the number of children receiving care and support from the municipal social services had risen in the 1990s. He also requested further information concerning adoption.

8. Ms. TROST (Sweden), replying to questions asked at the previous meeting concerning the crime of child pornography, observed that when the written replies to the list of issues had been drawn up in the spring of 2001 the National Council for Crime Prevention had not been in a position to quantify the judgements handed down. It was now known that 57 judgements for child pornography had been handed down in 2000. No ruling had yet been issued by the Supreme Court in such a case.

9. Concerning the definition of the child in the context of pornography, she pointed out, first and foremost, that under the Penal Code the procurement, possession, display and dissemination of pornographic pictures (usually photographs, but also paintings and drawings) of children were considered acts of child pornography. The person in the picture was deemed to be a child if it was clear from the depiction that he or she was under 18 or appeared not to have reached puberty, and was not fully developed sexually. Those two criteria made it easier to prosecute persons who distributed or possessed pornographic pictures of children. It was often impossible to prove that the child in the picture was under 18 years of age. It also made it possible to institute a criminal action without obliging the child to appear before a judge.

10. Regarding the offence of gross violation of a woman's integrity, it was of course sufficient for a single act of violence prohibited by law to be committed against a woman for the perpetrator to be brought to justice and convicted. However, the offence of gross violation of a woman's integrity had been introduced into the Penal Code in order to mete out more severe punishment for repeated acts of violence, committed in most cases by men - married or not - against the person with whom they lived. That new crime, which considered repetition of abusive acts to be an aggravating circumstance, was aimed at conjugal violence. The combination of at least two punishable acts, for example assault and threats of violence, sufficed for a woman to sue for serious violation of her integrity.

11. Ms. MANSNÉRUS (Sweden), replying to a question on divorce, said that if the two spouses were in agreement, they need only file a petition without having to state any reason, and the judge would grant a decree forthwith. However, in the event of a dispute or if the couple had children, the judge would not grant a divorce at once, but would decree a six-month period of reflection during which the spouses might or might not continue to cohabit. Once that period was over, the divorce would be granted. In problematic cases (abuse, problems relating to custody of children or occupancy of the home), the judge might order provisional measures.

A bill was currently in preparation at the Ministry of Justice on the possibility of a judge's issuing a restraining order for the six-month period of reflection in emergency situations; for instance, the judge might order the man to leave the marital home if he had threatened the woman or her children with serious bodily harm. The text was shortly to be submitted to the authorities and competent organizations for their comments.

12. As to the problem of the homeless, it was not easy to be accurate, not only because the definition of homeless varied from country to country, but also because it was difficult to quantify. In order to come to grips with the problem, in 1998 the authorities had conducted a study based on a questionnaire issued to all those involved with the homeless (mutual-assistance associations, the police and social workers). The study had revealed that there were some 8,000-10,000 homeless persons in Sweden (homeless meaning persons without a home, and not only those sleeping in the street), and that, contrary to expectations, their numbers had not risen with the economic crisis of the 1990s. The authorities were endeavouring to remedy the situation of those persons and were studying the effects of the measures already taken. In order to reinforce the efforts made by the municipalities - responsible for assisting the homeless - the Government had in 1999 established a budget allocation for them for a period of three years. Those funds should make it possible to test and evaluate a variety of models likely to improve the situation of the homeless in the long term.

13. Forced sterilizations dated back to a dark and painful period in her country's history.

The most regrettable aspect was that those acts had been in conformity with the laws of the time so that those responsible could not have been brought to justice. It went without saying that the law today explicitly prohibited those practices of another era.

14. The conditions governing the placement of children outside their family home were clearly stated in the law. Placement could be made by consent or imposed by the social services. In the former case, parents who considered themselves unable to assume their parental responsibilities could ask for their child to be placed in an institution for a given period. In the second case, the social services might institutionalize any child whose behaviour posed a problem, without requiring the parents' consent to the decision. That having been said, a research group responsible for studying the question had recommended doing away with placement in an institution in favour of a programme in which young people with problems were monitored in their own family environment. That form of non-institutionalized protection, which had the advantage of better serving the child's best interests, was currently favoured by the competent services.

15. Mr. GRISSA said that it had become common in wealthy countries for couples wishing to adopt a child to seek children in poor

countries. According to information from various sources, such international adoptions were not without problems, in particular owing to integration difficulties in the host society. Was that the case in Sweden?

16. Ms. MANSNERUS (Sweden) recognized that the large number of foreign children in Sweden sometimes had difficulties in gaining acceptance among Swedish children. The social services were aware of the problem, but she herself was not in a position to describe its scope.

17. Mr. WIMER ZAMBRANO said that he failed to understand why it was necessary for an offence to be committed repeatedly for the perpetrator to be prosecuted. A single violation should be sufficient to justify prosecution.

18. Ms. TROST (Sweden) said that the principle in question was invoked exclusively in cases involving “gross violation of a woman’s integrity”. That category of offence had been established with a view to providing more severe sanctions for those who committed numerous

illegal acts when such acts, if considered individually, would not justify commensurate punishment of the perpetrators. The aim was to strengthen the protection of women against acts of domestic violence.

Articles 12-15 of the Covenant

19. Mr. RIEDEL requested further information on the privatization currently under way of the Swedish health system, in particular its effects on marginalized groups, the mechanisms established to protect the right to health and coverage for the elderly. What was the Swedish Government’s position concerning the principle of privatization of the health system, considering the fact that under international law the State alone was responsible for the protection of the entire population’s right to health? Concerning the national health plan of action for the elderly which had recently been adopted, it would be of interest to the Committee to be given the plan’s numerical objectives so that it could later assess its effectiveness.

20. Mr. GRISSA said that from the State party’s fourth periodic report it was not possible to determine until what age education was compulsory, or even whether it was free of charge. The report did not indicate whether university education was free, or, if not, whether tuition was set according to the income of the student’s parents. Was there a system of grants or loans to facilitate access to university for children from poor families? Lastly, what provisions had been taken to promote the schooling of Sami children, who were constantly moving because they were members of a nomadic community?

21. Mr. MALINVERNI said that the right of the Samis to receive an education in their own language was apparently better protected in the north than in the south, where that minority group was less represented. Furthermore, the Government had withdrawn the Samis’ right to control hunting and fishing activities in Sami communal lands, and had authorized unlimited hunting and fishing throughout public lands, which had prompted some Samis to complain of discrimination. Could the delegation shed light on that? Lastly, Sweden had not ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). Was that in any way related to the rights of the Samis?

22. Ms. Bonoan-Dandan took the Chair.

23. Ms. BARAHONA-RIERA asked whether any sexual and reproductive health awareness programmes were provided for young people through the education system or by the health services.

24. Mr. CEAUSU, turning to the written reply of the State party to question 35 in the list of issues concerning the benefits and assistance given, in general, to the population and in particular to such groups as young persons and students, noted that since 1 July 2001 a new diploma had been issued to students who had accumulated between 120 and 220 credits in three specific subjects. Students must have 140 credits to be able to teach at pre-school establishments or in small classes at primary schools, and between 180 and 220 credits to qualify to teach other classes in compulsory education and at the secondary level. Why had it been decided to change the policy whereby any graduate could accede to a teaching position? Was such a restriction in keeping with the principle of equality of opportunity in employment?

25. Mr. HUNT was surprised to learn that there were independent schools in Sweden that were operated as companies, with shareholders. How many were there, and did the National Agency for Education have any supervisory power over them? Clearly, a joint-stock company would respond first and foremost to the profit motive, while the main concern of a school must be the best interests of the students. How did the Government reconcile the two? Were human rights a part of the secondary school curriculum, and, if so, how was the subject currently taught?

26. In its written reply to question 33 in the list of issues concerning the difficulties encountered by children of immigrants at school, the State party indicated that decisions would be taken in the near future. What did that mean? Lastly, referring to the recent establishment of a group of experts composed of representatives of the Committee and of the United Nations Educational, Scientific and Cultural Organization (UNESCO), he expressed the hope that the Swedish Government, which had maintained a strong interest in the work of that organization, would support the new cooperation mechanism for follow-up to the World Education Forum.

27. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) welcomed Sweden’s contribution to the promotion of the right to education and the implementation of many UNESCO instruments, in particular the Convention against Discrimination in Education. One of the fundamental principles of the Swedish education system, as stated in the law on education, was that all children and young people must have access to equivalent education, regardless of sex, social and economic background and place of residence. He commended Sweden’s implementation of other UNESCO instruments, such as the Declaration on Education for Peace, Human Rights and Democracy and the World Declaration on Education for All. Lastly, he thanked the Swedish Government for the support it had shown for his organization at the World Education Forum and for its contribution to the follow-up to the Dakar Framework for Action.

28.Ms. MANSNÉRUS (Sweden), replying to the question by Mr. Reidel, said that municipal councils were responsible for providing basic public health services. The law not only defined their obligations in that area, but fixed the cost of medical care. The majority of municipal councils had been providing free health care for children for some years. The issue of privatizing the health services was still being discussed by the Government and had generated some concerns. The authorities might prohibit the private sector from running hospitals.

29.Health care for the elderly was the responsibility of the National Board of Health and Social Welfare. Local authorities were responsible for promoting the numerous objectives of the national action plan for the development of health care for older persons, which included research, support for those caring for elderly relatives, the provision of home help and transport services.

30.Ms. LINDSKOG (Sweden) said that children started comprehensive school at the age of six or seven years and received compulsory instruction for a period of nine years. Schooling was free in both municipal schools and independent schools. The former also provided free transport to school and free meals.

31.In the north of the country, there were still State-run and State-funded public schools for Sami children. Lessons were given in the Sami language and the curriculum was the same as that of the municipal schools, which meant that Sami children could register at those schools for the last three years of their compulsory schooling. The Sami were entitled to receive instruction in their mother tongue, although municipalities were finding it extremely difficult to group them together and to find qualified teachers in areas with a sparse Sami population.

32.Ms. SMITT (Sweden) said that higher education was free; the Government's aim was to ensure that 50 per cent of young people under the age of 24 years were enrolled in higher education. They were not required to pay registration fees. Swedish students were entitled to study grants for a period of six years, regardless of their parents' income, on the condition that they passed their exams; they could also secure a loan.

33.Mr. LINDQVIST (Sweden) said that a few as 3,000 Samis were nomadic hunters.

34.Ms. MANSNÉRUS (Sweden), replying to a question by Ms. Barahona-Riera, said that in the majority of schools, sex education classes were provided for adolescents. In many municipalities, young people could speak to professionals from the social services and health sector without having to inform their parents, as part of a joint reception programme.

35.Ms. SMITT (Sweden) said that the new teacher training system focused on specialization and continuous training. Thus, teachers could return to university in order to acquire new skills.

36.Ms. LINDSKOG (Sweden) said that only 4 per cent of pupils in compulsory education and 5 per cent of those in upper secondary education attended independent schools, which were located primarily in urban areas. Independent schools were free and were supervised by the National Agency for Education. The transformation of some independent schools into private companies with shareholders was a matter of concern for the Government, which had requested the Ministry of Justice to consider ways of ensuring that the profits made were reinvested in the schools and not simply paid out to the shareholders in the form of dividends.

37.Replying to a question by Mr. Hunt, she said that the human rights education as such was not provided in schools, although issues relating to human rights and the fundamental values of Swedish society were addressed as part of many academic subjects.

38.With regard to education for immigrant and refugee children, the Swedish Government had reached the conclusion that the problems they faced were the same as those faced by other children with special needs. It had therefore created a trust fund for schools, which would allow the recruitment of more teachers, counsellors and psychologists so as to address the special needs of those children better. The question of the language of teaching was a highly contentious issue in Sweden. The Government was of the view that immigrant and refugee children should receive instruction in their mother tongue and in Swedish. The National Agency for Education was looking at ways of offering bilingual teaching in as many schools as possible.

39.Mr. WIMER ZAMBRANO said he would like to know whether there was a specific educational programme for nomadic people, in particular the Samis.

40.Mr. RIEDEL said that while the State party had listed in paragraph 32 of its written replies to the list of issues the numerous measures taken to prevent drug and alcohol abuse, it had provided no information on the results obtained and the progress made; such information would be useful if an accurate assessment was to be made of the impact of those measures. In cases involving a violation of the right to health, he would like to know whether patients were able to appeal to the courts. Had such a case ever arisen?

41.Ms. LINDSKOG (Sweden) said that the National Agency for Education had no specific statistics on independent schools and more particularly shareholders' schools; it was estimated that there were approximately 60 such schools and the number was constantly increasing. There was no specific educational programme for the Sami people, although independent Sami schools did exist.

42.Ms. MANSNÉRUS (Sweden) said she was unable to provide specific information about court cases involving a violation of the right to health. With regard to assessing the effectiveness of the drug and alcohol control strategy, it was sufficient to say that Sweden had set itself a target of eliminating those social ills completely; achieving that objective was therefore the only way of judging the effectiveness of the strategy implemented.

43.Ms. BERGH (Sweden) said in conclusion that Sweden was aware that more attention was generally accorded to civil and political rights while economic, social and cultural rights did not often appear at the top of the agenda. For that reason, her country had endeavoured to give priority to those rights in its human rights action plan. She welcomed the open and constructive dialogue between the members of the Committee and her delegation and would be sure to transmit to her Government the suggestions made in the

course of the exchange.

44. The CHAIRPERSON thanked the delegation of Sweden for having provided such comprehensive answers to the numerous questions put by the members of the Committee. She said that the Committee had concluded its consideration of the fourth periodic report of Sweden.

The meeting rose at 5.40 p.m.