UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/SWE/Q/5/Add.1
4 September 2008

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Forty-first session
Geneva, 3-21 November 2008

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Replies by the Government of Sweden to the list of issues (E/C.12/SWE/Q/5) to be taken up in connection with the consideration of the fifth periodic report of Sweden (E/C.12/SWE/5)

SWEDEN*

[11 August 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

GE.08-44295 (E) 071008

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I. GENERAL INFORMATION

A. Follow-up to recommendations of previous reports

Question 1. ***In view of the fact that the European Convention of Human Rights has been fully incorporated into domestic law, please provide information why the State party is of the position that it is unable to similarly incorporate the Covenant.***

1. Sweden is a dualistic country; meaning that it adheres to the principle that international treaties do not automatically, on ratification, become part of Swedish law. To become directly applicable, international treaties must either be transformed or incorporated into Swedish law.

2. According to the interpretative principle of treaty conform interpretation - as established in Swedish case-law by a number of rulings by the Supreme Court - national law should, however, be interpreted in compliance with Sweden's international obligations. If a court sees a possible conflict between national law and an international treaty, the court should seek to interpret the national law in conformity with the treaty so as to avoid the conflict.

3. The Covenant itself does not stipulate that a State Party has to make the Covenant directly applicable in its legal system. The Covenant only stresses the need to undertake steps with a view to achieving progressively the full realisation of the rights in the Covenant by all appropriate means, including by adopting legislation. The fact that the Covenant is not incorporated does not prevent anyone from invoking the content of the Covenant in a particular case, nor does it prevent anyone from raising the question whether a law or a provision in law is in conformity with the Covenant. In solving the problem the national court should apply the principle of treaty conform interpretation. To the Government's knowledge, so far no conflicts between national law and the Covenant have been established in the case-law of the courts in Sweden. While none of the United Nations Human Rights Conventions have been incorporated into Swedish law, ratification has been preceded by an analysis of whether legislative changes are needed to bring Swedish law into conformity with treaty obligations.

Question 2. ***Please indicate whether the report by the Boundary Commission established in 2002 has been considered by the Government. Please also explain whether the obstacles to the ratification of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries have been overcome, and if so, please outline the steps foreseen to ratify it.***[1]

4. The report of the Boundary Commission is still being reviewed. The Government will address this and other related inquiries in a proposed bill to the *Riksdag* (the Swedish Parliament), which will be presented in March 2010.

5. The Swedish Government considers that ratification of ILO Convention No 169 is still complicated. The reason for this is that Swedish law, when it comes to land rights, does not concur with the provisions relating to lands rights in the Convention. Ratification of Convention

[1] E/C.12/SWE/5, paras. 13-14.

No. 169 would affect land rights in relation to an area constituting one third of the Swedish territory. A decision to ratify must therefore be considered carefully and in great detail. Ratification of international conventions require prior approval by the Swedish Parliament. For Parliament to consider ratification of ILO Convention No. 169, all issues relating to the legal consequences of a ratification must have been clarified.

Question 3. Please provide additional information on the results of measures undertaken to address the persistent gender inequalities in employment, in particular the different occupational groups in employment of women and men, the proportion of women in senior positions, the proportion of men and women engaged in full- and in part-time employment and the gender wage gap.[2] Please explain how the bill adopted in May 2006 entitled "The Power to Shape Society and One's Own Life - New Gender Policy Objectives" attempts to eradicate the continuing inequalities between women and men.[3]

6. The Government has undertaken various measures to address the persistent gender inequalities in employment. Efforts to stimulate women's entrepreneurship, to strengthen the right to full-time work and to promote equal pay are some examples. A gender equality bonus[4] was introduced in July 2008, which will improve prospects of a gender-equal use of parental insurance and reduce the risk of women having to be absent from the labour market for long periods. The lowering of tax on household services[5] and certain other service sectors will make these services available for a larger part of the population. The option of reducing the workload at home, by purchasing household services and later through a childcare voucher system, makes it possible for women and men to reconcile work and family life.

7. During 2008 the Government intends to analyse these measures and other labour market policies with the aim of preparing a strategy to further enhance gender equality in the labour market and the business world.

Strengthening of the right to full-time work

8. The Government aims to strengthen the right to full-time work, which would be likely to benefit many women. Studies have shown that women are overrepresented among those who currently work part-time, but would prefer to work more, given the opportunity. A decrease in part-time unemployment, or in unemployment as a whole, cannot be achieved by legislative means though. The fundamental precondition is a high demand for labour. The Government is

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[2] E/C.12/SWE/5, para. 77.

[3] E/C.12/SWE/5, para. 40.

[4] The size of the bonus for the individual will depend on the size of their work-related income and to what extent parents share parental benefit.

[5] On 1 July 2007 a tax credit was introduced for purchases of household services. The new rules apply to purchases of household services provided by natural persons.

therefore putting forward a whole range of measures for job creation and increased employment. In addition, an important component of the Swedish labour market model is that the state should not legislate on matters better dealt with in negotiations between the social partners. Questions concerning full-time and part-time work, various requests about working time arrangements, etc, are very much matters that should be resolved through collective agreements. The Government is consequently not planning to take any action on the basis of the proposals presented in the report "Strengthened right to work full time" (SOU 2005:05).

The promotion of equal pay

9. The Government intends to promote equal pay through the Mediation Institute. Under its appropriation directions the Mediation Institute has to point out the importance of constructing central agreements in such a way that they facilitate the work of the local parties to achieve gender-equal pay. One effect of the work of the Mediation Institute is that the wage gap between men and women has been the central issue in wage bargaining in recent years. Some sectors with low wages and a high percentage of women employees have therefore received higher salaries in 2007. As a result women's wages increased more than those of men in 2007.

10. In 2007 the Government provided extra resources for the Mediation Institute in order to improve the wage statistics and thereby obtain a higher quality analysis of gender statistics.

11. The Government has decided that the unexplained wage gap between women and men working in the public sector is to be adjusted by 2010. The Government has instructed Verva (the Swedish Administrative Development Agency) to design a human resource development programme intended to increase the number of women in leading positions and thereby decrease the wage gap between women and men employed in the public sector. From 2006, the Equal Opportunities Ombudsman has been given extra resources to counteract unwarranted wage disparities. In 2007 the Ombudsman initiated the most comprehensive examination so far of employers' work with surveys on men's and women's wages.

Women in the private sector

12. The Government has invested SEK 100 million to increase women's entrepreneurship through advice, more easily accessible funding for innovations, work on role models, research, etc. The Government's objective is for 40 per cent of new business starters to be women in 2010.

13. The Government has given the Swedish Government Agency for Innovation Systems (Vinnova) the assignment of designing and carrying out a three-year research programme on women's entrepreneurship. In the assignment the Agency will provide funds for research projects and incoming applications are to be assessed by experts in research and the business world. The different programmes will analyse the situation from an individual's perspective or address the structural problems persistent in various industries. The programmes will study obstacles facing women entrepreneurs as well as the prerequisite for growth in gender-segregated industries.

14. In addition, the Government has instructed Statistics Sweden (*Statistiska Centralbyrån*) - the central authority for official statistics - to develop a database with statistical information on entrepreneurs and enterprises disaggregated by sex. The database will permit analysis of entrepreneurship from various angles such as gender, industry, number of employees and so on.

The power to shape society and one's own life - New gender policy objectives

15. In May 2006 the *Riksdag* (Swedish Parliament) established new national objectives for gender equality in Sweden by adopting the Government Bill "The Power to Shape Society and One's Own Life". The main objective of the Government's policy is that "women and men are to have equal power to shape society and their own lives". A prerequisite for accomplishing this is that women and men enjoy the same opportunities, rights and obligations in all spheres of life. The main objective is supplemented by four subsidiary objectives:

(a) An equal distribution of power and influence. Women and men are to have the same rights and opportunities to be active citizens and to shape the conditions of decision-making;

(b) Economic equality between women and men. Women and men are to have the same opportunities and conditions with regard to education and paid work that provide life-long economic independence;

(c) An equal distribution of unpaid care and household work. Women and men are to take the same responsibility for household work and have the same opportunities to give and receive care on equal terms;

(d) Men's violence against women is to come to an end. Women and men, girls and boys, are to have equal rights and opportunities to uphold their physical integrity.

16. The Government Bill confirmed gender mainstreaming as the main strategy to achieve the gender equality objectives. Furthermore, the Government announced special measures to combat men's violence against women and efforts to strengthen the promotion of gender equality at the local and regional level.

B. Land and people

Question 4. Please provide information regarding the nature and scope of those practices that the State party considers to be good practices in the implementation of the Covenant.

17. Sweden's response to this question will follow separately.

Question 5. Please provide updated information on the composition of the population. Please also provide disaggregated data on the minority languages spoken in the State party. [6]

18. As previously reported, Sweden does not keep official statistics on the ethnic origin of the population, apart from citizenship and country of birth. As a main rule under the Swedish Personal Data Act (1998:204), processing personal data that identifies race, ethnic origin or religious belief is prohibited. Thus, it is not possible for Sweden to provide complete statistical information concerning the national minorities, for example. However, estimates of the populations of the national minorities were compiled in connection with the 1997 Inquiry on Swedish Ratification of the European Council's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The estimates were based on information obtained from sources which included the national minority organizations and government agencies. Swedish Finns were estimated at 450,000, the inhabitants of Tornedalen at 50,000 and Jews at 25,000. The number of Roma was estimated at 20,000 and the number of Travellers, many of whom consider themselves kin to the Roma, at 20,000. The Sami Parliament estimates the Sami population at 20,000.

19. Sweden also keeps statistics concerning students entitled to mother-tongue tuition. In the 2005/06 school year, nearly 13,000 students were entitled to mother-tongue tuition in one of the national minority languages.[7] The national minorities entitled to mother-tongue tuition according to this measurement constituted about one per cent of the total student population, distributed as follows:[8]

Mother tongue	Number of students
Finnish	9 807
Romany (Kaale, Lovari)	1 281
Tornedal Finnish	1 089
Sami	595
Yiddish	29
Total	12 801

20. The total number of students entitled to mother-tongue tuition in the 2005/06 school year was 147,500, or 14.8 per cent of all students. The ten most common mother tongues are Arabic, Bosnian, Croatian, Serbian, Finnish, Spanish, Albanian, English, Farsi and Turkish.

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[6] E/C.12/SWE/5, para. 506.

[7] *Source*: Swedish National Agency for Education (NAE). According to the NAE, the number of students entitled to mother-tongue tuition is probably underestimated, in part because schools have no records of students' ethnicity and the statistics are based on the students' own applications for mother-tongue tuition.

[8] *Source*: Swedish National Agency for Education.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts 1-5)

A. Article 1. Self-determination

Question 6. ***Please provide information on the process of the drafting and status of ratification of the Sami Convention to be worked out between the State party, Finland, and Norway.***

21. The draft Nordic Sami Convention is a text drafted by an expert group for consideration and eventual ratification by all three Governments in Finland, Sweden and Norway. The expert group consisted of both State representatives and Sami representatives who participated on equal conditions and numbers. Work is ongoing with regard to the draft. At a meeting in Stockholm last autumn, the presidents of the three Sami Parliaments as well as the responsible ministers for the three countries agreed that once all parties had completed their analysis of the legal implications of the proposed text, a roadmap would be prepared for further negotiations in preparation for ratification.

Question 7. ***Please provide information on whether the Sami Parliament has assumed responsibility for reindeer husbandry as envisaged in Bill 2005/06:86 "Greater Sami Influence" which foresaw the transfer of full responsibility as from 1 January 2007.[9] Kindly indicate whether the power of the Sami Parliament will also pertain to the major sectors in which the Sami are engaged, such as forestry, tourism, mining, etc. Please also indicate whether its power will also include the authority to resolve the legal issues surrounding land use.***

22. The Sami Parliament has assumed responsibility for reindeer husbandry and issues pertaining to this business. Its remit does not include forestry or mining. These sectors are handled by other public authorities, such as the National Board of Forestry and the Mineral Authority. According to the Mineral Act and the Forestry Act interested parties, such as the reindeer herding business, should be consulted before timber-felling or the exploitation of minerals. Legal issues surrounding land use are currently resolved within the judicial system. An Inquiry on the establishment of an Investigation and Mediation Institute of disputes and land claims in the reindeer breeding area will, however, most likely be appointed next year.

[9] E/C.12/SWE/5, para. 12.

B. Article 2. Progressive implementation, non-discrimination, international cooperation

Question 8. ***Please indicate what measures are being taken or foreseen to address allegations of police misconduct, including acts of racism or racial discrimination, bearing in mind the negative decision in April 2003 by a Parliamentary Committee entrusted to consider whether an independent body entrusted to investigate alleged police misconduct, including acts of racism or racial discrimination, needed to be established.***

23. In December 2005, amendments were made to the Police Ordinance (1998:1558) to ensure that allegations of police misconduct are investigated in an independent, prompt and effective manner.

24. According to the amendments, the following procedure is to be followed: criminal charges brought against police employees are to be handed over immediately to a prosecutor at the National Police-related Crimes Unit, which is a unit of the Swedish Prosecution Authority, for a preliminary investigation. The same applies if a person has been seriously injured, either by actions taken by a police employee on duty or while in police custody. The National Police-related Crimes Unit was established in 2005. It is a separate unit with the task of investigating complaints against police officers and employees within the public prosecution service. At the National Police-related Crimes Unit there are prosecutors specially appointed to work with this kind of cases. In the police there are six special units for the handling of cases of complaints against police employees. These units are in Stockholm, Göteborg, Malmö, Umeå, Västerås and Linköping. The interrogation of a police employee is to be conducted by the leader of the preliminary investigation or a police officer who works at one of the special police units. The interrogation must under no circumstances be conducted by a police officer who works at the same police authority as the person who is being questioned. Cases of complaints against police employees are handled in a separate record within the police authorities. The cases are to be handled with all possible speed.

An investigative body independent of the police and prosecution authorities

25. In December 2004, the Government appointed an inquiry chair to further analyse the regulations, organization and routines for handling complaints against employees in the Police and the Prosecution Services. A key issue for the investigator was to present a proposal for the establishment of a specific body, independent of the Police and the Prosecution Services, to investigate complaints against employees of the Police and the Prosecution Services.

26. The inquiry chair presented her report in January 2007 (Swedish Government Official Report 2007:5). She presented a proposal for a new special authority for internal investigations, but concluded that the drawbacks of such a system would outweigh the benefits. Instead the inquiry chair suggested an organization within the National Police Board with the special task of

handling internal crime investigations. The unit ought to be independent in relation to the local police authorities but it would cooperate readily with other police units as a part of the same body. The suggested unit would be represented all over the country.

27. According to the comments on the report *Summa summarum*, the majority of the consultation bodies supported the concept. The recommendations of the report are under consideration and the Government is preparing an assignment to the National Police Board to draft a proposal on how to organize an independent unit of this kind.

Question 9. Please indicate what measures the State party undertakes to combat discrimination allegedly faced by minorities and immigrants, in particular Muslim persons, in daily life.

28. Combating discrimination and promoting human rights are priority issues for the Government.

29. The Swedish Constitution provides fundamental legal protection against ethnic discrimination. Under Chapter 1, Article 2, fourth paragraph of the Instrument of Government, public institutions shall combat discrimination of persons on grounds of, inter alia, national or ethnic origin. The Penal Code contains provisions directly concerned with contempt or discrimination on the ground of ethnic origin, colour, national or ethnic origin or religious belief; namely those relating to agitation against a national or ethnic group and unlawful discrimination.

A new Discrimination Act

30. A new Discrimination Act will enter into force on 1 January 2009. The new Act will merge the current seven civil law acts against discrimination regarding different areas of society and different grounds of discrimination in a single piece of legislation. The current four Ombudsmen against discrimination on different grounds, including the Ombudsman against Ethnic Discrimination, will be also be merged into a single national authority, called the Ombudsman against Discrimination (the DO). This will ensure more effective and powerful monitoring of compliance with the Act. Over and above the structural benefits, the merger is expected to improve the conditions for dealing with cases of multiple discrimination.

31. The Act includes protection for the five previously protected grounds of discrimination; ethnic affiliation (which includes racial discrimination), sex, sexual orientation, religion or belief and disability. It also adds two new grounds; age and gender identity.

32. The Act will apply to most areas of society, such as working life, education, goods, services and housing, social services, the social insurance system, health care, national military and civilian service. The Act introduces protection in areas of society not previously covered by anti-discrimination legislation. The most important example is the general prohibition against discrimination for employees in the public sector, including, for example, police officers.

33. The Act also underlines the importance of deterrent damages in cases of discrimination and introduces changes in this respect that are intended to substantially raise the level of damages awarded.

A national action plan for human rights

34. As mentioned in the fifth periodic report (E/C.12/SWE/5, para. 18), Sweden's national action plan for human rights focuses on protection against discrimination. Several specifies measures aimed at combating discrimination on the grounds of, inter alia, ethnicity and religion or other belief are foreseen in the plan. A mid-term follow up of the national action plan was conducted in February 2008, and showed that a large majority of the measures were being carried out on schedule.

35. One of the tasks of the national authority - The Living History Forum - is to develop the work against anti-Ziganism, anti-Semitism, Islamophobia and homophobia.

36. During 2008 the Government will initiate a dialogue with key actors in society with the aim of increasing respect for democracy and human rights. The Government is aiming especially at reaching people who do not usually take part in the political debate.

The Delegation for Roma Issues

37. In the autumn of 2006, the Government appointed a Delegation for Roma Issues with the task of improving the situation of the Roma in Sweden. The delegation consists of ten members, half of whom are of Roma origin. A number of experts and a broad reference group consisting of representatives of the Roma organizations have also been appointed for permanent consultation.

38. One of the Delegation's first tasks is to gather experiences and knowledge in the area and submit proposals for how the living conditions of Roma in Sweden can be improved. The Delegation is also to promote and support municipal projects and activities aimed at improving the situation of Roma. Finally, the Delegation is to provide information and disseminate knowledge about Roma and their situation in Sweden and encourage an exchange of knowledge and experience among central agencies and municipalities. In its activities, the Delegation will draw particular attention to the conditions for Roma children and young people, and the situation for Roma women and girls. A gender equality perspective and child perspective is to be fully integrated and mainstreamed into the Delegation's analyses and proposals. The work also presupposes a close dialogue and cooperation with Roma, women and men as well as girls and boys. The Delegation is to present its final report in December 2009. The final report will include proposals on how the work to improve the situation of the Roma in Sweden is to continue.

Question 10. Please provide information about whether and how the proposed merger of the four discrimination Ombudsmen takes into account the Paris Principles relating to the Status of National Institutions (General Assembly resolution 48/134, annex).[10]

39. Sweden's response to this question will follow separately.

Question 11. The Committee would welcome more detailed information on the definitions of discrimination as harmonized with EC law, in particular with respect to those areas of society in which discrimination occurs besides the housing market.[11]

40. The definitions of discrimination in Swedish law have been harmonised with EC law. The principle of equal treatment means that there shall be no direct or indirect discrimination.

41. The same definitions apply regardless of the area of society:

(a) Direct discrimination shall be taken to occur when one person is, has been or would be treated less favourably than another in a comparable situation on the grounds of sex, sexual orientation, gender identity, ethnic background, religion or other religious beliefs, disability, or age;

(b) Indirect discrimination shall be taken to occur when an apparently neutral provision, criterion or practice would put a person at a particular disadvantage compared to other persons on the grounds of discrimination mentioned above, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;

(c) Harassment shall be deemed to be discriminatory when an unwanted conduct with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment takes place, when the conduct is related to sex, sexual orientation, gender identity, ethnic background, religion or other religious beliefs, disability, or age;

(d) Sexual harassment is defined as any type of conduct of a sexual nature that violates a person's dignity;

(e) Instructions to discriminate is defined as orders or instructions to discriminate against an individual that are given to someone who is either in a subordinate or dependent position relative to the person who gives the orders or instructions, or who has undertaken to act on that person's behalf.

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[10] E/C.12/SWE/5, paras. 24-25.

[11] E/C.12/SWE/5, paras. 31-32.

Question 12. Please provide information on the State party's view on the final report of the committee established by the Government in 2003 to review and present research and information about structural discrimination on grounds of ethnicity or religion.[12] Please also provide information as to what measures have consequently been elaborated and implemented.

42. The recommendations from the final report "The Blue And Yellow Glass House - Structural Discrimination in Sweden" (SOU 2005:56) of the Committee on Structural Discrimination on Grounds of Ethnicity or Religion have been reviewed and partly integrated into the new Discrimination Act.

Question 13. Please provide more detailed information on how the government bill of December 2003 entitled "Shared Responsibility: Sweden's Policy for Global Development" promotes the rights enshrined in the Covenant.[13]

43. There is a close link between poverty, on the one hand, and lack of democracy and human rights, on the other. The overall goal of Sweden's policy for global development - as expressed in the Government Bill of December 2003, "Shared responsibility: Sweden's policy for Global Development" - is to help make equitable development a reality worldwide, including by promoting respect for human rights and democracy. The policy for global development centres on two perspectives that are to guide and inform the collective work of the Government: the perspective of poor people on development and a rights perspective. The freedom and the rights of the individual form the central tenet of the rights perspective. In the Government Communication on Sweden's policy for global development of March 2008, the Government strengthens its focus on democracy and human rights, emphasizing that the implementation of human rights, in particular civil and political rights, is essential to greater freedom and thus to the development process.

44. In the 2008 Budget Bill, the Government identified respect for democracy and human rights, and the promotion of such respect, as one of three priority areas for Sweden's development cooperation effort during its present term of office.

45. The Government is focusing on four specific areas: (i) promoting respect for human rights; (ii) establishing democratic institutions and safeguarding the rule of law; (iii) democratic governance; and (iv) the role of civil society and independent media in the democratisation process.

46. Efforts to promote democracy and human rights are to be intensified in Sweden's bilateral development cooperation programmes, which will now focus on some 30 countries. Democracy and human rights represent both a starting point and a criterion for Swedish development cooperation with individual countries, and an integral part of Sweden's aid input and political dialogue with the country concerned.

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[12] E/C.12/SWE/5, para. 33.

[13] E/C.12/SWE/5, para. 34.

47. The thematic priorities are to be at the core of all aid provision. This includes Sweden's dealings with the limited number of countries in which aid is provided in other forms, such as via NGOs, when regular state-to-state cooperation is either impossible or undesirable. The EU is currently engaged in extensive development work in the democracy and human rights sphere. In 2006, Sweden helped the OSCE develop a guideline document setting out how human rights can be promoted in development cooperation work. A special communication on the promotion of democracy and human rights in Sweden's development cooperation programme will be presented the *Riksdag* (the Swedish Parliament) before the end of 2008.

48. Sweden will spare no effort to mainstream a rights perspective into its development cooperation and will encourage others to do likewise. But these efforts stem from a strong and solid political commitment, rather than from its obligations under the Covenant.

Question 14. Please provide information on the ways the development cooperation and trade policies of the State party contribute to the realization of economic, social and cultural rights in developing countries.

49. The Government believes that States that respect human rights are better equipped to engage in commerce and to develop economically. Trade and investments can, moreover, make important contributions to fostering a rights-conducive environment, not least in developing countries and in countries that have experienced armed conflicts, by helping to bring about stability, increase wealth and resources, and create a demand for efficient rules and the rule of law.

Corporate Social Responsibility

50. The Government actively encourages work on Corporate Social Responsibility through the Swedish Partnership for Global Responsibility, administered by the Ministry for Foreign Affairs. This initiative provides for exchanges of experience and information between enterprises, the social partners, the academic world and NGOs on issues relating to human rights, basic working conditions, corruption and the environment.

51. Work on this programme is based on the universal frameworks, the OECD Guidelines for Multinational Enterprises, and the principles governing the United Nations work with enterprises wishing to extend their social commitment and responsibility (the Global Compact), but also includes bilateral agreements.

Trade-related labour law issues

52. Trade-related labour law issues have come increasingly to the fore in the age of globalisation. Sweden has based its actions in this area on the ILO's core conventions, which deal with issues such as slavery, child labour, the freedom to organize and the right to negotiate one's pay. Sweden has ratified the ILO's eight core conventions on human rights and actively supports the Organization's continuing efforts to achieve universal ratification of these basic instruments. In the spring of 2007, the Swedish Government adopted a new ILO strategy for 2007-2009. In accordance with this document, Sweden will seek to ensure that basic rights in working life are given greater prominence in trade-related and development-related contexts.

Trade policy instruments

53. Open world trade promotes international economic development and also encourages contact and dialogue between cultures, which in turn helps to broaden participation in the global economy. Countries that respect human rights and the rule of law are better placed to look after the interests of their population and become a part of the global economy.

54. The Government is making active efforts in a wide range of forums to promote the social dimension of trade policy. When trade and entrepreneurship are encouraged, a growing number of individuals are able to take decisions of their own as economic actors. Events in a number of countries have shown that trade generates economic growth and promotes contact between different layers of society, which in the longer term encourages the development of pluralism and a politically more mature society. The Government places emphasis on this area, and is currently examining initiatives such as Base of the Pyramid (BOP), a trade-oriented programme for poverty alleviation based on corporate participation in the economic development of poor countries, bringing the power of the private sector to bear on social, economic and environmental problems.

55. Under the membership rules of the World Trade Organization (WTO), certain basic institutions must be in place before a country can join. This in turn presupposes a greater awareness of the fact that economic activities are governed by an international regulatory framework rather than by arbitrary political action at national level. Another important feature of WTO membership is the transparency requirement, which means that the laws and regulations governing a country's economic activities are made visible through its commitments as a WTO member.

56. In bilateral and regional free trade agreements that Sweden and the EU enter into with their trade partners, human rights are an integral component, based on the ILO core conventions. Sweden attaches considerable importance to the way the agreements are formulated in this respect. The parties concerned must also agree not to lower their standards as regards environmental or working conditions, for example, for the purpose of promoting direct investments. The effects of these agreements on all aspects of sustainable development will be followed up by means of impact assessments.

57. Under the EU's preferential arrangements (the so-called GSP+ scheme), countries that have acceded to certain international conventions, inter alia in the human rights field, are granted tariff reductions.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

A. Article 6. Right to work

Question 15. Please provide information on measures to combat the high unemployment rate among foreign born persons, whether Swedish nationals or not.[14]

Integration package

58. The Government's efforts to combat the high unemployment rate among foreign born persons, whether Swedish nationals or not, focuses on creating favourable conditions for employment, and incentives to improve knowledge of the Swedish language.

59. An integration package was presented by the Government in the 2007 Spring Fiscal policy Bill where these conclusions were underlined. One of the measures was the so-called *instegsjobb* ("step-in-jobs"): these jobs, were introduced in July 2007 and targeted at newly arrived immigrants and their relatives; they cover incentives for the employer to employ, for the municipalities to offer good tuition in the Swedish language and for the immigrant to combine work with language training. Following some recent changes to the eligibility regulation for admission, the step-in-jobs can be offered to immigrants up till 36 months after they received a residence permit.

60. General policy shall always be the basis for what is being done to give immigrants a good start in society. Special measures shall only be provided for new arrivals who have needs that go beyond the needs of other job-seekers.

61. Another general measure - the job guarantee for young people - came into effect on 3 December 2007 and replaced the previous labour market programmes for young people. After the initial months the proportion of foreign-born people came to around 15 per cent to be compared with their proportion among young job-seekers - 19 per cent.

62. A job development guarantee was launched in July 2007. It is a programme targeting individuals who have been out of work for a very long time. The proportion of foreign-born people among the participants is around 30 per cent, which is in line with their proportion among people with long-term registration at the Public Employment Service (PES).

63. The responsibilities of the PES have been made clarified in a new Government Ordinance. The Ordinance explicitly states that the PES shall offer newly arrived immigrants measures and incentives that promote a rapid and efficient establishment on the labour market, and that the PES shall coordinate the work of all the stakeholders concerned.

64. A pilot project which gives the PES increased responsibilities for newly arrived immigrants has been underway in three counties since 2006 and will end in June 2008. The

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[14] E/C.12/SWE/5, para. 104.

project is currently being evaluated by the University of Stockholm. The first, tentative evaluation report showed a small positive effect on the probability of getting a job.

65. In the above-mentioned integration package (2007 Fiscal Policy Bill), funding for the recognition of foreign experience by the PES was increased. A report will be presented by the PES to the Government in August 2008.

66. Work-place-introduction (WPI) has continued with the aim of compensating for lack of contacts and networks. Fewer immigrants took part in 2007 than in 2006. This has to be seen in the light of the high demand for labour. The results are in line with the previous year: 70 per cent of the participants had a job 90 days after the WPI.

67. The Government has appointed two committees of inquiry that will present proposals for the better integration of immigrants. One committee has focused on the organization and responsibilities for the introduction of newly arrived immigrants and presented its report in June 2008. Another committee has the task of proposing a better system for asylum-seekers. Its report will be presented at the beginning of 2009. The terms of references for both committees underlined the importance of early contacts with the labour market.

68. The cohesive integration policy that will be presented in connection with the 2009 Budget Bill will focus on measures to increase the supply of and demand for labour and to strengthen the competiveness of the foreign-born people in many different policy areas: tax policy, labour market policy, education policy and policy to fight discrimination. It will be presented to Parliament by the end of September 2008.

The current situation

69. Foreign-born people - aged 15-74 years - account for over one third of the total increase in employment that took place between 2006 and 2007. This has to be seen in the light of their share of the population - 15 per cent. The increase was of the same size for both men and women (Source: Statistics Sweden).

70. During the fourth quarter of 2007, the number of employed people in the 15-74 age group increased by 97,000 persons, or 2.1 per cent, compared to the same period in 2006. The increase was particularly significant among the foreign-born population, 35,000 persons, or 6.1 per cent.

71. The differences in employment rate between people born in Sweden and foreign-born people remain, however, and were 9 percentage points (pps) for men and 12.6 pps for women in 2007. This is a slight decrease in the difference for both men and women compared with 2006. According to national statistics, the employment rate for foreign-born people (age 15-74) in relation to the work force was 61.8 for men and 53.3 for women in 2007. There are also big differences in the unemployment rate (age 15-74) between people born in Sweden and foreign-born people although the difference has decreased substantially for men while it has increased somewhat for women.

Question 16. Please provide information about the measures being taken to eliminate obstacles faced by persons with disabilities in finding employment, particularly those aimed at overcoming prejudices of employers against persons with disabilities. Please also provide information why the situation on the labour market for persons with disabilities has deteriorated in recent years and what measures have been implemented to combat this. Please also provide information on why persons with disabilities are not allocated reasonable accommodation during ongoing employment. Kindly provide details on these laws regarding persons with disabilities and whether the law as well as its application is considered as sufficient by the State party.

72. It can be noted that in general people with disabilities that do not prevent them from working show a higher degree of labour force participation than the population in general - 82 per cent on average. This indicates that people with disabilities can be successfully integrated into the labour market with right the support and adaptation.

73. Even though labour force participation among people with disabilities is still low, the situation is also improving to some extent. In 2007, over 172,500 job-seekers with limited work capacity were listed with the Swedish Public Employment Service. A year later, about 60,500 of them had found a job.

Main strategies and their results

74. The national action plan for disability policy - From patient to citizen - is the basis of the Government's efforts in this area. The main, and overarching, objective is to increase employment for people with disabilities and to identify and remove obstacles to their participation in working life. Those who are unable to take part in the regular labour market must be offered meaningful employment with great freedom of choice. It is particularly important that young people with disabilities have the chance to enter the labour market at an early stage.

75. This means, among other things, that active labour market measures are targeted especially at job-seekers with disabilities. In 2007, 20 per cent of the job-seekers in labour market programmes reported some kind of disability. Among openly unemployed people, only 8 per cent were disabled.

76. A range of new measures have been launched by the Government to assist people with disabilities to get back into the labour market.

77. Targeting the long-term unemployed is especially important in order to increase labour market participation among the disabled. People with disabilities are overrepresented among the long term unemployed.

78. As mentioned in the reply to Question 15, the so-called *nystartJobb* ("new start job") was launched in January 2007. The "new start job" gives an employer who hires a person who has been unemployed for a long period a chance to avoid having to pay employer's social security contributions for the employee during a period corresponding to the person's previous unemployment period. The "new start jobs" have worked well for people with disabilities. In about 12 per cent of the cases, the people employed have been persons with disabilities.

79. Another measure targeted at the long-term unemployed is the job development guarantee which was launched in July 2007. The Government believes that the job development guarantee will play an important part in getting people with disabilities back into the labour market.

80. Over and above general measures for the long-term unemployed, the Government assigns about SEK 14 billion (about €1.5 bn) every year for measures specially aimed at people with disabilities. About 90,000 people with disabilities have subsidised jobs financed by these means. The wage subsidy and *Samhall* (a State-owned company providing work for people with disabilities) are the most important forms of subsidized jobs for people with disabilities. These jobs are real and meaningful, and working conditions are regulated in accordance with collective agreements.

81. The Government has also launched a new SEK 1 billion - initiative for people which disabilities which consists of three steps; a programme for assessment and guidance, an employment development programme and, finally, non-Samhall sheltered employment. This new model will be regularly monitored and evaluated until 2009.

Main challenges for the future

82. The Swedish economy and the Swedish labour market are doing very well. Unemployment is decreasing, employment is up and more and more people are leaving social exclusion. But no matter how thriving the labour market is, there will always be groups of people with difficulties entering into the labour market. People with disabilities are among them.

83. Employers have a very large responsibility to employ people with disabilities. A future challenge is that the proportion of employers willing to hire people with disabilities must rise significantly. The Government has therefore commissioned the Swedish Public Employment Service to present a strategy to achieve a higher rate of employers hiring people with disabilities. The strategy will be presented in February 2009.

84. Entrepreneurs and small businesses are key to managing welfare in the years ahead. A main objective of future measures is for a larger proportion of people with disabilities to start their own business. For people with a disability there are special business start-up grants to cover the cost of appliances etc. The Governments intends to take more measures to facilitate the efforts of those who wants to be self-employed.

85. Another main challenge is to raise awareness about the existing support for general measures and measures specially aimed at people with disabilities. A real effort is required to reach individuals, enterprises and job centres. Other areas of high priority in general are: (i) improving the way disabled people are treated in society; (ii) ensuring that a disability perspective informs all areas of society; and (iii) creating an accessible society.

B. Article 7. Right to just and favourable conditions of work

Question 17. Please provide information on the current levels of minimum wages established by collective agreements and whether these represent sufficient remuneration in order to lead a decent standard of living. Is the State party reconsidering its position regarding the ratification of ILO Convention No. 131 concerning Minimum Wage Fixing?

86. In Sweden, minimum wages are not prescribed by law, but settled in collective agreements. The Swedish labour market contains hundreds of such collective agreements, which differ greatly from one another - what they all have in common is that they are minimum wage agreements. This means that the agreements stipulate the lowest acceptable level of pay and how much earnings are allowed to rise. These stipulated wage increases are minimum wage increases, which can be exceeded.

87. In some sectors of industry, collective agreements stipulate a minimum wage for all adult wage earners, in others, the minimum wage differs depending on occupation, qualifications and experience. This means that the minimum wage will have different effects on the wage actually paid under the different agreements.

88. In most of the agreements covering the industrial sectors, the stipulated minimum wages are far below the actual wages paid. These minimum wages are mainly of importance when recruiting wage earners without vocational experience. In the agreements covering other sectors, however, the stipulated minimum wages are close to actual the wages paid. For instance, in the collective agreement covering the trade sector, the stipulated minimum wages are so high in relation to the actual wages paid, that it can be seen as a standard setting wage agreement, even though - formally - it is a minimum wage agreement.

89. The collective agreement also has legal effect for employees who are not organized or who are members of another trade union than the trade union concluding the collective agreement. The collective agreements includes an explicit or understood commitment for the employer not to apply other terms of employment for such employees.

C. Article 9. Right to social security

Question 18. Please provide information on whether and how the basic unemployment benefit is supplemented by other subsistence means, in light of the fact that the minimum assistance is very close to the poverty threshold.

90. Sweden’s response to this question will follow separately.

D. Article 10. Protection of the family, mothers and children

Question 19. Please provide information on whether the State party's legislation and other measures focused on violence against women sufficiently address prevention, such as through the transformation of patriarchal gender roles and hierarchies, or targeting women with an immigrant, asylum-seeker, refugee or Sami background. Please include an assessment of their effectiveness.

91. In November 2007, the Government adopted an action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships (Govt. Comm. 2007/08:39). The plan includes 56 measures, and the Government is allocating a total of more than USD 130 million to implement these measures. The action plan applies a comprehensive approach to the problem and the measures are grouped in six areas: protection and support for victims, preventive measures, enhanced quality and effectiveness in the judicial system, measures aimed at the perpetrator, greater cooperation between the actors affected, and more knowledge. The authorities working in this field have been given new assignments with the aim of achieving long-term effects in the work to combat men's violence against women. The action plan will be followed up and progress reported to the *Riksdag* in 2010.

Assessment of effectiveness

92. It is difficult at this stage to assess the full impact of the measures taken to combat men's violence against women, but some tendencies can be identified.

The judicial system

93. Intensive training courses have been conducted in the Swedish Police Service with particular emphasis on the treatment of victims, risk and threat assessments and comprehensive and effective first-stage measures in the investigative process. These measures have already changed working practices and attitudes and will, in the longer term, probably improve the ability to prevent violence against women. Risk and threat assessments have been applied by a majority of the local police authorities.

94. A large number of judges have attended various courses dealing with issues concerning men's violence against women, trafficking in human beings, violence in the name of honour, treatment concerning victims, as well as gender equality issues in general. The results have been shown to be greater knowledge and awareness of these issues among judges.

95. As stated in the fifth periodic report, the Swedish Prosecution Authority has devoted substantial resources to combating violence against women for a number of years. In 2006 and 2007, the Authority has employed several specialist prosecutors who coordinate the work carried out by local offices to combat domestic violence. There are also specialist prosecutors for other kind of offences, such as violent crimes of a serious nature.

96. At four places in Sweden - Umeå, Stockholm, Göteborg and Malmö - there are special prosecution development centres. The task of the development centres is to conduct methodological and legal development in different areas of crime and to be responsible for

overall knowledge in their areas of responsibility. Legal follow-ups and inspections of the activities of the local prosecution offices are also conducted at these places. One example of this is the fact that all appeals made against prosecution decisions are handled by the development centres. The development centre in Gothenburg is working continuously to develop methods to increase the quality of investigations of, for example, domestic violence and crimes committed in the name of honour. For example, the development centre in Gothenburg has developed manuals for prosecutors for use in the investigation and prosecution of crimes regarding the violation of women's integrity and violence in the name of honour. Furthermore, special courses have been arranged on violence in the name of honour.

97. These efforts and the improved cooperation between the Swedish Prosecution Authority and the police authorities have improved the quality of the preliminary investigations and the possibilities of prosecuting these kinds of crimes. The aim is to achieve an increase in the number of suspects brought before the courts.

98. Statistics from the annual reports of the Swedish Prosecution Authority:

(a) In 2003, the local prosecution authorities registered 15,927 alleged crimes of violence against women and closed investigations regarding 15,857 crimes. Of these, 4,808 of the cases led to legal action; (b) In 2004, the local prosecution authorities registered 16,165 alleged crimes of violence against women and closed investigations regarding 16,308 cases. Of these, 5,096 of the cases led to legal action;

(c) In 2005, the Swedish Prosecution Office registered 16,569 alleged crimes of violence against women and closed investigations regarding 16,934 cases. Of these, 4,956 of the cases led to legal action;

(d) In 2006, the Swedish Prosecution Office registered 17,778 alleged crimes of violence against women and closed investigations regarding 17,600 cases. Of these, 5,135 of the cases led to legal action.

99. Since the late 1990s and in recent years, in particular, there has been an increase in the amount of attention focused on violence against women in Sweden: in society in general and in the judicial system in particular. According to the National Council for Crime Prevention, this has led to an increase in the propensity to report such crimes. One of the Government's aims has been to increase the visibility of violence against women. The fact that an increased number of victims are reporting such crimes to the police must therefore be regarded as a positive development. However, it is unclear whether an increase in the amount of reported crimes of violence against women also reflects an actual increase in such crimes committed against women.

100. Since 2001, there has also been an increase in the number of perpetrators sentenced for gross violation of a woman's integrity, and statistical data show that the number of perpetrators being sentenced to prison has increased since the provision on gross violation of a woman's integrity came into force, from 129 in 2001 to 274 in 2006.

Measures in social services policy

101. Over and above the support and help it provides for the women subjected to violence, the social services also work with the men who abuse. In 2007, the Institute for Evidence-based Social Work Practice (IMS) at the National Board of Health and Welfare was commissioned to evaluate and develop methods and practices in the work of the social services' in this regard. The assignment is currently in progress and includes, for example, scrutinising the effects, i.e. whether the violence and threat from the man has been reduced, and analysing how the security aspects for the women and children are secured in the different activities. Moreover, the IMS is to analyse how the activities succeed in getting the man to take responsibility for, and realise the scope of his actions and, if he is a parent, to what extent he realises that his violent actions against the woman, also affect the child/children. The purpose of this commission is to develop more effective and structured methods for working with men who abuse, and is a part of the work to counter men's violence against women. The result of this commission is to be presented in July 2010.

Minority women

102. The Government is planning measures to strengthen gender equality work and to make the needs of minority women more visible. One of these measures aims specifically at violence against women belonging to a national minority. The measure will include a survey of the knowledge among governmental bodies and women's crisis centres about the needs of women belonging to a national minority. The survey will also cover the needs and experiences of women belonging to national minorities. On the basis of the outcome of the surveys the measure will include proposals for actions that need to be taken.

Question 20. Please provide information about the incidence of violent honour crimes as well as information about the effectiveness of measures to combat them.

103. The prevalence of violence in the name of honour is difficult to estimate. In 2003, the county administrative boards were commissioned to map the prevalence of honour-related violence in their counties. The results showed that in total approximately 1,500-2,000 girls were subjected to this type of violence and that 10-15 per cent of them were in immediate need of sheltered housing. Since then the county administrative boards have allocated funding for sheltered housing targeted on victims of violence in the name of honour. In December 2007 the number of places available in this special sheltered housing was 185.

104. The National Board of Health and Welfare reported on their government assignment to map the prevalence of honour-related violence among young people in March 2007. (The authority had difficulties distinguishing the honour related-violence from "other" violence and the response rate was too low to permit generalisations.) One result however, was that roughly 5 per cent of the young women and 3 per cent of the young men state that they are worried about "not being allowed to decide who to choose as life partner". (Young women and men with foreign background are overrepresented in this group, but almost half of them have parents who were born in Sweden or in another Nordic country.)

105. In the action plan to combat violence against women, the Government commissioned the National Board for Youth Affairs to investigate and map marriages arranged against the will of

at least one of the parties, and to study the level of knowledge and competence concerning forced marriages in the authorities concerned. The Board has also been instructed to provide training programmes targeting staff charged with coordinating and developing leisure-time activities, social services and education at the municipal level. Earlier the Board for Youth Affairs also had an assignment to arrange a national training programme for the young women's shelters and to support a meeting place on the Internet.

106. The measures taken to combat violence and oppression in the name of honour in 2003-2007 are being evaluated by Umeå Centre for Evaluation Research (UCER). The main conclusions from an evaluation of sheltered housing were that the shelters, along with other measures, contributed to the protection and safety of young people, mainly young women. The shelters contributed to a stronger self-image and stronger self-esteem and self-confidence for the young women and also to new social relations. Longer-term measures might nevertheless be required after the stay at the shelter, to support the young person's development. All the shelters that were evaluated could offer psychological support and crisis management care and other measures to empower the young woman. It is too early to assess the long-term effects of these measures.

Question 21. Please provide information on the review of legislation regarding compulsory schooling for the "hidden children" whose asylum applications had been rejected. To what extent were the additional funds provided to municipalities as an interim measure successful in ensuring their right to education?[15]

107. In May 2007, a report was presented by the Committee of Inquiry on Schooling for Children in Families Who Have Gone Into Hiding to Avoid the Enforcement of a Refusal-of-Entry or Expulsion Order (SOU 2007:34). The Committee proposed that legislation be introduced to ensure that these children's right to education would be respected in the state school system for children and young people on largely the same terms as those for other children resident in Sweden. The Committee also proposed that these children should have the right to take part in public preschool and school-age child care activities. During the spring of 2008 the proposal has been circulated for comment to government agencies, municipalities and non-governmental organizations.

108. It is the opinion of the Government that the mandate given to the Committee by the previous government was too limited. Above all, the proposal does not include children who have arrived in Sweden without applying for residence permits. There are also other issues in the Committee's proposal that need to be investigated further. To this end, the Government plans to appoint a Committee to conduct a supplementary investigation and to propose how the right to education can be ensured and extended further.

109. The ambition of the Swedish Government is to appoint this Committee of Inquiry during the autumn of 2008. A bill to the *Riksdag* could then be presented so that the changes will take effect from 1 July 2010. However, schools are already allowed to admit these so-called "hidden children" on a voluntary basis. In 2006, additional funding for this was allocated to the

[15] E/C.12/SWE/5, para. 276.

municipalities (SEK 50 million). Responsibility for schools in Sweden is highly decentralised. Municipalities are responsible for the running of schools. To this end, municipalities receive a non earmarked grant from the Government. The municipality is free to allocate these funds to the different tasks designated by the Government, including schools and social services. The additional funds for the voluntary admission by schools of the "hidden children" were added to this general government grant. Because of this, there is no way to easily follow up whether the municipalities have admitted the "hidden children" to an increasing extent. Nor has any evaluation of the voluntary admission been carried out.

E. Article 11. Right to an adequate standard of living

Question 22. Please provide information on what measures are being taken by the State party to improve the standard of living, in particular of single women with children and elderly retired people, who according to the State party's report rank among the lowest in this respect .[16]

110. Sweden's response to this question will follow separately.

Question 23. Please provide more detailed data on the income distribution gap and how this affects the groups concerned.[17]

111. Sweden's response to this question will follow separately.

Question 24. Please provide information on measures undertaken to combat unemployment and poverty among people of active working age taking into consideration the information provided by the State party in paragraph 295 of its report.

112. Sweden's response to this question will follow separately.

Question 25. What is the maximum fee introduced in 2002 for the care of the elderly and for people with disabilities?[18]

113. The fees paid by the individual usually consist of three parts. If a person stays in a home for the elderly or in a special accommodation provided by the municipality, the rent follows the statutory principles for setting rent. The individual may be entitled to a means-tested housing supplement. The individual pays for meals in full. Since 2002 the fees for household help and municipal health care are limited by national regulation. The maximum fee in 2008 is SEK 1,640 per month for a single person. The maximum fee is adjusted annually according to the adjustment of the price base amount. The individual is guaranteed the right to reserve enough money per month for the actual rent and for reasonable living costs: in 2008

[16] E/C.12/SWE/5, para. 296.

[17] E/C.12/SWE/5, para. 292-294.

[18] E/C.12/SWE/5, para. 308.

the actual rent plus SEK 4,421 per month for a single person. It is common for an individual to be granted a higher minimum amount due to higher than normal living costs, for example prepared meals.

Question 26. Please provide information on measures designed to address the gaps that persist in the legislation and in practice regarding the rights of persons with disabilities, in particular homeless persons with disabilities, and to develop a unified approach to facilitate access to obtain assistive devices.

Support and Service for Persons with Certain Functional Impairments Act

114. Today many people with disabilities who would previously have been living in an institution live either in some kind of group accommodation or in a home of their own getting the help they might need from a personal assistant.

115. Receiving personal assistance has been described by many as freedom to decide over one's own life. For many people with disabilities it has dramatically improved their quality of life. Thanks to personal assistance, people can influence their daily lives in a different way and also have the opportunity to select their own personal assistants. In that sense the personal assistance reform has improved people's independence and integrity.

116. Family support has been underestimated. Many families have taken a great responsibility for their children with disabilities, but the assistance reform has given them a better chance to combine family life and work.

117. But it is important to remember that the services provided by the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) are only given only to those who meet the right criteria in terms of type of disability and also a great need for the services.

Combating homelessness

118. The Government has presented a strategy to combat homelessness and exclusion from the housing market called "Homelessness - multiple faces, multiple responsibilities". The strategy covers 2007-2009. Its purpose is to establish a structure that clarifies that multiple actors at national, regional and also local level have a responsibility and a role to play in the work to address homelessness and exclusion from the housing market. By specifying a clear direction for action, a broad approach and joint work, the strategy represents a higher level of ambition.

119. The municipalities are responsible for ensuring that the people who are in such a vulnerable situation that they do not know where they are going to spend the night are offered emergency night accommodation. To reach these people, who often have complex problems, the Government wants to encourage municipalities and county councils to jointly develop coordinated outreach fieldwork in order to be able to meet these people at hostels and emergency accommodation in their own environment on the basis of a broad set of skills and to channel them on to the regular social services and further action.

120. In many places, NGOs make extremely important contributions. Municipalities are encouraged to cooperate with and support non-profit actors in this area so as to achieve the best conceivable results.

121. A government grant has been available since 1 July 2000 for case manager services (about SEK 90 million per year from 2002 until further notice). The municipality is the authority responsible for the managers but provision of the service is voluntary. The role of the managers includes making sure that people with extensive psychiatric disabilities receive the care and support they need and are entitled to and to ensure that the measures are coordinated and delivered. The Government has provided an additional SEK 20 million for each of the two years 2007 and 2008. The funding is to be used to increase the number of case managers. In addition, the National Board of Health and Welfare has been commissioned to review the target group.

Assistive devices

122. Estimates show that about 10 per cent of the population use assistive devices, many users being elderly people. Around 70 per cent of the assistive devices prescribed go to people aged over 65. People with disabilities, irrespective of functional impairments or whether they are homeless or not, obtain their assistive devices through the health and medical care system or in their workplace. Assistive devices are largely provided by the county councils and municipalities in accordance with the Health and Medical Services Act. Under the Act, the local authorities are responsible for providing assistive devices for daily life and for care and treatment, and personal assistive devices for use in education and training. The Health and Medical Services Act is a mandatory act for county councils and municipalities, but it does not entitle individuals to assistive devices. There is no right of appeal to a court against decisions on assistive devices.

123. Within the scope of the Health and Medical Services Act, county councils and municipalities may themselves decide on regulations for assistive devices, such as which products are to be regarded as assistive devices and be available for prescription to people with disabilities. Therefore, the chances of receiving a specific assistive device may vary, depending on where you live in Sweden.

124. Assistive devices are paid for by county councils and municipalities and are essentially free of charge to users. However, separate fees are payable by users for certain assistive devices. There are differences across the country concerning fees and what is prescribed as assistive technology.

Question 27. Please provide absolute numbers regarding poverty among children, in particular how many children live in poor families (7 per cent), as well as with regard to the economic standard of retired persons (increased by 18 per cent since 1995).[19]

125. Sweden's response to this question will follow separately.

[19] E/C.12/SWE/5, paras. 299 and 309.

Question 28. The Committee would welcome the State party's view on why the number entitled to assistance allowance has increased steadily since 1998. Please also provide more detailed information on the Government's plans to halve the number of people receiving economic assistance, which originally had been aimed at by 2004.[20]

126. The number of people receiving economic assistance allowance continues to decrease. Between 1996 (when the number reached its peak) and 2007 the number of recipients has decreased by almost 50 per cent. The overall goal of the Government is to increase social inclusion.

F. Article 12. Right to physical and mental health

Question 29. Please provide disaggregated data concerning the incidence of HIV/AIDS, in particular regarding the coincidence of drug use and HIV/AIDS and indicate how successful harm reduction measures have been (such as needle exchange programmes), whether they are foreseen to be scaled, and whether such programmes are foreseen in detention facilities?

127. In July 2006 legislation was introduced giving health care services the option of implementing needle exchange programmes for intravenous drug users in cooperation with the social services. A requirement for the implementation of such a programme is that it is combined with treatment and counselling and that it can be evaluated both concerning HIV infection and other infections and the clients' motivation to drug treatment. Needle exchange programmes are currently (June 2008) in place in one county council, Region Skåne, in the south of Sweden.

128. A doctoral thesis from the department of social work at Mid Sweden University has evaluated the needle exchange programme in Malmö and the results give no evidence that the needle exchange program reduces the risk of HIV infection among the clients. Another assumption is that the programme serves as a link to drug treatment provided by social services or the health care, but according to the evaluation few clients were referred to such treatment.

129. Motivating inmates to participate in drug treatment programmes is a central goal of detention care. No drugs are allowed within detention facilities and the incidence of drugs have been strongly reduced in recent years. Needle exchange programmes are not a part of the systematic work to prevent drug use in detention facilities.

130. It is important to point out that preventive measures such as outreach work, information and HIV-testing, are vital to control HIV infection among injecting drug users. In Sweden, substance abuse care and treatment programmes are the joint responsibility of the social services and the health care system. One of the results of this approach is that Swedish substance abuse care consists, over and above medical, physical, and psychiatric care and treatment, of a broad spectrum of out-patient and in-patient programmes.

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[20] E/C.12/SWE/5, paras. 312 and 321.

HIV and AIDS in Sweden

131. Eight thousand, two hundred and twenty cases of HIV and 2,209 cases of AIDS had been reported in Sweden by 30 June 2008. It is estimated that 4,500 people are currently (2008) living in Sweden with a known HIV infection.

132. After an initial spread in the early and mid 1980s, primarily among men who have sex with men and intravenous drug users, the number of newly diagnosed HIV infections has been around 400 per year during the past 5 years. The modes of transmission are shown in Table 1.

Table 1

Reported cases of HIV, diagnosed in Sweden, by year and route of transmission

	2003	2004	2005	2006	2007
Heterosexual	207	263	197	198	228
Men who have sex with men	78	83	100	94	130
Intravenous drug use	32	31	25	35	61
Unknown	46	53	66	50	122
Total	363	430	388	377	541

133. A large proportion of patients have been infected in their countries of origin before moving to Sweden. In 2007, a total of 269 (50 per cent of the cases) were infected before arriving in Sweden. In the last 2-4 years, and especially in 2007, there have been increases in reported infections acquired in Sweden, especially among men who have sex with men and intravenous drug users, see Table 2. Data for the first half of 2008 do not show any continued rise in these groups.

Table 2

Reported cases of HIV, infected in Sweden, by year and route of transmission

	2003	2004	2005	2006	2007
Heterosexual	24	39	24	30	40
Men who have sex with men	41	42	56	47	81
Intravenous drug use	22	16	18	30	52
Unknown	3	2	1	2	5
Total	90	99	99	109	178

134. In 2007, 71 persons were diagnosed with AIDS. In 53 cases the HIV diagnosis was made at the same time as the diagnosis of AIDS.

Question 30. Please provide information on the State party's measures as to whether and how undocumented adults are provided with the same health care as Swedish nationals.

135. In Sweden, access to health care is based on residence, not on citizenship. The individual county councils are responsible for providing health care to people residing within their geographic jurisdiction. The county councils are also obliged to provide emergency health care to persons not residing in the county council. This means that no health institution can turn away a person in need of immediate care, regardless of his or her legal status, financial situation, religious background etc. According to Swedish law, no health institution may claim that a patient must pay the full cost in advance or be denied treatment.

136. The question of whether the county council's should be obliged to provide non-emergency health care to undocumented adults is currently being considered in the Government's Offices.

Question 31. Please provide information on the measures implemented by the State party to address the problems of asylum-seeking children whose state of mental well-being is threatened by lengthy procedures.

137. The number of cases of asylum-seeking children with severe withdrawal behaviour has decreased dramatically (less than 20 cases reported April 2008). Nevertheless, it remains important to follow the development and to maintain this positive trend.

G. Article 13. Right to education

Question 32. Please provide disaggregated data on enrolment in higher education, including of minorities and ethnic groups.[21]

138. During the 2006/07 academic year, 17 per cent of new entrants (not including incoming exchange students) had a foreign background. This is an increase of 6 percentage points compared to the 1997/98 academic year. The number of new entrants with a foreign background (persons born in Sweden with two foreign-born parents and persons who were born abroad) amounted to 10,800. Compared to the previous academic year, the number of new entrants with a foreign background increased by 6 per cent. When looking at the distribution between women and men, there were no major differences between new entrants with a Swedish background and those with a foreign background. The percentage of women was greater than that of men in all groups.

139. At the age of 25, 45 per cent of those born in 1981 had begun higher education. Of 25 year olds with Swedish background, 46 per cent had begun higher education. The corresponding figure for the group with a foreign background was 35 per cent.

140. Among foreign-born people with an Iranian background, 55 per cent had begun higher education at age 25. This is a higher proportion than among students with Swedish backgrounds. Foreign-born students with a Polish and Bosnian background had the next highest proportions,

[21] E/C.12/SWE/5, para. 471.

49 and 41 per cent respectively, while 25 year-olds from Yugoslavia or Iraq showed a lower enrolment rate. 25 year-olds with a Somali background showed the lowest proportion, or 14 per cent.

141. Natural science was the area with the highest percentage of new entrants with a foreign background working towards a professional degree. Over half of the new entrants within this area had a foreign background (44 per cent were foreign-born and 7 per cent were born in Sweden with two foreign-born parents). The healthcare and nursing area had the next highest percentage, with 18 per cent of new entrants (14 per cent were foreign-born and 4 per cent were born in Sweden with two foreign-born parents). The lowest proportion was in agriculture and forestry areas where only 1 per cent of new entrants had a foreign background.

142. Sweden does not keep official statistics of people's ethnic origins other than citizenship and country of birth. As a main rule under the Swedish Personal Data Act (1998:204), processing personal data that identifies race, ethnic origin or religious belief is prohibited. Thus, it is currently not possible for Sweden to provide complete statistical information concerning e.g. the national minorities.

Question 33. Please provide more detailed information on the implementation of new proposals regarding education in the mother tongue of the minorities and other groups, in particular whether these address the issue of teacher shortages and the problem of limited availability and holding outside of regular school hours. Please provide information on the results of the measures that have already been implemented.

143. In order to increase the number of minority language teachers, the Swedish Government has commissioned the Teacher Education Inquiry (U2007:10) to propose new degree requirements regarding the teacher education degree for teachers of minority languages.

144. The Teacher Education Inquiry has also been instructed to propose measures to make the teacher education programme for minority language studies more attractive to students, thus covering the staffing requirements in primary and secondary school.

145. The report of the Teacher Education Inquiry is to be presented in November 2008.

146. Luleå University of Technology has a special assignment to offer teacher education for Sámi, Meänkieli and Finnish language teaching in primary and secondary schools. Teacher education directed at the teaching of minority languages is a specialisation in the ordinary teacher training programme.

Question 34. Please provide information on how the right to education is realized for children of Roma background, especially where there are separate classes established for them.

147. Pupils with Roma background have the same right and obligations as all pupils in Sweden to participate in compulsory education. In Sweden is it illegal to register a pupil's ethnic background. Therefore is it not possible to see the grades and results for pupils with a Roma background.

148. However, the Swedish National Agency for Education (*Skolverket*) presented a special report in February 2007 on pupils with Roma background (publication 292). According to this report the Roma population is very heterogeneous and it is hard to draw any conclusions about their results in schools.

149. The agency made two proposals to the Government and the local authorities:

(a) First, more focus has to be placed on mother tongue education. According to the Agency only 26 per cent of the pupils that are entitled to mother tongue education actually receive it. The Swedish Government decided in March 2008 to change the Compulsory School Ordinance so that Roma minority children are offered teaching in their mother tongue even if it is not their language of daily social intercourse and even if the student does not have basic skills in the language and even if there are fewer then five student in the class. The Swedish National Agency for School Improvement (*Myndigheten för skolutveckling*) has published a textbook in Romani chib to make up for the lack of textbooks for teaching in the mother tongue;

(b) Secondly, more actions must be taken to stop the discrimination of pupils with Roma backgrounds. One important action taken by the Swedish Government is an assignment to the National Agency for Education (U2006/5849/S). The Agency is to make a survey of the incidence of discrimination based on e.g. ethnic background in schools. The Agency is to report its survey to the Government in March 2009.

Question 35. Please provide information on the results of the review of school textbooks, particularly with regard to manifestations of discrimination, undertaken by the National Agency for Education.[22]

150. The Swedish National Agency for Education published their review of school textbooks in November 2006 (publication 285). According to the agency some of the books have problems regarding the description of "the others". People with functional disabilities, homosexuality and religions such as Islam tend to be described only as something different. However the Agency stresses that, on the other hand, some books tend to describe the different in a better and non-normative way.

151. Textbooks tend to have a less important roll in Sweden. More information from, for example, the Internet, televisions and films is used as a complement to traditional textbooks. Even if some textbooks have parts that display discrimination, teachers could use alternative media in their teaching.

152. For the moment, the Swedish government has therefore decided not to take any actions regarding textbooks used in schools.

[22] E/C.12/SWE/5, para. 425.

Question 36. In relation to teacher education and skills enhancement for teachers,[23] please provide information about whether human rights are part of the curricula for pre-service teacher training for all teachers and to what extent human rights principles are incorporated in the criteria for assessments of professional performance and conduct of educational personnel.

153. Higher education provided in Sweden is governed by the Higher Education Act (1992:1434) and the Higher Education Ordinance (1993:100). Certain requirements concerning the Bachelor/Master of Education degrees are set up in the Degree Ordinance, appendix 2 to the Higher Education Ordinance, according to which in order to obtain a degree students must inter alia:

(a) Demonstrate knowledge of the significance of a gender perspective in educational activities and in the presentation of the subject matter;

(b) Demonstrate an ability to convey and embed the basic values of society and democracy;

(c) Demonstrate an ability to convey, embed and apply existing regulations aimed at preventing and counteracting discrimination and other degrading treatment of children and pupils;

(d) Demonstrate an ability to make assessments in performing their educational work, based on relevant scientific, social and ethical aspects, paying particular attention to human rights.

154. Over and above such regulations, the universities are free to determine the content of the education they offer.

H. Article 15. Right to take part in cultural life, to enjoy the benefits of scientific progress and the protection of intellectual property

Question 37. Please provide information on the criteria applied in granting subsidies to national minorities and whether the amounts of these grants are sufficient for the promotion of the culture and the language of national minorities.[24]

155. As mentioned in the fifth periodic report (para. 488), state subsidies totalling SEK 4 million annually are available for organizations representing national minority groups. As mentioned in the report, the aim of these subsidies is to promote efforts that strengthen the culture and identity of such groups, support Sweden's policy on national minorities and allow

[23] E/C.12/SWE/5, paras. 480-484 and 440.

[24] E/C.12/SWE/5, para. 488-489.

the groups to exert more influence in society. The state support, and the criteria for receiving it, are regulated in the Ordinance (2005:765) on state subsidies for national minorities (*Förordningen (2005:765) om statsbidrag för nationella minoriteter*).

156. The budget allocation for the Swedish Arts Council (the former National Council for Cultural Affairs) for the promotion of language and culture among the five groups recognised as national minorities in Sweden is SEK 8 million per year. Of this sum SEK 5 million is reserved by the Council for Finnish-language theatre, *Tornedalsteatern* (the Theatre of Tornedalen), the Swedish-Finnish Library in Stockholm and the Jewish Library in Stockholm. According to the directives to the Swedish Arts Council, these institutions are to be granted subsidies each year; the exact amount is decided by the Council. The rest of the SEK 8 million is assigned to grants for various projects. According to the guidelines decided by the Council, priority is given to projects that strengthen the cultural infrastructure of the national minorities and to projects aimed at children and young people.

157. The Swedish Arts Council is also responsible for the promotion of publishing and distribution of literature and arts periodicals by the national minorities. Subsidies in this area are provided from a separate grant for literature and arts periodicals. No exact sum for the national minorities is stated in the directives to the Council, and the contributions vary from year to year, but in 2007 about SEK 1.8 million was allocated to the national minorities. To promote publishing in national minority languages a subsidy can be given in advance to the publishing house for specific titles, in accordance with the regulations in the Ordinance on State Grants to Literature (*förordningen [1998:1469] om statligt litteraturstöd*). According to the directives to the Council, support can also be given to such general actions that promote the publishing and distribution of literature and arts periodicals by the national minorities.

158. As stated in the fifth periodic report, funding has also been provided for many years to the Sami Parliament for grants to non-governmental Sami organizations at the local and national levels, devoted to projects pertaining to Sami culture. The budget allocation is approximately SEK 14 million per year. The grants are distributed by the Sami Cultural Council according to criteria and methods for grant distribution established by the Parliament.

Question 38. Please provide detailed information on the efforts made to overcome the allegedly limited practical impact of the regulations allowing for the use of some minority languages, in particular Sami, before certain authorities, and the effectiveness of such efforts.

159. Sweden presumes that the Committee, in question 38, is referring to the specific national minority language legislation, Acts 1999:1175 and 1999:1176 concerning the right to use Sámi, Finnish and Meänkieli in dealings with public authorities and courts. These language laws came about as a consequence of Sweden's ratification of the Framework Convention for the Protection of National Minorities (Framework Convention) and the European Charter on Regional or Minority Languages (Language Charter). The Swedish Government's work to improve the implementation of the Language Charter and the Framework Convention is an ongoing process.

160. The language laws entail the right to use Sámi, Finnish or Meänkieli in dealings with public authorities and courts on matters related to the exercise of public authority and also the right to preschool and elderly care wholly or partly in one of these three languages. The

application of these laws is limited to certain geographical areas where Sámi, Finnish and Meänkieli have a long tradition, the administrative districts, consisting of seven municipalities in Norrbotten, namely Arjeplog, Gällivare, Jokkmokk, Haparanda, Kiruna, Pajala and Övertorneå.

161. The Norrbotten County Administrative Board has the task of monitoring the application of these Acts and is also responsible for distributing government grants to municipalities and country councils in accordance with the Ordinance (2000:86) on government grants for measures to support the use of Sámi, Finnish and Meänkieli. The County Administrative Board reports annually to the Government on how government funding is being distributed to municipalities and county councils and on the results and costs of regional initiatives.

162. Information to the general public concerning these acts is given on the Norrbotten County Administrative Board website, the Government's website and the Government's human rights website. The Government has also produced a brochure on the acts and a fact sheet on the national minorities and minority languages, both of which are still being distributed free of charge.

163. Apart from this the Government has commissioned the Sámi Parliament to produce a handbook on how municipalities and government agencies should be able to make the Sámi language more visible, increase Sámi-speaking staff and increase the use of Sámi in contacts with municipalities and public authorities. The handbook also includes a suggestion for an action plan concerning the use of the Sámi language.

Question 39. Please provide more information on the attribution of responsibilities among State and decentralized institutions in relation to cultural life, as well as the distribution of budget among these bodies.[25]

164. The objective of Swedish cultural policy is to increase access for everyone living in Sweden to culture, both via contact with culture of high quality and through creative activity of their own. Financial support for artists and cultural institutions is a key element of this policy, for which the Swedish state, regions and municipalities share responsibility. Of total public spending on culture and the arts, the state accounts for 47 per cent, county councils for 10 per cent and the municipalities for the remaining 43 per cent. State funding for culture in Sweden amounts to roughly SEK 5.5 billion per year, equivalent to 0.7 per cent of overall government spending. Yet it is individuals themselves who account for most spending, when they purchase books, CDs, tickets for various cultural events, musical instruments, CD players, TV sets and computers.

165. There are certain national cultural institutions that receive funding direct from the Swedish Government, such as the Royal Opera, the Royal Dramatic Theatre, *Riksutställningar* (Swedish Travelling Exhibitions) and *Rikskonserter* (Concerts Sweden). In every county there are theatres, music institutions, county libraries and county museums. These often function as regional centres in their respective cultural spheres, working together with schools, the business community and others. Regional and municipal heads of these organizations have financial

[25] E/C.12/SWE/5, para. 488.

responsibility for their own institutions and thereby decisive influence on the scope and nature of their activities. However, for some considerable time the state has been promoting the establishment of the regional network of institutions, providing substantial funding each year. The state and regions also jointly fund specialist county consultants for dance, the visual arts and design with the aim of promoting activities in these areas.

166. Sweden's 290 municipalities also have cultural institutions funded wholly or mainly from local income taxes, e.g. public libraries, art museums and, in some instances, municipal schools for children and young people specialising in music and the arts. In certain cases, the state provides funding for projects and special commissions.

Question 40. Please explain in which areas there is no general legislation concerning the roles and responsibility of public bodies in connection with the culture policy objectives of 1996. [26]

167. In the cultural sphere there are laws that regulate the operation of certain activities (for example laws concerning public archives and libraries). But in many cases, the activities of government agencies or other organizations that dispose of public funding, are not regulated in law. Instead many matters are regulated in government ordinances, which are the Government's equivalent of the laws enacted by the Riksdag. Laws and ordinances are official and binding rules regulating the actions of private individuals and public agencies. The government also issues directives that regulate the functioning of public agencies for a shorter period of time.

168. The cultural policy objectives of 1996 can function as a complement to these different types of regulation. The importance of these objectives partly stems from the fact that laws, ordinances and directives often leaves public agencies and other organizations with a sphere of action that is not regulated in detail. In these areas the cultural policy objectives can function as general goals to be achieved, and therefore as frames of reference and guides to action. It is difficult to specify exactly in which areas this might be the case.

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[26] E/C.12/SWE/5, para. 500.