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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Forty-first session

SUMMARY RECORD (PARTIAL)\* OF THE 33rd MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 6 November 2008, at 10 a.m.

Chairperson: Mr. TEXIER

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\* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

## CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fifth periodic report of Sweden (continued) (E/C.12/SWE/5; E/C.12/SWE/Q/5 and Add.1 and Add.2; HRI/CORE/1/Add.4/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Sweden took places at the Committee table.
2. Ms. JENRYD (Sweden), responding to questions posed by Committee members at the previous meeting regarding articles 6 to 9 of the Covenant, said, with regard to potential conflicts between the Supreme Court's interpretation of law and the provisions of international treaties, that in various cases relating to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child the Supreme Court had ruled in conformity with the international instruments concerned. With regard to the non-disclosure of certain facts in asylum cases, the Supreme Court had ruled that existing confidentiality rules did apply to the newly established migrant courts. An evaluation exercise had concluded that, although the issue did not constitute a particular problem, steps might usefully be taken to clarify the relevant legislation.
3. Mr. WILHELMSSON (Sweden) said that three studies conducted in Sweden over the past year, including one commissioned by the Government and undertaken by the International Labour Office, had demonstrated that ethnic discrimination in the workplace was a reality. The Government took the problem very seriously, and some antidiscrimination measures had already been taken, which might account for the level of discrimination being lower than in some other countries. Nevertheless, the Government was not yet satisfied with the situation and would continue to take action to eliminate such discrimination altogether.
4. Better progress had been made on gender equality in the workplace: there was now no discrimination against women in the job application process. A Government strategy to promote gender equality throughout the labour market was under discussion by a working group and would be presented to parliament in spring 2009. It was hoped that it would break the "glass ceiling" on women's promotion.
5. Ms. SANTESSON (Sweden) said that recent changes to the presentation of employment and unemployment statistics were in line with international standards and were being applied in all Member States of the European Union. Any problems resulting from the changeover should be short-lived. The statistics revealed that employment rates had risen in general between 2005 and 2007, the greatest increase being among foreign-born men. Unemployment had fallen correspondingly. Nevertheless, employment remained higher among Swedish-born groups, representing a policy challenge in several areas. In September 2008, the Government had presented a seven-fold comprehensive strategy for integration over a two-year period to address the issue, and work had begun on its implementation.

6. In the Budget Bill for 2009, 56 billion kronor had been allocated to labour-market policy, representing 7 per cent of the total. Despite the current financial crisis, the Minister of Finance had recently decided not to issue a new forecast for the coming year, but, if it became apparent that more funding was needed to stabilize the labour market, appropriate proposals would be made.

7. A committee of inquiry had been established to examine whether changes should be made to legislation on full- and part-time work, but the Government had decided to let unions and employers resolve the matter without State interference. It had, however, reduced the maximum period for which part-time workers could claim unemployment benefit to 75 days, compared to 300 days for full-time workers, in the hope of encouraging part-time workers to find full-time work and, indirectly, putting pressure on employers to provide more full-time posts.

8. With regard to the minimum wage, she explained that it had been set at such a level as to ensure that it was sufficient to live on. Although actual wages were decided by agreement between employers and workers, they could not be set below the established minimum. Even unskilled workers would therefore earn a living wage.

9. Ms. ÅKESSON (Sweden) said that her Government's position on social assistance was that it should be used as a last resort and only as a temporary measure, with the aim of reducing social exclusion. Such an approach involved various policy measures, notably in the areas of the labour market, education and integration. The number of long-term recipients of social assistance had fallen by 50 per cent from 1996 to 2007, with the average length of time for which benefits were received being six months. The issue remained a high priority for the Government.

10. Mr. ABDEL-MONEIM stressed that, from a human rights standpoint, labour was not a commodity and highlighted the fact that article 6 of the Covenant did not refer to "labour". He further stressed that any effective labour market policy should address both supply and demand and should ensure market regulation, in line with the provisions of article 6.

11. The CHAIRPERSON invited comments and questions from members regarding articles 10 to 12 of the Covenant.

12. Mr. ATANGANA enquired about the marked discrepancy between the number of complaints of violence against women and the number of prosecutions. A low prosecution rate would not put a stop to such acts or discourage the perpetrators. He asked whether the system had been improved.

13. Mr. RIEDEL praised Sweden's high standards in health care, drawing particular attention to the fact that access to emergency health care was based on residence, not citizenship, a practice that other countries would do well to emulate. Expressing concern at the high obesity rate among the elderly, he suggested that disaggregated data be compiled to show what measures had been taken and their effects on various groups, broken down by factors including body mass index. Given the higher rate of obesity reported among uneducated individuals, he asked what steps had been taken or were proposed to address that problem.

14. With regard to mental health care, which had been the subject of some criticisms by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, he requested that information on actions taken in line with the Special Rapporteur's recommendations be included in Sweden's next periodic report. In the light of an increase in sexually transmitted diseases, he asked what preventive measures had been taken or were proposed. He also asked what educational measures were being taken to address the increased use of chewing tobacco, which was often based on the misconception that it carried fewer dangers than smoked tobacco products.

15. Ms. WILSON enquired about the reasons for the increase in child poverty between 1991 and 2003 and asked what support was available for the families concerned. She also requested information on the increase in poor students between the ages of 20 and 24.

16. With regard to mental health and, in particular, higher suicide rates among young men, she asked whether the State party addressed the problem of suicide through preventive awareness campaigns. She also wished to know what was the assessment procedure in the case of asylum-seekers or foreign nationals with a life-threatening condition if the necessary treatment was unavailable in their country of origin. In addition, she sought information on ethnic-language provisions in health-care services for elderly patients.

17. Mr. RZEPLINSKI asked whether expert medical decisions to incarcerate involuntary psychiatric-hospital patients were reviewed by a judge as a matter of course or upon request, and how many such cases were heard annually. In addition, he noted that the State party had indicated in its written replies that access to health care was based on residence and not citizenship. He wished to know whether residence was granted by the State or by the local authorities and whether access to health care differed for permanent and temporary residents and persons applying for residence.

18. Mr. ZHAN Daode asked about the measures adopted by the Government to combat the rising number of homeless persons. He wished to know whether any improvements had been noted since the 2005 national survey and requested updated statistics and information based on surveys.

19. Ms. BAHARONA RIERA said she understood that ageing and the elderly were a priority area for domestic legislation and social policies and asked the State party to elaborate on the content of the measures taken to protect older people and, also, to specify the rights extended to them. She also requested further information on the concept of productive work, continuing education for the elderly, palliative care, and assistance for families of persons with terminal illnesses.

20. She asked the State party to clarify the apparent discrepancy between the number of domestic violence cases reported and the number prosecuted. In the light of the report of the Special Rapporteur on violence against women, its causes and consequences, which indicated that domestic violence was considered an aggravation of violence against physical integrity, she suggested that domestic violence could be defined more clearly in criminal law as a separate offence. She wished to know how the State party prosecuted honour crimes, again noting a

discrepancy between the number of complaints and the number of prosecutions. Lastly, she requested updated information on the provision of voluntary return programmes to immigrants, where appropriate.

21. Ms. JENRYD (Sweden) said that her Government was aware of the obesity problem and, in March, had presented a bill to Parliament to review public-health policy in a number of key target areas; some €11.5 million had been allocated to tackle obesity in the current year and the same amount would be forthcoming in 2009 and 2010. Some of those funds were being used to strengthen the role of parents in combating suicide, obesity and tobacco use, but the results remained to be seen.

22. Emergency health care was available to everyone. All adult residents and persons under 18, including “hidden children”, received full health care. Adult asylum-seekers, those seeking temporary protection and those holding temporary residence permits who had urgent health needs also received health care.

23. Mental health was a high priority for her Government, which was seeking a budget increase in that area from €50 million in 2008 to €90 million in 2009. Numerous related activities were being conducted, with particular emphasis on mental health care for young people. One priority was to strengthen the knowledge and competence of medical personnel and create better employment opportunities for persons with mental illnesses or disabilities. Quality control and evaluation of the system were also priorities.

24. Ms. ÅKESSON (Sweden) said that her Government had presented an action plan on violence against women in November 2007 that entailed a number of measures in different policy areas but focused on legislation and the possibility of obtaining convictions. Other countries beside hers did not identify domestic violence as a specific crime. The current legislation had been in place for 10 years and sought to deal with situations of repeated abuse against women. Between 2001 and 2006 there had been a 50 per cent rise in the number of perpetrators sentenced. Although the number of offenders was not large, the increase was significant, as it reflected better protection for women. Moreover, there was now a proposal to strengthen legislation on stalking. The action plan also entailed the provision of specialized training for the police and judicial officers and was expected to demonstrate positive results by 2010.

25. The percentage of children in families below the absolute poverty level had decreased by two thirds since the mid-1990s to just over 6 per cent in 2006, and the proportion of children in households receiving social assistance had fallen by half since the early 1990s. However, relative child poverty had increased in recent years, reaching 15 per cent in 2006.

26. Honour crimes were a high-priority policy area, although no specific legislation existed to deal with them.

27. Ms. JENRYD (Sweden) said that, in her country, crimes committed in the name of honour were subject to more severe penalties. Decisions to refer patients for involuntary psychiatric care were made by the courts.

28. Mr. ANDERSSON (Sweden) said that, in response to the 2006 homelessness figures and the multiple associated problems, the Government had recently formulated a strategy entitled “Homelessness: multiple faces, multiple responsibilities”. The strategy, which covered the period 2007-2009, sought to combine the efforts of the various authorities that played a part in resolving the issue. One of its goals was to ensure that no child was homeless. He hoped to be able to describe the positive outcomes of that strategy in his country’s next periodic report.
29. Ms. JENRYD (Sweden) said that care for the elderly was an important issue for her Government, which had conducted numerous inquiries since coming to power. An inquiry into support provided by families to elderly relatives had been conducted during the summer of 2008. Those caring for a dying family member received financial support in the form of 60 days’ contributions at the same level as sickness contributions. Her Government had also investigated the question of dignity in elder care and conducted an inquiry into the vocational skills of those caring for the elderly, as well as an inquiry into means of protecting the elderly from harming themselves, in particular those with psychological or mental problems.
30. Ms. BARAHONA RIERA asked the State party to clarify whether it had ratified the Council of Europe Convention on Action against Trafficking in Human Beings and, if not, whether it intended to do so.
31. Ms. JENRYD (Sweden) said that ratification of that Convention was still under consideration.
32. The CHAIRPERSON invited comments and questions from members regarding articles 13 to 15 of the Covenant.
33. Mr. KERDOUN, referring to paragraph 452 of the periodic report, requested the delegation to explain why upper secondary education was not compulsory, what the differences were between the various programmes described and what certificate was obtained upon completion in preparation for university. He requested an explanation of the difference between municipal adult education and the normal education system for children. He asked whether any information was available about the report by the Teacher Education Inquiry into minority-language instruction, which was due to be presented in the current month, November 2008, and whether instruction could be provided in languages other than the three main minority languages, Sámi, Meänkieli and Finnish. Noting the State party’s written reply to question 36 of the list of issues on the coverage of human rights in teacher-training curricula, in which it asserted that universities were free to determine the content of the education that they offered, he asked whether universities ran subsidiary courses on human rights for students of all disciplines. He would also like to know whether student teachers were trained at specialist schools or universities. Noting that it was important for Swedish citizens to be bilingual, he also asked whether higher education was provided in English or Swedish or both.
34. Ms. WILSON, with reference to the State party’s written reply to question 21 of the list of issues on compulsory schooling for “hidden children”, asked whether the Committee of Inquiry had yet been established to investigate the matter, when the results of the inquiry were expected and how exactly the State party intended to perform the difficult but essential task of monitoring the extent to which municipalities had admitted the hidden children into their schools.

35. Recalling that the Committee on the Elimination of Racial Discrimination had concluded that there was a problem in Sweden with regard to the limited access of Roma children to education and noting from the State party's written reply to question 34 of the list of issues that the National Agency for Education was to report to the Government on its survey into the incidence of discrimination based on ethnic background in schools in March 2009, she asked what measures were being taken in the meantime against bullying and harassment of Roma children in schools, given that it might be one of the reasons for their poor attendance.
36. Mr. ZHAN Daode asked whether members of the Roma community in Sweden still had problems regarding access to education, housing and even some public places.
37. Mr. KOLOSOV, noting that processing personal data that identified ethnic origin and registering pupils' ethnic background were prohibited in Sweden, asked how the National Agency for Education intended to conduct its survey into the incidence of discrimination based on ethnic background in schools if no data were available.
38. Ms. JENRYD (Sweden) said that Sweden had ratified the United Nations Convention against Transnational Organized Crime.
39. In response to the questions on education, she explained that school was compulsory for the first nine years. The next stage, upper secondary school, lasted for three years and was not compulsory, although most children did choose to attend. The 17 national programmes, which covered various academic subjects and vocational training, and the specially designed programmes, which were drawn up by individual schools or municipalities, prepared students to go directly to university, although they would have to undertake further study if they had not taken courses at upper secondary school that were appropriate to their chosen university course. The independent study programmes, on the other hand, were specific programmes for those students who were not qualified to graduate to the upper secondary level, and did not lead directly to university.
40. Municipal adult education was provided for adults who had not acquired the skills they needed from the ordinary schooling system; for example, those who had left school after compulsory education, or those who had studied one subject at upper secondary level and now wanted to work in an area that required education in a different subject. The curriculum was identical to upper secondary education.
41. Tuition was provided in every pupil's mother tongue, not just pupils belonging to national minorities, as explained in paragraph 20 of the written replies to the list of issues.
42. Ms. BEFRITS (Sweden) said that the Delegation for Roma Issues, which had been established to improve the situation of Roma people in Sweden, had set up a working group on education comprising members of relevant Government agencies and Roma representatives which would submit proposals to the Government on how to improve access to education for Roma children. Harassment and discrimination of children based on ethnic background was prohibited by law, and a special students' ombudsman investigated complaints in that regard.

43. Mr. ANDERSSON (Sweden) said that the National Agency for Education had issued a special report into pupils of Roma background in February 2007 in which it had found that more focus was needed on mother-tongue education, since only 26 per cent of students entitled to such tuition were receiving it. Bullying could certainly be a factor in poor attendance. It was essential to encourage parents to send their children to school; a successful programme had been conducted in one region under which adults provided assistance to children in schools, and it was hoped that the programme would continue. The State party would have more facts on discrimination and harassment after the National Agency for Education had completed its survey into their incidence.

44. Ms. JENRYD (Sweden), in response to the question about education of “hidden children”, drew attention to paragraphs 108 and 109 of the written replies to the list of issues.

45. The language of instruction was normally Swedish, but some schools, mostly at upper secondary level, did offer education in English or even French. Many courses were taught in English at university level.

46. The National Agency for Education intended to conduct its survey into the incidence of discrimination based on ethnic background in schools by asking for volunteers to take part; it was prohibited only to register details of ethnic background.

47. In response to the question about teacher training, she said that student teachers always spent part of their studies in a specialist teacher-training school. Student teachers intending to teach at upper secondary level must attend university for training in their particular subject and complete approximately one year in a specialist school, whereas those intending to teach younger children spent all their training at a specialist school.

48. Mr. KERDOUN asked whether schools providing instruction in English were obliged to follow a national curriculum.

49. Ms. JENRYD (Sweden) replied that regulations did exist regarding the subjects that must be taught at those schools, as well as such issues as the number of hours that must be spent on each subject.

50. She thanked the Committee for its efforts to assist the State party. Noting the broad scope of the Covenant, she said that it was not easy for a State party to assess the negative aspects of its own system, and that the review process had provided a useful and interesting opportunity for reflection and improvement.

51. The CHAIRPERSON said that the Committee had appreciated the open and frank dialogue with the State party. He hoped that the State party would have progressed even further by the time its next periodic report was submitted.

The discussion covered in the summary record ended at 12.15 p.m.