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Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the sixth periodic report of Sweden

Addendum

Replies of Sweden to the list of issues*

[Date received: 15 March 2016]

* The present document is being issued without formal editing.



I. General information

Question 1

1. Sweden adheres to the principle that international treaties do not automatically become part of Swedish legislation.
2. International treaties must either be transformed into Swedish legislation or incorporated through a special enactment in order to become applicable. The traditional procedure for implementing an international agreement is to lay down equivalent provisions in an independent Swedish statute, where such provision does not already exist.

Question 2

3. The Swedish system is such that the material content of the Covenant is not directly applicable in Swedish courts or at Swedish agencies. However, under Swedish case law — as established by a number of rulings of the Supreme Court — Swedish domestic legislation and any amendments of it must be interpreted in accordance with Sweden's international undertakings.

Question 3

4. The Swedish national pension funds, the AP Funds, are governed by the National Pension Insurance Funds (AP Funds) Act (SFS 2000:192).
5. According to the AP Funds Act, the AP Funds are independent from the Government. The board of the respective AP fund is responsible for the organization of the fund's operations and for the management of the assets within the fund. According to the AP Funds Act, the Government appoints board members of the AP Funds and carries out a yearly assessment of the management of the assets in the AP-funds.
6. The AP Funds Act does not outline in detail how the management of the assets shall be carried out as that is the responsibility of the board. The overall objective for the management of the assets is to achieve the highest possible return in relation to the risk level to the pension system. However, in the motivation to the AP Funds Act it is stated that ethical and environmental aspects should be taken into account in the management of the funds without compromising the overall objective of high returns.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Article 1, paragraph 2 – Free disposal of natural wealth and resources

Question 4

7. The overall objective of Sami policy is to promote a thriving Sami culture based on ecologically sustainable reindeer husbandry and other Sami economic activities.
8. The Government wants to raise the level of ambition in Sami policy. Opportunities for Sami people to retain and develop their own cultural and social life need to be strengthened. This also applies to the right of Sami people to self-determination. Efforts to achieve a Nordic Sami convention are central to strengthening the rights of the Sami people to maintain and develop their language, culture, economic activities and social life. Negotiations for a Nordic Sami convention are under way.

9. Dialogue with the Sami Parliament on future Sami policy is another important process that is under way. The idea is to conduct a dialogue within this process and with the Sami Parliament on how to move forward on important Sami policy issues.

Question 5

10. The Budget Bill 2015 stated that the Sami Parliament should be strengthened with SEK 3 million. The Sami Parliament's administrative appropriation will be raised by SEK 2 million and the state grant for Sami culture will increase with SEK 1 million per year.

11. An important part of the Swedish legislative process is the practice of circulating Government reports and other documents for comments by relevant bodies. Government agencies such as the Sami Parliament, to which matters are referred for comments whenever they are a stakeholder, are obliged to give an opinion. These opinions are considered and processed within the Government Offices. As an example it can be mentioned that, as a result of this practice under present legislation including the Reindeer Husbandry Act, the Planning and Building Act, the Mineral Act and the Environmental Code, the Sami village (sameby) concerned must be asked for its opinion before any decision is taken. At regional level, there are reindeer husbandry delegations that raise land lease issues and other matters of fundamental importance concerning Sami use of land. These delegations include Sami representatives.

Question 6

12. Both the right of ownership and the right to pursue reindeer husbandry are enshrined in the Constitution and hence have the same degree of protection. Infringements of rights have to be compensated in accordance with the regulation on expropriation.

13. The Sami right to utilize land and water for support of the individual and his or her reindeer is protected by law, the Reindeer Herding Act of 1971. It has its roots in a regulation from 1886. After disputes between landowners and reindeer herders, in order to further clarify the customary reindeer herding rights in relation to the right of ownership the Swedish Government has appointed several committees and commissions. One of them was the Boundary Delimitation Committee. The findings of the committee constitute a good and solid base for the future, should disputes on time immemorial use arise regarding a certain area. Since the committee presented its findings no legal actions has been taken to dispute them. Since the committee has made significant efforts to demarcate the winter grazing area it is not likely that a court would dispute the findings.

14. The issue of the burden of proof has been dealt with by the European Court of Human Rights in a case dealing with the issue of winter pasture in the county of Härjedalen. The European Court of Human rights stated in its decision that since the landowners had to show their title to the property in question, that was under dispute, it must be considered legitimate and reasonable that the burden of proof in regard to the occurrence of winter grazing on that property was placed with the Sami villages (sameby), being the claimants to the right to such grazing.

15. There is no intention to make any changes concerning the burden of proof. It is a basic fundament in the Swedish legal system that if you make a certain claim you also have the burden of proof in relation to this claim.

Question 7

16. As mentioned above the Sami right to utilize land and water for support of the individual and his or her reindeer is protected by law, the Reindeer Herding Act of 1971. The act also contains a paragraph that stipulates that use of land that jeopardizes the existence of reindeer husbandry is not allowed. Infringements of rights have to be

compensated in accordance with the regulation on expropriation. This right is protected in the Constitution.

17. There are three main permitting processes before a mining operation can start. During all of these three steps consultation with Sami villages (sameby) is the same as with land owners and with owners of other special rights.

18. During the consultations, Sami villages (sameby) has the possibility to raise objections to the planned operations and request that the permits are subjected with special conditions to limit the impact on the reindeer herding in the area.

19. As of 1 August 2014 the Minerals Act has been modified so that, if requested, the plan of operations (which are necessary before any exploration can start) must be provided in Sami language. In addition, a valid plan of operations has to be sent to the Sami Parliament.

20. The Environmental Code contains regulations for protection of i.a. areas of national interest for reindeer herding and for mineral extraction. When there are competing claims for a particular area there are regulations in the Code for how to give preference for one use over the other.

21. It should also be mentioned that the Sami right to use land apply on state owned land as well as privately owned land. This means that selling state owned land to private persons will not affect the right to herd reindeer on the land. It should also be mentioned that Sami villages (sameby), through their representatives in the reindeer husbandry delegations, advice the administrative boards decisions in these cases. Appeals can be made to the Government.

Article 2 – Non-discrimination

Question 8

22. The action plan against racism is currently being drafted within the Government offices.

Question 9

23. An effective and comprehensive anti-discrimination legislation is necessary in order to combat actions that directly or indirectly violate the principle of equality of all people. The Discrimination Act of 2009 includes protection for seven grounds of discrimination; ethnicity (which includes racial discrimination), sex, sexual orientation, religion or other beliefs, disability, age and transgender identity or expression.

24. A special investigator was appointed in January 2014 to propose how the work against discrimination can be organized and effective. The investigator will provide suggestions to ensure good conditions for the victims of discrimination to enforce their rights. The investigator shall also see if the state aid for activities that prevent and combat discrimination is the most effective method for preventing and combatting discrimination at regional and local level. The investigator shall also decide whether the county administrative boards should be given increased responsibility for the work against discrimination. The investigation is to be completed on the 16th of December 2016.

25. In comparison to 2011 and earlier, there is a weak tendency to a lower person-based clearance rate. This tendency can also be seen for reported offences in general, regardless of whether they contain a hate crime motive or not. Changes in the nature of the offences reported may be a possible explanation for the decline regarding hate crime specifically. Some types of crime, such as graffiti, are generally considered to be more difficult to

investigate and link to a suspect than others, such as assault. In the hate crime statistics, the proportion of reported offences of assault has declined between 2008 and 2014, from 21 to 15 percent. During the same period, agitation against a national or ethnic group has increased. These offences are often comprised of graffiti or comments on Internet forums. There is reason to believe that the shift in the character of the reported offences may have influenced the possibilities to investigate and clear the crimes. It should also be noted that with the exception of assault and unlawful threats, the offence types that comprise the majority of the hate crime statistics generally have a person-based clearance rate of between 0 and 6 per cent, irrespective of whether or not they are linked to a hate crime motive. Measures are continuously taken within the judicial system in order to increase the ability to handle hate crimes.

Question 10

26. Local level initiatives are fundamental for securing Roma rights and thus central for the implementation of the Swedish Strategy for Roma inclusion 2012-2032. Within the pilot project in five municipalities receiving grants from the Government, a long-term perspective is implemented with the aim to incorporate experiences and methods in the regular organisation.

27. The Swedish Government has also given extensive support to the training and work of mediators in schools and in the social services 2012-2016. The National Agency for Education and the National Board of Health and Welfare has been assigned to arrange educational programmes for the mediators. Several municipalities have applied for state grants to cover part of the salaries for the mediators. The mediators have contributed to an increasing number of Roma children attending preschool, compulsory school and several municipalities feel that the mediators have helped to solve situations at the individual level in a better way and helped more Roma to gain trust in the authorities.

28. Roma participation and influence are crucial for the success of work for Roma inclusion. The Government Offices, relevant authorities and municipalities have implemented and further developed consultations in various forms with Roma experts and representatives.

29. The Equality Ombudsman presented a report on discrimination of Roma in April 2011, based on an analysis of around 230 cases in which Roma had reported discrimination. The report has been compiled together with a Roma reference group. The report notes that Roma are subject to discrimination in everyday situations, despite this being prohibited by law. It shows what form discrimination takes, but also indicates how Roma can obtain redress when their rights are violated. In 2013-2015 the Equality Ombudsman emphasized its work with and for the Roma by carrying out a project focusing on discrimination against the Roma within social services and the housing market.

30. The Equality Ombudsman and the Commission against anti-Gypsyism, that has spent two years fighting anti-Gypsyism in the community through various efforts, are particularly important functions in fighting discrimination against Roma. The Living History Forum's work, including the exhibition "We are Roma: Meet the people behind the myth", which ended in 2015, has also been an important part of efforts to fight discrimination through improved knowledge of Roma in society.

31. The Government is currently preparing a second phase of the strategy with new funding (58 MSEK 2016-2019).

Article 3 – Equal rights of men and women

Question 11

32. Wage formation is not regulated by law; it is handled by the social partners. The state does not interfere. The special Government Agency, the National Mediation Office, is responsible for mediating in labour disputes, promoting an efficient wage formation process, and has the responsibility for the official Swedish wage statistics. According to its instructions the National Mediation Office is to analyse the development of pay from a gender equality perspective.

33. A comparison of women's and men's average pay in 2014 shows that women had 86.8 per cent of men's pay. The single most important explanation for this difference in pay is that women and men work in different occupations and that these occupations are associated with different pay levels. The National Mediation Office publishes reports and organizes conferences on a regularly basis where these issues are discussed.

34. The Government is also of the opinion that reintroducing the requirement of annual pay surveys is an urgently needed action in order to eliminate unjustified pay differences between women and men. Therefore, the Discrimination Act needs to be amended. The issue is currently being considered within the Governments Offices and the Government intends to submit a bill to the Parliament this spring with proposals on these matters.

35. Under the present rules of the Discrimination Act, active measures include that employers shall in particular attempt to equalise and prevent differences in pay and other conditions of employment between women and men. All employers are required to carry out a pay survey every third year. In addition all employers with at least 25 employees are obliged to draw up an action plan for equal pay every 3 years.

Women in decision-making

36. The Government intends to speed up progress towards a more equal gender distribution on the boards of listed companies. In the Budget Bill for 2016 the Government announced the target that the percentage of women on the boards of listed companies is to be at least 40 per cent no later than 2016. If this target is not reached, the Government will propose legislation on quotas. The state has also achieved a more equal gender distribution in wholly state-owned companies.

37. The Riksdag has laid down that there has to be targets for the gender distribution of newly recruited professors at higher education institutions. As a result the Government has specified such targets that cover all universities and other higher education institutions with state governing bodies and apply until and including 2015. At present the Government is preparing proposals on new targets for the gender distribution of newly recruited professors at higher education institutions.

Part-time work

38. The percentage of employed working part-time in Sweden is 23 percent, but it is unevenly distributed between the sexes. One-third of employed women worked part time in 2014, compared with 14 percent among men. It is mainly in sectors such as hotel and restaurant, trade, and health care that women work part time.

39. The right to full-time work is central to the entire labour market. It is the view of the Government that full-time work is to be the norm and part-time work a possibility. The Government trusts that the social partners within the welfare sector will solve the issue about full-time work as a norm.

40. To increase gender equality regarding unpaid housework and care work and in the labour market, the Government has presented a proposal to the Riksdag to introduce a third reserved month per parent for parental benefit as of 1 January 2016. The Riksdag decided on the proposal in the autumn of 2015. The new regulation implies that a total of 90 days at the sickness benefit level per custodian cannot be waived to someone else.

41. The Government has also presented a proposal to abolish the municipal child raising allowance as of February 2016; a decision was taken in the Riksdag in autumn 2015. Moreover, in the Budget Bill for 2016 the Government announced the appointment of an inquiry to make an overall review of parental insurance. The inquiry will submit its final report in October 2017. A preliminary report will be submitted in October 2016.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

Question 12

42. One of the Governments priorities is to reduce unemployment among persons with disabilities. In 2014, 84 percent of the population aged 16-64 were in the labour force, which corresponds to nearly 5.1 million persons. Among persons with disabilities, 69 percent were in the labour force, which is equivalent to 665,000 persons. Among persons with a reduced ability to work, the share in the labour force was 63 percent.

43. In the Budget Bill 2016, the Government presents several new initiatives specifically for people with disabilities to obtain employment. The Government is investing SEK 300 million in 2016 to get more people to receive a job at Samhall AB (a state-owned company focused on creating employment for people with disabilities) and to reduce the unemployment in the group. The reform is estimated at SEK 400 million annually from 2017.

44. To further enhance the job opportunities, the Government will also review the programs for wage subsidies for people with disabilities. The intention is to clarify the regulatory framework and strengthen the programs, with a clear focus on all individuals' opportunities to develop their working capacity.

45. Furthermore, it is the Governments opinion that state agencies should give more people with disabilities an opportunity to take part of work experienced placement. The Government therefore instructs state agencies to, during the period of 1 April 2016 to 31 December 2018, make available work experience placements for people registered at the Public Employment Service and to receive jobseekers with a reduced working capacity due to functional impairment on these placements. The aim with the mission is for these jobseekers to gain experience from working at a state agency, which could improve their opportunities to find a job in the future.

46. The Government also implements extensive reforms to combat long term unemployment, youth unemployment and to strengthen the integration of immigrants etc. Although these are not specific measures aimed at people with disabilities they are often used by people with disabilities as a complement, depending on the needs.

47. The Government has no quota system for people with disabilities.

Youth unemployment

48. One of the Governments priorities is to reduce youth unemployment. The unemployment rate among young people (aged 15-24) in Sweden has decreased during 2015. The unemployment rate among young people in 2015 was 22.3 percent, a decrease with 2.6 percentage points compared to 2014 (Statistics Sweden, Labour Force Survey). Almost half of the unemployed young people are full-time students looking for work, including extra work on weekends and holidays. For most young people unemployment is relatively short, indicating that many young people combine work with short periods of unemployment.

49. However, there are groups of young unemployed who are far from the labour market and have difficulties finding ways into employment. Those in greatest risks of long-term unemployment and future labour-market-related problems are young people who have not completed upper secondary education, people born outside Europe and young people with disabilities.

50. The job guarantee for youth is a framework programme introduced in December 2007 for young people aged 16-24 who have been unemployed and registered with the Swedish Public Employment Service for at least three months over a four-month period. The number of participants in the job guarantee for youth has declined in 2014 and 2015. This is partly because young people benefit from increased demand for labour, and demographic aspects.

51. In 2015, the program had an average of 27,000 participants per month compared with 33,000 participants on average per month in 2014. This is a decrease of 18 percent. In 2013 the program had an average of 38,000 participants per month.

Question 13

52. The measures taken to provide employment opportunities to persons belonging to ethnic minorities are in Sweden mainly general and not specific measures. One of the Government's most important tasks is to reduce unemployment and increase employment. The Government's jobs agenda consists of three parts: investments in the future – in housing, climate adaptation and infrastructure; an active enterprise and innovation policy for more and growing companies; and investments in skills and matching. The agenda will include a clear gender equality perspective. The investment in jobs announced in the Spring Fiscal Policy Bill 2015 and in the Budget Bill for 2016 amount to SEK 14 billion for 2016.

53. Within the strategy for Roma inclusion, the Public Employment Service was instructed to participate in a pilot project for Roma inclusion in 2012-2015. The agency has employed mediators with Roma language and cultural skills in five pilot municipalities and conducted professional development activities for its employees. Since 2012, the mediators have helped several hundred people to register at the employment office, to start jobs or work experience.

Article 7 – The right to just and favourable conditions of work

Question 14

54. The Government has on several occasions underlined that forced labour and any form of labour exploitation should be abolished. Sweden has, among many other Member States of the ILO, ratified the ILO Convention no 29 concerning Forced or Compulsory Labour and right now, the question of ratification of the Protocol to the Convention is under interservice consultation within the Government Offices.

55. The Swedish Work Environment Authority supervises the legally required working conditions, such as rules for working hours and health and safety regulations. The regulations apply to all employed workers, regardless of their nationality or legal status. The Authority has been assigned extra funding for the period of 2015-2018 in order to strengthen their supervision and inspections of businesses/employers that break rules on work environment in order to get competitive advantages.

56. In this context it can also be mentioned that in accordance with the EU-directive on Sanctions against Employers,¹ illegal employment of foreigners staying in Sweden without the necessary permits is penalised through the Aliens Act (SFS 2005:716), regardless whether the employment is intentional or through negligence. A legal-based right for foreigners staying in Sweden without prescribed permits (illegally employed migrants) to make a claim against their employer for any outstanding remuneration was introduced in a new act (SFS 2013:644).

57. In September 2014 an inquiry was assigned with the task to examine how law enforcement authorities investigate and handle human trafficking matters and consider measures to strengthen the quality and effectiveness of such investigations and to increase prosecutions of human trafficking cases. In December 2015 the inquiry was also assigned supplementary terms regarding an overview of how the criminal legislation protects vulnerable persons from being exploited in for example forced labour, begging or for other economic profit. The objective is to ensure a strong and effective criminal protection. The assignment will be reported by 9 June 2016.

58. On 30 October 2015, the Swedish Police Authority took a decision to reinforce its capacity to combat trafficking in human beings. The decision lay down, amongst other measures, that specialised teams shall be able to fight all forms of trafficking and related criminality in the major urban police regions in Sweden.

59. The County Administrative Board in Stockholm has been commissioned to foster, at a national level, co-ordination and co-operation among actors working to combat all forms of THB and prostitution in Sweden. The Board has, in turn, appointed a National Coordinator. As part of this work, the Board has developed rehabilitation programs for victims of trafficking for sexual purposes and prostitution. The Board also runs a safe return project to develop measures for safe returns for victims of trafficking to their home countries, to make trafficking victims' return safe, efficient and adequately organised so as to avoid the risk of re-trafficking.

60. The work of the County Board was evaluated in 2014 and found very successful. At present, the commission runs until the end of 2016.

61. The task of the Swedish Police Authority to protect individuals from being subjected to crime is not dependent on whether these individuals contribute to any preliminary investigations. The Police Authority is conducting systematic work to protect people who are subjected to threats, and the action taken is geared to the need for protection and support in each individual case.

62. There is also an effective system for crime victims to claim damages from perpetrators. For example, prosecutors have to help injured parties by conducting their action for damages in criminal matters. If a person who has committed a crime does not have the ability to pay damages and there is no insurance policy that covers the injuries, the crime victim may be entitled to criminal injuries compensation from state funds. This right

¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

may also exist even if the perpetrator is not known. The payment primarily provides compensation for personal injuries and violation. The same conditions regarding the right to criminal injuries compensation apply to people who have been victims of human trafficking for sexual purposes or prostitution as to other crime victims.

Question 15

63. The current Government took office in the fall of 2014. Therefore, we cannot comment on the first question.

64. Regarding the second question, ample measures have been taken since the Government took office. The Swedish Work Environment Authority has issued provisions that directly or indirectly apply to all mentioned problem areas. In the Budget Bill for 2016, a total of one hundred million SEK yearly have been allocated to the working environment field. Out of these, the Swedish Work Environment Authority's budget has been increased with 60 million SEK, an increase with over 10 percent. This has enabled the authority to expand their staff, mainly with working environment inspectors.

65. Also, on February 1 the Government submitted its new working environment strategy to the Swedish Parliament. The new strategy includes 12 special assignments to the Swedish Work Environment Authority, many of which are to be carried out in conjunction with other Government authorities, which has bearing on the problem areas.

Article 8 – Trade union rights

Question 16

66. The right to form and join trade unions is protected by the Swedish Constitution and is consequently applicable to workers in foreign companies operating in the country.

Article 9 – The right to social security

Question 17

67. If a person with disabilities has basic intimate needs exceeding 20 hours a week and belongs to the target groups comprised in the legislation they can apply for personal assistance under the Social Code. If the need is below 20 hours a week they may apply for personal assistance or other services from the municipality under the Support and Service for Persons with Certain Functional Impairments (LSS) or the Social Services Act (SoL).

68. A report from the Swedish Social Insurance Inspectorate, covering the period 2001-2014, shows that a break in the assistance benefit trend occurred in 2008. Fewer new claimants were recorded in that year and the number of rejected applications rose by almost 50 per cent. At the same time approximately 1,000 new claimants have been approved assistance benefit yearly but the number has varied between 1,300 and 1,000 people.

69. The overall picture in the Inspectorates report is that persons with disabilities who are in greatest need of support are receiving personal assistance. Comparing persons that are granted personal assistance with the persons that are rejected, persons that are granted assistance to a higher extent had extensive support before applying compared with persons whose applications were rejected.

70. This implies that personal assistance is granted the group of persons with disabilities who are comprised in the legislation. Still a number of people with substantial needs apply but are not entitled personal assistance according to the present regulation. According to a survey carried out by the National Board of Health and Welfare the overall picture is that

the majority of the persons that are rejected personal assistance in accordance with the social Code do access other services under Support and Service for Persons with Certain Functional Impairments (LSS) or under the Social Services Act.

71. The Government is presently preparing an investigation where the legislation for personal assistance in the Social Code will be reviewed as well as parts of the Act on Support and Service for Persons with Certain Functional Impairments (LSS).

Article 10 – Protection of the family, mothers and children

Question 18

72. The implementation of the various action plans in the area of men's violence against women adopted by the Government since 2007, at a cost of almost SEK 2 billion (ca EUR 200 million), has resulted in a substantially higher level of ambition in work to prevent and combat men's violence against women.

73. Despite these developments, evaluations show that accessibility to help and support of good quality needs to be more evenly distributed across the country and better integrated into the regular work of social services and the health care systems. There is also a need to increase preventive work and general knowledge of violence among medical and social workers and other key personnel who in their daily work meet women and children exposed to violence. Particular attention should be directed toward vulnerable groups of victims of violence such as older women and women with disabilities. Other groups at risk that are exposed to violence are young women and teenage girls. Later studies show that young women and girls are exposed to violence to a higher extent than has been anticipated. This violence remains often hidden; one reason is that young women and girls are not included in standard surveys.

74. In June 2014, the National Coordinator on Domestic violence presented its final report to the Government. A number of the coordinator's proposals will be considered in the context of the Government's coming national strategy to address men's violence against women, while other have points of contact with commissions already issued by the Government. The latter concerns the involvement of the police and social services when persons who are victims of crime by people close to them need to collect their belongings in the home as well as the opening of a national knowledge centre concerning violence against and abuse of children. The Government has also strengthened its support to women's and girls' refuges and made it possible for these organisations to apply for grants extending over two years, which is a response to the coordinator's proposal that women's and girls' refuges should receive more long-term support. The Government has also increased the funds for gender equality projects supporting the work of men and boys for gender equality.

Question 19

75. In March 2015 the Östergötland County Administrative Board presented two guidance documents on how authorities and services at local level can address honour-related violence and oppression and female genital mutilation. In June the Government commissioned the County Administrative Board to spread these guidance documents to Swedish municipalities in collaboration with the other county administrative boards.

76. The Östergötland County Administrative Board has also the Government's commission to map preventive action in the form of universal and targeted parental support in order to counter honour-related violence and oppression, child marriages and forced marriages and female genital mutilation. The purpose is for the Government to access methods that produce results that can be spread to the rest of the country.

77. In addition, all county administrative boards have been commissioned to promote and provide support for actions to counter honour-related violence and oppression. The Östergötland County Administrative Board is responsible for coordinating the reporting of the commission. The final report is to be submitted on 15 March 2016.

Question 20

78. Preliminary statistics show that a total of 35 offences of forced marriage and 11 offences of misleading to forced marriage journey were reported in 2015. The final statistics on reported offences, as well as statistics on processed and cleared up offences, will be published in March 2016.

79. In 2014 the Government commissioned the Östergötland County Administrative Board to develop a skills team with the task of promoting work to combat marriage against the will of a party, child marriage and honour-related violence and oppression in various ways. As part of this commission the County Administrative Board set up a telephone support service for professionals who meet victims.

80. The National Board of Health and Welfare (the Board) has recently made calculations of the number of girls and women who have been genitally mutilated or who risk being subjected to genital mutilation. The result shows that almost 38,000 girls and women in Sweden may have been subjected to some type of genital mutilation. These girls and women were subjected to genital mutilation before coming to Sweden. As part of this commission the Board has produced material for professional development for healthcare professionals who meet girls and women who have been or risk being genitally mutilated and guidance material for public communicators in their meetings with new arrivals in Sweden.

81. From 1 July 2014, new criminal and civil law provisions apply that strengthen protection against forced marriage and child marriage. Two new offences are introduced in the Swedish Penal Code. In addition, the possibility of children being granted exemption to marry is abolished. The provisions on recognition of foreign marriages are also made more stringent.

Article 11 – The right to an adequate standard of living

Question 21

82. The Swedish Social Service Act state that the Public Society service shall, on the basic of democracy and solidarity promote peoples' i) economic and social security, ii) equality of living conditions and iii) active participation in society. To measures related to children, the best of the child shall be taken into consideration.

Clarification of the requirements of income support

83. The Government has proposed a new provision in the Social Services Act to clarify the requirements as costly for income support. The overall aim is to improve conditions for unemployed to become self-sufficient.

Initiatives for young people that neither work nor study

84. In 2016 the Government appointed a special investigator to function as National Coordinator around initiatives for young people that neither work nor study. The goal is to enhance their ability to establish themselves in society.

Work against homelessness

85. The National Board of Health and Welfare have the mission from the Government to prepare a national survey of homelessness and exclusion in the housing market during 2017.

Increased maintenance

86. From September 2015, maintenance support for children with parents not living together was raised. New rules will come into force in April 2016.

Parental insurance becomes more equal

87. The number of days for which a parent cannot waive the right to parental benefit in favor of the other parent has been increased in 2016. This is one step in the Government's efforts to increase equality regarding unpaid household, care work and gender equality in the labour market.

Height basic level of parental benefit

88. 2015 the Government raised the basic level of parental benefits. A higher level especially reaches young parents, but also families where the parents were born abroad.

Improvements for the disadvantaged pensioners

89. Housing supplement to persons over 65 years improved in 2015. In 2016 taxes was lowered for all pensioners with incomes up to 20,000 SEK per month. The measures are designed to be primarily aimed at senior citizens with limited financial resources. This means that the percentage of seniors with low economic standards have declined slightly. Given that women have lower pensions than men, it is also an action which reaches women.

Greater equity and equality in health and access to health care of high quality

90. Access to health care of good quality contributes to both a value for the individual as to active participation in society. The Government's action focus, among other things, that everyone should be offered care, based on their needs and on their own terms. Care should be patient focused, accessible, safe, knowledge-based, efficient, and equitable and gender neutral. In 2015, a new Patients' Law came into force that aims to strengthen the position of the patient and their own choice. Further examples of measures in 2015 consists of special initiatives in the example areas equal care, mental health, a more accessible cancer care and women's health. In 2015 the Government appointed a commission for health equity.

Asylum seeker

91. The number of refugees and displaced persons in the world is now the highest since World War II. Several serious conflicts are forcing people to flee. The number of people seeking protection in EU the coming years will be significant. Although the number of unaccompanied children has increased and is increasing in the EU, Sweden remains the country where the largest number of unaccompanied children is coming. The large number of asylum seekers also means a growing challenge for the Swedish reception system. The Migration Board has taken a series of measures to deal with the situation, for example training and recruiting new staff.

92. The state has a financial responsibility for refugee reception and compensates municipalities for expenses related to the receipt of new refugees, others in need of protection and their relatives and unaccompanied children. The Migration Board will offer employment measures for asylum seekers, and the aim is to make the waiting time for a

decision meaningful. All efforts to reduce the processing times are a priority. The Government believes that it is important that asylum seekers early in the process get in contact with the Swedish language. The Swedish Migration Board has developed forms of organized employment in order to offer orientation in Swedish, as well as contacts with the local community and civil society.

Question 22

93. Sweden has no measures directed to specific ethnic groups, but works with the reception process of newly arrived immigrants (despite origin). The Government's main priority in this area is to create jobs for those who have arrived recently.

94. Residential segregation co-varies with the position on the labour market. Therefore, measures to support introduction into the labour market are equally important as physical measures to combat segregation. However, these measures are presented elsewhere.

95. The efforts made to combat residential segregation are not specifically related to the ethnic dimension.

96. Until 2015, there was an ongoing "urban development work" covering 15 urban neighbourhoods in 9 municipalities. This is no longer a separate initiative. Instead, the Government is focusing on a coherent sustainable urban development, and works to find ways to set focus on social exclusion and residential segregation with this as a starting point.

97. A platform for sustainable urban development, aiming to coordinate and develop issues related to urban development was launched spring 2014. In 2016, one of the platforms focus areas will be social exclusion.

98. A few research projects have been carried out within the urban development work initiative. The results have recently been presented. One of them makes clear the large potential of counteract segregation and social exclusion within the physical planning process. The Government will continue to collect knowledge around these issues and develop initiatives.

99. Moreover, the Government has presented a large package of initiatives (around 6 billion SEK) concerning the housing market, involving e.g. support for construction of rental and affordable homes (the rental home is by the absence of demand for deposit, a more available form of home, open also for those households that cannot, or do not want to, own their own home).

100. Two initiatives directed to deprived areas are included in the package. These initiatives contribute to creating possibilities of taking a holistic approach in the areas and increase the quality and the well-being for those living in the areas:

- Support for energy effective solutions and renovation of multifamily houses in neighbourhoods with socioeconomic challenges. This will contribute to the continuation of the high and uniform Swedish housing standard. The residents will have possibilities to influence the renovation process. Renovation also creates labour opportunities.
- Support for measures in the outer space in neighbourhoods with socioeconomic challenges. The aim is to stimulate outdoor activities and a sense of fellowship. Moreover, it will contribute to attractive, functional, equal and safe environments in a long-term perspective.

101. Other measures that recently have been launched or are being developed, directed to neighbourhoods with a low voting turnout:

- Support for projects aiming to build/constitute local resource centre. The resource centres will be meeting-points for local engagements where the residents can be inspired to participate in networks, groups or associations and where support and guidance will be offered concerning e.g. how to influence decision-making.
- Support for cultural activities formed by the residents.
- A project for artistic formation together with the residents.

Question 23

102. A forced eviction from permanent housing can only take place if the tenant does no longer have the right to reside in the apartment, i.e. the rent contract has been cancelled or has run out. The situation where a landlord wants to terminate a tenant's contract is carefully regulated in Swedish law. There are specific requirements that must be met, both in form and substance. Naturally, these vary depending on the facts in the particular instance.

103. The most common reasons why tenants lose their tenancy and lease termination are that the tenant has not paid their rent or that the tenant disturbs those who live in the surrounding area. In many cases, especially concerning termination because of the tenant not fulfilling his or her obligations, a warning must be given to the tenant before the contract can be effectively cancelled. While a dispute concerning a contract goes on, the tenant cannot be evicted from the apartment. The Social Welfare committee in the municipality shall be informed by the landlord if a person does not pay the rent in time and also the reason for this. The tenant is entitled to a three-week waiting period before being forced to move from their housing. During this period the Social Welfare committee shall decide if the tenant is entitled to financial support to pay the rent.

104. If the tenant does not have the right to reside in the apartment and does not move out voluntarily, forced eviction may take place through the Swedish Enforcement Authority. Before eviction takes place, the defendant shall be afforded an opportunity to express his or her views. However, if the residence of the defendant is not known and if it has not been possible to establish where the defendant is staying, eviction may take place notwithstanding that the defendant has not been afforded an opportunity to express his or her views. Eviction shall be implemented so that reasonable regard is taken to both the applicant's interest and the defendant's situation. If possible, eviction shall take place within four weeks. Eviction may only take place one week from when the defendant is afforded an opportunity to express his views or, if the defendant is living abroad, two weeks from when notification was sent to him. If it is necessary having regard to the defendant, the Enforcement Service may allow a respite with eviction for at most four weeks.

105. There are no statistics particularly on the incidence of forced eviction faced by the Roma in Sweden. However, a study on the current situation of Roma that are Swedish citizens and live permanently in the five pilot municipalities carried out within the framework of the Swedish Strategy for Roma Inclusion identified a number of obstacles for Roma in the Swedish housing market. Complaints to the Equality Ombudsman show that Roma often have limited access to housing. Half of all judgments and settlements on housing discrimination concern Roma. An estimated one fifth of all complaints of housing discrimination concern Roma citizens (2009-2013). In some cases Roma citizens have been denied access to rental properties or to purchasing a tenant-owner apartment, in other cases Roma have been harassed by their landlord. As part of its work on Roma rights and opportunities, in 2014 the Equality Ombudsman initiated a dialogue with, among others, the

National Board of Housing, Building and Planning in order to develop joint projects on discrimination in the housing area.

106. Another form of eviction regards evacuation from illegal settlements which is executed by enforcement assistance. A property owner can apply to the Enforcement Authority for enforcement assistance if a person stays illegally at the property. The defendant will receive an injunction whether he or she attends to the claim or contests it. If the defendant contests the claim The Enforcement Authority will issue a verdict. The defendant can appeal the verdict to the district court within three weeks. The verdict is enforced through the Enforcement Authority. With very limited exceptions, the defendant shall be notified before enforcement. The aim is always to bring the defendants to move on their own accord. If this is not possible, the Enforcement Authority may be assisted by police. The Minister of Justice has appointed a commissioner to consider how the possibilities for property owners to get enforcement assistance at illegal settlements can be improved.

107. In cases of enforcement assistance regarding these EU citizens, the Enforcement Authority normally works with interpreters and social welfare workers of the municipality present at the site to inform the defendants of the enforcement. The municipality is ultimately responsible for ensuring that persons staying within its boundaries receive the support and assistance they need. If the person is staying only temporarily, the responsibility of the municipality is limited only to emergency support. This means, for instance, that an EU citizen without the right of residence in Sweden, in connection with an evacuation from a camp normally is entitled only to emergency support. The emergency support may mean temporary accommodation, money for food and a ticket to return home. When measures affect children, the requirements of consideration for the best interest of the child shall be specially observed.

108. In the beginning of 2015, the Government appointed a national coordinator for the work regarding EU citizens who do not have a right of residence in Sweden. The main reason behind this initiative was that EU citizens (mainly from Bulgaria and Romania) had begun to in larger numbers than previously come to Sweden to look for support for their living, often by begging. The coordinator presented a report in February 2016. According to the report, a majority of these EU citizens are Roma. They often sleep in public places and on private property, which in some cases raises the issue of eviction.

Article 12 – The right to physical and mental health

Question 24

109. Sweden has phased out all institutional accommodation for persons with disabilities and built up support and service in communities. Examples of support and services to enable individuals to live independently in society includes assistance in accordance with The Social Service act (SOL) and support and service in accordance with the Act (1993:387) concerning Support and Service for Persons with Certain Functional Impairments (LSS).

110. The act states that the activities concerned shall be based on respect for the individual's right to self-determination and privacy. As far as possible, the person concerned has to be given the opportunity to influence and jointly determine the measures to be provided. The measures included are: counselling and other personal support, personal assistance, companion service, personal contact, relief service in the home, short stay away from home, short period of supervision for school children, family homes or homes with special service for children, residential arrangements with special service for adults, daily activities.

111. The Municipalities are responsible for most of the support and services according to the law. A person who is not satisfied with a decision on a measure under the LSS can appeal to an administrative court of appeal, in first place the County Administrative Court.

112. As regards supervision, the Health and Social Care Inspectorate (IVO) is the Government agency responsible for supervising health care and the social services. The Inspectorate supervises activities that come both under the Social Services Act and under the LSS. Its task is to ensure that such activities are pursued in accordance with the intentions of the law. Psychiatric hospitals as well as LVM homes are, for instance, also subjects for IVOs supervision.

113. Compulsory mental care and forensic mental care in Sweden is governed by the Act on Compulsory Mental Care (1991:1128) and the Act on Forensic Mental Care (1991:1129).

114. The National Board of Institutional Care (SiS) delivers individually tailored compulsory care for young people with psychosocial problems and for adults with problems of substance misuse. Young people placed in the special residential homes may be placed in seclusion in a special isolation room if they use violence or are so under the influence of drugs that they endanger the order of the home. Seclusion may only be used if it is proportionate to the objective of the measure. If less restrictive measures are adequate, they must be used. This decision may be appealed in a court of law.

Question 25

115. In 2008 and 2013 the Swedish Parliament passed two new laws: The Act (2008:344) on health care for asylum seekers and others, The Act on health and medical care for persons staying in Sweden without necessary permits (2013:407).

116. Asylum seekers and undocumented persons under the age of 18 shall be offered health and medical care, including dental care, under the same conditions and to the same extent as resident children. Asylum seekers and undocumented persons that are 18 years of age and above shall be offered health and dental care that cannot be deferred, maternity care, abortion care and contraceptive advice.

Articles 13 and 14 – The right to education

Question 26

117. National minorities (the indigenous Sami people, Swedish Finns, Tornedal Finns, Roma, and Jews) have better opportunities to get tuition in their national minority languages within the framework of mother-tongue tuition than other groups in Sweden as they are exempt from most of the requirements relating to mother-tongue tuition in their minority language. From the 1st of July 2015 children of the national minorities in compulsory school are also exempt from the requirement that they are to have basic knowledge in the minority language. It is also no longer required, neither in compulsory nor upper secondary school, that their parents have the minority language as their mother tongue.

118. In November 2013 the Swedish National Agency for Education (NAE) was tasked with supporting the development of teaching materials in and on the national minority languages. This task was prolonged with extra funds in august 2014. The NAE was also in 2014 commissioned with presenting suggestions for course syllabi for mother-tongue tuition in the national minority languages in compulsory school. One aim of the commissioning has been to revitalise the tuition by making it possible to study the languages at new-beginners level.

119. The Education Act stipulates that children who are asylum-seekers have the right to education in preschool, preschool class, primary and secondary education. They also have a right to upper-secondary education if this is initiated before the age of eighteen. As of the 1st of July 2013 the Act also stipulates that children who are staying in Sweden without legal permit are entitled to education in preschool class, primary and secondary education. Just as for asylum-seekers this right also includes upper-secondary education if this is initiated before the child turns eighteen. There are no national targeted education programmes for immigrant students and the education is to be provided by the municipalities in the same way they are responsible for providing education for all residents.

Question 27

120. According to the Education Act, all children and young people shall have equal access to education in the national school system. This includes children with disabilities. The Education Act states that the tuition provided is to take into consideration the varying needs of children and pupils. Children and pupils are to be given support and encouragement so that they may develop to the greatest possible extent, based on their own specific capabilities. One aim in this effort is to offset differences in the capacity of children and pupils to benefit from the education. When the new Education Act was introduced in 2011, a right of appeal against decisions concerning special support was also introduced.

121. Since the Swedish education system is based on the principle of inclusion most children and young people with disabilities consequently receive their education within the framework of the regular forms of education. Only 1.3 per cent of all pupils within compulsory and upper-secondary school receive their education outside of the regular forms of education, in other words in education for pupils with intellectual impairment or in special schools for children with certain disabilities.

Article 15 – Cultural rights

Question 28

122. Apart from the below mentioned measures the information provided in the State Party report is still valid.

123. In addition to the measures on the field of education the Government has taken measures to ensure that the Sami language is strengthened. These include elements of self-determination respecting the rights of the indigenous people.

124. The Institute for Language and Folklore administers a Government grant scheme whose aim is to put individuals in a better position to acquire and use their national minority language e.g. Sami.

125. Grants are awarded for programmes that will enhance reading and writing skills in minority languages, such as educational activities in the language to be learnt, language projects aimed at children and their parents, and reading initiatives. In addition, funding is available for projects to promote a better understanding of multilingualism, language as a vehicle of culture, or language transmission between generations. Particular support is given to activities with a focus on children and young people.

126. As of 2016 The Government is permanently increasing the grant to the Sami Parliament for Sami culture by SEK 1 million. The aim is to promote a dynamic Sami culture and create better conditions for the Sami art scene and cultural life. The Sami Parliament, which is the administrative authority for Sami culture, has the task of deciding

how to allocate the state grant in order to enhance the exchange between culture and language.

Question 29

127. A connection to the Internet is primarily achieved through market forces. The Electronic Communications Act is however available as a safety net in the law. The area is harmonised at an EU-basis. The law is, however, not an absolute right. The Act states that, if needed, reasonable requests of universal services (which include a functional internet access) should be available at affordable prices. From the same provision it is stated that such services must be assured through the procurement of the state if it is particularly necessary given the net costs of providing the service or the network.
