



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the seventh periodic report of Sweden\*

1. The Committee considered the seventh periodic report of Sweden<sup>1</sup> at its 16th and 18th meetings,<sup>2</sup> held on 21 and 22 February 2024, and adopted the present concluding observations at its 29th meeting, held on 1 March 2024.

#### A. Introduction

2. The Committee welcomes the submission by the State party of the seventh periodic report, which was provided in response to the list of issues prior to reporting and in accordance with the simplified reporting procedure.<sup>3</sup> The Committee appreciates the constructive dialogue that it held with the State party's delegation.

#### B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase the protection of economic, social and cultural rights in the State party, including the establishment of the Swedish Institute for Human Rights (2022) and the adoption of the United Nations Convention on the Rights of the Child Act (2018:1197) and the 2019 amendments to the Act on National Minorities and National Minority Languages (2009:724), as well as other measures mentioned in the present concluding observations.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the Covenant

4. The Committee remains concerned that the rights of the Covenant are still not given full effect in the State party, as certain economic, social and cultural rights are not recognized in the Constitution. The Committee is also concerned that the State party has not taken steps to incorporate the Covenant into its domestic legal order. It is further concerned about the limited level of knowledge about the Covenant among legal professionals and local authorities. The Committee notes with regret that the State party remains reluctant to ratify the Optional Protocol to the Covenant and to recognize the Committee's competence to consider individual communications.

\* Adopted by the Committee at its seventy-fifth session (12 February–1 March 2024).

<sup>1</sup> E/C.12/SWE/7.

<sup>2</sup> See E/C.12/2024/SR.16 and E/C.12/2024/SR.18.

<sup>3</sup> E/C.12/SWE/QPR/7.



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

- (a) **Take the necessary measures to give full effect to economic, social and cultural rights, as enshrined in the Covenant, in its domestic legislation and to ensure their justiciability;**
- (b) **Enhance training for judges, lawyers and public officials on the Covenant and the justiciability of the rights therein;**
- (c) **Disseminate information to and provide training for local authorities on the implementation of economic, social and cultural rights, encouraging them to make this information available and accessible to rights holders;**
- (d) **Review its position on the Optional Protocol to the Covenant.**

**National human rights institution**

6. The Committee notes that, in addition to the office of the Equality Ombudsman, which examines complaints of discrimination and harassment, the Swedish Institute for Human Rights was established in January 2022 and has commenced its work in monitoring the protection of human rights, making recommendations to the Government on necessary measures and raising awareness of human rights. However, the Committee regrets the lack of specific information on guarantees of the allocation of sufficient technical and human resources to the Institute, which are necessary for its independence and effectiveness.

**7. The Committee recommends that the State party ensure that the Swedish Institute for Human Rights is able to fully exercise its mandate in relation to economic, social and cultural rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In this regard, the Committee recalls its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.**

**Maximum available resources**

8. While welcoming the State party's adoption of a human rights-integrated budget process, the Committee regrets the lack of specific information on its implementation (art. 2 (1)).

**9. The Committee recommends that the State party implement its human rights-integrated budget process and provide information in its next periodic report, including disaggregated statistical data and indicators.**

**Climate change**

10. The Committee acknowledges the adoption of the Climate Act (2017:720), which commits the State party to reaching net-zero emissions by the year 2045. However, it is concerned about the findings of the Swedish Climate Policy Council, which indicate that the measures taken by the State party may increase emissions in the short term and do not appear to be sufficient to enable the State party to meet its target. The Committee is also concerned about the lack of adequate consideration of the impact on the Sámi people of the development of industries such as wind power and mining of critical minerals on Sámi land, which are being implemented in the context of the green transition, adversely affecting the Sámi people's right to an adequate standard of living and enjoyment of their culture (arts. 2 (1), 11 and 15).

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

- (a) **Continue to strengthen its activities to achieve the greenhouse gas emissions reduction target;**
- (b) **Ensure the meaningful and informed participation of communities, including the Sámi people, in the adoption of measures under the Climate Policy Action Plan, including green transition projects, and that those measures do not adversely affect people in vulnerable and disadvantaged situations.**

### Official development assistance

12. The Committee commends the State party for its high level of official development assistance (ODA) in relation to gross national income, in keeping with its international commitments. The Committee is concerned, however, about undue conditionalities being imposed, for example by seeking the return of refugees or favouring other institutions to implement ODA projects, instead of traditional multilateral institutions, in particular the United Nations, or public institutions in partner countries, thereby weakening those institutions.

**13. The Committee recommends that the State party maintain its long-term commitment to the promotion of human rights and gender equality through ODA, without imposing undue conditionalities. It also recommends that the State party ensure that its contribution to the Green Climate Fund is over and above the current level of ODA and is not to the detriment of development assistance in other areas.**

### Indigenous Peoples

14. The Committee notes the information provided on the entry into force of the Act on Consultation (2022:66), which requires the Government and government agencies to consult the Sámi Parliament or a Sámi representative organization on issues concerning the Sámi, as well as the information that by March 2024, the Act is to apply across all municipalities and regions. The Committee also notes that the Truth Commission for the Sámi People was established in November 2021, and that a bill concerning elections to the Sámi Parliament and a strategy for climate adaptation are under development. The Committee regrets, however, the lack of specific information on effective guarantees, both in law and in practice, to ensure effective consultation with the Sámi in the decision-making that affects them, as well as to ensure their free, prior and informed consent (arts. 1 (2) and 2).

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

(a) **Ensure the effective implementation of the Act on Consultation, including by providing adequate training for government and municipal officials on its provisions and the importance of meaningful dialogue and consultation with the Sámi;**

(b) **Support the work of the Truth Commission for the Sámi People, ensuring it has access to all necessary information and resources to conduct its investigations thoroughly, while guaranteeing that its findings and recommendations are fully considered and implemented, where appropriate, to address historical injustices and promote reconciliation;**

(c) **Ensure that the development of a bill concerning elections to the Sámi Parliament and a strategy for climate adaptation involve extensive consultation with the Sámi Parliament and reflect the needs and priorities of the Sámi;**

(d) **Guarantee, both in law and in practice, the free, prior and informed consent of the Sámi in all decisions affecting them, with respect for Sámi traditions and decision-making processes.**

### Undocumented migrants

16. The Committee is concerned about a proposal to introduce an obligation for municipalities and public authorities, including health-care professionals, teachers, social workers and civil servants, to report any migrant suspected of being in an irregular situation to the immigration authorities, and its negative impact on the equal enjoyment of the rights enshrined in the Covenant.

**17. The Committee recommends that the State party take measures to ensure that any immigration policy does not impede the equal access of migrants, in particular migrant children and undocumented migrants, to services essential for the realization of economic, social and cultural rights, including health care and education.**

### **Business and human rights**

18. The Committee notes the ongoing discussions on the European Union Corporate Sustainability Due Diligence Directive. The Committee is concerned at potential limitations of the State party's legal framework with respect to holding businesses accountable for human rights abuses abroad and guaranteeing effective remedies for victims of human rights violations arising from business activities. The Committee is particularly concerned about the application of statutes of limitations and the challenges faced by victims in establishing liability for harm. The Committee is also concerned that the State party has yet to adopt adequate measures to address or mitigate the potential adverse effects of large renewable energy and mining projects on the traditional lifestyle of the Sámi people, including impacts on reindeer herding.

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

(a) **Actively engage in discussions on and commit to multilateral negotiations and agreements, such as the European Union Corporate Sustainability Due Diligence Directive, while advocating for provisions that align with international human rights standards, including the Guiding Principles on Business and Human Rights;**

(b) **Establish clear, transparent and enforceable standards to ensure that State-owned businesses adhere to the required standards of “exemplary conduct”, while conducting regular monitoring and requiring public reporting;**

(c) **Remove barriers faced by victims of human rights violations arising from business activities, including by reviewing the application of statutes of limitations, and strengthen the means by which victims can seek and obtain effective remedies;**

(d) **Adopt comprehensive measures to protect the rights of the Sámi people against the adverse effects of large development projects, including through environmental and human rights impact assessments in consultation with the Sámi, ensuring their free, prior and informed consent before initiating such projects, and establish mechanisms to mitigate and compensate for any negative impacts on their traditional lifestyles and reindeer herding activities;**

(e) **Be guided by general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

### **Non-discrimination**

20. The Committee welcomes the information on the adoption of measures under the State party's 2016 National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime and five 2022 supplementary specific action plans, as well as the ongoing review of the Discrimination Act with a view to the possible inclusion of acts of public officials, such as stop-and-search activities by police officers. However, the Committee remains concerned about the closed list of prohibited grounds of discrimination contained in the Discrimination Act. The Committee is also concerned about the reported incidents of hate crime and discrimination, based on disability, race, ethnicity and religion, including Islamophobia. It is further concerned that victims of discrimination and harassment face barriers in seeking effective remedies (art. 2 (2)).

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

(a) **Consider revising the Discrimination Act to include socioeconomic status and political opinion in the list of prohibited grounds of discrimination;**

(b) **Expedite the review of the Discrimination Act, expanding its scope so as to ensure its application in all areas, in particular with respect to acts of public officials;**

(c) **Improve its data collection system, including through the use of proxy indicators, such as mother tongue, in order to produce reliable data disaggregated by prohibited grounds of discrimination and to identify those groups that are disadvantaged in the enjoyment of economic, social and cultural rights;**

(d) **Provide information on the new legislation to combat organized crime and gang-related violence, including information on measures adopted to prevent racial profiling and racially motivated police violence;**

(e) **Ensure that effective judicial remedies and accessible legal aid, in addition to administrative remedies, are available to victims of harassment, hate crimes and discrimination on the grounds of disability, race, ethnicity and religion, including Islamophobia;**

(f) **Be guided by general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

#### **Right to work**

22. The Committee is concerned that persons with a migrant background, in particular persons of African descent and those perceived to be Muslim or of Middle Eastern descent, as well as persons with disabilities, the Roma and transgender people, continue to be disproportionately affected by discrimination in the labour market, including in recruitment, promotion and wages. There is also a large gap in employment between those born in Sweden and those born abroad (arts.2 (2), 6, 7).

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

(a) **Strengthen vocational training and the quality and accessibility of language courses, as well as diversity recruitment or retention programmes tailored to people belonging to groups at higher risk of discrimination, such as persons of a migrant background, of African descent and those perceived to be Muslim or of Middle Eastern descent, as well as persons with disabilities, the Roma and transgender people;**

(b) **Take targeted measures to address the discrimination such persons face in the labour market;**

(c) **Promote and protect civil society organizations and trade unions addressing employment discrimination;**

(d) **Be guided by paragraph 12 of general comment No. 18 (2005) on the right to work.**

#### **Right to just and favourable conditions of work**

24. While noting that working conditions, including remuneration, are regulated by the social partners through collective agreements, the Committee is concerned that platform workers are not adequately covered by such agreements. Furthermore, the Committee is concerned about the growing problem of labour exploitation, which largely affects migrant workers and asylum-seekers working in sectors such as construction, agriculture and cleaning (arts. 2 (2), 6, 7).

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

(a) **Strengthen measures to ensure job security and adequate protection with respect to working conditions for all workers, including platform workers;**

(b) **Take appropriate legislative and administrative measures to combat all forms of labour exploitation affecting, in particular, migrant workers and asylum-seekers and extend effective protection against violence and harassment to migrant workers and their families, including those working in the informal economy;**

(c) **Take concrete measures to monitor working conditions in sectors with an increased risk of labour exploitation and to provide effective remedial mechanisms for complaints;**

(d) **Be guided by general comment No. 23 (2016) on the right to just and favourable conditions of work.**

**Right to social security**

26. The Committee notes that workers in casual forms of employment account for much of the in-work poverty, and those workers face barriers to accessing social security benefits. The Committee is also concerned that the at-risk-of-poverty rate among unemployed persons is significant and the level of the basic unemployment benefit remains inadequate, falling below the national poverty line. The Committee is concerned by the fact that the daily allowance for asylum-seekers has remained unchanged since 1994 (arts. 6, 9, 11).

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

(a) **Adopt effective measures to reduce in-work poverty and address the high number of unemployed people at risk of poverty, including by promoting access to decent work and increasing the level of the basic unemployment benefit;**

(b) **Review and remove any existing barriers to the take-up of social security benefits or assistance;**

(c) **Ensure that social security benefits, including the basic unemployment benefit and the daily allowance for asylum-seekers, are indexed to the cost of living so that they are set at levels that ensure an adequate standard of living for beneficiaries.**

**Right to an adequate standard of living**

28. The Committee is concerned about reports of rising poverty, particularly among disadvantaged and marginalized groups, including single older women and immigrants who have relatively recently arrived in the State party. The Committee is concerned about the disproportionately high rates of poverty faced by residents of foreign descent. The Committee is also concerned that the State party has not established an official measurement of poverty, which hampers its ability to adopt and evaluate measures to combat poverty (art. 11).

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

(a) **Adopt an official measurement of poverty that incorporates multidimensional aspects of poverty, not only the lack of income but also the lack of access to the goods or services essential for an adequate standard of living, such as housing, education, food, health care, work and social protection, in order to address and alleviate poverty among all groups in society;**

(b) **Adopt targeted measures to address increases in poverty, particularly among older single women and immigrants, as well as the disproportionately high rates of poverty faced by residents of foreign descent.**

**Right to adequate housing**

30. The Committee regrets the lack of comprehensive information on housing shortages and the situation of homelessness and informal settlements. The Committee reiterates its concern about discrimination, in particular on the basis of ethnicity and disability, in access to housing. (art. 11).

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

(a) **Clearly define responsibilities and strengthen the coordination of all local, municipal and national authorities with respect to housing, homelessness and housing management strategies;**

(b) **Collect statistical data on the extent of homelessness, disaggregated by geographic location, age, gender, sex, mother tongue and languages commonly spoken at home;**

(c) **Adopt measures to address the root causes of homelessness, including special measures targeting disadvantaged and marginalized groups, in particular those new to the housing market such as young people and recent immigrants.**

### **Right to physical and mental health**

32. The Committee welcomes the State party's commitment to addressing disparities in access to health care across regions and municipalities. The Committee is concerned by the limitation of subsidized health-care services for adult asylum-seekers to those which "cannot wait". The Committee is also concerned that in 2022 the State party announced its intention to suspend the provision of publicly funded interpretation or translation services for individuals who are not resident permit holders or Swedish citizens. The Committee is further concerned by the significant number of deaths by suicide, alongside rising levels of anxiety and depression, particularly among older men, youth and women (art. 12).

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

(a) **Clearly define the term "health care that cannot wait" and take the necessary measures to guarantee the right to health of adult asylum-seekers, towards the full realization of the right to the highest attainable standard of physical and mental health in accordance with international law;**

(b) **Review its plan to suspend publicly funded interpretation and translation services for individuals who are not resident permit holders and undocumented individuals and consider providing such services to all individuals in hospitals and health-care settings;**

(c) **Strengthen mental health services and support systems by allocating sufficient resources, strengthening community-based support, conducting initiatives to destigmatize mental health issues and implementing targeted measures for groups disproportionately affected by mental health problems, such as older men, young people, women, and disadvantaged and marginalized populations;**

(d) **Refer to general comment No. 14 (2000) on the right to the highest attainable standard of health and the Committee's statement on the duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights.**

### **Drug policies**

34. The Committee is concerned about the criminalization of the personal use of illegal drugs, as well as about reports that indicate limited availability of harm reduction interventions, which contributes to high rates of death by overdose and HIV and hepatitis-C transmission.

35. **The Committee recommends that the State party decriminalize drug use and enhance the availability, accessibility and quality of harm reduction programmes and specialized health-care services available to drug users.**

### **Right to education**

36. The Committee is concerned by a rise in the socioeconomic stratification of schools, disparities in students' performance, and discrimination in access to education, based, in particular, on the grounds of gender, race, ethnicity, religion, disability, status and national origin. The Committee is also concerned by reports of increasing harassment and hate speech in schools and educational settings. In the light of this information, the Committee regrets the lack of clarity on the remedial measures available to students and their parents, by way of the Equality Ombudsman, the Schools Inspectorate, the courts or other recourse mechanisms. The Committee also regrets the lack of specific information provided on the mandate of the Schools Inspectorate, particularly with respect to the enforcement of the requirement that education providers prevent and identify discrimination and harassment. The Committee is concerned by reports of drug testing in schools and the lack of information as to whether penalties, including suspensions or expulsions, disproportionately affect the rights of students, in particular from disadvantaged and marginalized groups, to education. The Committee regrets the lack of specific information on measures adopted to increase the number and ensure the proportionate participation of women studying, researching or training in science, technology, engineering and mathematics, as well as on the impact of such measures (arts. 2 (2), 13 and 14).

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

- (a) **Adopt measures, including targeted measures, to address the socioeconomic stratification of schools, disparities in students' performance and discrimination in access to education, based, in particular, on the grounds of gender, race, ethnicity, religion, disability status and national origin;**
- (b) **Clarify and enhance the accessibility of recourse mechanisms available for students and parents, raising awareness of the justiciability of the right to education and the right to access effective remedies;**
- (c) **Improve the capacity of relevant authorities, including the Schools Inspectorate, with respect to preventing, monitoring and addressing discrimination, harassment and hate speech in educational settings;**
- (d) **Adopt measures to ensure that drug testing in schools and penalties, including suspensions or expulsions, do not disproportionately affect the rights of students, in particular those from disadvantaged and marginalized groups, to education;**
- (e) **Adopt measures to increase and ensure the proportionate participation of women in science, technology, engineering and mathematics.**

**Repatriation of cultural objects**

38. While welcoming the plans of the State party to take steps towards the repatriation of cultural objects to communities abroad, the Committee regrets the limited information on steps taken towards the return of cultural heritage items, including objects and human remains, to the Sámi people within the State party's territory. The Committee notes that in April 2024, the State party will publish findings following an investigation on the prerequisites for the repatriation of cultural objects (art. 15).

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

- (a) **Continue to engage with representatives of communities and Indigenous Peoples, including Sámi Parliament representatives, both abroad and within its own territory, adopt measures for returning cultural heritage items, including objects and human remains, to the Sámi people and empower relevant authorities to prepare for and receive repatriated objects;**
- (b) **Adopt measures to identify and encourage voluntary repatriation of objects held in private collections that are of cultural significance to national minorities, while facilitating dialogue between the affected communities and private collection managers;**
- (c) **Conduct public awareness campaigns on the importance of cultural repatriation as well as the cultural contributions of affected communities.**

**Access to scientific progress**

40. The Committee welcomes the information provided by the State party on measures to ensure affordable access to digital and communications services, in particular those to improve accessibility for older persons, persons with disabilities and persons living in rural and remote areas. The Committee is concerned, however, that scientific progress and its applications, including information and communications technologies, are not accessible in the languages spoken and used by the national minorities residing in its territory (art. 15).

**41. The Committee recommends that the State party strengthen its efforts to ensure that scientific progress and its applications, including information and communications technologies, benefit all persons residing in its territory, without discrimination based on age, region, disability or language.**



## D. Other recommendations

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

43. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>4</sup>

44. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the local, municipal, regional and national levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to establish a national mechanism to coordinate and follow-up on the implementation of the Committee's concluding observations and to continue to engage with non-governmental organizations and other members of civil society, in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

45. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (31 March 2026), information on the implementation of the recommendations contained in paragraphs 15 (a) (Indigenous Peoples), 25 (b) (right to just and favourable conditions of work) and 27 (c) (right to social security) above.

46. The Committee requests the State party to submit its eighth periodic report in accordance with article 16 of the Covenant by 31 March 2029, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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<sup>4</sup> E/C.12/2019/1.