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EUROPEAN SOCIAL CHARTER

11th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SWEDEN

(Articles 1, 9, 10, 15, 18, 20 and 25
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 23 November 2011

CYCLE 2012

REVISED EUROPEAN SOCIAL CHARTER

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the Revised European Social Charter
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THE GOVERNMENT OF SWEDEN

(Articles 1, 9, 10, 15, 18, 20 and 25¹ for the period 01/01/2007 –
31/12/2010)

¹ Sweden has not ratified Article 24.

Eleventh report

Submitted by the Government of Sweden

in accordance with Article 21 of the Revised European Social Charter on the measures taken to give effect to the following provisions of the

Revised European Social Charter

Articles 1, 9, 10, 15, 18, 20 and 25 for the period of the 1st of January 2007 to the 31st of December 2010.

Article 24 has not been ratified by Sweden.

In accordance with Article 23 of the Revised Charter, copies of this report have been communicated to

- (1) Svenskt Näringsliv (Confederation of Swedish Enterprise)
- (2) Sveriges Kommuner och Landsting (the Swedish Association of Local Authorities and Regions)
- (3) Arbetsgivarverket (Swedish Agency for Government Employers)
- (4) Landsorganisationen i Sverige (the Swedish Trade Union Confederation)
- (5) Tjänstemännens Centralorganisation (the Swedish Confederation of Professional Employees)
- (6) Sveriges Akademikers Centralorganisation (the Swedish Confederation of Professional Organisations).

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Article 1 – The right to work

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Article 1§1 – Policy of full employment

Question 1: Please describe national employment policy and the general legal framework. Please specify the nature of, reason for and extent of any reform.

The objective of the Swedish labour market policy is to contribute to an efficient labour market. Labour market policies should also contribute to the economic policy's main task and the Government's objective of full employment. The labour market policy consists largely of activities within the Public Employment Service and Unemployment Insurance.

The Government's long-term employment policy focuses on measures to strengthen the supply of labour, since experience shows that it is the supply of labour that ultimately determines the number of persons in employment.

Since 2007, the Government has undertaken a series of strong measures to improve labour market policy. The shift in policy represents a clear focus on the matching of supply and demand on the labour market. Today, the labour market programs include, to a higher extent, those who are most detached from the labour market. The shift in policy has also aimed to facilitate the transition to work for those who have been unemployed for a long time, on sick leave and in early retirement. The reforms aimed to influence three interrelated areas.

First, the reforms aimed to stimulate labour supply by ensuring the role of the Unemployment Insurance as an adjustment insurance for short periods of unemployment. This is done by reducing the use of the insurance, reimbursement rates

that make it more profitable to work and by requiring persons receiving unemployment benefits to actually be actively seeking employment.

Secondly, the reforms aimed to stimulate the demand for labour most detached from the labour market. It has been made through efforts to reduce employers' costs to hire people who, for various reasons, have particular difficulties in accessing the labour market.

Thirdly, the reforms aimed to make the matching process between job seekers and job vacancies more efficient. This has partly been implemented by the restructuring of the Public Employment Service.

These reforms have, together with income tax credit, increased the incentives for people to actively seek work and to participate in the labour force. This improves the functioning of the labour market and contributes to a higher sustainable level of employment as well as lower equilibrium rate of unemployment. In addition to these structural reforms, a series of temporary measures in the context of the economic crisis of 2008 were introduced in order to mitigate the recession's negative effects. The focus of the measures during the economic crisis was to limit the fall in employment, to prevent unemployment from remaining at a high level for a long time and to maintain labour participation rates.

In the long term, it is mainly the structural reforms that are of importance for employment trends. Government policy has contributed to the creation of a more flexible labour market now than in the 1990s. Today, labour market policy includes more focus on increasing the incentive to actively seek work, which mainly contribute to making the matching process in the labour market more efficient.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reforms of the Unemployment Insurance has been made. For example, the reimbursement rate has been lowered and the demanded minimum amount of work needed to qualify for unemployment benefit has been raised. The length of the benefit period has been reduced, so has the possibility to collect unemployment benefits as part-time unemployed.

Furthermore, the construction of the Unemployment Insurance premium has been changed. The premium is related to unemployment in the unemployment fund. The aim is for the premium to act as a constraint on the parties on the labour market; avoiding to push through wage increases that create unemployment.

A labour market programme, called the job and development guarantee, has been introduced. The job and development guarantee is intended to provide additional support for the most disadvantaged groups.

In 2008, the Public Employment Service was reorganized. Having previously been represented as an authority in each county, the Public Employment Service has become a

national authority. The previous agency structure complicated management and reduced operational efficiency. The aim of the reform of the employment service was to achieve a more efficient, uniform and legally secure business. The authority is currently divided into 61 geographic areas and in a total of 320 local offices around the country. In January 2011, 10,769 persons were employed by the Public Employment Service, out of which 66 per cent were women.

In order to enhance matching on the labour market, the Public Employment Service has been tasked to procure private, supplementary employment services.

The cooperation between the Public Employment Service and the Social Insurance Agency has been strengthened with a view to facilitate the sick leave return to work. In order to meet the needs of people whose entitlement to sickness benefit has run out, a specific labour market program has been introduced. The aim is to offer participants individualized employment measures to determine the need for support for a transition to work.

The Public Employment Service has also been given greater responsibility for new arrivals in Sweden. The reform aims to achieve a faster introduction to the labour market, to create stronger incentives to work and to seek employment, to increase empowerment and choice for individuals, to create clear responsibilities as well as to better protect the individual's competence.

Reply to the Committee's question regarding Article 1§1 – Employment situation

In Conclusions 2008, the Committee of Social Rights (hereafter the Committee) requests up-to-date information on the employment situation of persons with disabilities and immigrants. Sweden is aware of that persons with disabilities participate in the labour force far less than people without disabilities. Also, employment rates are significantly lower, while unemployment is significantly higher. More than 168,000 people with disabilities are currently enrolled at the Public employment service. About half of them have been jobless for more than three years and nearly 82 per cent have been jobless for at least a year, compared with 57 per cent for the rest of the registered jobseekers.

Therefore, in June 2011, the Government appointed a commission to provide a comprehensive proposal for how social policies should be designed to effectively help people with disabilities to get and keep an employment.

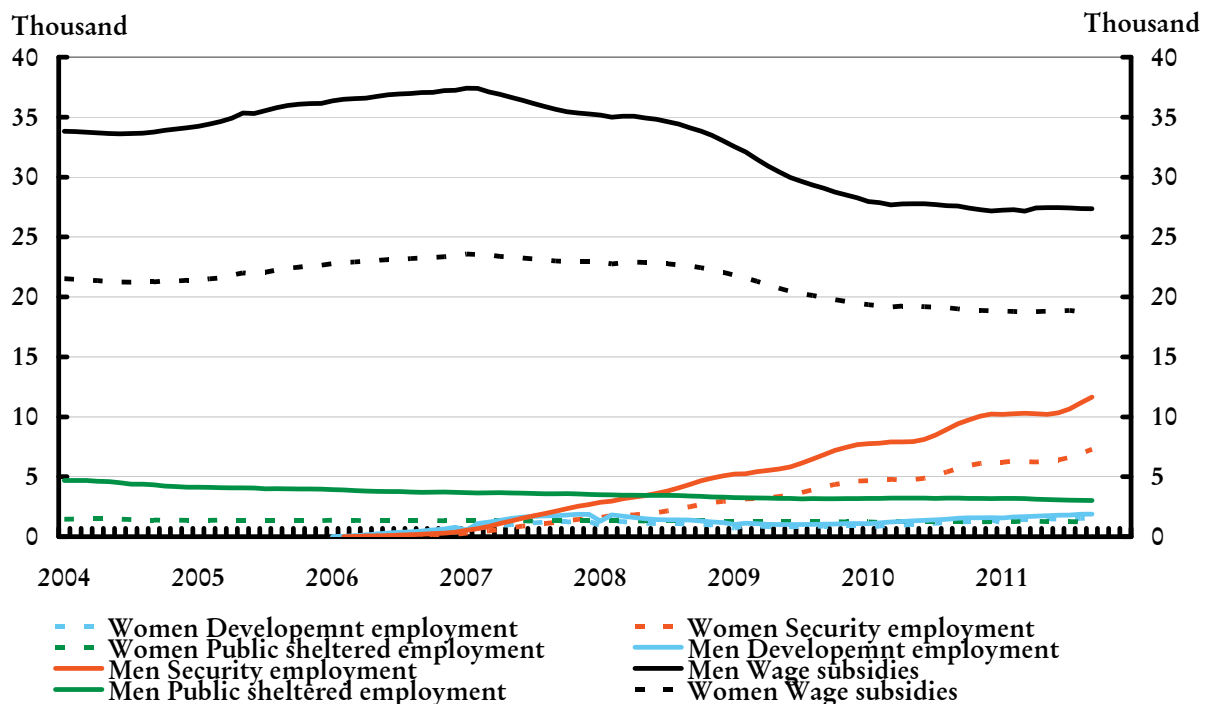
Below are two tables, providing information on the number of persons in special measures for disabled as well as on participants in labour market programs for disabled persons.

Number of persons in special measures for disabled

	Women	Men	Gender distribution(%)			Percentage of total (%)		
			Total	Women	Men	Women	Men	Total
Total	28 574	43 947	72 521	39,4	60,6			
<i>which</i>								
Development benefit	1 505	1 896	3 401	44,3	55,7	5,3	4,3	4,7
Security benefit	6 967	11 178	18 145	38,4	61,6	24,4	25,4	25,0
Wage subsidise	18 868	27 847	46 715	40,4	59,6	66,0	63,4	64,4
Public sheltered employment	1 234	3 026	4 260	29,0	71,0	4,3	6,9	5,9
<i>Age</i>								
<25	1 034	3 048	4 082	25,3	74,7	3,6	6,9	5,6
25-34	3 130	6 833	9 963	31,4	68,6	11,0	15,5	13,7
35-44	6 789	8 555	15 344	44,2	55,8	23,8	19,5	21,2
45-54	9 610	12 489	22 099	43,5	56,5	33,6	28,4	30,5
55-59	4 345	6 587	10 932	39,7	60,3	15,2	15,0	15,1
60-	3 666	6 435	10 101	36,3	63,7	12,8	14,6	13,9
<i>Birth</i>								
Native-born	23 736	36 930	60 666	39,1	60,9	83,1	84,0	83,7
Foregin-born	4 838	7 017	11 855	40,8	59,2	16,9	16,0	16,3
<i>Educational background</i>								
Lower secondary education	9 698	18 744	28 442	34,1	65,9	33,9	42,7	39,2
Secondary education	14 488	21 022	35 510	40,8	59,2	50,7	47,8	49,0
Tertiary education	4 388	4 181	8 569	51,2	48,8	15,4	9,5	11,8

Source: Public employment service

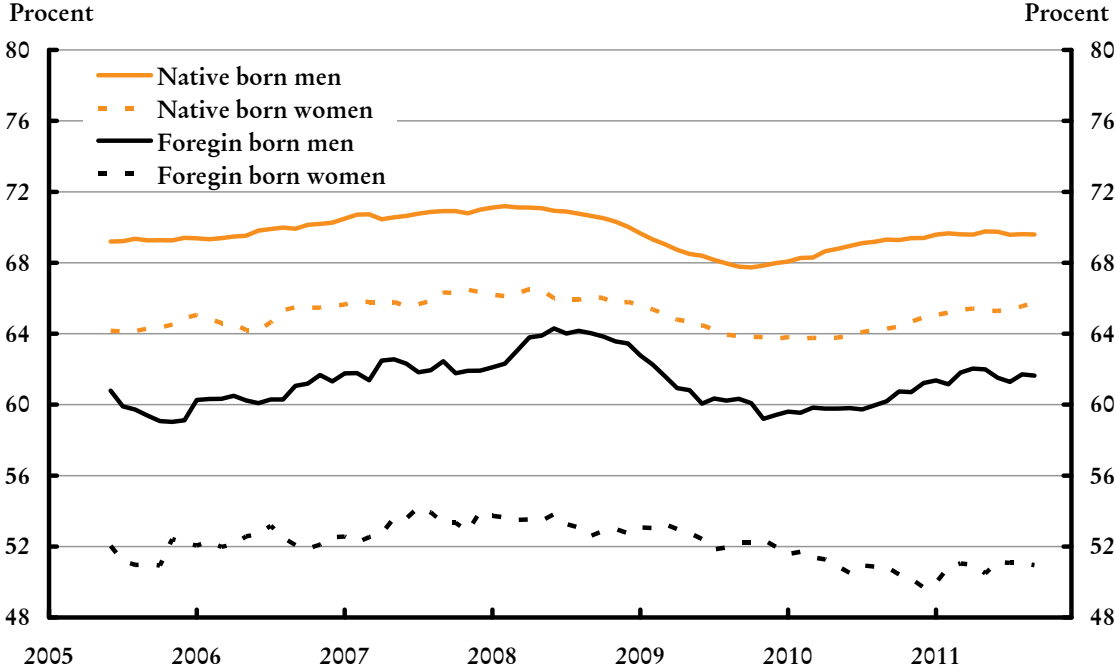
Participants in labour market programs for disabled persons (seasonally adjusted and three-month moving average)



Source: Public employment service

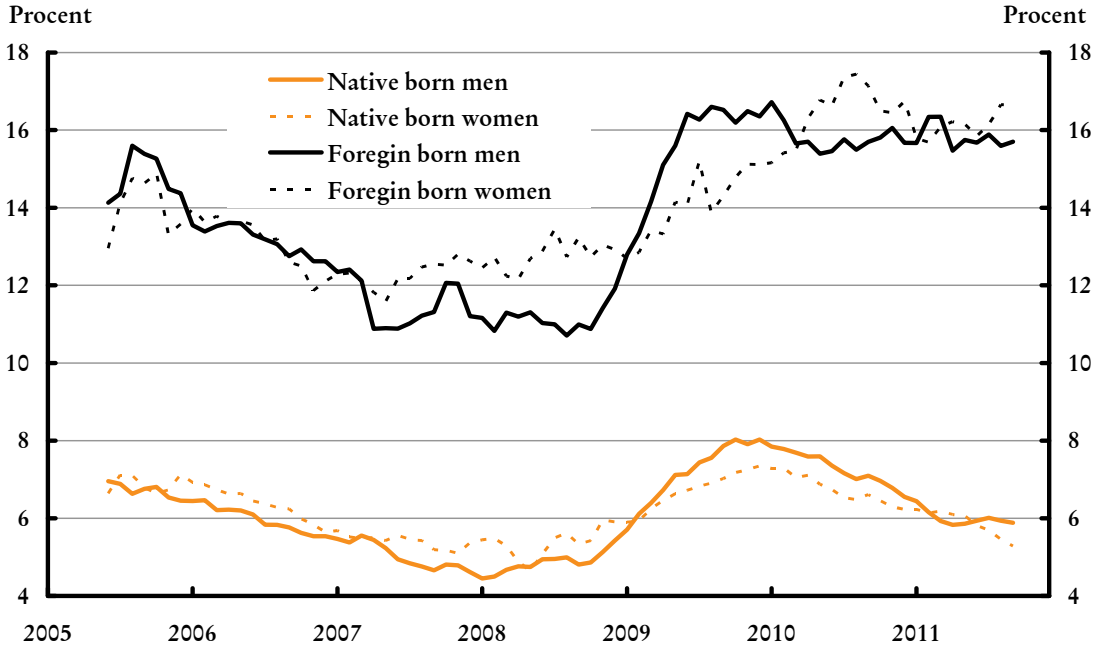
The following two tables show the difference between the employment as well as the unemployment rate for native-born and foreign-born persons.

Employment rate for native-born and foreign-born persons 15-74 years
(seasonally adjusted and three-month moving average)



Source: Statistics Sweden

Unemployment rate for native-born and foreign-born persons 15-74 years
(seasonally adjusted and three-month moving average)



Source: Statistics Sweden

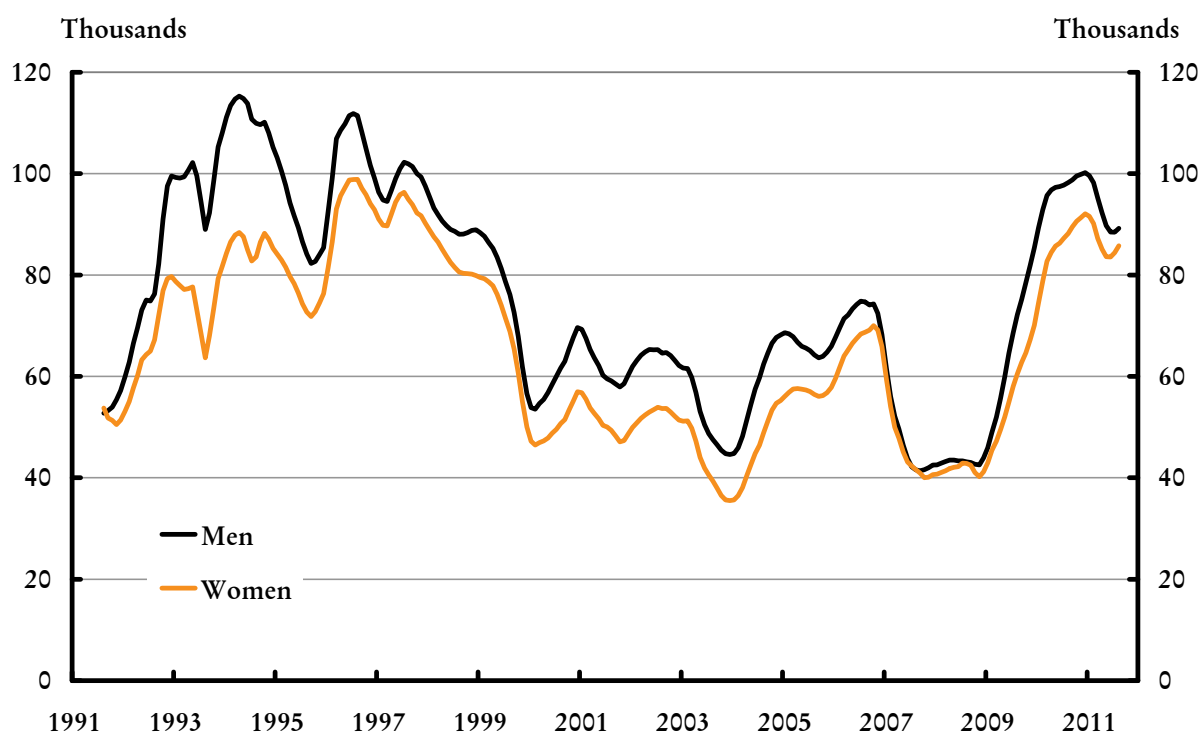
Reply to the Committee questions concerning Article 1§1 – Employment Policy

In Conclusions 2008, the Committee particularly asks for other measures taken against youth unemployment. Sweden would like to inform of the following. Since 2010, unemployed youths who lack a final grade of primary or secondary school can take advantage of a shorter study motivational training in the folk high school auspices.

Several further measures have been taken to facilitate the establishment of young people in the labour market. Employer's contribution has been reduced by 50 per cent for employers who employ a person under 25 years. Moreover, a new labour market program specifically targeting unemployed under 25 years have been introduced. The programme is called the job guarantee and provides additional support for those who have been unemployed for more than three month.

The Committee further asks for the number of people taking part in active measures. In response, Sweden would like to provide to the table below.

Number of persons participating in labour market programs
(seasonally adjusted and three-month moving average)



Source: Public employment service

Moreover, the Committee asks for the activation rate of unemployed people in Sweden. The Government would like to inform that, at the end of 2010, of all the unemployed who were enrolled in the Public Employment Service 47 per cent were active in some form of labour market program.

Question 3: Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

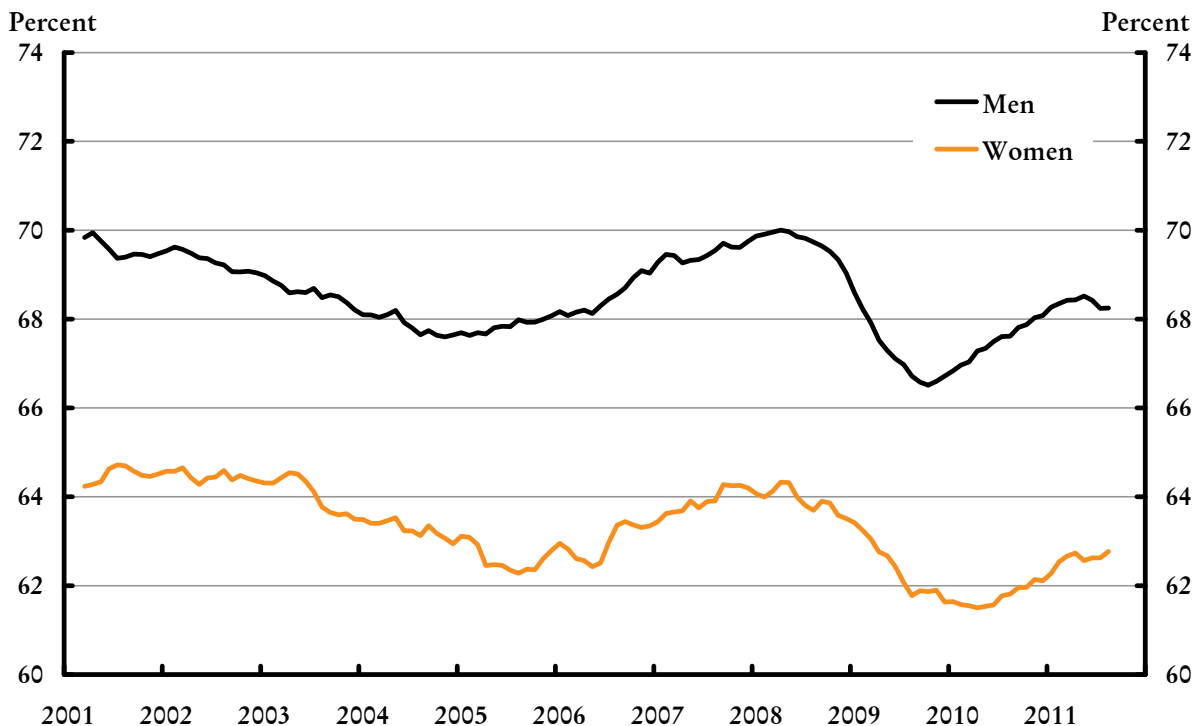
Please find below the requested figures and statistics in subsequent order.

Real GDP growth rate
(growth rate of GDP volume)

In 2007, 3.3 percentage change on previous year.
 In 2008, -0.6 percentage change on previous year.
 In 2009, -5.2 percentage change on previous year.
 In 2010, 5.6 percentage change on previous year.

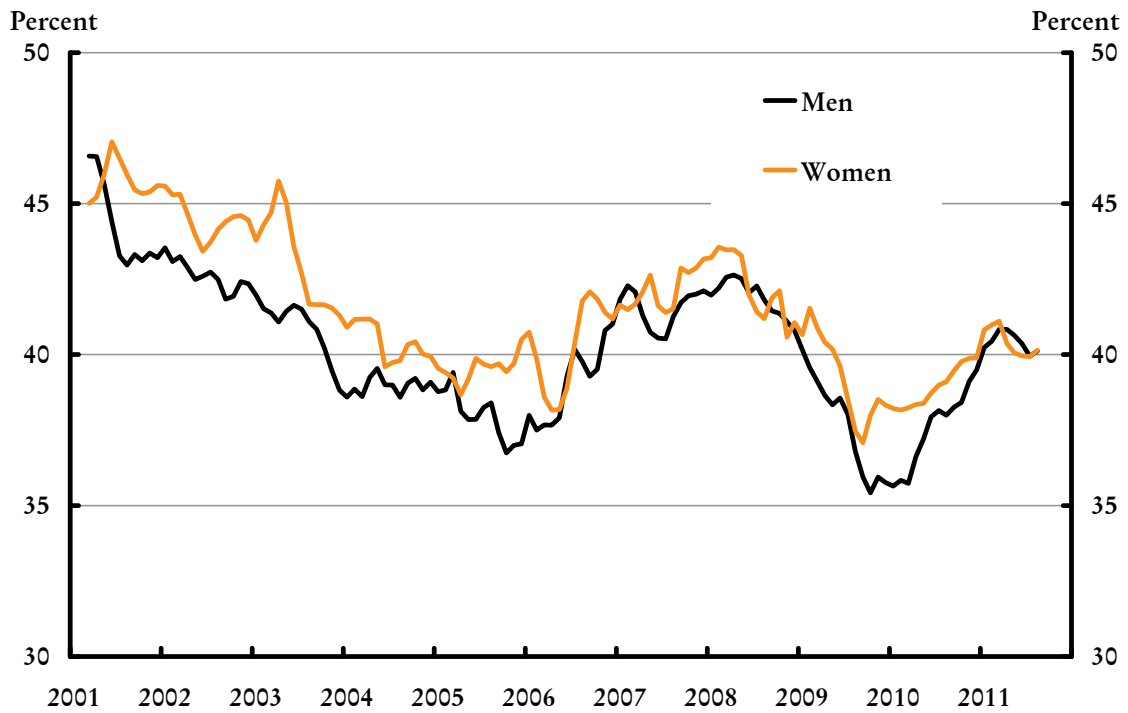
Source: Eurostat

Employment rate 16-64 years
(seasonally adjusted and three-month moving average)



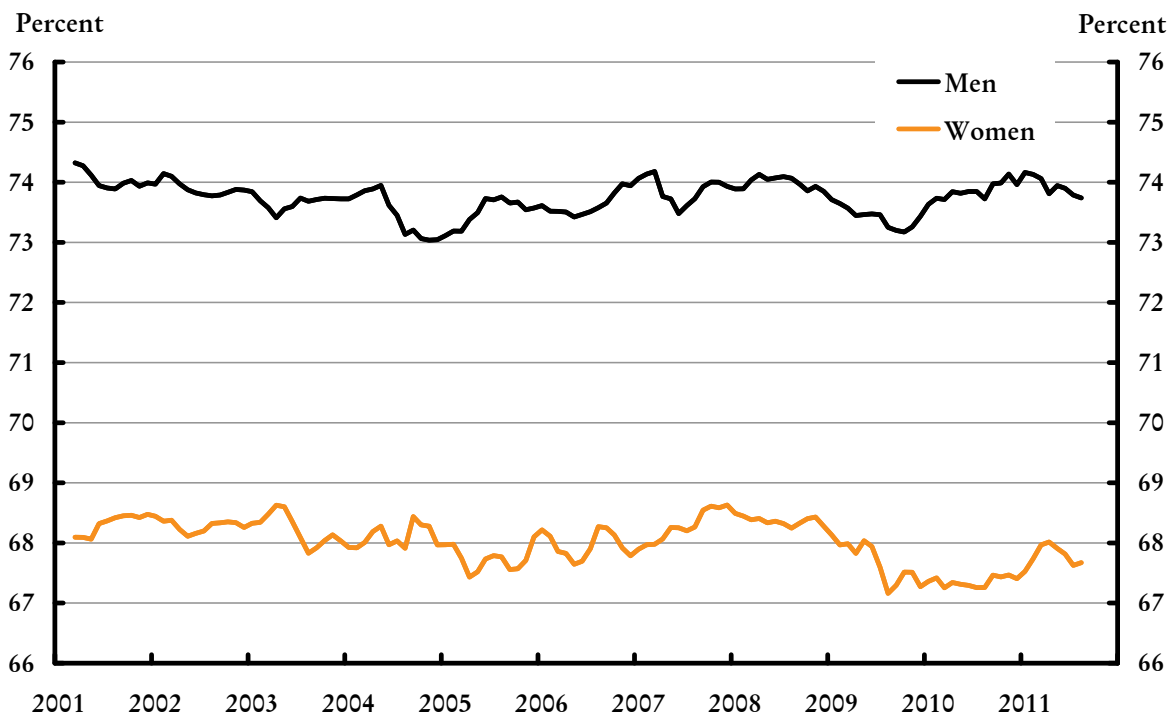
Source: Statistics Sweden

Employment rate 15-24 years
(seasonally adjusted and three-month moving average)



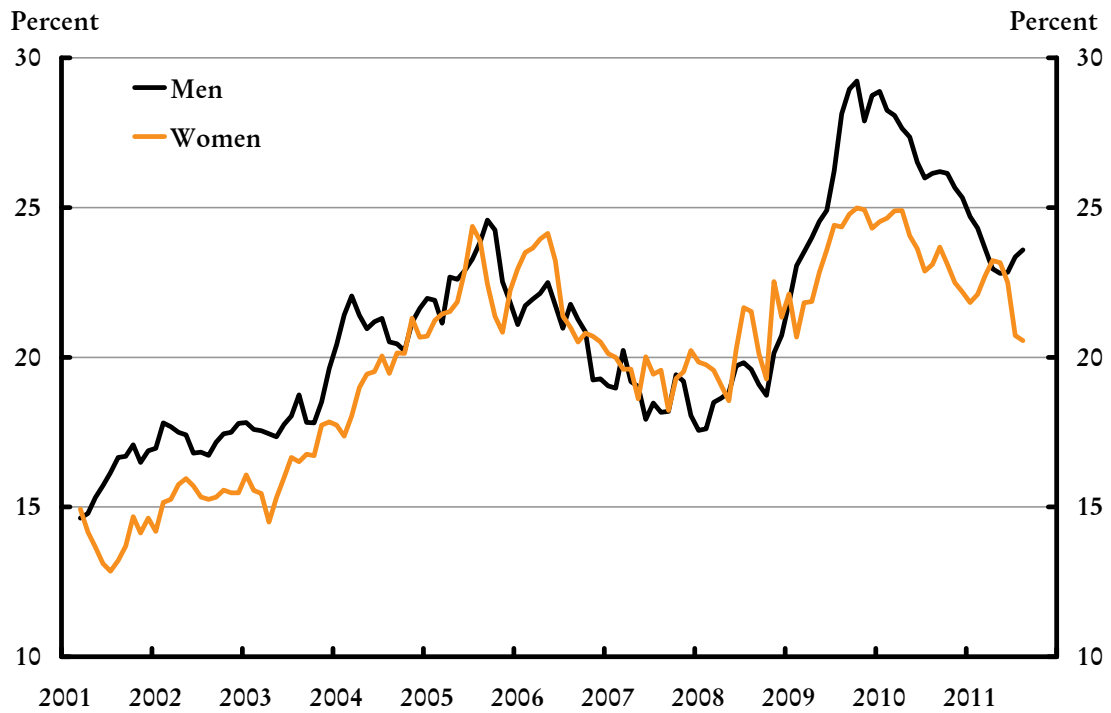
Source: Statistics Sweden

Activity rate 15-74 years
(seasonally adjusted and three-month moving average)



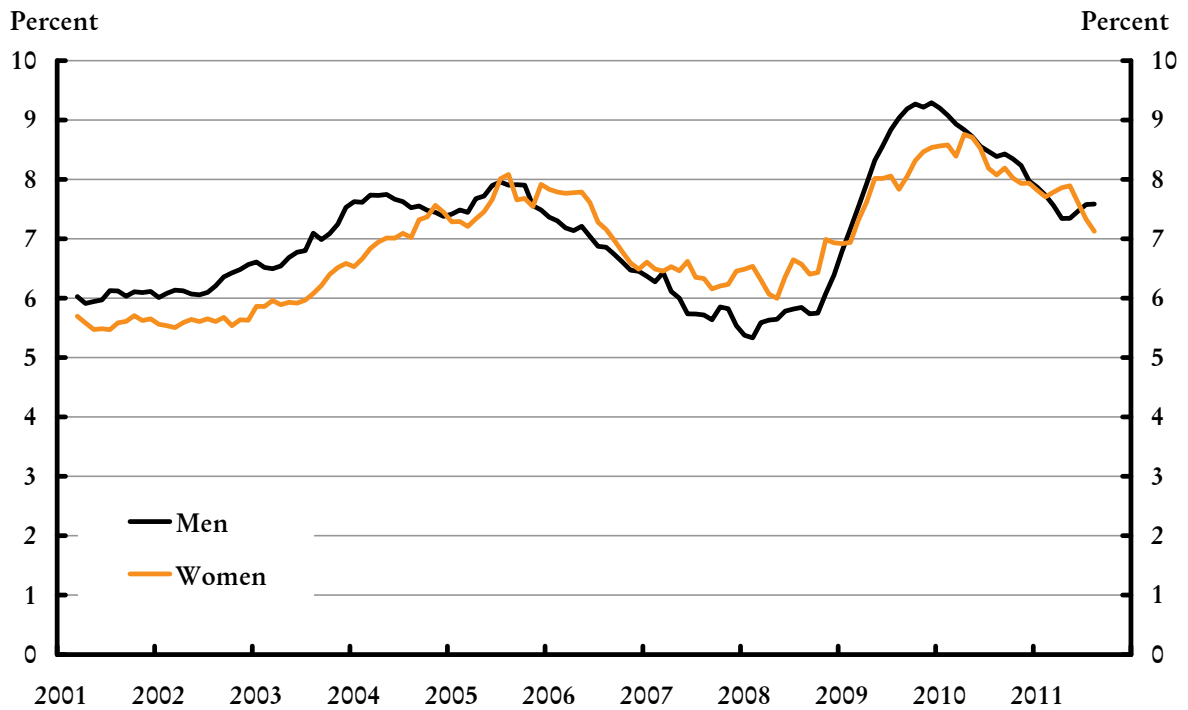
Source: Statistics Sweden

Unemployment rate 15-24 years
(seasonally adjusted and three-month moving average)



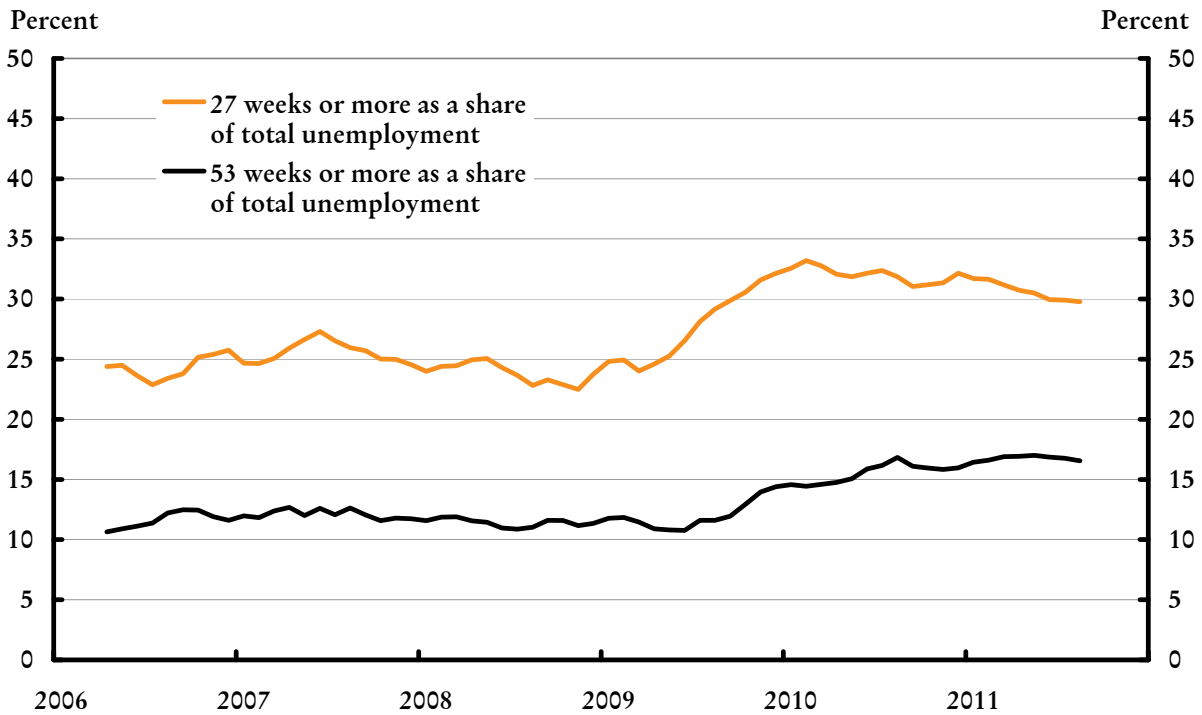
Source: Statistics Sweden

Unemployment rate 15-74 years
(seasonally adjusted and three-month moving average)



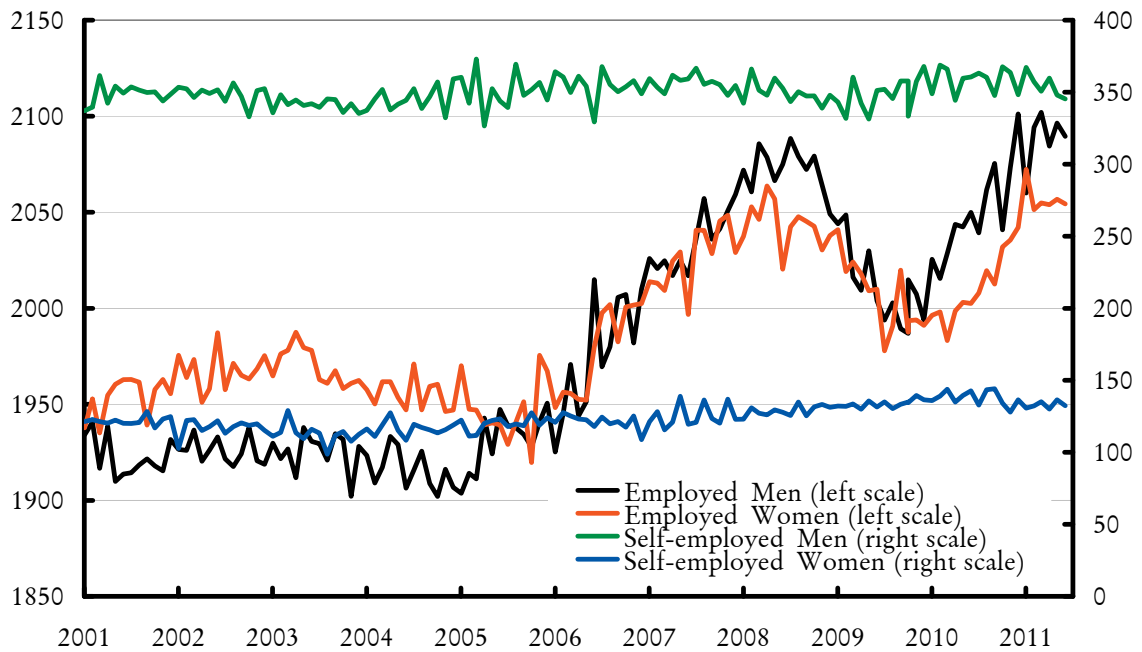
Source: Statistics Sweden

Long-term unemployment 15-74 years
(seasonally adjusted and three-month moving average)



Source: Statistics Sweden

Employment status 15-74 years
(seasonally adjusted and three-month moving average)



Source: Statistics Sweden

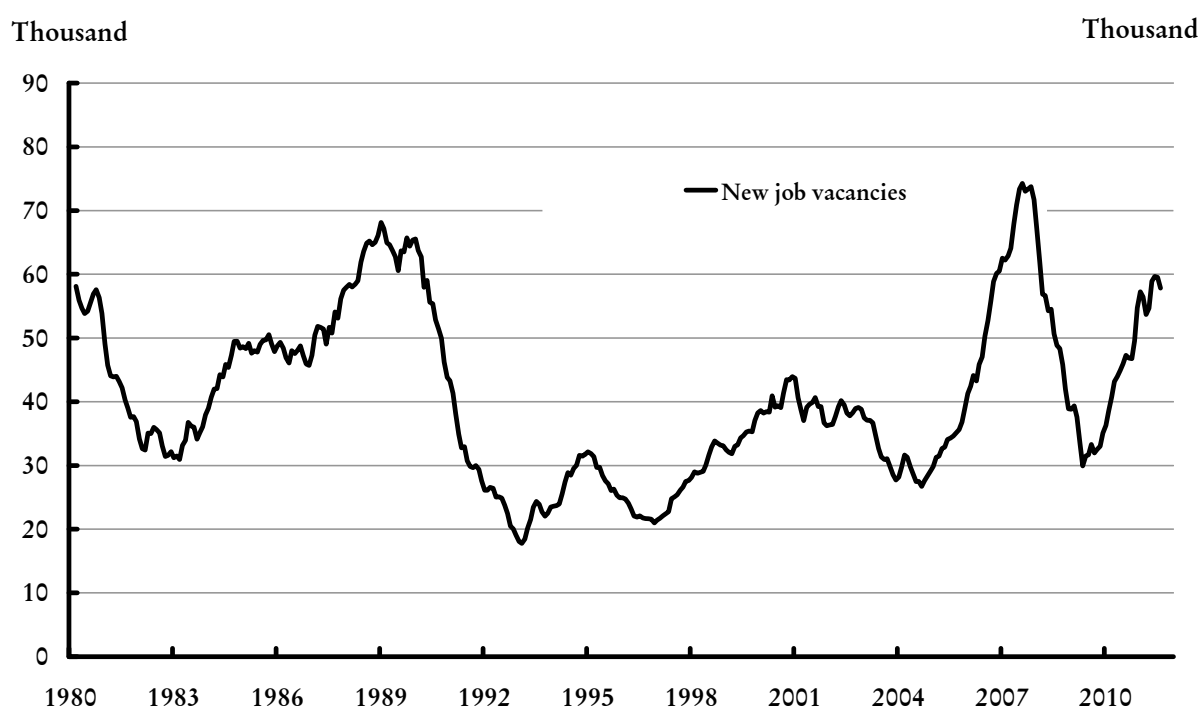
Public expenditure on labour market policy (LMP) measures, by type of action
(percentage of GDP)

Implication Type (category)/Year	2007	2008	2009^e
Labour market services (1)	0,184 ^c	0,287 ^e	0,412 ^e
Training (2)	0,178	0,069 ^e	0,063 ^e
Job rotation and job sharing (3)	0,473	-	-
Employment incentives (4)	0,473	0,370	0,371 ^e
Supported employment and rehabilitation (5)	0,179	0,194	0,224
Direct job creation (6)	-	-	-
Start-up incentives (7)	0,016	0,013 ^e	0,012 ^e
Out-of-work income maintenance and support (8)	0,652	0,450	0,722
Early retirement (9)	-	-	-
Total LMP measures (2-7)	0,871	0,645	0,670^e
Total LMP supports (8-9)	0,652	0,450	0,722
Total LMP (1-9)	1,707^e	1,382^e	1,803^e

-='Not applicable' or 'Real zero' or 'Zero by default'
e=Estimated value

Source: Eurostat

Number of new job vacancies, notified at the Public Employment Service
(seasonally adjusted and three-month moving average)



Source: Public employment service

Article 1§2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports, information provided under Article 20 and the following responses to the Committee's questions.

Reply to the Committee's first question concerning Article 1§2 – Prohibition of discrimination in employment

In Conclusions 2008, the Committee asks to be informed of any action taken on the proposal for age to be considered a specific ground of discrimination in the workplace. In response, Sweden would like to inform of the following.

A new Discrimination Act (Swedish Code of Statutes 2008:567), entered into force on January 1, 2009, (please see further information provided in Article 20). Two new grounds of discrimination were added: age and transgender identity or expression. In the Act, 'age' means length of life to date. It applies to all ages, for example; children, adolescents and elderly people. The new Act contains prohibitions of discrimination that apply to:

- working life,
- educational activities,
- labour market policy activities and employment services not under public contract,
- starting or running a business,
- professional recognition,
- membership of certain organisations,
- goods, services and housing,
- meetings and public events,
- health and medical care,
- social services,
- social insurance,
- unemployment insurance,
- financial support for studies,
- national military service and civilian service, and
- public employment.

The prohibition of discrimination on grounds of age applies to working life, educational activities, labour market policy activities and employment services not under public contract, starting or running a business, professional recognition and membership of certain organisations. In the Government Bill (2007/08:95), the Government stated that the Discrimination-committee's conclusions did not provide a sufficient base for further actions regarding age discrimination and that the EU law did not require such a ban either. However, the Government also stated its intention to return to these issues in another context.

In August 2009, the Government appointed a special investigator with the task of proposing how protection against age discrimination could be introduced in the areas where such a protection is lacking (except in national military service and civilian service). The aim of the investigation was to secure the same level of protection regardless of the ground of discrimination. In the final report, which was submitted to the Government in August 2010, the investigator proposed that age be subject to the same basic protection as other grounds of discrimination. The investigator also proposed an exception; the ban should not prevent differential treatment on grounds of age if it has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose, for example, age limits for purchasing tobacco and alcohol.

The proposals are currently being processed within the Government Offices.

Reply to the Committee's second question concerning Article 1§2 – Prohibition of discrimination in employment

In Conclusions 2008, the Committee asks to be kept informed of any changes in the legislation on remedies available to victims of discrimination with regard to imposition of pre-defined upper limits to compensation.

Sweden would like to inform of the following. A number of changes have been made to the Discrimination Act regarding pecuniary damage as well as non-pecuniary damage. The limitation that previously existed in certain situations regarding pecuniary damage has been removed.

Furthermore, a new penalty – compensation for discrimination – was introduced for infringements of the new Discrimination Act. The purpose is to avoid a link to the Tort Liability Act and thereby create better conditions for higher levels of compensation for victims of discrimination. Compensation for discrimination is designed to both compensate for the violation represented by an infringement and act as a deterrent against discrimination. There are no pre-defined upper limits to the compensation that may be awarded.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports, information provided under Article 20 and the following responses to the Committee's questions.

Reply to the Committee's third question concerning Article 1§2 – Prohibition of discrimination in employment

By the time of submission of Sweden's 7th report, there had been no change in the anti-discrimination legislation since Sweden's previous report. In Conclusions 2008, the Committee thus refers to its previous conclusion (Conclusions 2006) for a description thereof and its findings on the subject. In Conclusions 2006, the Committee notes that a

Parliamentary Committee is considering how to effectively implement a prohibition on age based discrimination, it asks to be kept informed of all developments in this area.

In response to this request, reference is made to the reply to the first question concerning prohibition of discrimination in employment above.

Reply to the Committee's fourth question concerning Article 1§2 – Prohibition of discrimination in employment

In Conclusions 2008, the Committee refers to its previous conclusions (Conclusions 2006). In Conclusions 2006, the Committee notes that under Swedish law damages are payable to a victim of discrimination or of a measure of reprisal. The Committee seeks confirmation that there are no pre-defined upper limits to the amount of compensation that may be awarded in discrimination cases.

In response to this request, reference is made to the reply to the second question concerning prohibition of discrimination in employment above.

Reply to the general question regarding Article 1§2 – Prohibition of forced labour

In the General Introduction to Conclusions 2008, the Committee draws attention to the existence of forced labour in domestic environment (see judgment of the European Court of Human Rights in the case of Siliadin v. France, 26 July 2005). It asks for information on the legal provisions adopted to combat such types of forced labour as well as measures taken to implement them.

According to the Swedish Penal Code, chapter 4, section 1a, criminal liability for trafficking in human beings applies to anyone who by unlawful coercion, deceit, exploitation of another person's vulnerable situation or by other such improper means recruits, transports, transfers, harbours or receives a person with the intent that he or she shall be exploited for sexual purposes, the removal of organs, military service, forced labour or other activity in a situation that places that person in distress. The punishment is imprisonment for at least two years and at most ten years. If the crime is less serious, imprisonment for a maximum of four years shall be imposed.

Attempted human trafficking and preparations for and conspiracy to engage in human trafficking, as well as failure to expose such crimes, are punishable. Incitement and complicity are punishable in accordance with the provisions of chapter 23, section 4, of the Penal Code. A person who commits an act against a person who is under eighteen years of age shall be sentenced for trafficking in human beings even if none of the improper means described in the paragraph was used.

In order to strengthen the penal law protection against human trafficking and to enable more effective law enforcement, legislative amendments were adopted and entered into force on 1 July 2010. As a result of the amendments, the elements of the crime are described more clearly. Among other things, the requirement that the offender assumes control of the victim has been removed. At the same time, the double criminality requirement for the crime of human trafficking was removed.

Reply to question in Conclusions 2008 concerning Article 1§2 – Prohibition of forced labour

In Conclusions 2008, the Committee asks for Sweden's next report to contain more details on youth service, focusing in particular on the type of work carried out, for whom it is done and how frequently this penalty is proposed to young offenders.

In Sweden, Community service for young offenders is an independent penalty for offenders under 21 (primarily intended for offenders age 15 to 17). The penalty comprises unpaid work and other specially arranged activities for a minimum of 20 and a maximum of 150 hours. For a community order to be issued, the young person must be in agreement and the penalty must be appropriate for the person in question and for other relevant circumstances. Community service in these cases are enforced by the Social Services and can replace larger fines, short custodial sentences and, if the young person has only minor care needs, youth care (which means that the offender is subject to Social Services care orders as a penalty).

The court may issue a community service order if the penalty can be considered sufficiently severe, bearing in mind the penal value of the crime and the young person's previous criminal activity, and if there are no grounds for imposing a youth care sentence. In the choice between community service and fines, community service should be chosen unless that penalty would be too severe.

The community service aims to be organized in such a way as to make young people understand that crime is not acceptable in society. For this reason, the purpose of community service is to set limits, but also to provide a certain amount of guidance. Therefore, in addition to the unpaid work aspect, community service also includes some kind of specially arranged activity (e.g. meetings with the Social Services). The ambition is for the community service to comprise meaningful tasks; it is important that the work is not regarded solely as punishment.

The workplaces that can be used for community services depends to a large extent on local conditions. Local authorities, non-profit organisations, religious communities and other similar organisations are often involved. If appropriate workplaces are hard to find, the municipality itself also arranges suitable work on its own. About two thirds of the sentenced have made community service at public or non-profit workplaces. Common tasks for young offenders fulfilling their community service in the public sector or at a non-profit organisation are caretaking/janitorial duties or park work. Many municipalities also use private companies for community services. For those who fulfil their community service at private companies, kitchen work and work at coffee shops and restaurants are common.

In 2008, 2,500 young offenders were sentenced to community service as an independent penalty and another 500 to community service in combination with youth care. Hence, around 43 percent of the young offenders, in the age 15 to 17, sentenced in court (i.e. abstentions from prosecution disregarded), were sentenced to community service.

The penalties for young offenders – including community service for young offenders – are now being reviewed. A Committee of inquiry submits a report to the Government in May 2012 at the latest.

Reply to question in Conclusions 2008 concerning Article 1§2 – Privacy at work

In its 7th report, Sweden informed that a committee had been appointed by the Government to propose legislation to protect privacy in the workplace in both the public and private sectors. The Committee asks for Sweden's next report to describe the outcome of the investigation, in the light of the observations in the General Introduction to Conclusions 2006 (§§ 13-21).

The committee appointed by the Swedish Government was due to complete its work on 1 October 2008, but the time of investigation was extended. The committee presented its proposals in early summer 2009. The report has been circulated for comments and is now under consideration by the Cabinet Office. No formal statement has yet been made by the Government.

The English summary of the investigation is available on: www.sweden.gov.se/content/1/c6/12/57/35/5c5795c4.pdf.

Question 3: Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Reference is made to previous reports.

Article 1§3 – Free placement services

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports, with the addition of the following. The main object of the Public Employment Service is to promote the functioning of the labour market by getting employers together with people who are looking for work in an efficient manner, by giving priority to people who are far from the labour market and by contributing to increasing employment in the long run.

The services for job-seekers and employers that are provided by the Public Employment Service are free of charge and publicly funded. Job-seekers and employers should have access to equivalent services in all parts of the country.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports, with the addition of the following. In accordance with the Swedish public management model, the Public Employment Service is a stand-alone public authority. It is thus up to the Public Employment Service to continuously interpret and implement the legal framework. The Public Employment Service provides seven different services for job-seekers; job-search, job-search improvement, guidance, training, business start-up, enhanced support and adaptation of the working situation. These services are standardised, and they are often offered through specific labour market programmes. Employers are offered recruitment assistance and recruitment training.

Reply to the Committee's question concerning Article 1§3 – Free placement services

As noted by the Committee in the Conclusions 2008, the Public Employment Service was transformed into a unitary public authority in 2008. The Committee asks to be kept informed of progress on this reform.

Sweden would like to inform of the following. The reform meant, among other things, that the former County Labour Boards (which were separate authorities) were abolished. The purpose of the reform of the organisational structure of the Public Employment Service was to achieve an efficient, unitary and legally secure service. The Government has stressed that the involvement of social partners is an important aspect in order to achieve the best possible labour market outcome, today as well as in the longer term. Consequently, this is an important aspect in the work of the Public Employment Service.

The Government has also clarified that the task of the Public Employment Service is that of matching job-seekers and potential employers, and active labour market measures have become more focused on active job-search.

The remaining questions of the Committee concerning Article 1§3 – Free placement services, are treated under Question 3, below.

Question 3: Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

In 2010, 532,000 vacancies were reported to the Public Employment Service; an increase by 127,000 since the previous year.

<i>Year</i>	<i>Vacancies reported</i>
<i>2007</i>	<i>818,000</i>
<i>2008</i>	<i>613,000</i>
<i>2009</i>	<i>405,000</i>
<i>2010</i>	<i>532,000</i>

Source: Swedish Public Employment Service

It is estimated that 33 per cent of the total amount of vacancies in the economy were reported to the Public Employment Service during 2010. This figure varies with the business cycle – in a situation where there is relatively little competition for labour, relatively few vacancies are reported, since the incentives for employers to use the services of the Public Employment Service are weaker when it is easier to find labour. Conversely, in the beginning of 2008 when competition was high, it is estimated that 50 per cent of the total amount of vacancies were reported.

According to the Public Employment Service, 503,000 people (unique persons) registered at the Public Employment Service started working in 2010. This represents an increase by 108,000 compared to the previous year. Similarly, unemployed people went from the Public Employment Service to work on 596,000 occasions during 2010, i.e. some individuals passed the Public Employment Service and on to work more than once during the same year.

<i>Year</i>	<i>Turnover to work (persons)</i>	<i>Turnover to work (occasions)</i>
2007	491,000	653,000
2008	388,000	517,000
2009	395,000	491,000
2010	503,000	596,000

Source: Swedish Public Employment Service

Given the fact that there are two separate ways to compute how many people went on to work, there are also two different figures for the placement rate, as shown in the table below. These figures may also be somewhat misleading, since the fact that an individual leaves the Public Employment Service for work does not necessarily mean that the vacancy was reported to the Public Employment Service in the first place. As was pointed out above, only one third of the total number of vacancies were reported to the Public Employment Service in 2010. This explains the occurrence of placement rates exceeding 100 per cent. Consequently, these figures should be regarded as an indication only, since the stated placement rates may be only partly connected to the success of the services provided.

<i>Year</i>	<i>Placement rate (persons)</i>	<i>Placement rate (occasions)</i>
2007	60 %	80 %
2008	63 %	84 %
2009	98 %	121 %
2010	95 %	112 %

Source: Swedish Public Employment Service

Reply to questions concerning Article 1§3 – Free placement services

Regarding the number of vacancies notified, reference is made to question 3 above.

The table below displays how long vacancies were listed as the Public Employment Service. (This does not necessarily mean that the vacancy was filled. It is, however, the best available proxy for this indicator.)

The total number of vacancies varied from 405,000 to 818,000 in the period. It follows from the table that, in 2010, two thirds (355,000) of the vacancies reported to the Public Employment Service were registered for a period of between two and four weeks.

<i>Year</i>	<i>0-1 week</i>	<i>2-4 weeks</i>	<i>1-3 months</i>	<i>3+ months</i>	<i>Total number of vacancies</i>
<i>2007</i>	<i>235,000</i>	<i>472,000</i>	<i>102,000</i>	<i>9,000</i>	<i>818,000</i>
<i>2008</i>	<i>92,000</i>	<i>408,000</i>	<i>102,000</i>	<i>11,000</i>	<i>613,000</i>
<i>2009</i>	<i>63,000</i>	<i>262,000</i>	<i>71,000</i>	<i>9,000</i>	<i>405,000</i>
<i>2010</i>	<i>84,000</i>	<i>355,000</i>	<i>85,000</i>	<i>8,000</i>	<i>532,000</i>

Source: Swedish Public Employment Service

In Conclusions 2008, the committee further asked for information about the staffing of the Public Employment Service. In 2010, the Public Employment Service employed 10,826 full year staff. This represents an increase by 1,615 persons since 2009. The motivation for this increase was high unemployment, in combination with new responsibilities for the Public Employment Service within the activities for newly arrived immigrants as well as for persons who leave sickness and disability schemes.

Article 1§4 – Vocational guidance, training and rehabilitation

Reference is made to previous reports.

Article 9 – The right to vocational guidance

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Sweden refers to previous reports, while adding the following. In order to make legislation more effective, more comprehensible and more foreseeable, a new Education Act (Swedish Code of Statutes 2010:800) is in force since July 2011. Rules regarding access to guidance has been moved from ordinance to the law in order to emphasise the importance of guidance counselling.

The guidance counsellor must have relevant training for guidance work in order to be employed as a guidance counsellor. This is also regulated in the Education Act for the school system.

According to the new Education Act, all pupils and students in every stage of education system, from compulsory school throughout adult education, should have access to a person with sufficient competence as to meet their need of guidance for planning of their forthcoming education and work.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In the reporting period, there have been several activities to implement the legal framework. Target groups for the activities include all personnel in compulsory and upper secondary schools. A vast amount of information has been made available at the website of the National Agency for Education. The information has been available for all staff at all schools. In 2010, conferences especially for guidance counsellors were carried out to inform teachers, school leaders and other staff of the new legal framework.

Reply to the Committee's question concerning Article 9 – Vocational guidance in the labour market

In Conclusions 2008, the committee asks for measures planned to increase the number of beneficiaries of guidance services in the labour market. The Committee further asks how much is spent on vocational guidance in the labour market and how many staff are employed for this purpose.

Sweden can inform that vocational guidance is an important part of the general counselling and guidance activities that the Public Employment Service offers all unemployed persons. The Government has underlined the importance of frequent personal services, in order to offer adequate support and guidance to the unemployed and, at the same time, verifying that the individual is actively applying for jobs.

Since vocational guidance is just a part of general services that are offered, the staffing and spending on this particular activity cannot be separated from the overall staffing and spending on counselling and guidance activities at the Public Employment Service. Nonetheless, it can be mentioned that more than half of the personnel of the Public Employment Service are employed for this purpose.

Question 3: Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.

Reference is made to previous reports and the reply to the Committee's particular question below.

Reply to the Committee's question concerning Article 9 – Vocational guidance within the education system

According to available statistics, it is not possible to calculate the spending on vocational guidance in the educational system and the total number of beneficiaries. However, as mentioned above, all pupils and students should have access to vocational training.

The Swedish Schools Inspectorate monitors if schools meet the requirements laid down in the regulation concerning provision of guidance counselling. Generally, very few schools are criticized for not meeting the regulations. A large majority of the schools ensure that all pupils and students in every stage of the education system have access to a person with such competence that their needs of guidance for the forthcoming education and work are met. In 2012, the Inspectorate will carry out a special review focusing on education- and vocational guidance.

Sweden can inform that, in 2010-2011, there were 847 guidance counsellors working for the compulsory school system. That is, one counsellor for every 526 pupils. In upper secondary schools, there were a total of 955 counsellors, or one counsellor for every 500 pupils.

Article 10 – Everyone has the right to appropriate facilities for vocational training

Article 10 – Everyone has the right to appropriate facilities for vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the longterm unemployed;
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 10§1 – Technical and vocational training and the granting of facilities for access to higher technical and university education

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Education Act, Chapter 1, 8§, all individuals have the same right to education (including initial vocational education and training, I-VET) no matter where they live or their economical or social background. The purpose of the Discrimination Act (Swedish Code of Statutes 2008:567), is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The Act applies to educational activities.

All pupils in vocational programmes in upper secondary education can obtain basic eligibility for higher education by studying a few extra courses. In order to achieve basic

eligibility to higher education, they have the right to do complementary studies after finishing upper secondary education if they so wish.

Upper secondary schools for pupils with learning disabilities offer national, specially designed or individual programmes in a similar way to upper secondary schools. However, the national programmes are fewer in number and are aimed at preparing pupils for an occupation. At upper secondary level, programmes for pupils with learning disabilities, last for four years.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In order to strengthen the cooperation with branches and social partners, the Government has tasked the National Agency for Education to run national VET-councils on a permanent basis.

The adult VET-initiative (Yrkesvux) started in 2009 and continues through 2013. Yrkesvux is a large initiative involving the earmarking of national funds to support an increase in the number of spaces available in vocational programmes via municipal adult education at upper secondary level. Yrkesvux is also open for adults with learning disabilities.

The Swedish National Agency for Higher Vocational Education was established on 1 July 2009 to administer and to decide which programmes fall under higher vocational education.

Question 3: Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

According to the information submitted to the UNESCO-UIS/OECD/EUROSTAT (UOE) data collection by the Statistics Sweden, the total expenditure for vocational training in 2008 was 25,211 million SEK (running costs). In the school year 2008/09, approximately 290,481 students took part in vocational education. This figure includes full-time and part-time students in upper secondary school as well as adult education. It also includes students in liberal adult education. The number of teachers in vocational education was close to 27,300 (excluding academic staff at level 5B of the International Standard Classification of Education, ISCED, 1997, which in Sweden mainly includes programs at university colleges and qualified training of two or more, but less than three, years). See further the table on the following page.

	Upper secondary level	Post-secondary, non-tertiary	Tertiary type B	Total
Total expenditure 2008 (million SEK)	23,185	732	1,294	25,211
Number of students 2008/09	281,544	3,544	5,393	290,481
Number of teachers 2008/09	26,530	746	-	27,276

In upper secondary school, about 176,000 youths (aged 16–19) attended one of 13 vocational programmes in the school year 2009/10:

Pupils at programme or connection to programme, school year 2008/09

Programme or connection to programme	Number of schools	Number of students
Child and recreation	210	12,895
Construction	221	17,659
Electricity	295	23,111
Energy	122	4,471
Vehicle	229	22,206
Business and admin.	281	17,237
Handicraft	225	12,991
Hotel and restaurant	189	12,971
Industry	206	9,227
Food	46	1,710
Media	180	15,369
Natural resource use	137	11,544
Health care	236	14,590
Total number	2,577	175,981

On average, about 5,400 students were enrolled in one of the 258 different educational programmes offered in vocational supplementary programmes (post-secondary, non-tertiary) in 2010:

Supplementary education programmes 2010

Category	Number of educational programmes	Average number of students
Dance, theatre, music	41	832
Design, Fashion	18	258
Animal Care	4	170
Economy, consumer technology, communications, media	26	544
Flight	20	329
Handicraft	66	1,084
Skin care, hair care, health, fitness, environment	34	1,055
Arts	46	995
technology	3	133
Total number	258	5,397

Source: The Swedish National Agency for Higher Vocational Education

The same year, 2010, over 43,300 students followed higher vocational education courses (HVECs), which last for at least six months and are intended to serve the needs of job-seekers and industries where competence and labour are in demand:

Education at the Swedish National Agency for Higher Vocational Education in 2010

Category	Number of educational programmes	Number of students
IT	97	3,831
Business economics & management, commerce & administration	269	12,226
Health care and nursing	23	897
Hotel, restaurant and tourism	84	3,028
Health and social work	119	4,652
Journalism & information	7	261
Law	4	209
Culture, Media and Design	64	2,342
Agriculture, horticulture, forestry & fisheries	60	1,705
Environment conservation & protection	5	323
Education & teacher training	14	471
Urban construction & structural engineering	85	3,425
Security services	10	500
Technology and technical industry	249	7,389
Transport services	45	2,018
Other	1	60
Total number	1,136	43,337

Article 10§2 – Apprenticeship

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

By tradition, initial vocational education and training (I-VET) in Sweden is school-based. However, all VET-students should do a 15-week learning-period at a workplace during their three-year programme.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

A pilot project with apprenticeship at upper secondary level was started 2008. As of 2011, apprenticeship is a permanent alternative pathway to upper secondary vocational qualification.

In 2008, the Government tasked the National Agency for Education to run the apprenticeship pilot project. The Government also set up a commission to follow up the pilot project. The commission is chaired by the head of the National Agency for Education. Branches and social partners are represented in the commission.

Reply to the Committee's question concerning Article 10§2 – Apprenticeship

In its Conclusions 2008, the Committee notes that the Upper Secondary Schools Commission had been appointed to review the whole system of upper secondary schooling including apprenticeship training. The Committee wishes to be informed about the results of this exercise.

Sweden can inform that the Upper Secondary Schools Commission presented their work in March 2008 (SOU 2008:27) and a summary in English is available at www.sweden.gov.se/sb/d/10005/a/101587. In short, in order to raise quality, the parliament decided to reform upper secondary education. As an example, it can be mentioned that all courses and standards for examination have been revised. When it comes to vocational education and training (VET), it is done in cooperation with the business sector. Requirements to enter upper secondary education is sharpened. Two types of upper secondary qualifications are introduced: a preparatory qualification for higher education and a vocational qualification. For a qualification certificate to be issued, pupils must have grades from a programme encompassing 2,500 credits and pass courses valid at least 2,250 credits, including the upper secondary certificate project and courses in Swedish, English and mathematics.

Certain attention is given to initial vocational education and training (I-VET). In order to raise quality and strengthen the cooperation with branches and social partners, the Government has tasked the National Agency for Education to run national VET-councils on permanent basis. The National School Inspection has been commissioned to make inspections and screen quality in I-VET. The School Inspection has been instructed to cooperate with the National Agency for Education and the National Programme Councils in order to find out the most crucial aspects of quality in VET. In the Budget Bill of 2012, the Government proposed more resources for the two agencies mentioned above, in order to strengthen their work on quality in VET.

Question 3: Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

To support the pilot project, it is possible for schools and workplaces to receive a governmental grant, corresponding to a maximum of 25,000 SEK per apprentice and year. The parliament have decided to allocate 794 million SEK for this reason from 2011-2014. Approximately 3,500 apprentices have started each year during the pilot project. Compared to previous experience with apprenticeship in Sweden, this is a huge amount of apprentices. The most popular branches are building and construction, car mechanics, trade and administration. Two thirds of the apprentices are men. Women are in majority in education related to childcare, nursing, agriculture and natural resources.

Article 10§3 – Vocational training and retraining of adult workers

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The adult VET initiative (yrkesvux) started to help those with lower level of education and either employed or at risk of unemployed to improve their human capital during the economic downturn. Yrkesvux (the adult VET-initiative) is not a new form of vocational education and training but, instead, a national government initiative to stimulate municipalities to provide more training spaces. In total, approximately 5 billion SEK of extra funding is being channelled to municipalities to support 40,000 extra VET for adult training spaces between 2009 and 2011.

Apprenticeship training for adults within municipal adult education (*Läringsutbildning inom kommunal vuxenutbildning*) is a national government initiative to support the development and delivery of apprenticeship training to adults through municipal adult education. It is expected that participants in apprenticeship training for adults within municipal adult education have a rapid, and successful, school-to-work transition. It should also offer adults at risk an opportunity to improve their skills and facilitate labour force entry.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

On 1 July 2009, responsibility for post-secondary training, supplementary education and the former advanced vocational training was transferred to the new Swedish Agency for Higher Vocational Education (Yrkeshögskolan). The agency is developing a unified structure for higher vocational education and training in Sweden. The primary goal is to meet industry needs for qualified skills and, therefore, to ensure higher VET-completers find work in their field of study shortly after completion of their studies.

Question 3: Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

Adult VET (yrkesvux)

In 2009, the Government's investment in vocational upper secondary education for adults (yrkesvux) started. Yrkesvux focus on municipalities, or on collaboration with municipalities. It consists of a targeted government grant amounting to 50,000 SEK per

full-time position in adult vocational education. The main objective of the initiative is to counter effects of the recession and to reach people without upper secondary education or those in need to supplement their vocational secondary education. In 2010, the measure covered 23,800 full-time places. When allocating the places, the local unemployment situation was taken into account and the regions with the highest unemployment was awarded the most seats. The interest in participating in yrkesvux has remained high among the municipalities. In 2010, a total of 26,378 applications were received and 31,600 individuals took a course in adult vocational education. The most common training was Nursing (13 per cent), followed by Social Care (about 10 per cent) and Working life (about 5 per cent). The Swedish Agency for Education has monitored the students after graduation. Municipalities have, for various reasons, found it difficult to submit data. Moreover, information is missing for over 40 per cent of the students. Therefore, at the moment, it is impossible to draw any conclusions about the effects of the initiative.

Higher Vocational Education

In 2009, the Government introduced a permanent increase in funding to Higher Vocational Education (HVE), equivalent to about 1,000 annual places. During the period 2009-2011, the HVE was granted temporary funds because of the economic crisis, corresponding to approximately 1,000 annual places in 2009 and 3,750 annual places in 2010. This includes seats to the Västra Götaland region, where an additional amplification was conducted with 500 seats on one-year courses in Technology and manufacturing from the fall of 2010, on the grounds that the region was hit particularly hard by layoffs and unemployment. In the extra call, it was decided that 30 new courses in all fields of Engineering and manufacturing, but also in Computer/IT as well as Finance, administration and sales, would be included in the HVE. In the Budget Bill of 2010, the Government announced further investment in vocational training during the period 2010-2011 with 1,500 and 3,000 annual HVE places.

Article 10§4 – Long-term unemployment persons

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports, while adding the following answer to the Committee's question.

Reply to the Committee's question concerning Article 10§4 – Long-term unemployed persons

In its Conclusions 2008, the Committee takes note of the new initiatives of the Government, such as New Start Jobs and Development Guarantee designed to encourage employers to hire long-term unemployed. The Committee wishes to be informed about the implementation of these measures.

The New Start Jobs (NSJ) is a general measure introduced in January 2007, under the Swedish Government's strategy to combat exclusion from the labour market. The scheme seeks to stimulate demand for groups regarded as furthest from the labour market; making it easier for them to enter or re-enter the labour market after a relatively long period spent not working, regardless of the reason. It is a way of reducing the employer's wages bill by compensating the latter, without interfering in wage-setting, for the risk of employing someone who meet certain criteria. For example, someone who has not had a job during at least 12 months in the last 15 months. Another example is young people, aged 20-26, or people of 55 years of age or older who has not had a job during six months in the last nine months.

The aim of NSJ is to make it easier for people in a weak position on the labour market to find a job. The target groups are those furthest from the labour market, i.e. long-term unemployed, people on long-term sick-leave, long-term social aid recipients or those meeting a combination of these criteria, as well as ex-prisoners. Some newly arrived immigrants also qualify under the NSJ-scheme in the three years after they are granted a residence permit.

NSJ is not a standard active labour market measure; certain criteria must be met to qualify and once an individual meets one such criterion, the employer who hires her or him is entitled to financial compensation. The compensation is payable to employers in the public or private sectors for employees on permanent or temporary employment contracts.

To encourage employers to employ persons who have not had a job for more than a year, financial compensation equivalent to the employers' social security contributions (or twice that amount in certain cases) was made available in 2007. In response to the deterioration on the labour market, the compensation was doubled in January 2009, and amounts to almost half of the total cost of wages for all categories, except young people.

The financial compensation is payable to employers of NSJ employees less than 55 years old for a period equal to the time the employee has been without a job, but not exceeding five years. If the employee is 55 years or older, the compensation is granted for twice the time he or she has been outside the labour market, subject to a ceiling of 10 years and/or until the employee turns 65, i.e. normal old-age-retirement age). The compensation of young people (20-26 years) qualifying for the NSJ scheme is payable to their employers for a maximum of 12 months.

Moreover, in 2007, the Activity Guarantee was changed to the Job and Development Programme (*Jobb- och utvecklingsgarantin*). It is a three-phase individual programme for

long-term unemployed. The goal is a job in the earliest possible phase. Phase one includes assessment and jobseeker activities. Phase two includes work experience/training. Phase three, for those who have not found a job after 450 days, includes permanent, socially useful, employment.

Question 3: Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

The following statistics and information is relevant to show how the above described New Start Job (NSJ) initiative is applied in practice.

In August 2007, approximately 11,000 persons had a NSJ, 32% of whom were women. About 30% were born outside of Sweden and 13% had a disability that reduced their work capacity.

In August 2008, approximately 17,000 persons had a NSJ, 36% of whom were women. About 32% were born outside of Sweden and 18% had a disability that reduced their work capacity.

In August 2009, approximately 20,500 persons had a NSJ, 40% of whom were women. About 34% were born outside of Sweden and 24% had a disability that reduced their work capacity.

The number of persons with a NSJ has continued to increase. In August 2010, approximately 37,000 persons had an NSJ, 36% of whom were women. About 36% were born outside of Sweden and 18% had a disability that reduced their work capacity.

Regarding the above mentioned Job and Development Programme, the following statistics and information can be provided. In 2010, an average of 78,000 persons participated in the programme. That is 21,000 more persons compared to 2009. In 2008, approximately 45,000 persons participated and, in 2007, 9,073 persons participated.

Source: the Swedish Public Employment Service

Article 10§5 – Facilities

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Education Act (Chapter 15, 17§), all vocational education and training at upper secondary level should be free. Students should, without any costs, have access to

books and other tools for learning. The school may, occasionally, decide that students must have a tool on their own. Even though education and training should be free from fees, occasionally, it is allowed with a cost for the student, if it is negligible. The National School-inspection give certain attention to the issue; the threshold is low when it comes to criticism for neglecting the regulation on a school free from fees.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Sweden has a generous system of economic support for students, which is universal and the same for all beneficiaries. All students meeting certain basic requirements and taking a study programme that qualifies for economic support are entitled. The main forms of economic support for students are study support (loan and grant) and study assistance (grant).

Students taking upper secondary and post-secondary study programmes can obtain study support. The grant portion equals approximately 31.4 per cent of the total amount obtainable. The total amount per four-week period is approximately 8,700 SEK for 2011 (which corresponds to approximately 920 EUR). In addition to this total amount, certain students can obtain a supplementary loan of about 1,700 SEK per four weeks (approximately 180 EUR). Students with children can also obtain an extra child allowance. Students are allowed to have a certain independent income, at present approximately 137,000 SEK annually (approximately 14,500 EUR), without incurring any reduction of their study support.

Study support for studies at upper secondary level can be provided for up to 120 weeks and for post-secondary level for up to 240 weeks. Study support for studies at upper secondary school level can be provided to students aged over 20. There is no minimum age limit for studies at post-secondary level. The upper age limit is 54 years, whatever the study level.

Certain foreign nationals must be equated with Swedish citizens when entitlement to Swedish study support is concerned. This applies to foreign nationals who, by virtue of employment or establishment as entrepreneurs in Sweden, can adduce social benefit rights under Community law, the EEA Agreement or the EC-Switzerland Agreement on Free Movement of Persons. The same applies to members of their families. Furthermore, foreign nationals with a permanent right of abode in Sweden who can plead social benefit rights under Community law must be equated with Swedish nationals. Finally, foreign nationals having the status of permanent residents in Sweden, or who have such status in another EU Member State, but hold Swedish residence permits, and can adduce social benefit rights under Community law, are also to be equated with Swedish nationals. Foreign nationals who are not equated with Swedish citizens can obtain Swedish study support if they have permanent residence permits in Sweden and have settled in Sweden primarily for a purpose other than that of undergoing education here.

Response to conclusion of non-conformity with Article 10§5

As briefly mentioned above, Sweden has a generous system of study support that is universal and the same for everyone. All students who fulfil certain basic conditions and are studying a course that give eligibility for study support are entitled to support. In Sweden, most courses that give eligibility for study support are organised by the state and local authorities. Such courses are generally free of charge. Courses at university level are free of charge for EU-nationals. Therefore, the forms of study support available is related to the financial aid for the student's living costs. However, it is also possible to obtain support for, for example, tuition fees.

Study support can be granted to adults undergoing compulsory and secondary level studies or supplementary courses, students at folk high schools and students at post-secondary level (universities, colleges, higher vocational education and independent post-secondary schools). As mentioned, study support is consists of a grant and a loan. The grant part is about one-third of the total amount of study support. It is up to the student whether he/she wants to raise a loan.

As mentioned above, in 2011, the total amount per four-week period is about 8,700 SEK (corresponding to approximately 920 EUR). Under certain circumstances the student can be eligible to a supplementary loan of approximately 1,700 SEK per four weeks (approximately 180 EUR). For students with children, there is also a possibility to receive extra child allowance. Students are allowed to have a certain independent income, at present approximately 137,000 SEK annually (approximately 14,500 EUR), without incurring any reduction of their study support. Study support for studies at upper secondary level is available for a maximum of 120 weeks and the maximum period at post-secondary level is 240 weeks.

It can be added that, in 2010, 24,130 students received study support for studies at compulsory level, 114,000 students received study support for studies at upper secondary level and 333,400 students received study support for studies at post-secondary level. In all, some 12.3 billion SEK (corresponding to approximately 1.28 billion EUR) was paid in grants and some 12.6 billion SEK (which corresponds to approximately 1.31 billion EUR) was paid in loans in 2010.

The design of national systems of study support varies, so cross-country comparison is difficult. Sweden has a well-developed system that, for example, gives students the possibility of studying abroad with Swedish study support. Some other countries have systems with a more economical design. In some countries support is needs-tested, while in others, Sweden for example, the support is universal and the same for everyone.

The principle underlying Swedish regulations on the right of foreign citizens to Swedish study support is that they have to be included in Swedish society and intend to stay to be entitled to Swedish study support. They must have resided in Sweden for some purpose other than to study and have clear ties to Swedish society.

The main rule is that foreign citizens can receive Swedish study support if they have a permanent residence permit in Sweden and are residing in Sweden mainly for some

purpose other than to take a course. However, under Community law certain foreign citizens have to be treated in the same way as Swedish citizens.

In Sweden, unlike most other countries, there are no requirements concerning language skills, income or participation in an introduction programme, for example, for the granting of a permanent residence permit.

At EU level, Sweden notes a considerable expansion of students' rights under Community law and therefore also a corresponding expansion in the obligations of Member States. Against this background, the European Court of Justice has considered several cases on this subject.

For instance, the Court has stated that it is a legitimate interest of a Member State to only grant aid to students who can show a certain degree of integration into the society of that State. Such a requirement concerning integration into society can justify restrictions in the right to study support. The Court has also recognised that every Member State is entitled to ensure that the grant of assistance to cover the maintenance costs of students from other Member States does not become an unreasonable burden which could have consequences for the overall level of assistance which may be granted by that State to students.

The Free Movement Directive (2004/38/EC), which has been adopted having regard to Article 12 of the Treaty establishing the European Community, also permits a Member State to make certain differences between its own nationals and nationals of other Member States in full compliance with the Treaty.

The derogations from equal treatment that are permitted under the Free Movement Directive (2004/38/EC) are not directly applicable to Swedish conditions. The account of the regulations in Community law given in this document is provided to show, as a reference point, what has been assessed at EU level as reasonable requirements for Member States to grant study support to foreign citizens who are not placed on an equal footing with the country's own citizens. However, such rules and the assessment behind the drafting of these rules must be legitimate.

Sweden also wishes to refer to the clarifications made at the 104th meeting of the Governmental Committee on 20–23 May 2003. At that meeting, the Secretariat clarified that the category of people referred to in the Article in question is only people who are lawfully resident in the country. It also emerged at the meeting that the Committee had stated that equal treatment with regard to financial support does not apply to people who only come to a country to study there.

Sweden also wishes to point out that, under Article 10.5.b of the Council of Europe's Revised Social Charter, the parties undertake, with a view to ensuring the effective exercise of the right to vocational training, to encourage the full utilisation of the facilities provided by appropriate measures, such as granting financial assistance in appropriate cases. In view of the circumstances described above – showing that applicable case-law in the EU must be taken into consideration and that the category of people only consists of

people who are lawfully resident in a country and have come to that country for some purpose other than to study there – Sweden considers that it is clear that a requirement for a permanent residence permit and a requirement that the person concerned is residing in Sweden for some purpose other than to study there constitute a well-defined restriction of what may be appropriate cases. Sweden has a very generous system of study support and the annual commitments of the State in this area are considerable. Thus, for the reasons given above there should be scope for a country, Sweden for example, to decide what are appropriate cases in its own system.

Sweden also wishes to emphasise that in the Swedish system it is possible to make exceptions from the requirement of a permanent residence permit. Thus, the Study Support Act states that study support may be provided even when the requirement of permanent residence permit is not fulfilled if there are special reasons to do so. The government agency that administers study support in Sweden – the National Board of Study Support (CSN) – has issued general guidance on what may be special reasons.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: whether the vocation training is provided free of charge or that fees are reduced; existing system for providing financial assistance (allowances, grants, loans, etc.); measures taken to include time spent on training taken by workers in the normal working hours; supervision and evaluation measures taken in consultation with social partners to ensure the efficiency of apprenticeship for young workers.

Reference is made to previous reports and to the answer to question two, above.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Article 15§1 – Education and training for persons with disabilities

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports.

As mentioned above, since January 2009, a new Act against discrimination, the Discrimination Act, is in force. The purpose of the Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

The prohibition of discrimination covers direct discrimination, indirect discrimination, harassment, sexual harassment, and instructions to discriminate. According to the Discrimination Act, a disability refers to permanent physical, mental or intellectual

limitation of a person's functional capacity that, as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.

The protection against discrimination applies to working life, educational activities, labour market policy activities and employment services not under public contract, starting or running a business, professional recognition, membership of certain organisations, goods, services and housing, meetings and public events, health and medical care, social services, social insurance, unemployment insurance, financial support for studies, national military service and civilian service as well as public employment.

The prohibition of discrimination in working life stipulates that an employer may not, for reasons connected to e.g. disability, discriminate against a person who, with respect to the employer, is an employee, is enquiring about or applying for work, is applying for or carrying out a traineeship, or is available to perform work or is performing work as temporary or borrowed labour.

In working life, there is also a requirement to implement reasonable accommodations. The prohibition of discrimination also applies in cases where the employer, by taking reasonable support and adaptation measures, can see to it that an employee, a job applicant or a trainee with a disability is put in a comparable situation to persons without such a disability. Measures that may be considered can include those that are intended to improve physical access to the workplace and associated premises, as well as to make the premises usable for persons with disabilities. This might include technical devices and special work tools or changes to the physical working environment. This might entail stronger lighting for a person who is visually impaired, good ventilation for a person with allergies, technical devices to facilitate lifting and transport, computer support etc. Changes to work duties, working hours and working methods may also be appropriate.

Education providers may not discriminate against a child, pupil or student participating in or applying for an educational activity. The prohibition of discrimination also applies in cases where an education provider, by taking reasonable measures regarding the accessibility or usability of the premises, can arrange so that a person with a disability who is applying for or has been accepted for education under the Higher Education Act or for education that can result in a degree in accordance with the Award of Certain Degrees Licensing Act, is put in a comparable situation to persons without such a disability. Measures that may come into question relate to improving the physical access to the university and associated premises, as well as, as far as possible, making these premises usable for persons with disabilities. This may include changes to the design of the premises, such as high thresholds, wall-to-wall carpets, the absence of lifts, the location of door openers, the design of lavatory areas etc. It may also relate to good ventilation for persons with allergies, wireless loop systems and good acoustics for individuals with impaired hearing, the need for contrast and strong lighting etc. for persons with impaired vision.

The Equality Ombudsman supervises compliance with the Discrimination Act and is entitled to bring a case to court, as a party, on behalf of an individual who consents to this. Certain non-profit organisations are also entitled to take legal action. The Equality

Ombudsman shall, according to the Act concerning the Equality Ombudsman (Swedish Code of Statutes 2008:568), work to ensure that discrimination that is associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age does not occur in any areas of the life of society. The Ombudsman shall also work in other respects to promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The Equality Ombudsman shall provide advice and other support so as to help enable anyone who has been subjected to discrimination to claim their rights. Further, within her or his sphere of activities, the Equality Ombudsman shall inform, educate, discuss and have other contacts with government agencies, enterprises, individuals and organisations, follow international developments and have contacts with international organisations, follow research and development work, propose legislative amendments or other anti-discrimination measures to the Government, and initiate other appropriate measures.

The provisions set out in the Discrimination Act, define discrimination as both direct and indirect discrimination, harassment and sexual harassment, as well as instructions to discriminate. The concept of discrimination within the Act originates from the EU legislation on non-discrimination.

Direct discrimination consequently refers to a person being disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with a disability (Section 1, § 4, point 1). Indirect discrimination refers to a person being disadvantaged by the application of a provision, a criterion or a procedure that appears neutral, but that may put persons of a certain disability at a particular disadvantage, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Harassment refers to a form of behaviour that violates a person's dignity and that is associated with disability (Section 1, § 4, point 3). Instructions to discriminate refers to orders or instructions to discriminate against someone directly, indirectly or through harassment or sexual harassment (Section 1, § 4, point 5). The order or instruction must be given either to someone who is in a subordinate or dependent position with the person giving the orders or instructions, or to someone who has committed herself or himself to performing an assignment for that person.

New curricula and earlier grades

The Government has initiated several reforms to affirm, early on in compulsory school, the achievement requirements students need to fulfil. Making the achievement requirements clear and communicating them with the students and their guardians, is a prerequisite to identify students with difficulties at an early stage and providing them with special support. To this end, the Government in 2008 introduced achievement requirements in Swedish, Swedish as a second language and Mathematics by the end of the third school year in compulsory education. National tests have also been introduced in the third school year.

In 2010, the Parliament decided that grades were to be awarded to students from the sixth school year. This decision enters into force in 2012. Currently, grades/marks are awarded to students in the eight and ninth year of compulsory education. Students in compulsory education are also to receive written assessments of their development throughout compulsory education.

In autumn 2011, a new curriculum with new syllabuses and knowledge requirements for compulsory schools, compulsory schools for students with intellectual impairment, special schools as well as Sami schools was introduced. The new curricula contains the fundamental values and tasks of the school, overall goals and guidelines for education and syllabuses. The fundamental values and tasks of schools and the overall goals and guidelines are the same for all types of school.

A new Education Act

In 2010, the Parliament decided on a new Education Act encompassing education from pre-school to adult education. The Act comes into force in 2011 (and in some cases in 2012). Some of the reforms decided upon in the new Education Act are reported below.

All students in the national school system for children and young persons have the right to the necessary special support they need. If it comes to the attention of the school that a student might have need of special support, the principal of the school is responsible for investigating the need. If there is such a need, the principal is responsible for drawing up an action plan for the student. This is to be done together with the student and his or her guardians. The action plan is to state the needs of the student, how these needs are to be met by the school and how the measures by the school are to be evaluated. With the new Education Act, the students' right to special support has been strengthened by a possibility for the student and his or her guardians to appeal a decision on an action plan, taken by the principal of the school.

Students with intellectual impairment can attend compulsory and upper secondary education for students with intellectual impairment. With the new Education Act, the obligation to conduct a thorough investigation before admitting a student for such education has been strengthened. The Education Act now specifies that an investigation is to be conducted consisting of a psychological, pedagogical, medical and social evaluation of the student. The right of the student to refuse an offer of education in compulsory education for students with intellectual impairment has also been incorporated in the new Education Act. If a student does not agree to receiving education in compulsory education for students with intellectual impairment, the municipality and the school are obliged to provide the student with the necessary support within mainstream compulsory education. A student can however in exceptional cases be admitted to compulsory education for students with intellectual impairment against the wishes of the student or the guardians, if there are particular reasons for this according to the best interests of the child.

Students in compulsory education can to some extent choose what school to go to. When allocating students to different schools, the municipality shall comply with guardians' wishes in so far as this is possible without neglecting other students' justifiable claims to

be placed in schools close to the home, or considerable organisational or financial difficulties being caused the municipality. In the new Education Act, there is the possibility to appeal such a decision by the municipality, thus strengthening the possibility of school choice for all students.

Special schools

There are three national and five regional special schools that are run by the State. The special schools currently encompass around 500 students. The special schools offer education corresponding to compulsory nine-year comprehensive school to students with deafness or impaired hearing, visual impairment and additional disabilities, deafness or impaired hearing combined with severe intellectual disabilities or congenital deaf-blindness, and students with severe speech and language disabilities.

In 2008, it was once again made possible for students with visual impairment and additional disabilities and students with severe speech and language disabilities to attend the special schools. Since 2001, these students had not had the possibility of attending special schools.

Reform of upper secondary education

In 2009, the Parliament decided on a new structure for upper secondary education. The reform aims at strengthening the quality of education and to reduce the number of students who drop out. The reform means a diversification between programs preparing for further studies and programs preparing for the labour market. To increase quality of the vocational programmes, greater cooperation between receivers (for instance future employers) and school governing bodies has been introduced.

Apart from the 18 national upper secondary programmes, five introductory programs have been created for students who do not meet the necessary qualifications for national programs. The introductory programs are meant to prepare the student either for continued education in a national upper secondary program or for the labour market.

The changes of upper secondary education applies as of autumn 2011.

Government agency reform

In 2008, the government agencies in the field of education were reformed. The National Agency for School Improvement was abolished and most of its tasks taken over by the National Agency for Education (www.skolverket.se). The task of inspection was removed from the National Agency for Education and a new agency was created for this purpose: the Swedish Schools Inspectorate (www.skolinspektionen.se).

A new agency was also created to coordinate government support to municipalities and schools in the area of special needs education: the National Agency for Special Needs Education and Schools (www.spsm.se). The function of the agency is to offer support to school managements in matters relating to special needs education, promote access to teaching materials, run special schools and allocate certain targeted government grants to students with disabilities and to education providers. The new agency took over the

former functions of the National Agency for Special Educational Support, the Swedish Institute for Special Needs Education and the National Agency for Special Schools for the Deaf and Hard of Hearing.

In 2009, the Swedish National Agency for Higher Vocational Education (www.yhmyndigheten.se) was established (see Higher vocational education below).

New teacher education

In its bill 'Top of the class – new teacher education programmes' the Swedish Government in February 2010 proposed that the earlier degree of Bachelor/Master of Education be replaced by four new professional degrees: a degree in pre-school education, a degree in primary school education, a degree in subject education and a degree in vocational education. The four new degrees include knowledge objectives in the subjects to be taught, and objectives concerning other key knowledge and skills of a more general nature for school and pre-school teachers. All new degrees include knowledge objectives concerning identifying and teaching students with special needs. The Swedish parliament decided to adopt the bill in April 2010 and the new teacher education programmes started in 2011.

In its bill 'Top of the class' the Swedish Government also proposed that the Postgraduate Diploma in Special Needs Training, introduced in 2008, be extended to include specialisations for deafness or hearing impairments, vision impairments, serious language impairments and intellectual impairments. The specialisations meet the need of special schools and schools catering for children with disabilities for special needs teachers with specific knowledge about the groups of students for whom these types of schools are intended. In 2011, students are admitted to the Special Needs Education programme with its new specialisations.

Higher vocational education

Higher vocational education programmes provide vocational education and training at the post-secondary level outside higher education institutions. To be included in higher vocational education, programmes must meet the needs of the labour market for qualified labour or contribute to the development or retention of qualified professional expertise in niche occupations, such as craft occupations.

The Swedish National Agency for Higher Vocational Education (www.yhmyndigheten.se) was established in 2009 to administer and to decide which programmes comes within the scope of higher vocational education. Through regular supervision and quality review, the agency monitors that the programmes maintain a high standard, follow the course syllabus and meet the requirements contained in law, ordinances and other regulations. The agency is also responsible for supervision and decisions concerning government grants under the Ordinance on state support for supplementary education programmes. To ensure that the programmes organised under higher vocational education are relevant to the labour market, they are designed in collaboration with the business sector.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

A reading-writing-arithmetic venture

In 2008, an extensive reading-writing-arithmetic venture was introduced. By establishing early reading, writing and arithmetic skills in grade 1–3, the Government aims at reducing the number of students leaving compulsory school without sufficient skills. The purpose is to encourage school organizers to strengthen work on students' basic skills.

Professional development for teachers

The Government has provided specific funds for the municipalities and independent schools to support professional development. In this context, it has launched the Boost for Teachers (Lärarlyftet), a comprehensive programme for in-service training of teachers with particular focus on deepening their subject knowledge and skills. For instance, the offer includes courses in special needs education. The programme runs from 2007 to 2011 and can cover 30,000 fully qualified teachers.

Inspection and quality evaluation

In 2008, the Swedish Schools Inspectorate was established to strengthen the national inspection and quality assessment of the education system in the greatly decentralised Swedish school system. The Inspectorate's work has included thematic quality assessments of the education for students with disabilities. Deficiencies have been noted by the Inspectorate, for instance lack of knowledge on how to adapt education to suit the needs of all students and failure to adapt the learning environment of the school. The Inspectorate continually follows up how schools and municipalities deal with deficiencies noted by the Inspectorate (see also the answer below to the specific question of the Committee concerning education and training for persons with disabilities).

Reform implementation

The Swedish school system has undergone considerable changes in the period since 2007. Many of the reforms, such as for instance the new Education Act and new curricula, came into force in 2011. A lot of work will be done to implement the new reforms. The National Agency for Education has been given the task by the Government to lead the implementation of the current reforms.

Students in universities and university colleges

Each university and university college must ensure that students with disabilities have access to educational support measures. These educational support measures are financed in the first instance by means of universities and university colleges setting aside 0.3 per cent of their grants for undergraduate education for this purpose. The educational centre may also apply for nationally allocated funds.

Almost all universities and university colleges have special contact persons and coordinators for students with disabilities. Some support measures that may be offered include adapted examinations, literature on adapted media, note-taking support,

mentorship, additional guidance, language support and sign language interpreting. Some universities and university colleges employ interpreters to interpret lessons.

Universities' and university colleges' support measures for students with disabilities are followed up in several ways, including by the Swedish National Agency for Higher Education within the framework of the Agency's supervision activities.

Question 3: Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).

Sweden does not keep any statistics regarding the number of children and young persons with disabilities in the education system.

The Swedish education system is based on the principle of inclusion. Most children and young persons with disabilities consequently receive their education within the framework of the regular forms of education. Only 1.7 per cent of all students within child and youth education receive their education outside of the regular forms of education, i.e. in education for students with intellectual impairment or in special schools for children with certain disabilities.

Number of students 2010/11

<i>Mainstream education</i>	<i>Number of students</i>
Pre-school	476,817
Pre-school class	103,529
Compulsory education	886,487
Upper secondary education	385,712
<i>Education for students with certain disabilities</i>	
Compulsory education for students with intellectual impairment	12,115
Upper secondary education for students with intellectual impairment	9,280
Special schools	501

Educational and vocational guidance in the school system is available to all students, regardless of the type of school attended and of any functional impairment. It is the head teacher's responsibility to ensure that educational and vocational guidance activities are organised in such a way that students receive guidance preparatory to the various options offered in school and before choosing their continued education and future occupation. In the school year of 2010/11, there were a total of 1,802 full-time qualified educational and vocational guidance officers.

About six percent of all young persons between 16 and 19 years of age (about 28 000 individuals) do not attend upper secondary education. Municipalities are obliged to keep track of young people who do not attend upper secondary education in order to offer

them assistance. The most common form of assistance is some other form of education outside the national programmes of upper secondary education.

During 2010, a total of 1,136 education programmes were conducted within higher vocational education. A total of 43,300 students participated in this education.

In the budget year of 2010, a total of 7,200 students received special educational support at Swedish universities and university colleges. However, the statistics do not provide a complete picture of all university students who have a disability.

Reply to the Committee's questions concerning Article 15§1 – Education and training for persons with disabilities

In its Conclusions 2008, the Committee asks for the next report to inform it about the outcome of complaints transferred to the National Agency for Education (NAE) and those pending before the Disability Ombudsman since the entry into force of the Education Anti-Discrimination Act in April 2006 until August 2007.

Sweden can inform that all complaints relating to disability at school, which were pending for the Disability Ombudsman for the specified period, have been completed. One case (HO 2007/50) was taken to court. The court decided that the boy concerned was not discriminated against by the municipality, when he did not get to choose preschool. Other cases have ended without action as it has not been possible to establish discrimination under the Discrimination Act, or for the reason that the discrimination is not covered by the legal protection, such as lack of accessibility.

In its Conclusion 2008, the Committee further asks what happens in practice when the NAE confirms the existence of deficiencies in schools which affect the education of persons with disabilities.

The Swedish Schools Inspectorate was created in 2008 and is now the agency responsible for inspection. The task of the Inspectorate is to monitor how schools and responsible authorities (municipalities and independent/private school owners) comply with the rules laid down in the Education Act and other national regulations. If the Schools Inspectorate criticises a school, the agency follows up how the deficiencies are dealt with. The responsible authority (for instance the municipality) has to report to the agency what has been done to deal with the deficiencies. Depending on the severity of the deficiencies, a written statement might be enough. In the case of more serious deficiencies, the Schools Inspectorate follows up inspections of the school.

Generally, this procedure is enough to ensure that deficiencies are dealt with. The new Education Act adopted by parliament in 2010, meant however that the Swedish Schools Inspectorate also has been given more possibilities of sanctions against schools and municipalities that do not comply with regulation. The agency can for example order the responsible authority to comply and to fine the authority if the order is not obeyed. The agency can also, as a final measure in very serious cases, take over the running of a municipal school and make decisions instead of the responsible authority and revoke the permit for an independent school.

In its Conclusions 2008, the Committee further notes that the Government has appointed a Commission to develop the inspection activities of the NAE (dir. 2007:80). The Committee asks the next report to inform it about the results of this initiative.

Sweden can inform that, as a result of the initiative, inspection has been regulated in the new Education Act. The Swedish Schools Inspectorate has also been given possibilities of sanctions against responsible authorities that do not comply with regulation. See question one above.

In its Conclusions 2008, the Committee further asks the next report to provide information on the impact of the new programme regarding the special needs teacher education introduced in Sweden in 2008.

Sweden can inform that the impact of the Postgraduate Diploma in Special Needs Training is difficult to assess at this point. The first students graduated in 2010. Until today, 104 students have graduated and at the time of writing more than 600 students participate in the Special Needs Education programme at 10 different universities. In 2011, the programme was extended to include specialisations for deafness or hearing impairments, vision impairments, serious language impairments and intellectual impairments.

In its Conclusions 2008, the Committee also notes that the NAE has been instructed by the Government to carry out an inventory of physical access in compulsory and upper secondary schools. A report on the remit is due by the end of 2008. The Committee asks the next report to contain information in this regard.

During 2007 and 2008, the National Agency for Education was tasked to examine the extent to which schools are accessible for children with disabilities. About one third of the Swedish primary, secondary and upper secondary schools were examined. The final report shows that there is a positive trend within in the schools system; more schools are showing an interest in how to improve physical access. However, there is still work to be done in this area. As a result of the report, the National Agency for Special Needs Education and Schools was tasked with informing schools about Swedish laws and regulations in this area and supporting them with their work to improve the schools' accessibility.

In its Conclusions 2008, the Committee moreover asks what are the remedies available for pupils who attended compulsory school for pupils with learning disabilities and whom are denied the possibility to apply for higher education within the regular education system.

In Sweden, a student attending compulsory education for students with intellectual impairment can continue his or her education in upper secondary education for students with intellectual impairment. A student in compulsory education for students with intellectual impairment also has the possibility of attending two out of five introductory programmes (introduction to a profession and individual option) in mainstream upper

secondary education. Introductory programmes are offered to students who are not eligible for national programmes.

Each inhabitant of a municipality is entitled to participate in basic adult education within municipal adult education (Komvux), starting from the second calendar six-month period after reaching the age of 20, if he or she does not possess such proficiencies that are normally achieved in compulsory school, if he or she possess the necessary preconditions for the education and provided he or she is resident in Sweden. The municipalities must also offer upper secondary-level adult education. This applies to all municipal inhabitants, including those who have a disability. For municipal inhabitants with an intellectual impairment, the corresponding entitlement to adult education applies to Education for adults with intellectual impairment (Särvux), as well as corresponding requirements for the municipalities to offer upper secondary level special education. Within both Komvux and Särvux, vocational training may also be offered.

In 2011, the Swedish National Agency for Higher Vocational Education presented a report on how the agency can develop and support vocational education for students with disabilities, including persons with intellectual impairment. The report is currently under consideration in the Government offices.

The Government supports the municipalities with means to develop adult vocational training and apprentice education for adults. Starting in 2011, these means can also be used by the municipalities for persons with intellectual impairment.

Folk high schools provide extensive education for persons with disabilities, including persons with intellectual impairment. Just over 10 per cent of the state subsidy for liberal adult education (study associations and folk high schools), totalling SEK 3.2 billion, is used to facilitate education for persons with disabilities. The State also sets aside a further approximately 140 million SEK each year for the same purpose.

In its Conclusions 2008, the Committee states that it wants to know what proportion of students enter the open labour market after compulsory school.

In Sweden, there are no figures specifically for students leaving the special schools. The number of students attending special schools is relatively low. The number of students leaving the special schools each year is about 70 individuals (for example 73 individuals in 2006). The low number of students is one explanation to the strong variation in the students' results.

Students generally start upper secondary education directly after completing compulsory education at the age of 16. Upper secondary programmes are three year courses, but not all students finish in three years. Even though upper secondary education is voluntary, almost all students attend. However, not all students finish upper secondary education.

If a student is not qualified for a national program in upper secondary education, the student can still attend an introductory programme with the aim of preparing the student for either a national program or for the labour market.

Six per cent of all young persons between 16 and 19 years of age (about 28,000 individuals) do not attend upper secondary education (National Agency for Education 2011, *Vad gör kommunerna för ungdomar som inte går i gymnasieskolan?*). Out of these six per cent, about one third (two per cent of all young persons between 16 and 19 years) go directly to the labour market, and two thirds do not participate in either education or the labour market (Swedish National Board for Youth Affairs 2011, *Unga som varken arbetar eller studerar*).

Municipalities are obliged to keep track of young people who do not attend upper secondary education in order to offer them assistance. The most common form of assistance is some other form of education, outside the national programmes of upper secondary education.

As noted by the Committee in its Conclusions 2008, Sweden has also appointed a special investigator to review the teacher competence provisions of the Education Act, the aim being to strengthen the quality of schools and preschool education and to improve pupils' goal achievement (dir. 2006:140). The special investigator's proposals and deliberations were presented in 2008. The Committee wishes to be informed about the outcome of this initiative.

Sweden can inform that, as a part of the new Education Act, which came into force in autumn 2011, the Parliament adopted a new system for registered teachers. The registration system requires novice teachers to complete an introductory year at a school, during which they would be supported by a mentor. By the end of the year, the head of the school assesses if the person is suitable to be a teacher, before being fully registered as one. As a part of the registration system a qualification stage has also been established, in order to encourage teachers to engage in continuous professional development.

The Government has also decided on an ordinance with more specific and detailed rules when it comes to qualifications needed for teachers. It can be mentioned that there are for example special qualifications for teachers in special tuition and special schools.

Article 15§2 – Employment of persons with disabilities

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports and the reply under 15§1, while adding the following. Chapter 3, Section 3 (2) of the Work environment Act lays down that:

The employer shall make allowance for the employees special aptitudes for the work by adapting working conditions or taking other appropriate measures. In the planning and arrangement of work, due regard shall be paid to the fact that individual persons have different aptitudes for the tasks involved.

More detailed provisions of job adjustment for disability and on rehabilitation are contained in Provisions AFS 1994:1 of the Work Environment Authority. Questions concerning adjustment for disability are also addressed in the provisions of the work Environment Authority on Work with Display Screen equipment (AFS 1998:5).

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports while adding the following. The official responsibility for matters of job adjustment and rehabilitation is vested in several agencies, the Work Environment Authority among them. The Work Environment Authority's inspection activities focus primarily on work environments and the organisation of rehabilitation, not the rehabilitation of individuals.

Samhall AB, which is funded by means of public grants, is tasked with arranging activities to provide meaningful and developmental employment for occupationally disabled persons.

Question 3: Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.

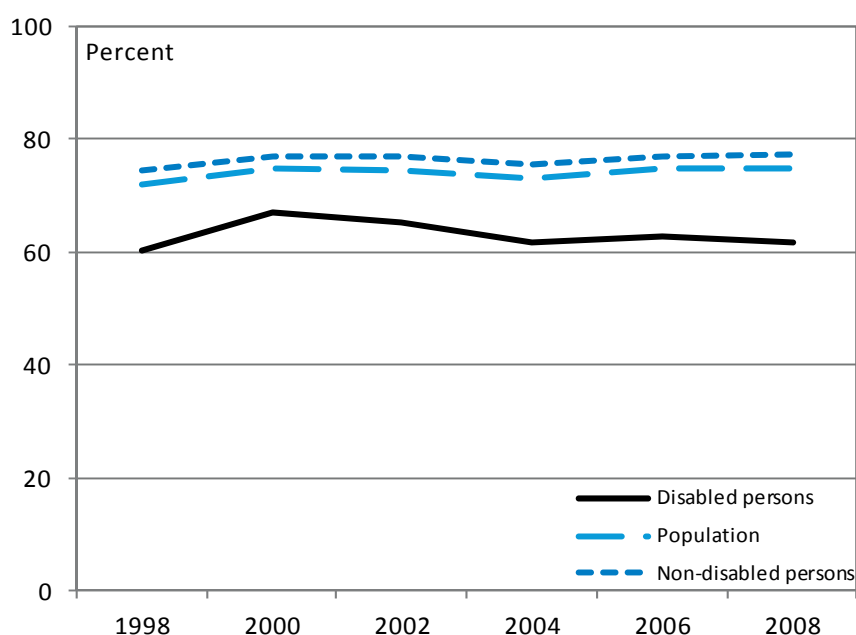
Statistics Sweden's survey of the employment situation among persons with functional impairment

The employment situation among persons with functional impairment forms the subject of a biennial survey which supplements the regular Labour Force Survey (AKU) and is based on interviews with upwards of 30,000 persons aged between 16 and 64.

The latest survey, in the fourth quarter of 2008, showed that more than 900,000 persons aged sixteen to sixty four have some form of disability. Of these, about 556,000 (9.5%) judged their work capacity to be reduced. Persons with functional impairment have a lower employment participation rate than the population as a whole. Employment intensity among persons with functional impairment and reduced work capacity was 51.7 per cent in the fourth quarter of 2008. This was significantly lower than for the total population, which at the same point in time had an employment intensity of 74.7 per cent.

Employment among persons with functional impairment and reduced work capacity has developed less well since 2000 in relation to the population as a whole; see figure below.

Persons employed, by percent of population, 4th quarter, 1998-2008



Employment participation rates, percent, persons aged 16-64 years

	1998	2000	2002	2004	2006	2008
Disabled persons	65,2 ± 1,3	70,7 ± 1,1	68,2 ± 1,3	65,7 ± 1,3	67,1 ± 1,3	66,1 ± 1,4
-with reduced ability to work	61,9 ± 1,8	60,9 ± 1,9	56,6 ± 2,1	54,8 ± 1,9	56,6 ± 1,9	55 ± 2,0
-without reduced ability to work	70,4 ± 1,7	78,9 ± 1,3	78,9 ± 1,8	80,6 ± 1,6	83,2 ± 1,6	80,9 ± 2,0
Non-disabled persons	78,3 ± 0,5	79,6 ± 0,5	79,8 ± 0,6	79,3 ± 0,5	80,3 ± 0,5	80,8 ± 0,3
Population	76,1 ± 0,5	77,7 ± 0,5	77,4 ± 0,5	76,7 ± 0,5	78,2 ± 0,4	78,5 ± 0,3

Statistics Sweden's surveys also indicate great differences in unemployment between persons with functional impairment and reduced work capacity and the population as a whole; see figure on the following page.

According to figures for the fourth quarter of 2008, unemployment among persons with functional impairment and reduced work capacity was 9.1 per cent, which was 4.2 percentage units higher than for the total workforce between the ages of 16 and 64. The Statistics Sweden's figures also show unemployment among persons with functional impairment to have increased more since 2002, in percentage terms, than for the population as a whole. This increase, moreover, has occurred despite both the number of persons with functional impairment and reduced work capacity taking part in countercyclical programmes and special initiatives for persons with functional impairment having risen during the same period, according to figures from the Swedish Public Employment Service.

Unemployed persons, by percentages of the labour force, 1998-2008

	Disabled persons				Non-disabled persons			Population		
		-with reduced ability to work		-without reduced ability to work						
1998	7,9	± 0,9	9,1	± 1,2	4,3	± 1,0	5,1	± 0,3	5,5	± 0,3
2000	5,2	± 0,6	7,8	± 1,2	3,4	± 0,6	3,5	± 0,3	3,8	± 0,2
2002	4,6	± 0,7	5,8	± 1,2	3,5	± 0,3	3,7	± 0,3	3,9	± 0,3
2004	6,3	± 0,7	7,9	± 1,2	4,8	± 0,9	4,8	± 0,3	5,1	± 0,3
2006	6,2	± 0,8	8,7	± 1,2	3,7	± 0,8	4,3	± 0,3	4,5	± 0,2
2008	6,5	± 0,3	9,1	± 1,4	4,2	± 0,2	4,6	± 0,2	4,9	± 0,3

Source: Labour market situation for disabled persons, Labour Force Survey, Statistics Sweden (Funktionshindrades situation på arbetsmarknaden AKU, SCB).

Persons with functional impairment also have a lower standard of education than the total population, which can partly account for their weak position in the labour market. The participation of persons with functional impairment in post-secondary education, however, has developed well.

Register data from Swedish Public Employment Service concerning persons with functional impairment entailing reduced work capacity

In 201, an average of almost 168,000 persons with functional impairment entailing reduced work capacity were enrolled with the Public Employment Service. Approximately half of them have been without work for more than three years and nearly 82 per cent for at least one year, which could be compared with 57 per cent for others enrolled with the Public Employment Service.

Out of an average of approximately 168,000 persons with functional impairment, enrolled with the Public Employment Service in 2010, almost 21,600 were openly unemployed and 44,000 were taking part in counter-cyclical programmes. Another 82,600 people were taking part in special initiatives for persons with functional impairment and reduced work capacity. Viewed over a ten-year period, the number of persons with functional impairment in proportion to all openly unemployed persons has fluctuated, standing at about 10 per cent at the end of the 1990s. At the beginning of the 2000s, this declined somewhat, but since 2004 the proportion of persons with functional impairment to the total number of openly unemployed has been steadily increasing.

During 2010, an average of just over 35,000 persons with functional impairment had been enrolled with the Public Employment Service for over two years and had not had any employment for the past two years, i.e. were long-term enrolees. Persons with functional impairment comprised 57 per cent of long-term Public Employment Service enrolees in 2010.

Data concerning average enrolment times with the Public Employment Service clearly show persons with functional impairment to have significantly longer enrolment times. The differences compared to persons without functional impairment have increased over the past ten-year period.

Persons with functional impairment are overrepresented, not only among long-term enrollees, but also among persons taking part in the Activity Guarantee. During 2010, their share stood at 27 per cent, as compared with just over 19 per cent in 2001.

Special labour market policy initiatives for persons with functional impairment are governed by Ordinance 2000:630, a special initiatives for persons with functional impairment entailing reduced work capacity. For this purpose a funding allocation has been established under expenditure head 14, Labour Market. The allocation is termed 1.4 Wage Subsidies, Samhall etcetera and for 2010 amounted to MSEK 14,600.

Reply the Committee's questions concerning 15§2 – Employment of persons with disabilities

In its Conclusions 2008, the Committee asks for the implementation of the reasonable accommodation obligation. First, the Committee asks how the reasonable accommodation obligation is implemented in practice.

Sweden can inform that the employer shall take account of the employees age, professional experience and other requirements for the job. When planning the working environment, account has to be taken to the fact that people are different and that occupational disabilities are common in working life. The place of work shall be planned not to exclude large groups of employees. For example sanitary arrangements and arrangements for transportation shall be designed considering this. When obtaining machines and other technical arrangements account shall be taken to if those are designed to fit people with different basis in physical and psychological view. To take due regard to the employees prerequisites means for example an assessment of which tasks are appropriate in the individual case or if the employee need special personal support. Individual measures shall be taken direct in the environment, for example technical measures or adjusting working equipment or working organizational measures in order to improve the psychosocial environment.

Secondly, the Committee ask if the reasonable accommodation obligation has given rise to cases before courts. A few cases can be mentioned regarding the adjustment of the working environment to the prerequisites of individuals:

- A municipality has been ordered to show in writing the possibilities to adjust an employees working tasks and working situation within the social services to her aptitudes of performing the tasks (ABÖ 25 and 27/1997). The difference between adjustment of working environment and rehabilitation is discussed in the decision.
- The working conditions as an organist in a church has in a few cases been considered to require the employee to be equipped with special glasses (RegB 1999-10-21 and RegB 2001-11-12, N 2001/10064/ARM).

Moreover, in case law of the Labour Court, regarding notice to quit, questions about the employers responsibilities according to Chapter 3 of the Work environment Act (1977:1160) sometimes appear. Examples are AD 1993 nr 42, AD 1998 nr 20 and AD 2003 nr 44.

Thirdly, the Committee asks if the reasonable accommodation obligation has prompted an increase in employment of persons with disabilities in the open labour market. Unfortunately, there is no information available on this issue.

The Committee asked Sweden to continue to provide case law concerning discrimination in general against persons in the field of employment. Sweden provides the following cases.

Year 2010

A person with visual impairment applied for administrative work at the Swedish Social Insurance Agency (the Agency) and was denied employment on the grounds of her disability. The dispute concerned whether the Agency was guilty of direct discrimination on grounds of disability by failing to take reasonable accommodation to create a situation for the visually impaired person similar to that of a person without this disability. The Labour Court found that no discrimination had taken place and that the Agency was considered not having to make the extensive adjustments to the computer system which was a precondition for the applicant to be able to perform the work.

Year 2011

A person with visual impairment applied for internship at a nursing home for people with mental illnesses and substance abuse problems and was denied the internship due to his visual impairment. The dispute concerned whether the nursing home was considered guilty of direct discrimination for not offering the internship and also for not having asked relevant questions to the applicant during a meeting. The Labour Court found that no discrimination had taken place, since the applicants disability meant that the applicant would not be able to perform the tasks that was necessary at the nursing home.

Article 15§3 – Integration and participation of persons with disabilities in the life of the community

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The legislative protection that exists in the transport sector relates to public transport, mobility services and the national mobility service. The Education Act contains provisions about free school transport.

Requirements for buildings and service facilities that are linked to the public transport system are regulated in the Planning and Building Act and in the National Board of Housing, Building and Planning's regulations. For shipping, the Swedish Maritime Administration has issued national regulations and general advice about the adaptation of passenger vessels with regard to persons with disabilities. There is also EU legislation that regulates technical requirements for vehicles within the various transport types, which for example is intended to ensure that they are accessible to persons with disabilities.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

A new disability strategy

In January 2009, Sweden ratified the UN Convention on the Rights of persons with Disabilities.

The Government has launched a new disability strategy that builds on the convention. In the strategy the Government presents a number of strategic objectives for disability policy in nine priority areas for the coming five-year period (2011-2016): physical accessibility, IT policy, social policy, education policy, labour market policy, the judicial system, transport policy, public health policy, and culture, media and sport policy.

Within these areas, the aim of the strategy is to define the direction and give concrete form to how society's measures will be implemented, coordinated and consolidated, and continuously monitored in order to develop disability policy and evaluate results.

High cost protection

For patient fees within Swedish medical service, there is 'high cost protection', which means that the patient pays a maximum amount in patient fees during a year. When the patient has reached the maximum amount, he or she receives a free card that grants him or her the entitlement to free treatment for the rest of the year. The high cost protection applies to the whole country. The maximum amount also applies to medications. The high-cost amount for open medical care, healthcare treatment and some dental care is 900 SEK, 1,800 SEK for medications, and 2,000 SEK for technical devices.

Free choice of assistive technology

In 2008 and 2009, a pilot study, the Free Choice of Assistive Technology, was conducted in the county councils of Kronoberg, Stockholm and Sörmland. The Swedish Institute of Assistive Technology (SIAT) submitted its final report relating to the pilot study to the Government at the end of February 2010. Kronoberg and Stockholm have decided to continue with the Free Choice of Assistive Technology. The assistive technology included has varied between the three county councils. The number of assistive devices has gradually expanded during the study period. Walkers, wheelchairs, sanitary aids, hearing aids and visual aids are some examples of the assistive devices included. In Free Choice of Assistive Technology, users may receive a voucher for the allotted amount and product, depending on the needs assessment. Users then purchase their assistive device which they then own and are responsible for.

Question 3: Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.

LSS

The amount of persons with disabilities who received measures due to the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) increased between 2005 and 2009. In October 2009, more than 60,200 persons received one or more measures according to LSS. That is, an increase by 11 per cent since 2005. Between the years 2005-2009, the developed of adults receiving housing according to LSS was as follows:

Year	2005	2006	2007	2008	2009
Persons	20,300	21,000	21,600	22,300	22,900

IT and Internet

IT and the Internet are used within all sectors of society. The Government has implemented measures to drive through developments in order to break the cycle of isolation entailed by the inability to use IT. Persons with disabilities are one of the user groups whose specific needs must be taken into consideration in IT-development. In addition to increased access to broadband and new technical solutions, the Government has invested in increased usability and accessibility of established as well as new services for persons with disabilities.

For example, the Swedish Post and Telecom Agency (PTS) is developing electronic services for persons with disabilities in conjunction with affected players. In order to increase knowledge of the services that PTS procures, and thereby reach more target groups, a major information campaign was conducted including advertisements and information material targeted at municipalities, county councils, etcetera. During 2011, PTS has conducted trials with 'streaming' talking books and talking newspapers on mobile phones.

Living Conditions Survey

According to the Living Conditions Survey (ULF), conducted by Statistics Sweden, 44 per cent of the persons with disabilities did take a holiday trip that lasted at least one week during the previous twelve month period in 2008/2009. Of the Swedish population, in total 57 per cent did take a holiday trip the same period.

According to the same survey, 50 per cent of the persons with disabilities visited a theatre, concert, museum or other cultural event during the previous twelve month period in 2008/2009, compared to 62 percent of the population in total.

Reply to the Committee's questions concerning Article 15§3 – Integration and participation of persons with disabilities in the life of the community

In its Conclusions 2008, the Committee asks for Sweden's next report to provide details on all benefits and other forms of financial assistance available to persons with disabilities. Sweden will hereby report on four allowances available to persons with disabilities; Disability allowance, Attendance benefit (for personal assistance), Childcare allowance and Car Allowance.

1. Disability allowance

A person with disability, can receive disability allowance from and including the month of July in the year that he/she attains the age of 19. In order to receive disability allowance, the person must need assistance in daily life, assistance to work or study or have additional costs due to disability. The need of assistance must be linked to the disability, and it must be assistance with things that the person cannot manage by him/her-self due to disability.

The disability must have occurred before the age of 65, and the need of assistance must last for at least a year. A person may keep the disability allowance after the age of 65 if he/she still needs assistance.

The amount of the allowance

Disability allowance is 36, 53 or 69 per cent of the amount of the so called 'price base' (*prisbasbeloppet*) depending on the need of assistance and how large the additional costs are due to the disability.

The amount of disability allowance in 2010

36 per cent - 15,264 SEK
53 per cent - 22,472 SEK
69 per cent - 29,256 SEK

Disability allowance is tax-free. If the person only has high additional costs due to the disability, these expenses must amount to at least 12,084 SEK per year (28.5 per cent of the price base) to receive disability allowance.

For persons with vision impairments

If the person is blind or lack locomotor vision, he/she receives a disability allowance of 29,256 SEK per year (69 per cent of the price base amount). If a person also has full sickness compensation or activity compensation, or full old age pension, disability allowance is reduced to 15,264 SEK per year (36 per cent of the price base). The person can receive a higher allowance if he/she has a particularly great need of assistance or high costs. Being blind or lacking locomotor vision means that a person cannot safely be in or get her/his bearings in an unknown environment without assistance.

If a person is deaf or have seriously impaired hearing

If a person is deaf or have seriously impaired hearing, he/she can receive disability allowance of 15,264 SEK per year (36 per cent of the price base). The person can receive a higher allowance if he/she has a particularly great need of assistance or has high costs.

Assistance requirement and additional costs

If a person only need assistance, but do not have any additional costs, he/she must need assistance for at least two hours a day to receive disability allowance. The need of special care and continuous supervision can also be taken into account in the assessment. If a person needs both assistance and has additional costs, the Swedish Social Insurance Agency makes an overall assessment of the combined needs.

2. Attendance benefit for personal assistance

Persons with major functional impairments and an extensive need of support and help in their daily lives, may be entitled to personal assistance from one or more personal assistants. The municipality is financially responsible for those who need assistance for less than 20 hours a week. A person, who needs personal assistance for his or her basic needs for more than 20 hours a week, may be entitled to assistance benefit. If less time is needed, the municipality is responsible for assistance. The right to this benefit is set out in LASS – the Assistance Benefit Act. The Social Insurance Administration takes the decision regarding assistance benefit. The municipality is financially liable for the first 20 hours in such cases too. Personal assistance is to have been granted before the person has reached the age of 65, and the number of hours of assistance cannot be increased after his or her 65th birthday.

The person receiving assistance has the right to decide what the assistant should do, when and how. Assistance benefit is granted in the form of a number of assistance hours that the person may use within a certain period of time. Assistance benefit is to be provided according to the number of hours required for a person to have his or her basic needs met, as well as for other personal support. The assistance benefit can be paid directly to persons with functional impairments, so that they can employ one or several assistants themselves.

There is no ceiling, i.e., theoretically, the number of hours can be unlimited, since persons with severe injuries or impairments may need more than one assistant at the same time. There are persons who have personal assistance 24 hours a day, enabling people with severe impairments to live on their own.

Assistance benefit is eligible to the following groups:

1. persons with an intellectual disability, autism or a condition resembling autism,
2. persons with a significant and permanent intellectual impairment after brain damage in adulthood due to an external force or a physical illness,
3. persons who have other major and permanent physical or mental impairments which are clearly not due to normal ageing and which cause considerable difficulties in daily life and consequently an extensive need of support and service. The disability must be substantial and cause considerable difficulty in your daily life.

The Government sets a standard amount for attendance benefit every year. In 2010, the amount was 252 SEK per hour. It is possible to apply for a higher amount if you have special reasons. In 2010, the highest amount was 282 SEK.

3. Childcare allowance

To obtain childcare allowance for taking care of a sick child or a child with a disability, the child must need special supervision and care for at least six months. Parents are also entitled to childcare allowance if they have large additional expenses due to the child's disability or illness. Parents can obtain childcare allowance from the time of the child's birth until the month of June in the year the child attains the age of 19.

Childcare allowance is paid to the parent who applies for the allowance or to the person with legal custody of the child. It is possible for two parents to share the childcare allowance. Childcare allowance is also paid to a person or persons who receive a child with a view to adoption. Childcare allowance may also be paid to the person who lives with the parent and:

- has or has had children with the parent,
- is or has been married to the parent,
- is or has been a registered partner of the parent.

A full childcare allowance is 250 per cent of the price base per year. A person can obtain a full, three-quarter, half or a quarter childcare allowance. If there are additional expenses amounting to at least 18 per cent of a price base amount the childcare allowance may exceed a full allowance. Other levels apply if an allowance is only for additional expenses. In this case, it is 36 or 62.5 per cent of the price base amount per year.

4. Car allowance

Certain criteria has to be applied to receive car allowance. The benefit has four different forms:

1. grants to buy a car (60,000 SEK) or motor vehicle (12,000 SEK),
2. to adjust that car (no cost limit),
3. grants to adjust a car already owned (no cost limit), and
4. grants for a drivers licence.

In its Conclusions 2008, the Committee further asks for Sweden's next report to state what the legal status of sign language is.

In Sweden, a new Language Act entered into effect on 1 July 2009. This mirrors that the community at large has a special responsibility to protect and promote Swedish sign language. All of those who are deaf, hearing impaired or who require sign language for some other reason, must be given the potential to learn, develop and use sign language. In 2010, the Government set up a study aimed at submitting proposals for how students can receive instruction in sign language in elementary schools and elementary special schools. During 2009, the Institute of Language and Folklore and the Language Council of Sweden started to identifying methods for developing sign language. On the Language Council of Sweden's website, the Council provides various news and facts relating to sign language issues (see www.sofi.se/2072).

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

and recognise:

4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties

Article 18§1 – Applying regulations in a spirit of liberality

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

New rules for labour migration

The new rules for labour migration, in the Swedish Aliens Act, entered into force on 15 December 2008. The Government's Bill "Nya regler för arbetskraftsinvandring" (prop. 2007/08:147) was decided by Riksdagen, the Swedish Parliament, on 12 November 2008. The Bill was based on an agreement between the Government and the Swedish Green Party.

The base for the reform is that the individual employer knows best the recruitment needs of his or her business. When processing cases involving residence and work permits, decisions are based on employers' own assessment of their needs. The reform makes it possible to grant work permits to third country nationals who are offered employment, provided that labour needs cannot be met through recruitment within Sweden or the EU/EEA. The same rules and conditions apply regardless of skills levels, branches or sectors. There is no special scheme e.g. for seasonal workers.

The following Swedish legal acts relevant to article 18§1 can be found in Appendix:

- The Government's Bill - Prop 2007/08:147,

- The Swedish Aliens Act (Utlänningslagen, 2005:716) with recent amendments, in Swedish,
- The Swedish Aliens Act in English translation, including the rules for labour migration,
- The Swedish Aliens Ordinance (Utlänningsförordningen, 2006:97) in Swedish.

Conditions for work permits

In assessing the conditions offered with the employment, the main rule has not been changed. The employer is normally required to give the employee organisations an opportunity to state an opinion on the terms of employment, see the Swedish Aliens Ordinance, Chapter 5, Section 7a. The statements made by employee organisations are of great importance when making these examinations. The Swedish Migration Board examines whether the terms offered, i.e. salary, insurance protection and other terms of employment, are in accordance with the conditions applying to employees already resident in the country. In Sweden, these are mainly established by collective agreements. This is to ensure that there is sound competition for jobs in the labour market and to avoid social dumping. Cases relating to residence and work permits are thus all dealt with by a single agency. See Chapter 6, Section 2, in the Aliens Act.

Duration of work permits

As a general rule, temporary work permits can be granted for the duration of the employment or for a maximum of two years. If the work contract is prolonged, the individual migrant may receive an extension of his or her permit for the duration of the renewed contract or for a maximum of an additional two years. The total period for which temporary permits can be granted cannot exceed four years. After four years, a permanent residence permit can be granted. The application for an extension of a work permit, or the application for a permanent resident permit can be filed in Sweden. Hence, the applicant is no longer required to return home to apply for an extension.

Work permits are restricted to a specific occupation and employer during the first two years. It is possible to change employer during this time, but the employee must apply for a new permit. During the last two years, work permits are only restricted to a specific occupation. It is possible to change occupation, but the employee must apply for a new permit. For rules on duration, see Chapter 6, Section 2a, of the Aliens Act.

Transition period

With longer permit periods, it may happen that a position is terminated during an ongoing permit period. An employment may be terminated for various reasons, such as if the employee resigns, the employers business activities cease or the employee is given notice of termination because of lack of work. In these situations, the employee is granted a transition period of up to three months in order to look for a new job. If he or she does not find a new job, the residence permit is revoked. This rule also reduces the dependency between employers and employees. See Chapter 7, Section 3, first paragraph 2 of the Aliens Act.

Family members

A person who has been granted a work permit is allowed to bring his or her family members. The accompanying spouse can gain full access to the labour market (i.e. without restrictions to employers or sectors).

Access to rights

The labour migrant and accompanying family members gain access to more or less the same rights and obligations as Swedish citizens, voting rights excluded.

Simplified rules for visiting students

Visiting students, who have completed studies corresponding to 30 higher education credits or who have completed one term of research education at institutions of higher education, are allowed to apply for work and residence permits without having to first leave Sweden, if they wish to stay and work in Sweden. See Chapter 5, Section 18, second paragraph 8 of the Aliens Act.

Visas

The possibility of obtaining a visa to, for example, attend a job interview, has been widened. A person subsequently offered employment, is not always needed to return home to apply for a residence and work permit, in case there is high demand for labour in the occupation and the employer would be caused inconvenience if the alien has to travel to another country to submit an application there. Chapter 5, Section 18, third paragraph of the Aliens Act.

Asylum seekers

An asylum seeker, whose application has been refused through a final and non-appealable decision, may be granted a residence permit for work without first having to leave the country if he or she has had a job for at least six months. The position must be permanent or for a period of at least one year from the date of application and must fulfil the general conditions for work permits. An application must have been received by the Swedish Migration Board within two weeks from the decision concerning a rejection of an asylum application becoming final and non appealable. Family members of the applicant can also be granted residence permits without leaving the country.

Reply to question in Conclusions 2008 concerning Article 18§1 – Applying regulations in a spirit of liberality

See answer under Article 18§1, question 1 above.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Swedish Migration Board is responsible for migration, refugee, repatriation and citizenship issues and decides on applications as a first instance. A decision of the Swedish Migration Board may be appealed to a migration court in the cases specified in Chapter

14, Aliens Act. A decision of a migration court may be appealed to the Migration Court of Appeal. Leave to appeal is required. See Chapter 16, Aliens Act.

In the Swedish Government's Letters of Regulation (a yearly steering document) for the Swedish Migration Board in 2010 and 2011, the Government stated that, in cases regarding work permits, the time from application to decision should be made as short as possible out of consideration for the applicant and the needs of the labour market or the employer. In addition, the Government gave instructions for the Migration Board to specifically describe how the board has maintained a dialogue with employers, worked systematically to detect abuse of the rules and analyzed the developments concerning professions, citizenship and length of granted permits.

Question 3: Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.

Granted work permits

Since the reform entered into force in December 2008, a total of approximately 40,000 work permits have been granted. Today, it is estimated that approximately 19,000 people have valid work permits in Sweden. In 2010, the rate of granted work permits was about 90%.

In 2007, 9,859 work permits were granted. Subsequently, in 2008, 14,513 work permits were granted, in 2009, 14,905 were granted and in 2010, 14,001 work permits were granted (The Swedish Migration Board). The figures cover both the decisions of the Swedish Migration Board and the Embassies and Consulates of Sweden. The figures do not cover athletes, artists, au-pairs, trainees or holiday workers.

A total of 22,882 people received work permits or registered residence because of work in 2008. The corresponding figure in 2007 was 18,743 people.

In 2008, the Migration Board granted a total of approximately 14,500 first-time permits to persons from countries outside the EU. The largest groups by country were: Thailand (3,982 permits), India (2,387 permits), China (1,948 permits), Ukraine (1,261 permits), USA (712 permits), Australia (338 permits) and Russia (324 permits).

The rate of refusal to issue work permits in 2007-2010 are provided in Appendix 1.

Article 18§2 – Simplifying formalities and reducing dues and taxes

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

See answer under Article 18§1, question 1.

Reply to the Committee's question concerning Article 18.2 – Administrative formalities

As to residence permits, see answer under Article 18§1, question 1, for information about the reform of immigration rules.

In 2007, 543 persons were granted permanent residence permits. The corresponding figure for in 2008 was 795 persons. Nordic citizens may work in Sweden without a permit and are therefore not included in the statistics.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See answer under Article 18§1, question 2.

Reply to the Committee's question concerning Article 18§2 – Administrative formalities

At present, the average application time for work permits is 66 days. For electronic applications for work permits on the website of the Swedish Migration Board, the average time is 51 days. See also the answer to question 2, Article 18§1, above.

Question 3: Please supply any relevant statistics or other information on chancery dues and other charges payable by foreign workers or their employers for work and/or residence permits and on the average time taken to issue these permits.

The application fee for work permit is 2,000 SEK and for a prolonged permit 1,000 SEK. For further information on application fees, see: www.migrationsverket.se/download/18.618ce4271304eb546678000735/uatavgift_en.pdf

Article 18§3 – Liberalising regulations

Question 1: Please describe the general legal framework.

See answer under Article 18§1, question 1.

Reply to the Committee's question concerning Article 18§3 – Access to the national labour market

The new rules for labour migration has considerably improved the opportunities for people to come to Sweden to work, and for companies to recruit labour from third countries. Regarding temporary work permits, further information is provided in the answers to question 1, Article 18§1, above. In particular, under Duration of work permits.

Work permits are granted to third country nationals who are offered employment, provided that labour needs cannot be met through recruitment within Sweden or the EU. In order to avoid social and salary dumping, the terms of employment and salary conditions have to be in accordance with terms that follows from collective agreements or practice within the profession or sector. This is the cornerstone of the new legislation and ensures that both labour migrants and employers' rights are protected.

A third country national has better opportunities to plan his/her stay with longer periods of residence permits. As a result it can be more attractive to search for employment in Sweden. Longer periods of residence permits leads to continuity, which should be of advantage to the employee as well as the employer. After four years with a temporary work permit, permanent residence permit can be granted. The spouse of the labour migrant is granted residence permit as family member and normally gains access to the labour market from day one.

Reply to the Committee's question concerning Article 18§3 – Consequences of loss of job

See answer under Article 18§1, question 1. In particular, under Transition period. In case the migrant loses his/her job, or is not satisfied with the employer, the migrant is able to look and apply for a new job during the three month transition period. This reduces the dependency between employers and employees.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See answer under Article 18§1, question 2.

Article 18§4 – Right of nationals to leave the country

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

No change has been made, reference is made to previous reports.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports.

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing de facto inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Discrimination Act

In order to make the legislation both more effective and more comprehensible a new Discrimination Act (Swedish Code of Statutes 2008:567) entered into force in Sweden on January 1, 2009. At the same time a new agency, the Equality Ombudsman, was

established to supervise compliance with the Act. The new Act replaced seven previous acts against discrimination, for example the Equal Opportunities Act (Swedish Code of Statutes 1991:443). At the same time, the former four Ombudsmen against discrimination were merged into one Ombudsman. The purpose of the Discrimination Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. Two new grounds of discrimination have been added: age and transgender identity or expression. The Act applies to basically all areas of society, such as working life, social insurance system, unemployment insurance and labour market policy activities. In the new Act, protection against discrimination on the ground of sex has been extended to apply also to health and medical care and social services.

According to the Act (Chapter 2 Section 1), an employer may not discriminate against a person who, with respect to the employer, is an employee, is enquiring about or applying for work, is applying for or carrying out a traineeship, or is available to perform work or is performing work as temporary or borrowed labour. The prohibition does not prevent measures that contribute to efforts to promote equality between women and men and that concern matters other than pay or other terms of employment.

A new penalty, compensation for discrimination, was introduced for infringements of the Discrimination Act (Chapter 5). Compensation for discrimination is designed to both compensate for the violation represented by an infringement and act as a deterrent against discrimination.

Active measures in the Discrimination Act

Besides prohibiting employers from discriminating against a person on any of the grounds of discrimination mentioned above, the Discrimination Act also requires employers to take active measures to promote equal opportunities at the workplace (Chapter 3). Active measures includes working conditions (including parenting, harassment, reprisals and sexual harassment), recruitment (including training and skills development) and salary issues. The rules on active measures in the previous acts against discrimination were, in principle, transferred into the new Act, except for a few changes. According to chapter 3, Section 1, employers and employees are to cooperate on active measures to bring about equal rights and opportunities in working life regardless of sex, ethnicity and religion or other belief. Employers are to conduct goal-oriented work to actively promote equal rights and opportunities in working life (Chapter 3 Section 3). Further, every three years, instead of every year as previously, employers are to draw up a plan for their gender equality work. This obligation does not apply to employers with less than 25 employees (Chapter 3 Section 13), a limit which previously was set to less than 10 employees. An employer who does not fulfil his or her obligations concerning active measures may be ordered to fulfil them subject to financial penalty (Chapter 4 Section 5).

According to Chapter 3 Section 7–9 of the Discrimination Act, employers are to work to ensure that people have the opportunity to apply for vacant positions regardless of sex, ethnicity, religion or other belief. Employers are also to promote an equal distribution of women and men in different types of work and in different employee categories, by

means of education and training, skills development and other appropriate measures. When the distribution of women and men is not more or less equal in a certain type of work or in a certain employee category at a place of work, the employer is to make a special effort when recruiting new employees to attract applicants of the under-represented sex. The employer is to attempt to see to it that the proportion of employees from the under-represented sex gradually increases. These rules were transferred from the previous acts against discrimination.

Provisions concerning working conditions are included in the Chapter on active measures and were transferred from the previous discrimination Acts. Employers are to implement such measures as can be required in view of their resources and other circumstances to ensure that the working conditions are suitable for all employees regardless of sex, ethnicity, religion or other belief (Chapter 3 Section 4).

Employers and employees are in particular to endeavour to equalise and prevent differences in pay and other terms of employment between women and men who perform work which is to be regarded as equal or of equal value. They are also to promote equal pay growth opportunities for women and men (Chapter 3 Section 2). In order to discover, remedy and prevent unfair gender differences in pay and other terms of employment, the employer must conduct pay surveys every three years (Chapter 3 Section 10). Further, employers with 25 employees or more are to draw up action plans for equal pay every three years (Chapter 3 Section 11), instead of every year for employers with 10 employees or more as previously.

Employers must help enable both female and male employees to combine employment and parenthood. Further, employers are to take measures to prevent and hinder any employee being subjected to harassment or reprisals associated with sex, ethnicity, religion or other belief, or to sexual harassment (Chapter 3 Section 5–6).

For more information about the Discrimination Act please see: <http://www.sweden.gov.se/content/1/c6/11/81/87/f6e1a2b8.pdf>

The Equality Ombudsman

A new agency, the Equality Ombudsman, was established on January 1, 2009 to supervise compliance with the Discrimination Act. As mentioned above, the four previous offices of the anti-discrimination ombudsmen were merged into one Ombudsman. The Equality Ombudsman may also in a dispute under the Parental Leave Act (Swedish Code of Statutes 1995:584) (the prohibitions of disfavourable treatment for reasons related to parental leave) bring an action on behalf of an individual employee or job applicant.

Provisions on the duties of the Ombudsman are contained in the Discrimination Act (2008:567) and the Act concerning the Equality Ombudsman (2008:568).

The Ombudsman's principal task is to ensure compliance with the Discrimination Act. The Ombudsman registers and investigates complaints based on the Acts prohibitions of discrimination and reprisals, and may bring an action, as a party, on behalf of an individual who consents to this.

The Ombudsman also investigates complaints from employees on parental leave who feel they have been treated unfairly for having taken such leave. In addition, the Ombudsman exercises supervision by monitoring how employers, higher education institutions and schools live up to the provisions of the Discrimination Act requiring active measures against discrimination.

Rehabilitation chain

The Social Insurance Agency can grant rehabilitation allowance to a person taking part in vocational rehabilitation. However, a successful return to working life is often depending on the right measures taken by many actors at the right time. This was one of the considerations when the Government introduced the so called Rehabilitation chain, which came into force on the 1 July 2008. The Government wanted to accomplish a more active process with early interventions supporting the individual and increased predictability, underlining the importance of the individual's motivation and commitment. The Rehabilitation chain introduced fixed time frames for assessing work capacity in sickness benefit cases. This was combined with measures for more effective cooperation between actors, such as the Social Insurance Agency and the Public Employment Service. The Social Insurance Agency and the Public Employment Service are cooperating closer due to the reform concerning the Rehabilitation chain. They have developed routines and new meeting forms according to the Rehabilitation chain for the purpose of supporting the individual in going back to the workplace or adjusting to a new job.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Equality Ombudsman

Besides being responsible for monitoring the Discrimination Act, the Ombudsman's duties includes raising awareness and disseminating knowledge and information about discrimination and about the prohibitions against discrimination, both among those who risk discriminating against others and those who risk being subjected to discrimination. This means that the agency offers guidance to employers, higher education institutions, schools and others, and helps develop useful methods on their behalf. A further task is to ensure, through awareness-raising initiatives, that everyone knows their rights. The Ombudsman shall also work in other respects to promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age (see also information under article 15 above).

The Ombudsman has taken measures to increase the knowledge about the Discrimination Act among employers. The Ombudsman has developed a guidebook on active measures in working life.

A strategy for gender equality in the labour market and the business sector

The objective of gender equality policy is equal power for women and men to shape society and their own lives. In June 2009, the Government presented a strategy for gender

equality in the labour market and the business sector. The strategy contains both an analysis and a description of specific measures aimed at promoting equal opportunities for women and men to develop their potential in the labour market and the business sector. More than 60 measures have been presented, including the investment of 235 million SEK from the gender equality appropriation in special initiatives.

The strategy contains initiatives in the following four areas:

- 1) combat gender divisions in the labour market and business sector,
- 2) promote gender-equal conditions for entrepreneurship,
- 3) promote equal participation in working life, and
- 4) equal working conditions.

For more information please see: A strategy for gender equality in the labour market and the business sector (www.sweden.gov.se/content/1/c6/13/36/75/910bd4ad.pdf).

Question 3: Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

Employment and unemployment rates

Please also refer to information in Article 1.

Part time work

In 2010, 65 per cent of all women in the age of 20 - 64 years were employed on full time and 35 per cent on part time. The equivalent for men was 87 and 13 per cent respectively.

The proportion, in percent, of all employees (15-74 years) that have part time contracts

Year	Women	Men
2007	36.4	12.6
2008	35.9	12.8
2009	35.8	13.5
2010	34.7	13.3

Source: Statistics Sweden, Labour Force Survey (Statistiska centralbyrån, AKU)

Part time work is defined as work up to and including 34 hours per week.

Fixed term contracts

Women still have more fixed term contracts than men. Last year, the proportion of fixed term contracts for men increased while the women's share remained unchanged.

Proportion, in percent, of all employees (15-74 years) that have fixed term contracts

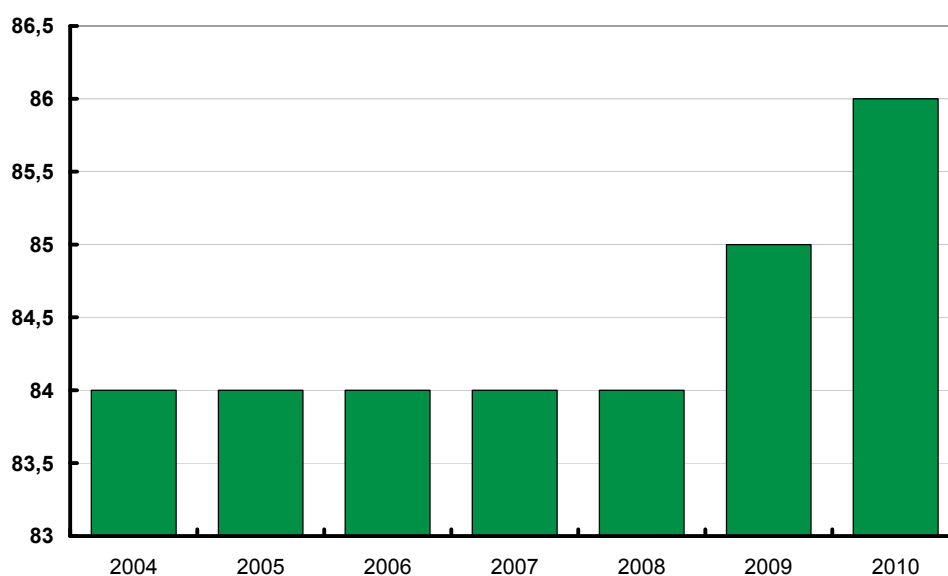
Year	Women	Men
2007	19.9	15.0
2008	18.7	13.4
2009	17.6	12.9
2010	17.6	14.0

Source: Statistics Sweden, Labour Force Survey (Statistiska centralbyrån, AKU)

Equal pay

The National Mediation Office analyse wage growth from a gender equality perspective. According to their latest study, the pay gap between women and men in 2010 was 14.3 per cent, i.e. women's pay was 85.7 per cent that of men's. If differences in occupation, sector, education and working hours are taken into account, the pay gap is approximately 5.9 per cent. During the period 2005–2010, the pay gap between women and men narrowed in both the private and the public sector. The fact that men and women work in different occupations to a large extent explain the differences.

Pay gap, women's wages relative men



Source: Statistics Sweden

The figure shows that the wage gap between men and women has remained constant for several years, but declined in both 2009 and in 2010.

Response to the Committee's conclusion of non-conformity with Article 20

In its Conclusions 2008, the Committee concludes that the situation in Sweden is not in conformity with Article 20 of the Revised Charter on the ground that the employment insurance legislation indirectly discriminates against women working part-time. Given this, Sweden would like to provide the following information.

Background

In its conclusions, the Committee found that the situation in Sweden is not in conformity with article 20 of the revised Charter on the ground that the Swedish unemployment insurance legislation indirectly discriminates against women working part-time. According to the Committee, the grounds for non conformity is one of the general conditions for benefit in the Swedish Unemployment Act, namely that the applicant must be prepared to take on work for at least 17 hours per week and at least 3 hours per day. The indirect discrimination lies in the assumption that part-time contracts with fewer hours than 17 hours per week and 3 hours per day mostly concern women.

The Swedish unemployment insurance

The principle behind the Swedish unemployment insurance is readjustment. This means that an unemployed person can receive financial support during a transitional period between two jobs. The principle of readjustment requires the applicant to have had a connection to the labour market previous to the unemployment; there has to be a loss of income to replace. Also, the unemployment insurance is a benefit for applicants who primarily are unemployed, not for people with another main occupation – such as studies – and who work additional hours along side this main occupation.

Given these objectives of the Swedish unemployment insurance, it is a reasonable condition that the applicant must be prepared to accept work for at least 17 hours per week and at least 3 hours per day.

Practical implications

When it comes to the practical implications of the condition in question, the latest statistics show that in Sweden few people work less than 20 hour per week. In august 2011, 230,000 – 6 per cent of the labour force – worked less than 20 hours per week. Out of these 230,000 people, about 100,000 were men and 130,000 were women. This means that 5 per cent of all employed men and 7 per cent of all employed women worked less than 20 hours per week. These statistics show that in practice, 93 per cent of all employed women are covered by the unemployment insurance.

It must also be taken into consideration that the number of people not covered by the unemployment insurance are, to a large extent, students. According to the Swedish Labour Force Survey, 269,000 people were registered as employed although they were actually students. In this group, 60 per cent, i.e. 174,000, were women. The average number of hours worked was 18.8 hours per week. The average number of hours studied was 19.5 hours per week.

This means that in practice there is only a 2 per cent difference between men and women working less than 20 hours per week. Sweden is of the view that these 2 per cent are not enough to support the conclusion of the Committee that women are indirectly discriminated against in the Swedish unemployment insurance. Sweden has objective reasonable grounds for the conditions laid down in the Unemployment insurance Act.

The Discrimination Act

The purpose of the Discrimination Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of, among others, sex. The Act prohibits discrimination, both direct and indirect discrimination, within the unemployment insurance. The Equality Ombudsman is to supervise compliance with the Discrimination Act.

According to the Constitution (Chapter 2, Article 13, the Instrument of Government) no act of law or other provision may imply unfavourable treatment of anyone on grounds of sex unless the provision forms part of efforts to promote equality between men and women. It is self-evident that there shall be no discrimination based on sex on the labour market or within the unemployment insurance scheme.

The Swedish legislation is in all areas pervaded by the principles of equal treatment and non-discrimination between men and women. An example is the Parental benefit, which is given to parents who leave work to look after their child. Parental benefit is approximately 80 per cent of the persons annual income and is payable for 480 days. Parental benefit is shared equally between both parents. Furthermore, both men and women are allowed to work part time until their child is 8 years old. Finally, day-care centres for children are accessible and affordable for all, which allows 93 per cent of all women and 96 per cent of all men to work more than 20 hours per week.

Sweden would also like to draw attention to the fact that, according to appendix 1 of article 20, social security may be excluded from the scope of article 20. Sweden, finding the principle of equal treatment and equal opportunities crucial, has not exercised this right.

In conclusion, Sweden does not agree with the conclusion of the Committee that the requirement of being prepared to work for at least 17 hours per week and at least 3 hours per day would be an indirect discrimination of women.

Prohibition of Discrimination of Employees Working Part Time and Employees with Fixed-term Employment Act (Swedish Code of Statutes 2002:293)

The purpose of this Act is to combat discrimination of employees working part time and employees with fixed-term employment as regards pay and other terms and conditions. Both direct and indirect discrimination is prohibited.

Response to the Committee's requests for additional information

In its Conclusions 2008, the Committee notes that the Equal Opportunities Ombudsman is currently examining the wage mapping of the biggest employers (in the private sector),

who between them have a million employees. The Committee asks to be informed of the results of the study.

The study carried out by the previous Equal Opportunities Ombudsman ended in 2008. The results are briefly described as follows:

- 60 per cent of employers had introduced pay adjustments or other measures in order to achieve equal pay for women and men performing work regarded as equal or of equal value.
- 44 per cent had identified unjustified pay differentials that were to be remedied. Pay adjustments totalled at least 72 million SEK (approximately 7 million EUR).
- The pay adjustments concerned at least 5,800 employees, of which about 90 per cent were women. This means an average monthly pay rise of just over 1,000 SEK (100 EUR) per person.
- A third of the employers had taken steps other than pay adjustments to achieve equal pay. These included professional development for staff members, training for pay-setting managers and recruitment measures to increase the proportion of women in senior positions.

In its Conclusions 2008, the Committee further notes that the “gender desegregation” project being carried out by the Swedish Public Employment Service. The Committee wishes to receive information on the result of this project.

Since the last report, no new information is available about the progress of the “gender desegregation” projects. The project is no longer funded with earmarked public funds, but may continue on local level. Operations of the Public Employment Service are conducted from a gender perspective so that women and men can benefit from mobility, promotion and skills development initiatives.

In August 2010, the Public Employment Service adopted a policy of equal rights and opportunities in the workplace. The desired result of this is that the personnel policy and labour market policy shall prevent and combat discrimination and contribute to greater equality and diversity in the labour market.

During the first half of 2010, the Public Employment Service conducted a web-based training for all employees concerning the gender-segregated labour market and gender equality. Education for employees is an important part of the Employment Service’s continued work with gender mainstreaming.

The Public Employment Service has also appointed gender ambassadors whose role is to provide support to management and colleagues in the work with gender mainstreaming.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Appendix to Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term “insolvency” must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
 - a. the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
 - b. the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
 - c. the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

Question 1: Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Reference is made to previous reports. In 2011, the wage guarantee for each worker is limited to a maximum, index-linked sum, estimated to 171,200 SEK.

Question 2: Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reference is made to previous reports.

Question 3: Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.

Sweden makes reference to previous reports, while providing the following table.

Unit/Year	2007	2008	2009
Number of cases where the intervention of the Guarantee Institution has been requested (normally each case should correspond to an insolvent employer)	2,000	2,600	3,600
Number of employees whose outstanding claims have been totally or partially paid by the Guarantee Institution	16,000	24,200	40,400
Sums paid by the Guarantee Institution (in thousand SEK)	920,500	1 160,000	3 310,000

Source: The Swedish Enforcement Authority, Report 2010:2 (Kronofogdens årsrapport för konkurstillsynen 2009, KFM Rapport 2010:2)

Reply to the Committee's question concerning Article 25

In its Conclusions 2008, the Committee asks for information (or eventually an estimate) on the average time that elapses between the filing of a claim and the payment of any sums owed as well as on the percentage of claims satisfied through the wage guarantee or privilege systems.

In earlier replies, Sweden has made reference to the national report presented in 1993. Since then, Sweden have replied that there are no statistics on this subject. Enquiries addressing the authorities concerned, have given no cause to believe anything other than that disbursements are made promptly and competently. There are no indication of the disbursements of wage guarantee not functioning as intended or in accordance with previous reports. No new report or statistics are available.

There are no statistics available on the percentage of claims satisfied through the wage guarantee system.

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2. The Swedish Aliens Act (Utlänningslag, 2005:716)
3. The Swedish Aliens Act in English translation
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5. The Swedish Aliens Ordinance (Utlänningsförordning, 2006:97)
6. The Swedish Discrimination Act (Diskrimineringslag, 2008:567)
7. Chapter 4 and 23 and of the Swedish Penal Code (Brottsbalk, 1962:700)
8. The Swedish Education Act (Skollag, 2010:800)
9. Work Environment Authority (AFS 1994:1)
10. Work Environment Authority (AFS 1998:5)
11. Ordinance (Förordning om särskilda insatser för personer med funktionshinder som medför nedsatt arbetsförmåga 2000:630)
12. The Swedish Parental Leave Act (Föräldraledighetslag, 1995:584)
13. The Swedish Equality Ombudsman Act (Lag om Diskrimineringsombudsmannen, 2008:568)
14. The Swedish Unemployment Act (Lag om arbetslöshetsförsäkring, 1997:238)