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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

SWEDEN

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Sweden, which ratified the Revised European Social Charter on 29 May 1998. The deadline for submitting the 22nd report was 31 December 2022 Sweden submitted it on 20 December 2022.

The Committee recalls that Sweden was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2015).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Sweden has not accepted the following provisions from the above-mentioned group: 7§5, 7§6, 8§2, 8§§4-5.

The conclusions relating to Sweden concern 31 situations and are as follows:

- 20 conclusions of conformity: Articles 7§2, 7§4, 7§7, 7§8, 8§1, 8§3, 16, 17§§1-2, 19§1, 19§2, 19§5, 19§8, 19§11, 27§§1-3, 31§§1-3.
- 11 conclusions of non-conformity: 7§1, 7§3, 7§§9-10, 19§3, 19§4, 19§6, 19§7, 19§§9-10, 19§12.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Sweden was not in conformity with the Charter on the ground that the daily and weekly working time for children under the age of 15 was excessive and therefore could not be qualified as light work. In particular, according to Section 20 of the Regulation on the Working Environment of Minors 2012:3 (AFS 2012:3), children subject to compulsory education could work up to seven hours per day and 35 hours per week during school holidays.

The Committee notes that, according to the report, the Swedish legislation AFS 2012:3, the regulation on the working environment of minors, is in line with Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work. In particular, it regulates the working time of children who are still subject to compulsory full-time schooling under national law, and includes?? the possibility of defining national legislative or regulatory provisions allowing children, under certain circumstances, to participate in cultural, artistic, sporting or advertising activities, or children of at least 14 years of age to work on a combined work/training scheme, provided that such work is done in accordance with the conditions laid down by the competent authority, and children of at least 14 years of age to perform light work other than cultural, artistic, sports or advertising activities. Light work may be performed by children of 13 years of age for a limited number of hours per week in certain categories of work defined by national legislation.

The Committee recalls that, under Article 7§1 and 7§3 of the Charter, children under the age of 15 and those still subject to compulsory schooling must not perform light work for more than six hours per day and 30 hours per week during school holidays so as to avoid any risk that the performance of such work might present for their health, moral welfare, development or education. The Committee observes that the situation which it has previously found not to be in conformity with the Charter, has not changed. Therefore, it reiterates its previous finding of non-conformity.

As regards the targeted questions, the Committee notes from the report that an important part of the Government’s work environment strategy is the specific remit of the Swedish Work Environment Authority (SWEA) in combating the exploitation of worker and work-related crimes in the areas of occupational safety and health, and its close cooperation with other government authorities in investigating irregularities.

Applications from employers who engage children for work in the above-mentioned sectors are handled by the SWEA. Since most child labour authorisations are issued following a

thorough review of each case and for a relatively short period of time, and as the SWEA mainly performs risk-based and planned inspections, SWEA rarely inspects child labour that it has itself authorised. The SWEA has not received any indications suggesting that illegal child work is a big problem in Sweden. In rare cases where the SWEA discovers that child work has taken place without its authorisation, it initiates criminal proceedings.

Inspection activities are prioritised according to the level of risk. Minors being exploited in the informal sector has not been a specific focus area for the inspection activities, as the SWEA has not received information on minors being exploited in sectors normally associated with work-related crime, nor has this been observed as a particular problem during inspection activities.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 7§1 of the Charter on the ground that the daily and weekly working time for children under the age of 15 is excessive and therefore cannot be regarded as light work.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Sweden was in conformity with the Charter.

In reply to the Committee's previous question, the report states that the Swedish Work Environment Authority (SWEA) monitors the implementation of the Regulation on Minors' Work Environment (AFS 2012:3), first and foremost through inspections, which are carried out as part of national or regional campaigns, follow-ups on previous inspections or tips from the public. Apprentices working in i.a. the building industry are supervised – and irregularities are uncovered - through regular inspections in building work, and likewise in other sectors subject to dangerous work tasks. During the period 2017-2022, 32 referrals have been made to AFS 2012:3 section 11 in SWEA inspection reports.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015) the Committee found that the situation was not in conformity with the Charter on the ground that the daily and weekly duration of light work for children who are still subject to compulsory education during school holidays is excessive and therefore cannot be qualified as light work.

The Committee refers to its conclusion under Article 7§1 and considers that the situation is not in conformity with Article 7§3 on the ground that the daily and weekly duration of light work for children who are still subject to compulsory education during the school holidays is excessive and therefore cannot be regarded as light work.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 7§3 of the Charter on the ground that the daily and weekly duration of light work for children who are still subject to compulsory education during the school holidays is excessive and therefore may deprive them of the full benefit of education.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in Sweden was in conformity with Article 7§4 of the Charter, pending receipt of the information requested (Conclusions 2019). The Committee asked for information on the monitoring activity (violations detected and sanctions applied) of the Labour Inspection in relation to working time of young persons under 18 who were no longer subject to compulsory school.

The report provides that the labour inspectors (SWEA) monitor the implementation of the Regulation on Minors’ Work Environment first and foremost through inspections, which are carried out as part of national or regional campaigns, follow-ups on previous inspections or tips from the public. Easily available information regarding rights and obligations for minors can be found on SWEA:s website, adapted to both employees and workers.

Inspections have been carried out where violations have been detected and demands to the employer to take action have been issued by SWEA. During the last five years there are requirements that refer to the regulations on minors in 186 supervisory cases. In these cases, 237 demands have been made with legal support in the regulations. The report provides detailed statistic in this respect.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Sweden was in conformity with Article 7§7 of the Charter, pending receipt of the information requested (Conclusions 2015).

The Committee asked for information on how the authorities monitored the situation in practice with respect to the right of young workers to paid annual holidays. The report notes that social partners have a key role in ensuring the implementation of provisions contained in the Annual Leave Act (1977:480), and that cases relating to the application of this Act are dealt with in accordance with the provisions of the Labour Disputes (Judicial Procedure) Act (1974:371).

The Committee also asked what sanctions were imposed against the employers for infringements of the applicable legislation. The report notes that an employer found to be in breach of the Annual Leave Act (1977:480) must compensate any damage incurred by the employee and provide holiday pay or compensation in lieu of any outstanding annual leave.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Sweden was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2015).

The Committee asked for information on the activities of the monitoring bodies with respect to the prohibition of night work for young persons under 18, including on the number and nature of violations detected and sanctions imposed on employers. The report notes that three cases of violations of the prohibition of night work for young workers under 18 years of age were identified during the previous five years.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Sweden was not in conformity with Article 7§9 of the Charter on the ground that a regular medical examination for young workers was not guaranteed by national laws or regulations (Conclusions 2015). The Committee notes, based on the information provided in the report, that there have been no changes to the situation as described in previous conclusions. Therefore, the Committee reiterates its previous conclusion of non-conformity.

The Committee asked for information on the activity of the monitoring authorities, including the number of inspections regarding compulsory medical examination of young workers, and their results. The Committee also asked for data on the number of medical examinations of young workers undertaken in practice. The report notes that the Swedish Work Environment Authority monitors compliance with the legal requirements as regards mandatory occupational medical supervision regarding certain work, irrespective of age and risk assessment, but that it does not hold data disaggregated based on age.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 7§9 of the Charter on the ground that young workers under 18 years of age employed in occupations prescribed by national laws or regulations are not subject to regular medical control.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Sweden was in conformity with Article 7§10 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information and the targeted questions.

Protection against sexual exploitation

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that prostitution and trafficking in human beings for sexual purposes are given particular attention in the Government’s 10-year national strategy (2017-2026) to eliminate men’s violence against women. These issues are also prioritised in the 2021-2023 action programme to prevent and combat men’s violence against women.

The report further states that the Gender Equality Agency is tasked by the Government with strengthening and coordinating all activities to combat prostitution and trafficking in human beings in Sweden. It provides trainings to professionals likely to meet children, minors or adults who are exploited or are at risk of being exploited for the purposes of prostitution or trafficking in human beings.

Protection against the misuse of information technologies

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Due to the failure to provide the requested information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming), the Committee concludes that the situation in Sweden is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

Protection from other forms of exploitation

The Committee has previously asked whether children, victims of sexual exploitation and trafficking as well as other forms of exploitation, such as forced begging could be treated as offenders and not as victims (Conclusions 2015).

The report states that, in Sweden, children under 15 cannot be punished as criminal offenders and children between 15 and 18 benefit from enforced protection in cases concerning all forms of sexual exploitation and trafficking in human beings for all purposes.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report does not provide the information requested.

Conclusion

Due to the failure to provide the information listed below the Committee concludes that the situation in Sweden is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

List of questions/Information missing: on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in Sweden to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report Covid-19 didn't have an impact on the right to paid maternity leave.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 8§1 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

As the previous conclusion found the situation in Sweden to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 8§3 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion, the Committee found that the situation in Sweden was in conformity with Article 16 of the Charter (Conclusions 2015).

The Committee's assessment will therefore relate to the information provided in the report in response to the targeted questions.

Legal protection of families

Domestic violence against women

The Committee notes firstly that Slovenia has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force in Sweden in November 2014.

In a targeted question, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

In reply, the report indicates that preventing and combating all forms of violence against women and children, including domestic violence, continues to be a high priority, and that it has adopted a national strategy to prevent and combat men's violence against women. This ten-year strategy came into force in 2017 and has four objectives: i) increased and effective preventive work to combat violence, ii) improved detection of violence and more robust protection for and support to women and children subjected to violence, iii) more effective crime-fighting and iv) improved knowledge and methodological development. In order to step up the work on preventing and combating violence against women and help achieve the four objectives set out in the national strategy, the Government presented a package of 40 measures in June 2021. In December 2021, an additional action programme was presented for the period 2021–2023, containing 99 measures.

With regard to the objectives of the national strategy, the report indicates that to date, measures have tended to deal with the consequences of violence rather than the causes. The Government's aim is to shift the perspective and focus on prevention. This requires effective measures to prevent both the use and recurrence of violence. It also requires broader and more constructive involvement of men and boys than previously. The Committee takes note of the detailed information in the report concerning the numerous measures taken or envisaged in this respect.

The report further states that in order to end all forms of violence against women, the judicial system must take a severe view of this type of crime. To this end, the Swedish sexual offences legislation was reformed in 2018. In particular, new offences were introduced (performing a sexual act with someone who is not participating voluntarily; negligent rape and sexual abuse). Also, in 2021, the Swedish parliament approved the Government's proposals to increase minimum penalties (e.g. one year – instead of nine months – for gross violation of a woman's integrity and gross violation of integrity); these amendments entered into force in January 2022.

In reply to the questions about incidence and conviction rates, the report states that the Swedish National Council for Crime Prevention (Brå), produces and publishes Sweden's

official crime statistics. Brå also produces the annual Swedish Crime Survey (SCS) and has been commissioned by the Government to conduct a national survey regarding offences in close relationships, which will be published in May 2024.

The above-mentioned surveys and statistics include some data on domestic violence against women. In particular, the report contains a table showing reported offences regarding assault against a woman by an intimate partner (13 583 cases in 2021) and gross violations of a woman's integrity committed in a close relationship (1 391 cases in 2021). The conviction rates for domestic violence offences against women are not discernible from the official crime statistics, however, for various reasons (conviction decisions are not disaggregated by sex and contain no information on the relationship between the victim and the perpetrator, etc.).

Social and economic protection of families

Family benefits

Equal access to family benefits

In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

In reply, the report states that if a person is planning to live in Sweden legally for at least a year, he or she is usually insured for residence-based social security benefits such as child benefit. Whether that person or the other parent is working in Sweden or in another country may affect the right to family benefits. The place of residence of the child can also affect entitlement to child benefit, parental benefit, housing benefit, etc.

Level of family benefits

Among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €2 125 in 2021.

The report states that family benefits are not subject to a means-test. In 2021, the monthly amount of the benefit was SEK 1 250 (approximately €111, exchange rate on 3 April 2023) per child. On top of this, families could claim a "large family" supplement of SEK 150 (€13) for two children, SEK 730 (€65) for three children and SEK 1 740 (€154) for four children. From the fifth child, an additional SEK 1 250 was paid out per month.

The Committee notes that the amount of family benefit represented 5.2% of the median equivalised income per child, and that this percentage was higher from the second child onwards.

Measures in favour of vulnerable families

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

In response, the report states that low-income households with children can claim housing allowance. The amount of the allowance depends on housing costs, living space, household income and number of children. In 2021, the maximum monthly amounts ranged from SEK 3 400 (€302) for a household with one child living in 80 m², to SEK 5 200 SEK (€461) for a household with five children, or more, living in 160 m²; about 130 000 households with children received housing allowance.

The report also states that social assistance can be paid by the municipality to persons who are in need (after seeking government financial support). Social assistance is based on a national norm (*riksnorm*) which is calculated annually by the government to cover expenditure on food, clothing, hygiene and health, leisure, child insurance, consumer goods, newspapers and telephone charges. This norm (assistance) also covers costs for housing, domestic electricity, house insurance, work-related travel, unemployment insurance and trade union fees.

In 2021, the amount paid in social assistance to householders was SEK 8 630 (€766) per month. The percentage of households which received social assistance decreased over the reference period, from 4.4% in 2018 to 3.8% in 2021.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the Covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

In response, the report states that a temporary grant was paid to housing allowance recipients, first from July to December 2020 and then from July to December 2021, to protect low-income households. This grant had a real impact on household income: a government survey calculated that the grant offset more than 14% of the loss of earnings experienced by single parents in 2020. In total, SEK 585 million (nearly €52 million) was paid out in 2020, and SEK 540 million (nearly €48 million) in 2021; about 120 000 households with children received the benefit each month in 2021, the average amount being SEK 750 (€67) per month.

The Government decided that a supplement to housing benefit would be paid out in 2022 (outside the reference period) to account for higher costs of living in general, including energy costs.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 16 of the Charter.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion the Committee concluded that the situation in Sweden was in conformity with Article 17§1 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions and the general questions.

The legal status of the child

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that during the period of 2018-2021, more than 14,800 stateless persons obtained Swedish nationality. Nevertheless, Sweden has a relatively large number of stateless persons, mainly because many stateless persons are granted residence permits on grounds of protection or family reunification. Sweden ratified both the 1954 UN Convention relating to the status of stateless persons and the 1961 UN Convention on the reduction of statelessness. Sweden also ratified the 1997 Convention on Nationality. In 2018, the Swedish Parliament voted for the Government’s proposal to incorporate the UN Convention on the Rights of the Child into Swedish law and it came into force on 1 January 2020. Under this Convention, a child shall have the right to be registered immediately after birth.

The report further states that several measures have been taken to facilitate and simplify the acquisition of Swedish citizenship by stateless persons. For example, a shorter residence requirement has been introduced for stateless children. Swedish law on nationality provides that mothers and fathers always transmit their nationality to their children, allows multiple nationalities and prohibits the revocation of Swedish nationality.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care.

The report states that the Strategy for Roma inclusion is based on the principle of non-discrimination and includes initiatives for children in the fields of education, employment, housing, health, social care and security, culture and language, and the organisation of civil society. The Government's combined initiatives in fields such as the labour market and education, as well as economic family and social policy initiatives, involve measures that help reduce the economic vulnerability of families with children.

The report also states that during the period 2018-2020, the Government has supported a major programme to develop child healthcare. It also raised the basic level of parental insurance, thereby strengthening households with no or low occupational income. Asylum-seeking children have the same right to education as other children in Sweden. In 2021, the Ombudsman for Children published a report on the exposure of children and young people to racism.

The report states that since 2012, Sweden has had a strategy for Roma inclusion aimed at ensuring that Roma turning 20 in 2032 shall have the same equal opportunities as non-Roma. The first eight years involved outreach initiatives in schools, with people with Roma language and cultural expertise supporting Roma pupils.

The report states that the Ombudsman for Children maintains a regular dialogue with children and young people to ascertain their conditions and opinions on relevant issues. Through reports from the Ombudsman and other actors, and the dialogue with the Children's Rights Delegation, the Government can identify which groups of children are particularly vulnerable to the infringement of their rights.

The Committee notes from EUROSTAT that 19.7% of children in Sweden in 2021 were at risk of poverty or social exclusion, a slight decline in comparison with 2018, when the percentage was 20.5%. The Committee notes that the 2021 rate is lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that the municipalities in Sweden are responsible for the practical reception of unaccompanied migrant children. This means that all children staying in Sweden experience the same care system.

The report further states that in 2020, the Government entrusted the Swedish Agency for Participation with the task of collecting and presenting information about the specific consequences and challenges that the pandemic entailed for children, young people with disabilities and their families.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 17§1 of the Charter.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion the Committee concluded that the situation in Sweden was in conformity with Article 17§2 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions and the general questions.

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

Costs associated with education

In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that compulsory school pupils are entitled to a place in a municipal school based on proximity but they may choose another municipal school or private school subject to capacity. The rules governing private schools are designed to create equality between public and independent schools. Independent schools can be freely established after the Swedish Schools Inspectorate has approved that they fulfil the criteria of the Education Act. Funding of resident children attending schools other than those run by the municipality is based on the actual cost of the service or the cost of organising the same programme in public schools in the home municipality.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments).

According to the report, the Education Act states that children must be continuously encouraged to take an active part in the further development of the education system and be kept informed about matters that concern them. Pupils must always have the opportunity to take the initiative on issues that are important to them in terms of education.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that pre-schools, schools and other educational activities which are regulated by the Education Act (2010:800) have to be free from bullying, harassment and discrimination. In May 2021, the Ministry of Education and Research presented a National Plan for safety and non-violence in the school environment. Each school is required to have a local code of conduct. The Equality Ombudsman, in collaboration with the Ombudsman for Children and Students at the Swedish Schools Inspectorate, carries out special information campaigns on where children, students and guardians can turn to when someone has been discriminated against or treated unfairly at school.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, the Government made it its absolute priority to provide students with the education to which they are entitled. The general guidelines were to make schools and preschools the last to close and the first to open. To monitor the effects of the pandemic, the Government commissioned the Swedish National Agency for Education in cooperation with other actors and the Swedish National Agency for Higher Vocational Education to follow and assess the effects of the pandemic on the school system and post-secondary higher vocational education.

The report indicates that students who are already facing challenges at school, such as pupils with special needs, those from socio-economically vulnerable homes or those learning Swedish for immigrants, are the ones who find it hardest to benefit from remote learning. Many pupils have been negatively affected by the pandemic, especially those in their final year of upper secondary school who are preparing to enter the labour market or higher education. To remedy this situation, the Government has made it easier for pupils who completed their upper secondary education in 2020 or 2021 to contest their final grade and ask for re-examination by reducing the cost to do so.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), Committee considered that the situation in Sweden was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Free services and information for migrant workers

In its previous conclusion, the Committee considered that the situation was in conformity with the Charter on this point. It recalled that while the provision of online resources is a valuable service, the Committee considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres. It asked for information on any in-person services to be included in the next report (Conclusions 2015).

The report provides information on the independent Inquiry on Labour Immigration which was assigned by the Government on 6 February 2020. In its final report, the Inquiry describes the need of information to immigrant workers and information campaigns. It also highlights good examples of information efforts by trade unions and employers’ organisations.

Measures against misleading propaganda relating to emigration and immigration

In its previous conclusion, the Committee recalled that to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia and to prevent trafficking in women (Conclusions 2015). Such measures, which should be aimed at the whole population, are necessary to counter the spread of stereotypes such as immigrants’ supposed predisposition to crime, violence or drug abuse and disease (Conclusions XV-1 (2000), Austria). Authorities should take action in this area as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia). The Committee asked for complete and up-to-date information on any measures taken to address trafficking in human beings (Conclusions 2015).

The report does not provide the requested information. The Committee takes note of the measures taken by authorities in respect of trafficking in human beings from the GRETA's Report and Government's Comments, published 8 June 2018.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 19§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Sweden to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), Committee considered that the situation in Sweden was in conformity with Article 19§3 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

In its previous conclusion (Conclusions 2015), the Committee noted that Sweden coordinates its social security under the EU system with other European countries and had concluded bilateral agreements with countries outside of the EU/EEA. The Committee asked for further information on the content of these bilateral agreements, and specifically asked for clarification of whether they refer to coordination or cooperation of social services, rather than social security alone, on an international level (Conclusions 2015).

In its previous conclusion, the Committee reiterated its request and asked that the next report provide an updated description of the situation as regards communication and cooperation between Swedish authorities and bodies in other Member States charged with provision of social security and welfare assistance in respect of migrant workers and their families (Conclusions 2015). It considered that should the next report did not contain the requested information, there would be nothing to demonstrate that the situation is in conformity with the Charter (Conclusions 2015).

The report reiterates the information provided in the previous report of Sweden (14th national report) namely that Swedish social security legislation is coordinated under the EU system for coordination of social security. In addition, Sweden had concluded bilateral agreements on social security with countries outside the EU/EEA area.

Due to the failure to provide the requested information on the bilateral agreements concluded by Sweden with countries outside the EU/EEA area and on cooperation between Swedish authorities and bodies in other States charged with provision of social security and welfare assistance in relation to migrant workers and their families, the Committee concludes that the situation in Sweden is not in conformity with Article 19§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of its reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below the Committee concludes that the situation in Sweden is not in conformity with Article 19§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

List of information missing:

- information on the content of the bilateral agreements concluded by Sweden with countries outside the EU/EEA area, and specifically clarification of whether they refer to coordination or cooperation of social services, rather than social security alone, on an international level;

- an updated description of the situation as regards communication and cooperation between Swedish authorities and bodies in other States charged with provision of social security and welfare assistance in relation to migrant workers and their families.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Sweden was not in conformity with Article 19§4 of the Charter on the ground that treatment not less favourable than that of Swedish workers with respect to the enjoyment of the benefits of collective bargaining is not guaranteed for foreign posted workers lawfully within the territory of Sweden.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity and to the questions raised in its previous conclusion.

Remuneration and other employment and working conditions

In its previous conclusion, the Committee recalled that in its decision on the merits of 3 July 2013 in *Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden*, Complaint No. 85/2012 it held that Sections 5a and 5b of the Foreign Posting of Employees Act (1999:678) were contrary to Article 19§4(a) of the Charter insofar as these provisions do not secure for foreign posted workers lawfully within the territory of Sweden treatment not less favourable than that of Swedish workers with comparable occupational experience and skills, with respect to remuneration and other working conditions (Conclusions 2015). The Committee noted that that the situation had not changed, and it reserved its position as to whether Swedish law guarantees equal treatment in respect of remuneration and other employment and working conditions as it was subject to the follow-up of the above-mentioned decision (*LO/TCO v. Sweden*) (Conclusions 2015).

The Committee refers to in its Findings adopted in December 2022 on the follow-up to its decision in *Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden*, Complaint No. 85/2012, where it considered that the situation had been brought into conformity with Article 19§4(a) of the Charter given that as regards remuneration and other employment and working conditions, the legal framework now ensures that posted workers in Sweden benefit from the same treatment as local workers in a comparable position.

Membership of trade unions and enjoyment of the benefits of collective bargaining

In its previous conclusion, the Committee concluded that the situation in Sweden was not in conformity with Article 19§4 of the Charter on the ground that treatment not less favourable than that of Swedish workers with respect to the enjoyment of the benefits of collective bargaining is not guaranteed for foreign posted workers lawfully within the territory of Sweden (Conclusions 2015).

The report indicates that a posted worker is free to join an employee organisation in the same way as Swedish employees. It is stated that even a posted worker that is not bound by an existing collective agreement enjoys rights from it. The report further states that the possibilities for Swedish employee organisations to take industrial action aimed at bringing about a regulation by collective agreement of the terms and conditions for posted workers were extended. For example, accommodation for posted workers is one of the conditions that can be enforced by industrial action.

The Committee refers to in its Findings adopted in December 2022 on the follow-up to its decision in Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden, Complaint No. 85/2012. The Committee noted that it is not clear from the information provided by the Government, in particular as regards Sections 32 and 33 of the Posting of Employees Act, whether the legislation requires employers posting workers in Sweden to appoint a representative who is entitled to negotiate and sign collective agreements. The Committee asked for this to be clarified and, in the meantime, it considered that the situation has not been brought into conformity with Article 19§4b of the Charter on the ground that it has not been established that Sweden secures for foreign workers lawfully within its territory treatment no less favourable than that of Swedish nationals in respect of the enjoyment of the benefits of collective bargaining (see Findings 2022).

Due to the failure to provide the information concerning the enjoyment of the benefits of collective bargaining by posted workers, the Committee concludes that the situation in Sweden is not conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

Accommodation

In its previous conclusion, the Committee noted that no information on the issue of accommodation with regard to migrant workers was provided. The Committee therefore asked that the next report provide a full and up-to-date description of the situation. It stated that if the next report did not provide the requested information there would be nothing to establish that the situation is in conformity with the Charter (Conclusions 2015).

The report does not provide the requested information concerning accommodation available to migrant workers and their families.

The Committee recalls that there must be no legal or *de facto* restrictions on home-buying, access to subsidised housing or housing aids, such as loans or other allowances (Conclusions IV (1975), Norway and Conclusions III (1973), Italy).

Due to the failure to provide the information on access of migrant workers and their families to subsidised housing or housing aids, such as loans or other allowances, the Committee concludes that the situation in Sweden is not conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below the Committee concludes that the situation in Sweden is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter. List of information missing:

- whether the legislation requires employers posting workers in Sweden to appoint a representative who is entitled to negotiate and sign collective agreements;
- information on access of migrant workers and their families to subsidised housing or housing aids, such as loans or other allowances.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Sweden to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in reaction to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee found the situation in Sweden to be in conformity with the Charter and raised a number of questions.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the questions raised by the Committee in the previous conclusion (Conclusions 2015).

Conditions governing family reunion

In its previous conclusion (Conclusions 2015), the Committee took note from the National Report of the European Policy Centre on the Family Reunification Project 2011 with regard to the level of means required by States to bring in the family, that unemployment insurance or similar work related to income are taken into account in the calculation of the income of a migrant worker who has applied for family reunion. The Committee also noted from the same source that Swedish courts took into account the individual circumstances of the migrant concerned in family reunification cases. In the previous conclusions, the Committee asked that the next report contain further details on any income thresholds, and on what basis the calculation of income is made, including what forms of income or social assistance are eligible to be taken into account.

The report does not provide any answer and limits its submission to refer to the previous report from 2014.

The Committee notes from the website of the Swedish Migration Agency that for the family reunification, the migrant worker should be able to support themselves, other persons living in the household and the family members who are applying for a residence permit. According to this website, the amount of income necessary in order to fulfil the maintenance requirement depends on how large the family is and how high the accommodation costs are. The after-tax income must be sufficient enough, after the accommodation costs are paid each month, to cover, among other things, the cost of food, clothing, personal hygiene products, telephone costs and insurance of all the members of the household. The income that is taken into account includes salary/wages from work, unemployment benefits, sickness benefits, income-based old-age pensions. The Committee also takes note from the AIDA (Asylum Information Database) website that refugees whose family applies for family reunification within three months of the sponsor being granted a permit are exempt from this requirement.

The Committee concludes, on the basis of the information provided on the website of the Swedish Migration Agency that the situation is in conformity with the Charter on this point.

In the previous conclusion (Conclusions 2015), the Committee asked whether there are language requirements for family reunion, and if so, what are the criteria and how they are applied.

The report does not provide any answer and limits its submission to refer to the previous report from 2014. The Committee concludes that the situation in Sweden is not in conformity with Article 19§6 of the Charter due to the failure to provide the information on whether there are any language requirements for family reunion, and if so, what are the criteria and how they

are applied. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

In the previous conclusion (Conclusions 2015), the Committee also asked for further information in the next report on the reasons for denial of requests for family reunion. The report does not provide any answer and limits its submission to refer to the previous report from 2014. The Committee concludes that the situation in Sweden is not in conformity with Article 19§6 of the Charter due to the failure to provide the requested information. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

The Committee also asked for up to date information concerning the procedures of appeal in cases of family reunion. The report does not provide any answer and limits its submission to refer to the previous report from 2014.

The Committee notes from the UNHCR webpage that if the application for family reunification is rejected by the Swedish Migration Agency, the applicant has the right to submit an appeal before the Migration Court. The appeal must be submitted within three weeks after the applicant received the refusal decision of the Swedish Migration Agency. The Committee also notes from the previous conclusion (Conclusions 2015) that the Swedish courts consider that individual circumstances of the migrant worker and the family in family reunification cases.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 19§6 of the Charter due to the failure to provide the information listed below. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter. List of questions/Information missing:

- whether there are language requirements for family reunion, and if so, what are the criteria and how they are applied;
- information on the reasons for denial of requests for family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), pending receipt of the information requested, the Committee found the situation in Sweden to be in conformity with Article 19§7 of the Charter. In the present conclusion, the assessment of the Committee will therefore concern the information provided in response to the previous questions raised by the Committee.

In the previous conclusion (Conclusions 2015), the Committee noted that to pay the cost of a lawyer or a legal practitioner a person involved in a legal dispute must primarily use the legal protection cover that is included in their home insurance. If the person does not have a home insurance, they could be entitled to legal aid in certain circumstances. The Committee therefore asked what these circumstances are specifically.

The report does not provide any answer and limits its submission to refer to the previous report from 2014.

The Committee notes that under the Legal Aid Act, if the person does not have a home insurance, they could be eligible for publicly funded legal aid if their annual income does not exceed SEK 260,000 (approximately € 22,253 in November 2023) . According to Article 22(b) of the Legal Aid Act, if the annual income exceeds SEK 260,000, legal aid is granted if the applicant shows that they are wholly or partially incapable of bearing the costs.

In the previous conclusion (Conclusions 2015), the Committee noted that the legal aid can be increased if there are special reasons. It therefore asked what types of situations may be considered a special reason.

The report does not provide any answer and limits its submission to refer to the previous report from 2014.

The Committee notes that under Article 27A of the Legal Aid Act, additional costs in respect of legal aid relate to the additional time and effort incurred as a result of the counsellor having their activity far from the place where the legal matter was mainly dealt with. At the request of the applicant, such additional costs are covered by the right to compensation.

In the previous conclusion (Conclusions 2015), the Committee took note that the legal aid does not mean that the state automatically pays all costs for a lawyer or a legal practitioner and that the person who receive legal aid pays a part of the cost for a lawyer as a legal aid fee. the Committee noted that the level of contribution is staggered between 2% and 40% and asked for further information on how the level of legal aid provision is determined and what criteria are applied.

Moreover, in the previous conclusion (Conclusions 2015), referring to its Statement of Interpretation on the rights of refugees under the Charter, the Committee asked under what conditions refugees and asylum seekers may receive legal aid.

The report does not provide any answer to these questions and limits its submission to refer to the previous report from 2014. The Committee does not find the answer to its previous questions (§§10 and 11) in the provisions of the Legal Aid Act. The Committee concludes that the situation in Sweden is not in conformity with Article 19§7 of the Charter.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 19§7 of the Charter on the ground that equality regarding legal proceedings is not guaranteed.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Sweden to be in conformity with Article 19§8 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§8, and the previous conclusion found the situation in Sweden to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 19§8 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Sweden to be in conformity with Article 19§9 of the Charter, pending receipt of the information requested.

In the previous conclusion (Conclusions 2015), the Committee took note that the Swedish Consumer Agency is to set up a web-based information service to compare the costs of transferring money from Sweden to low- and middle-income countries. The intention is to enable consumers to find the best services, and also to increase competition among providers of transfer services. Recalling that the right to transfer earnings and savings includes the right to transfer movable property (Conclusions 2011, Statement of Interpretation on Article 19§9), the Committee requested that the next report contain an up-to-date description of the situation with regards to restrictions on the transfer of money and movable property.

The report does not provide an answer to neither of the questions raised by the Committee and refers to the previous report submitted in 2014. The Committee concludes that the situation in Sweden is not in conformity with Article 19§9 of the Charter due to the failure to provide the information on up-to-date description of the situation with regards to restrictions on the transfer of money and movable property. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 19§9 of the Charter due to the failure to provide the information listed below. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter. List of questions/Information missing:

- up-to-date description of the situation with regards to restrictions on the transfer of money and movable property.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Sweden.

In the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

On the basis of the information in the report and for the reasons stated in its conclusion under Article 19§4, the Committee finds that the specific ground of violation, namely the restriction brought by the Posting of Employees Act, of the right to collective bargaining and thereby the right to equal conditions in employment, apply only to employed migrants (posted workers) as they relate directly to the regulation of the employment relationship. They cannot therefore apply equally to self-employed workers. The Committee finds that the difference in treatment stems from the position of work and not from the position of being a migrant. Therefore, there is no violation of Article 19§10 in this respect.

However, the Committee has also found the situation in Sweden not to be in conformity with Articles 19§3, 19§6, 19§7, 19§9 and 19§12 of the Charter. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in Sweden is not in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§3, 19§6, 19§7, 19§9 and 19§12 apply also to self-employed migrants.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Sweden to be in conformity with Article 19§11 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§11, and the previous conclusion found the situation in Sweden to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Sweden to be in conformity with Article 19§12 of the Charter and requested updated information on any developments concerning the teaching of the migrant worker’s mother tongue to the children of the migrant worker; and on how many eligible students are enrolled in courses of education in their mother tongue during the reference period. The assessment of the Committee will therefore concern the information provided in response to the previous questions.

In the previous conclusion (Conclusions 2015), the Committee took note of the legal provisions concerning the teaching of mother tongue of migrants. It asked that the next report provide updated information on any developments.

In the previous conclusion (Conclusions 2015), the Committee took note that in Sweden, about 20% of all pupils at compulsory school level are entitled to mother tongue education. The Committee took note of the number of students in 2009/10 and in 2012/13 who were entitled to mother tongue education and asked that the next report provide information as to how many eligible students are enrolled in courses of education in their mother tongue during the reference period.

The report does not provide any answer to neither of the questions of the Committee and limits its submission to refer to the previous report submitted in 2014.

Due to the failure to provide information on any developments concerning the teaching of the migrant worker’s mother tongue to the children of the migrant worker and as to how many eligible students are enrolled in courses of education in their mother tongue during the reference period, the Committee concludes that the situation in Sweden is not in conformity with Article 19§12 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Sweden is not in conformity with Article 19§12 of the Charter due to the failure to provide the information listed below. The Committee considers that this failure to provide information amounts to a breach by Sweden of their reporting obligations under Article C of the Charter. List of questions/Information missing:

- updated information on any developments concerning the teaching of the migrant worker’s mother tongue to the children of the migrant worker;
- how many eligible students are enrolled in courses of education in their mother tongue during the reference period.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in Sweden to be in conformity with Article 27§1 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

In reply, the report states that it was recommended by the Public Health Agency of Sweden that everyone who could work from home should do so and there were no exceptions made due to family responsibilities.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in Sweden to be in conformity with Article 27§2 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

According to the report, there were no changes concerning the right to parental leave due to the Covid-19 crisis except for the temporary extension of the right to temporary parental benefit. Since there was no lock-down in Sweden during the Covid-19 pandemic, schools and preschools remained open. Nevertheless, during short periods (ranging from a few days to a few weeks), some of these educational facilities were closed due to high sickness rates. The guardian of a child attending the temporarily closed school or of a sick child, who needed to refrain from gainful employment to care for the child, was given the possibility of leave and compensation for loss of earnings. As a result, almost 8.4 million days of temporary parental benefits were paid to caregivers in 2021.

The Committee notes other positive developments regarding parental leave contained in the report. Namely, since 2016, the number of parental leave days reserved for each parent increased from 60 to 90 days. Also, since the last report, the basic level of parental benefit, paid to parents who do not have a qualifying income has been raised from 225 SEK (18.9€) to 250 SEK (21€) per day.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 27§2 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in Sweden to be in conformity with Article 27§3 the Charter, there was no examination of the situation in 2023 on this point.

Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

The report states there were no changes, nor any exceptions to the prohibitions of dismissals on the ground of family responsibilities due to the pandemic. Also, no ceiling on compensation for unlawful dismissals on the ground of family responsibilities was applied.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 27§3 of the Charter.

Article 31 - Right to housing
Paragraph 1 - Adequate housing

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Sweden was in conformity with Article 31§1 of the Charter, pending receipt of the information requested (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in response to the questions raised in its previous conclusion and to the targeted questions.

Criteria for adequate housing

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g. number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

The report refers to a survey published by Statistics Sweden (*Statistikmyndigheten*) in 2021, which indicated that 16% of the population lived in overcrowded housing. A survey published by the Swedish National Board of Housing, Building and Planning (*Boverket*) in 2020, using a different methodology, estimated that 9.9% of the population lived in overcrowded housing; 7.8% of all households lived in a dwelling with leaking roofs, damp walls or floors, rot in window frames or floors, or cracked windows; 5.3% of all households were considered to have “strained housing expenditure”; 1.2% suffered from a combination of overcrowding and “strained housing expenditure”. The report also notes that, from 2016 until 2019, a grant scheme funded renovation and energy efficiency work in multiple occupancy dwellings from vulnerable or distressed areas, although take up was relatively low.

Amendments to the Housing Provision Act adopted in 2022, outside the reference period, required municipal plans to include figures on the number of households with difficulties in finding adequate housing on the open market. The report lists several regulations such as the Housing Management Act, the Land Code, the Planning and Building Act, the Swedish Environmental Code and the Ordinance on Environmental Hazardous Activities, which, among others, lay down standards for rental accommodation and provide tenants with different remedies to address health hazards. The report further notes that the Swedish Tenant Association, with more than 500,000 members, works with different stakeholders to remedy any problems related to rental accommodation and provides tenants with legal advice and assistance in case of disputes with their landlords.

In its previous conclusion, the Committee asked for comprehensive statistics on the expenditure of the state and municipalities aimed at providing adequate housing to those who were unable to get access to housing in the market without public support (Conclusions 2015). While reiterating that such data is not collected regularly, the report refers to a *Boverket* study published in 2015, which included information on the expenditure from municipal budgets for addressing housing needs outside the regular housing market. For instance, the total costs for addressing the needs in question was approximated at SEK 5.3 billion per year, or SEK 240,000 per person. The secondary housing market, which covered “social” and “municipal” leases involving municipalities that acted as primary tenants for housing that was then sublet to vulnerable households, amounted to SEK 1.8 billion annually, or SEK 140,000 per person.

The budget for accommodation as part of substance abuse dependency care amounted to SEK 2.6 billion annually, or SEK 550,000 per person.

In its previous conclusion, the Committee asked for information on the outcome of the evaluation carried out by the *Boverket* regarding the practical impact of the amendments to the legislation on public housing companies and rent setting which came into force on 1 January 2011 (Conclusions 2015). The report notes that, according to the evaluation report published in 2017, the amendments in question have not resulted in significant disruption in the rental housing market in general. In particular, the new rent-setting mechanism, which is based on collective negotiations between tenants' and landlords' associations, has not resulted in rent increases as initially feared.

Responsibility for adequate housing

The Committee previously found the situation to be in conformity in this respect (Conclusions 2015).

Legal protection

In its previous conclusion, the Committee reiterated its request for information on the cost of legal representation during proceedings before Rent Tribunals (Conclusions 2015). While reiterating that no data is available in this respect, the report stresses that the proceedings in question are free of charge. Furthermore, the report notes that the need for legal representation is reduced, due to the proceedings being relatively uncomplicated, and tenants are expected to manage without a legal counsel. Nonetheless, tenants may engage legal counsel, with the costs covered primarily from standard home insurance, or from legal aid funds, subject to the conditions set out in the Legal Aid Act, previously assessed by the Committee as being in conformity with Article 31§1 of the Charter (Conclusions 2015).

Measures in favour of vulnerable groups

In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis. The report notes that no additional measures have been taken during the pandemic specifically targeting housing for vulnerable groups, although social service providers in the civic sector received grants amounting to SEK 330 million in total that could be used towards ensuring access to housing, among other types of assistance.

The report provides additional information about a state-funded investment scheme introduced in 2016 and ending on 31 December 2021, which was subject to the requirement that one in eight housing units in participating new housing developments be reserved for young people or members of disadvantaged minorities. The report notes that housing developments comprising 52,400 housing units in total were approved for funding under the scheme, of which 28,700 housing units had already been completed by the end of 2022.

In 2020, two Government-appointed investigators carried out research and formulated proposals for making the housing market more socially sustainable and for helping first-time buyers. These included adopting a new housing supply law, introducing a mandatory requirement for municipalities to provide rental guarantees for families with children or an obligation for landlords to justify the requirements placed on new tenants.

The report notes that, between 2017 and 2021, the Equality Ombudsman (EO) continued its focus on countering discrimination in the rental housing market. A report published in 2011 noted the dearth of information and knowledge on this topic. During the reference period, the EO received around 60 reports of discrimination related to housing every year. The Committee refers to its previous report for a more detailed description of the EO's work in the area (Conclusions 2015).

The report further refers to the housing component of the Strategy for Roma Inclusion 2012-2032, which the Committee outlined in its previous conclusion (Conclusions 2015). The Committee previously asked for information on the findings of the status report regarding the discrimination of Roma in the housing market that was due to be completed by the *Boverket* (Conclusions 2015). In response, the report notes that in 2014 and 2018 the *Boverket* published two status reports on the discrimination of Roma regarding housing in ten municipalities. The reports documented discriminatory practices when renting accommodation, involving hostile neighbours filing abusive complaints, or low levels of reporting discrimination for fear of retaliation. The *Boverket* additionally received funds to produce awareness-raising materials and conduct trainings for different stakeholder groups regarding the discrimination of Roma in the housing market.

Regarding the situation of refugees, the report notes that in 2017 the National Board of Social Affairs and Health published a guidance document for municipal social services working with vulnerable European Union/European Economic Area citizens lacking the right to reside in Sweden. The report further notes that refugees receive assistance under conditions laid down in the Social Services Act (2001). The report emphasizes that, accordingly, permanent accommodation in cars, caravans, shelters and similar makeshift conditions is considered unacceptable where children are involved, regardless of the legal status of their parents.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 31§1 of the Charter.

Article 31 - Right to housing

Paragraph 2 - Reduction of homelessness

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Sweden was not in conformity with Article 31§2 of the Charter on the ground that the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

Preventing homelessness

In a targeted question, the Committee asked for information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, in particular during the Covid-19 crisis. The Committee also asked for information on the overall number/rate of homeless persons.

The report notes that the latest survey on homelessness took place in 2017. According to its findings, more than 33,250 persons were found to be in a situation associated with homelessness, including almost half (15,900 persons) living in long-term housing arrangements, typically municipal housing. From that group, 62% were men and 38% women, while the average age was 40. According to the report, 46% were born outside Sweden, more common for women (48%) than for men (40%). One third of that group had children under the age of 18, meaning that more than 24,000 children had a parent classified as homeless according to the criteria used in the survey. 16,241 (or 49% of the total number of homeless individuals) lived in one of Sweden's three metropolitan regions - Greater Stockholm (7,247), Greater Gothenburg (5,097) and Greater Malmö (3,897). The report notes that, between 2018 and 2021, the Government allocated an annual grant of SEK 25 million to support the work of municipalities in tackling acute homelessness.

The report stresses that under the terms of the Social Services Act, the duty to provide support to individuals in need rests primarily at the municipal level. Temporary residents and undocumented migrants benefit from a basic assistance package in acute emergencies, which may have an accommodation component, decided on a case-by-case basis.

In 2020, the National Board of Health and Welfare completed research on measures to prevent and combat homelessness. The resulting recommendations included supporting the Housing First Initiative adopted at municipal level, increasing outreach work with the target population, improving work at the local level for preventing evictions, and improving the process of transitioning from shelters to permanent accommodation for victims of violence. In 2022 (outside the reference period), the Government adopted the National Strategy on Homelessness which incorporated some of these measures. The National Board of Health and Welfare was assigned the task of coordinating the measures envisaged under the Strategy and was further instructed to gather data on the extent and nature of homelessness, due to take place in 2023.

In its previous conclusion, the Committee asked for information on the follow-up to the final report presented by the Homelessness Coordinator in 2014 (Conclusions 2015). The report notes that the Homelessness Coordinator proposed that the national and regional dimensions of efforts to combat homelessness be strengthened, including through disseminating best

practices and developing a national comprehensive strategy to combat homelessness. The above-mentioned Strategy adopted in 2022 is part of the follow-up to these proposals.

The report notes that there is no evidence that the pandemic aggravated the problem of homelessness. The Government allocated more than SEK 85 million in grants to help people in particularly socially vulnerable situations during the pandemic. The report further notes that the child-related element of the housing benefit was increased during the same period. In April 2020, the Swedish Financial Supervisory Authority authorized lenders to provide mortgage payment breaks to help households who might have struggled with mortgage payments during the Covid-19 pandemic. Around 12% of all households benefited from this facility.

The report outlines the policies in place for helping newly arrived regular migrants integrate in the labour market and social life, including by providing adult education programs and allocating funding.

Forced eviction

In a targeted question, the Committee asked if the State Party declared a moratorium/prohibition on evictions during the pandemic, about its legal basis, its scope, or, alternatively, if any other measures were taken to limit the risk of evictions, including by supporting households who were unable to pay their bills. The Committee also asked for information on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps where Roma or Travellers were installed).

The report notes that no moratorium/prohibition on evictions was in place during the pandemic. However, according to information from other sources, the number of forced evictions remained relatively stable during the pandemic (Fondation Abbe Pierre, European Federation of National Organisations Working with the Homeless, "Seventh Overview of housing exclusion in Europe 2022"). Thus, in terms of eviction requests filed, there were 5,262 in 2019, 5,598 in 2020, and 6,324 in 2021. As to the number of forced evictions carried out, there were 2,355 in 2019, 2,106 in 2020 and 2,560 in 2021.

The report further indicates that the Enforcement Authority (EA) evicted 2,672 households in 2021. It also describes the standard eviction/removal procedure. Accordingly, the EA, the authority primarily in charge with managing evictions and removals, acts as an objective and impartial guarantor of the rule of law. Those subject to eviction or removal are entitled to prior notice and the right to make a statement before the procedure takes place, to having their situation subject to reasonable consideration, and to the avoidance of unnecessary harm.

In the case of evictions for unpaid rent, tenants have a grace period of three weeks for paying their debt. After that period expires, eviction may be prevented only based on an agreement with the landlord. Once a legally enforceable title of execution is issued, tenants may secure successive stays of execution of up to six months. The EA may grant another stay of execution of up to two weeks in consideration of the personal circumstances of those concerned. Tenants subject to an eviction procedure may obtain a hearing before the Rent Tribunal or District Courts, subject to conditions set out in the law.

The report notes that Article 27 of the UN Convention on the Rights of the Child, concerning the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development, has been incorporated in national law. The EA must inform social services of any eviction or removal planned to take place, and if that is expected to involve children. In the case of irregular migrants, the responsibility of social services is generally limited to relieving a temporary emergency.

With regard to unpaid electricity bills, the report notes that while these may lead to the household in question being disconnected from the network, tenants also benefit from extended protection pursuant to Chapter 11, Section 4 of the Electricity Act. In particular, social services must be notified of any household at risk of being disconnected. Depending on

circumstances, a subsistence allowance may be paid that covers living expenses, including rent and utility bills.

Right to shelter

In its previous conclusion, the Committee concluded that the situation in Sweden was not in conformity with Article 31§2 of the Charter on the ground that the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015).

The report reiterates that no formal ban of evictions from emergency accommodation/shelters without the provision of alternative accommodation is in place at the national level. The responsibility for managing emergency accommodation/shelters and housing in general rests at the municipal level and each municipality has its own regulations in place. Nonetheless, the report stresses that such evictions only occur exceptionally, where accommodation is not suitable to individual needs, with provision of alternative accommodation. In that sense, the report cites the case of persons in need of specialized care, who are moved from emergency accommodation/shelter to hospital or institutional care.

In a targeted question, the Committee asked for information on the availability and adequacy of emergency accommodation offered during the Covid-19 crisis. The Committee also asked for information on the right to shelter of unaccompanied foreign minors, including those irregularly present, in law and practice. The report notes that the pandemic did not have any impact on the right to shelter. The report further indicates that pursuant to the Social Services Act, municipalities are required to provide support and assistance to anyone within their jurisdiction, including with respect to housing, economic support, emergency accommodation, child protection, treatment for substance abuse or other social problems. In the case of individuals lacking residence rights, the responsibility of the social services is limited to providing emergency support, such as money for food or overnight shelter accommodation. Municipalities are also responsible for the reception of unaccompanied migrant children, including accommodation, daily care, any special support, conservators, and schooling.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 31§2 of the Charter.

Article 31 - Right to housing
Paragraph 3 - Affordable housing

The Committee takes note of the information contained in the report submitted by Sweden.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§3 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Sweden was in conformity with Article 31§3 of the Charter, pending receipt of the information requested (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in response to the questions raised in its previous conclusion and to the targeted questions.

Social housing

In a targeted question, the Committee asked for information on the measures taken to ensure an adequate supply of affordable housing, including with respect to the number of applications for social housing, the average waiting time for the attribution of social housing, the remedies available, and addressing the specific situation of Roma and Travellers. The Committee also asked for information as to whether and to what extent the Covid-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.

The report explains that the concept of “social housing” as such is not known in Sweden, but that the municipalities have a duty to ensuring that the housing stock in general is of a high standard. In discharging their function, the municipalities establish Municipal Housing Companies, which own approximately 832,000 rental dwellings or approximately 43% of the 1.5 million rental dwellings available in Sweden in total. Rent legislation, as well as other regulations concerning the rental housing sector, is the same for all, irrespective of ownership.

The report refers to the supplementary category of “social leases” or “municipal leases”, which designates accommodation provided pursuant to the local authorities’ social protection remit. This type of accommodation is typically conceived as a temporary solution for a wide range of social needs, subject to supervision or special conditions and rules, including for example people with substance abuse problems, young parents, people with psychosocial disabilities or homeless families with children. “Social/municipal leases” are procured from the open market, sublet to vulnerable households based on decisions taken by the social services, and fully or partially subsidised by the municipality in question. The report approximated the total number of “social/municipal leases” as of 1 January 2022 at just over 24,360, or 1.74% of the country’s total rental market.

The report notes that the rental market has not been affected by the pandemic.

The report provides information about a State-funded investment scheme introduced in 2016 and ending on 31 December 2021, which was subject to the requirement that one in eight housing units in participating new developments be reserved for young people or members of disadvantaged minorities. The report notes that housing developments comprising 52,400 housing units in total were approved for funding under the scheme, of which 28,700 housing units had already been completed.

In 2020, the Government appointed two investigators to carry out research and formulate proposals for making the housing market more socially sustainable and for helping first-time buyers. These included adopting a new housing supply law, introducing a mandatory requirement for municipalities to provide rental guarantees for families with children or an

obligation for landlords to justify the requirements placed on new tenants. The investigators' proposals are currently being considered.

In its previous conclusion, the Committee asked for an indication as to whether the affordability ratio of the poorest applicants for housing was compatible with their level of income (Conclusions 2015). The report notes that the information in question is not collected, but that a report of the Swedish National Board of Housing, Building and Planning (*Boverket*) from 2022 found that 5.3% of all households were considered to have "strained housing expenditure", whilst 1.2% suffered from a combination of overcrowding and "strained housing expenditure".

Housing benefits

The Committee asked for information on housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance.

The report reiterates that there are three types of housing benefits within the social security scheme as follows:

- housing allowance for families with children and for households without children aged 18–29;
- housing supplement for people that receive activity compensation or sickness compensation;
- housing supplement for people aged 65 and above, who are receiving full old-age pension.

The report provides detailed information for each of these benefits, including with respect to the number and categories of beneficiaries, number of benefit requests granted, refused, appealed, and number of decisions changed on appeal.

Conclusion

The Committee concludes that the situation in Sweden is in conformity with Article 31§3 of the Charter.