

## — Sweden and the European Social Charter —

### Signatures, ratifications and accepted provisions

Sweden ratified the European Social Charter on 17/12/1962: it accepted 62 of the Charter's 72 paragraphs.

Sweden ratified the Additional Protocol to the European Social Charter on 05/05/89, the Amending Protocol to the European Social Charter on 18/03/1992 and the Additional Protocol providing for a system of collective complaints on 29/05/1998.

It has not yet made a declaration enabling national NGOs to submit complaints.

Sweden ratified the Revised European Social Charter on 29/05/1998: it accepted 83 of the Revised Charter's 98 paragraphs.

### The Charter in domestic law

Statutory *ad hoc* incorporation by specific implementing legislation.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Sweden](#) in 2003, 2008, 2014 and in 2018.

In these reports, the Committee invited the Government of Sweden to consider accepting the non-accepted provisions identified in previous reviews as not posing any problem of acceptance, namely Articles 2§7, 3§4 and 8§4.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Collective complaints procedure <sup>2</sup>

### Collective complaints (under examination)

*Amnesty International and Médecins du Monde – International v. Sweden (Complaint No. 227/2023)*

The complaint was registered on 19 June 2023.

### Collective complaints (proceeding completed)

#### 1. Complaints inadmissible or where the Committee has found no violation

##### a. Inadmissibility

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##### b. No violation

*University Women of Europe (UWE) v. Sweden (Complaint No. 138/2016)*

- No violation of Article 4§3 (right to a fair remuneration - non-discrimination between women and men with respect to remuneration)
- No violation of Article 20 (right to equal opportunities and treatment in employment and occupation without sex discrimination)

[Decision on the merits of 6 December 2019.](#)

Follow up:

Resolution [CM/ResChS\(2020\)6](#) (Adopted by the Committee of Ministers on 9 September 2020 at the 1381st meeting of the Ministers' Deputies)

*Federation of Catholic Family Associations in Europe (FAFCE) v. Sweden (Complaint No. 99/2013)*

- No violation of Article 11 (the right to protection of health)

Decision on the merits of 17 March 2015.

Follow up:

- [Resolution Res/CM ChS \(2015\)13 on 17 June 2015](#) of the Committee of Ministers.

#### 2. Complaints where the Committee has found a violation which has been remedied

*Confederation of Swedish Enterprises v. Sweden (Complaint No. 12/2002)*

- Violation of Article 5 (right to organise)

[Decision on the merits of 15 May 2003.](#)

Follow up:

- [Resolution ResChS\(2003\)1 on 26 September 2003](#) of the Committee of Ministers.

- [Assessment of the European Committee of Social Rights on the follow up \(7 July 2016\).](#)

#### 3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Collective Complaints Procedure is available on the [relevant webpage](#).

#### **4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied**

*Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden (Complaint No. 85/2012)*

- Violation of Article 6§2 (right to bargain collectively)
- Violation of Article 6§4 (right to bargain collectively),
- Violation of Article 19§4 *a* and *b* (right of migrant workers to protection and assistance)

[Decision on admissibility and the merits of 3 July 2003.](#)

Follow up:

- [Resolution Res/CM ChS \(2014\) 1 on 5 February 2014](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow up \(7 July 2016\).](#)
- [2e Assessment of the European Committee of Social Rights on the follow up \(13 September 2017\)](#)
- [3e Assessment of the European Committee of Social Rights on the follow up \(31 January 2020\).](#)
- [4<sup>e</sup> Assessment of the European Committee of Social Rights on the follow up \(February 2023\)](#)

#### **5. Complaints where the Committee has found a violation, which has not yet been remedied**

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## II. Reporting system<sup>3</sup>

### Reports submitted by Sweden

Between 1964 and 2023, Sweden has submitted 20 reports on the application of the 1961 Charter and 22 reports on the Revised Charter.

The [21<sup>st</sup> report](#), submitted on 2/12/2021, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow up to decisions in complaints have been published in February 2023.

The [22<sup>nd</sup> report](#), which was submitted on 20/12/2022, covers the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

- 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 children and young persons to social, legal 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 opportunities and equal treatment (Article 27);
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in March 2024.

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<sup>3</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>4</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 10§5 – Right to vocational training - Full use of facilities available*

Equal treatment of nationals of other States Parties residing or working lawfully in Sweden is not guaranteed with regard to fees and to financial assistance for training.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 12§1 – Right to social security - Existence of a social security system*

- It has not been established that the minimum level of sickness benefit is adequate;
- The amount of the basic insurance (unemployment benefit) is inadequate.

### Thematic Group 3 "Labour rights" - Conclusions 2018

According to the applicable rules, Conclusions 2022 only refer to the information submitted by the Swedish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2018.

No cases of non-conformity retained.

### Thematic Group 4 "Children, families, migrants" - Conclusions 2015

According to the applicable rules, Conclusions 2019 only refer to the information submitted by the Swedish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2015.

► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*

The daily and weekly working time for children under the age of 15 is excessive and therefore cannot be qualified as light work.

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

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.

► *Article 7§9 – Right of children and young persons to protection - Regular medical examination*

A regular medical examination for young workers is not guaranteed by national laws or regulations.

► *Article 19§4 – Right of migrant workers and their families to protection and assistance – Equality regarding employment, right to organise and accommodation*

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.

► *Article 31§2 - Right to housing - Reduction of homelessness*

The law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

**The Committee has been unable to assess compliance with the following provisions:**

**Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Article 15§2 - Conclusions 2020

**Thematic Group 2 "Health, social security and social protection"**

- ▶ Article 3§2 - Conclusions 2021
- ▶ Article 3§3 - Conclusions 2021
- ▶ Article 11§2 - Conclusions 2021
- ▶ Article 13§1 - Conclusions 2021

**Thematic Group 3 "Labour rights"**

- ▶ Article 4§3 - Conclusions 2018
- ▶ Article 26§2 - Conclusions 2018
- ▶ Article 29 - Conclusions 2018

**Thematic Group 4 "Children, families, migrants"**

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### **III. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Entry into force in 2006 of the Children and School Students (Prohibition of Discrimination and Other Degrading Treatment) Act (2006:67). It, *inter alia*, prohibits discrimination of children and pupils on the basis of disability in the field of education.
- ▶ Under legislation adopted in 2005, foreign students are entitled to work in Sweden without obtaining a work permit for as long as their residence permit is valid.
- ▶ Adoption of the Act of 7 April 1994 against ethnic discrimination, including in employment.
- ▶ Adoption of Act No. 433 of 1991 on equal opportunities.

#### **Thematic Group 2 "Health, social security and social protection"**

- ▶ In 2001, legislation was enacted which makes health education a school subject in its own right.
- ▶ Entry into force on 1 January 2001 of the Social Security Act (Socialförsäkringslagen No. 1999/799) which contains provisions concerning work-related benefits which are no longer related to residence in Sweden; and all direct references to nationality have been abolished.
- ▶ Abolition of the provision of the legislation governing seafarers which provided that seamen could be bound by coercive measures to remain at their post (Act No. 282 of 18 May 1973 on the Merchant Navy).
- ▶ The Government has allocated increasing resources to the work environment area. A total of 100 million SEK (9.7 million €) per year was invested in 2015-2018. During the same period the Government increased the SWEA (Swedish Work Environment Authority)'s allocation with approximately 110 million SEK (10.7 million €) including to enable hiring more inspectors. Following the appropriation increase the SWEA has employed more than 150 new inspectors and the number of inspections has consequently increased.
- ▶ Legislation prohibiting discrimination on grounds of age outside of employment was adopted.
- ▶ The Swedish Government made significant investments in health care and education. Since 2017, the Government has strengthened basic protection and reduced income tax for pensioners, increased the level of unemployment insurance benefits and increased housing, maintenance and children's allowances.

#### **Thematic Group 3 "Labour rights"**

- ▶ Freedom not to join a trade union -there are no closed shop clauses in any of the collective agreements.

#### **Thematic Group 4 "Children, families, migrants"**

- ▶ The Act on the working environment has been extended to cover children under 18 who do not receive any income, including children related to their employer (1990) and those who work in their employer's home (1996).
- ▶ Abolition of the requirement for employers to pay for language courses for their migrant workers (Repeal in 1986 of Act No. 650 of 1972).