

Universal Periodic Review (35th session, January – February 2020)

Contribution of UNESCO

Sweden

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party (21/03/1968)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	22/01/1985 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	26/01/2011 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	18/12/2006 Ratification			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The “**Constitution** consists of four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.”¹ The **Instrument of Government**² ensures that “all children covered by compulsory schooling shall be entitled to a free basic education in the public education system. The public institutions shall be responsible also for the provision of higher education” (art 18). Art 12 and 13 protect against discrimination.

2. Under the **Education Act**, which entered into force in 2011, all children and pupils, regardless of geographic residence and social and economic conditions, are to have the same access to education. The Education Act also states that all education is to be free of charge, and that education must be based on the best interests of the child.³ In 2017, the **Education Act** was amended to make employers and educational institutions responsible for taking “active measures” to prevent and counteract discrimination within their organizations.⁴

3. The **Discrimination Act** entered into force in 2009 and explicitly bans discrimination in the educational system related to a person’s sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. In addition to prohibiting discrimination, the Discrimination Act also obliges preschools, schools and universities to actively prevent discrimination on grounds of gender, ethnicity, religion or other belief, disability, sexual orientation or age.⁵

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

4. Freedom of expression is guaranteed under the Fundamental Law on Freedom of Expression (1991), one of four fundamental laws constituting the Swedish Constitution.⁶

5. Defamation and insult is a criminal offense under Chapter 5 of the Swedish Penal Code (1962, amended in 2008), carrying a punishment of a fine for a regular case, and a penalty of up

¹ <http://www.riksdagen.se/en/documents-and-laws/#item81275>

² <http://www.unesco.org/education/edurights/media/docs/20933f8a00ac55a00842080556b4c70729ddf362.pdf>

³ Report submitted by Sweden for the ninth consultation on the implementation of the Convention and Recommendation against Discrimination in Education, 2016.

⁴ Concluding observations of the CERD, 2018, CERD/C/SWE/CO/22-23, para. 3.

⁵ http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/diskrimineringslag-2008567_sfs-2008-567 *unofficial translation* from the ninth consultation report, 2016.

⁶ <http://www.riksdagen.se/en/how-the-riksdag-works/democracy/the-constitution/>

to two years in prison or a fine for a gross defamation case that produces “serious damage”. Insult is punishable with a fine or, if it is gross, with a jail term of up to six months.

6. The Press is regulated under the Freedom of the Press Act (1766)⁷, which is an integral part of the country’s Constitution and serves as the country’s legislation on freedom of information. The Act as well as Public Access to Information and Secrecy Act of 2009 guarantees the public’s access to public documents.⁸

Implementation of legislation:

7. The Swedish Press and Broadcasting Authority⁹ regulates the media sector in Sweden. It is a government agency under the Ministry of Culture, with an advisory Board appointed by the government. It makes decisions regarding press subsidies to newspapers, TV licenses, etc. The Authority operates under Acts of Parliament, including in particular the Swedish Radio and Television Act.¹⁰

8. The Swedish Broadcasting Commission, which is an independent regulatory authority in charge of supervising the implementation of Swedish broadcasting legislation, operates within the Authority.¹¹ The Commission consists of six commissioners appointed by the Government.¹²

Safety of Journalists:

9. UNESCO has recorded no killings of journalists in Sweden since 2008. Journalists work in a safe environment.

III. Review and specific recommendations

A. Education

10. During the last UPR cycle, Sweden received recommendations to include human rights education in the school curricula and compile a report on the situation regarding human rights education, take steps to prevent incidents of violence against minority religious groups, including through education and awareness-raising campaigns, and ensure that undocumented children can benefit from education, in practice.

⁷ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44628/73451/F1101493786/SWE44628EnglishBasic.pdf>

⁸ https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=44628&p_country=SWE&p_count=2907

⁹ <https://www.mppt.se/en/about-us/>

¹⁰ <https://wipolex.wipo.int/en/text/464020>

¹¹ <https://www.mppt.se/en/complaints/>

¹² <https://www.mppt.se/att-anmala/granskningsnamnden/>

Access

- The Swedish education system is free of charge and available for all. All children between the ages of 7–16 must attend school. Municipalities also have the obligation to provide preschool from age 6. It is not compulsory, but more than 96 per cent of all 6-year olds attend.¹³

Children with disabilities

- The Swedish education system is based on the principle of inclusion. Only 1.3% of pupils are educated outside mainstream schools.¹⁴
- In July 2014 the **Education Act** was amended to ensure that pupils are given support in the form of additional adjustments if it is anticipated that they will not achieve minimum knowledge requirements.¹⁵
- The **National Agency for Special Needs Education and Schools** offers special needs education support, accessible teaching aids and government funding for development of initiatives of various kinds.¹⁶

Refugees and migrants

- The performance gap between foreign-born and native-born students remains high. One in two foreign-born students performed below the baseline in Science in 2015, and they are more than twice as likely as native-born students are to leave school early.¹⁷ National evidence shows that only 52% of students who migrated after the age of seven qualify for upper secondary education and the share drops to 28% among those who arrived at age 12 – 15, compared to the national average of almost 90%.¹⁸
- Newly arrived young migrants are assessed within two months so that the principal can develop an appropriate education plan. Separate introductory classes may be used for a maximum of two years, and should be located near mainstream classes to promote social integration. Special government grants are available to schools that provide extra teaching in Swedish as a second language.¹⁹
- A **Fast Track for Teachers Programme** helps newly arrived teachers get their qualifications validated quickly and enter a fast-track teacher-training programme, run partly in Arabic.²⁰
- Municipalities are required to offer Swedish language instruction to all adult immigrants who lack basic Swedish language skills²¹ and the Public Employment Service also offers vocational training, if necessary.²²

¹³ Report submitted by Sweden for the ninth consultation, op cit.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ OECD, “*Education Policy Outlook: Sweden 2017*”, p. 6. <http://www.oecd.org/education/Education-Policy-Outlook-Country-Profile-Sweden.pdf>

¹⁸ Ibid, p. 7.

¹⁹ Ibid, p. 8.

²⁰ Ibid.

²¹ Report submitted by Sweden for the ninth consultation, op cit.

²² UNESCO/ Global Education Monitoring Report (GEM) 2019. *Migration, displacement and education*. p. 154.

- Municipal authorities have an obligation to inform newly arrived families of their pre-school and school education rights. Pre-school curricula should also provide opportunities for non-Swedish-speaking children to develop their first language.²³

Quality

- The National Agency for Education is commissioned to improve results in schools with poor academic records and difficult circumstances.²⁴
- The Swedish Schools Inspectorate was established in 2008 and is now the agency responsible for inspection. The task of the inspectorate is to monitor how schools and relevant authorities comply with rules laid down in the Education Act and other national regulations. The Swedish Schools Inspectorate conducts regular supervision of all schools and can also initiate or – to investigate complaints from pupils, parents or other persons – undertake an investigation of a specific school.²⁵
- After years of declining performance, in 2015 Sweden started to show improvements in the PISA student assessment. Sweden shows one of the highest levels of efficiency in education with strong academic results to the number of hours students receive instruction or do homework.²⁶
- However, inequalities are growing in the school system. Socio-economic background is having an increasing impact on students’ performance, as is the neighbourhood of residence.²⁷

Minorities and xenophobia

- The National Agency for Education was given an assignment of awareness-raising in schools concerning xenophobia and racism in 2014 – 2017, which included training teachers, principals and others in dealing with these issues.²⁸
- Students belonging to ethnic or minority groups in Sweden share a general view on the existence of stereotypes and generalizations of these groups in Swedish schools. The most critical issue concerns the school curriculum, which is inadequate and discriminatory when describing ethnic and minority groups.²⁹
- The Sami report suffering racism in schools, and do not consistently have their linguistic right to mother-tongue education fulfilled. There is a strong need to ensure that the Sami languages are passed on, as the South and Lule Sami languages are at risk of becoming extinct.³⁰

²³ Global Education Monitoring Report, 2019, p. 45. <https://en.unesco.org/gem-report/report/2019/migration>

²⁴ Report submitted by Sweden for the ninth consultation, op cit.

²⁵ Report submitted by Sweden for the ninth consultation, op cit.

²⁶ OECD, “Country Note: Sweden 2015”, p. 1. <http://www.oecd.org/pisa/PISA-2015-Sweden.pdf>

²⁷ European Commission, Education and Training Monitor 2018: Sweden, p. 7

https://ec.europa.eu/education/sites/education/files/document-library-docs/et-monitor-report-2018-sweden_en.pdf.

²⁸ Report submitted by Sweden for the ninth consultation, op cit.

²⁹ Alternative report to Sweden’s 22nd and 23rd periodic reports to the CERD submitted by the United Nations Association of Sweden, 2018, p. 49.

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SWE/INT_CERD_NGO_SWE_30715_E.pdf

³⁰ Ombudsmannen mot etnisk diskriminering, “Discrimination of the Sami – the rights of the Sami from a discrimination perspective”, 2008, p. 24 - 25

Teachers

- The coalition for the teaching profession and the resulting increase in teachers' salaries, beginning in 2016, aims to improve teachers' wages and competence development.³¹
- The Boost for Teachers programme, introduced in 2007, will be further developed until 2018 as Boost for Teachers II. This programme focuses on enhancing the qualifications of teachers who are not qualified for all subjects or age groups they teach.³²
- A new "Teacher Salary Boost" initiative (Lärarlönelyftet) earmarks an additional SEK 3 billion (USD 339 million) per year in the budget for teacher salaries starting in 2016.³³

Specific recommendations:

11. Sweden should be encouraged to:

- Continue upholding the right to education for all, and providing equal access to vulnerable groups such as the Roma and Sami.
- Ensure that the education sector addresses xenophobia and intolerance in society through human rights and citizenship education, and address and remove negative stereotypes from the curricula and educational materials.
- Continue to ensure the integration of refugees and migrants at all stages of education, including through the provision of TVET and lifelong learning opportunities.
- Ensure that mother-tongue education for ethnic and national minorities is consistently provided in Swedish schools and consider introducing new educational initiatives to protect the cultural and linguistic identity of minorities.
- Continue efforts to improve teaching conditions to improve job satisfaction and ensure that the most-qualified stay in the profession.
- Continue its efforts to submit regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.³⁴

B. Freedom of opinion and expression

12. The Government is recommended to decriminalize defamation and place it within the civil code that is in accordance with international standards.

13. The Government is recommended to assess regulation, to ensure that the Swedish Broadcasting Commission is structurally independent.

³¹ OECD, "Education Policy Outlook: Sweden 2017", op cit. p. 4.

³² Ibid, p. 4

³³ Ibid, p. 17.

³⁴ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

C. Cultural rights

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³⁵, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁶ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³⁷, Sweden is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Sweden is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

15. Sweden did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Sweden is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

³⁵ Periodic Report available at: <https://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>

³⁶ Periodic Report available at: <https://ich.unesco.org/en-state/sweden-SE?info=periodic-reporting#rp>

³⁷ Periodic Report available at: <https://en.unesco.org/creativity/governance/periodic-reports/2016/sweden>