



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Sweden

1. The Committee considered the third periodic report of Sweden (CRC/C/125/Add.1), at its 1001st and 1002nd meetings (see CRC/C/SR.1001 and 1002), held on 11 January 2005, and adopted at its 1025th meeting, held on 28 January 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report prepared in a participatory way, in accordance with the General Guidelines Regarding the Form and Contents of Periodic Reports (CRC/C/58) of 20 November 1996 and submitted in due time. The Committee welcomes the written replies to its list of issues (CRC/C/Q/SWE/3), which gave a clearer understanding of the situation of children in the State party. It further welcomes the frank dialogue and the replies provided by the members of the inter-ministerial delegation.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee highly appreciates the follow-up measures taken by the State party to implement its previous recommendations (CRC/C/15/Add.101) made upon consideration of the State party's second periodic report (CRC/C/65/Add.3), including the holding of a public debate in Parliament followed by various legislative, administrative and other measures with a view to implementing the Committee's recommendations, resulting among others, in:

(a) The 1999 National Strategy for the Implementation of the Convention on the Rights of the Child, its update and continuation by a Communication to the Parliament (Comm. 2003/04:47);

(b) The 2000 Plan of Action for National Disability Policy and the amendments of relevant laws to improve the implementation of the rights of children with disabilities;

(c) The amendments of 2002 to the Social Security Act to improve protection of children from abuse;

(d) The non-recognition of the early and forced marriages by the law that entered into force on 1 May 2004;

(e) The entry into force on 1 January 2005 of the amended legislation on intercountry adoption (Bill 2003/04:131);

(f) The various legislative measures to improve the protection of children from sexual abuse and exploitation.

C. Principal areas of concern and recommendations

1. General measures of implementation

The Committee's previous recommendations

4. The Committee welcomes again the implementation of its recommendations made upon consideration of the State party's second periodic report. The Committee, however, regrets that some of the concerns and recommendations have been insufficiently addressed, particularly those contained in paragraphs 11 (discrimination against "children in hiding"), 16 (provision of family counselling services free of charge), 18 (economic disparities) and 19 (bullying). The Committee notes that those concerns and recommendations may be reiterated in the present document.

5. The Committee urges the State party to make every effort to address the concerns contained in the present concluding observations on the third periodic report.

Independent monitoring

6. The Committee welcomes the enactment of the 2002 Bill reinforcing the role of the Children's Ombudsman and notes with appreciation the many activities undertaken by the Children's Ombudsman for the implementation of children's rights. It is, however, the view of the Committee that further improvements can be accomplished.

7. The Committee recommends that:

(a) **The State party consider providing the Children's Ombudsman with the mandate to investigate individual complaints;**

(b) **The annual report of the Children's Ombudsman be presented to the Parliament, together with information about measures the Government intends to take to implement the recommendations of the Children's Ombudsman.**

Implementation, coordination, evaluation and National Plan

8. The Committee notes with satisfaction the approval in 1999 by the Parliament of the Strategy for Implementation of the United Nations Convention on the Rights of the Child in Sweden and the subsequent appointment of the Ministry of Health and Social Affairs as coordinating body for the implementation of the Strategy. However, the Committee is concerned that coordination of policies related to the implementation of the Convention is often weak between municipalities, county councils and ministries.

9. **The Committee recommends that a standing structure involving non-governmental organizations (NGOs) as well as relevant ministries, county councils and municipalities be established to coordinate actions between all actors to ensure the implementation of the Convention, including the concluding observations, at all levels.**

Data collection

10. The Committee notes with concern that:

- (a) No data are available on the total number of children with disabilities;
- (b) No data are available on child victims of abuse aged 15 to 18 years;
- (c) The total number of children victims of sexual exploitation is not precise.

11. **The Committee recommends that the State party establish coordinated approach between all entities collecting data on children and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. In particular, the Committee recommends that data on children:**

- (a) **With disabilities be collected and disaggregated by type of disability;**
- (b) **Victims of abuse be separated from that of adults;**
- (c) **Victims of sexual exploitation be more precise.**

Training/dissemination of the Convention

12. The Committee welcomes the information provided in the State party's report on the dissemination of the Convention and the steps taken by the Children's Ombudsman, various NGOs and the National Agency for Education to make the Convention known. The Committee is, however, of the opinion that the spirit of the Convention may not be sufficiently known and understood by children themselves and by all professionals working with and for children, in particular within the judicial system, among politicians and at the municipal level.

13. **The Committee encourages the State party to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights for children and professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others, as required.**

Cooperation with civil society

14. The Committee commends the State party for its excellent cooperation with NGOs. Nevertheless, the Committee notes that this cooperation is often ad hoc.

15. The Committee recommends that cooperation with NGOs be systematized and structured.

International development cooperation

16. The Committee notes with appreciation the State party's outstanding performance in the area of international cooperation and development assistance. In this regard, the Committee notes that the State party allocates a significant percentage of its gross domestic product to foreign aid, of which 60 per cent is spent on children or professionals and others who work with, for or on behalf of children or safeguard their interests.

17. The Committee recommends that the State party continue and strengthen its leading role in international development cooperation projects relating to children, inter alia, by taking into account in its bilateral cooperation with developing countries the concluding observations and recommendations made by the Committee regarding those countries and provide support for their implementation.

2. General principles

Non-discrimination

18. The Committee welcomes the measures taken by the State party to combat racism, especially as it pertains to children, and to ensure that education of children is directed to the development of respect for civilizations different from his/her own and of friendship among all peoples, in accordance with article 29 (1) of the Convention. However, the Committee is concerned about reports of racism, especially in schools, and of racist organizations recruiting children from the age of 13.

19. The Committee recommends that the State party continue strengthening the measures taken to combat racism and xenophobia, including in the field of education.

20. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow-up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's general comment No. 1 (2001) on the aims of education.

Best interests of the child

21. The Committee welcomes the new legislative measures and programmes incorporating the principle of the best interests of the child, in particular the 1998 amendment of the Parental Code, the instructions given to the National Board of Health and Welfare, the 1998 amendment

of the Social Services Act, and the Care of Young Persons Act. Nonetheless, the Committee is concerned that the best interests of asylum-seekers and migrant children are not sufficiently taken into consideration in asylum processes.

22. The Committee recommends that the State party take appropriate and efficient measures in order to ensure that the principle of the best interests of the child form the basis and guide the process and decisions in asylum cases involving children, inter alia, by reforming the guidelines and procedures of the Swedish Migration Board.

Respect for the views of the child

23. The Committee welcomes the various programmes and legislative reforms, such as the “influence forums” and the right of the child to have his/her views heard in legal proceedings and in school matters, established by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned that, despite the remarkable efforts, some children and young persons do not feel they have any real influence in matters concerning their life in society.

24. The Committee recommends that the State party:

(a) Ensure that administrative or other decisions relevant to children contain information on how the views of the children were solicited, on the degree to which the views of children were adopted and why;

(b) Consider providing children in very conflicting custody and visitation disputes with appropriate assistance.

3. Civil rights and freedoms

Access to information

25. The Committee is concerned about the degree of violence accessible to children on the Internet and shown on television early in the evenings. The Committee is further concerned about the insufficient protection of children against child pornography and violent computer games.

26. The Committee recommends that the State party take all necessary measures, including by enforcing appropriate legislation, providing parental education and awareness-raising of children, to effectively protect children against violence on the Internet, television and computer games, and against the display of child pornography and encourage international cooperation in this respect.

4. Family environment and alternative care

Illicit transfer and non-return

27. The Committee notes with appreciation that financial assistance is made available to cover the costs incurred by individuals when restoring illicitly transferred or non-returned children and the review currently under way of the implementation of the Hague Convention

No. 28 on the Civil Aspects of International Child Abduction of 1980. However, the Committee notes that there are still a number of pending cases to be solved involving children of mixed marriages.

28. The Committee recommends that the State party continue strengthening measures to prevent and combat illicit transfer and non-return of children and to solve pending cases, with due regard to the best interests of the child.

Alternative care

29. The Committee is concerned about:

- (a) The increasing number of children placed in institutions rather than in foster homes;
- (b) The fact that the proportion of children with a foreign background who are placed in institutions is higher than that of Swedish children;
- (c) The fact that the National Board of Institutional Care has a self-regulatory role.

30. **The Committee recommends that:**

- (a) **The State party take preventive measures specifically targeted at families with a foreign background, including awareness-raising within social services about the relevance of cultural background and immigrant status, so that help can be given before a situation develops that necessitates the taking of children into care;**
- (b) **The regulation of cases where children are taken into care against their will take place under a separate umbrella from that of the National Board of Institutional Care, and that this regulation also ensure the quality of care.**

5. Basic health and welfare

Health and health services

31. The Committee welcomes the information contained in the State party's report on the protection of mothers, infants and school-age children. It is encouraged by the National Action Plan for Healthcare Development (1999/2000:149). However, the Committee notes that this aspect of health care and services is the responsibility of county councils, and, in this respect, is concerned at possible inequalities between the various regions. The Committee is concerned, in particular, about the increasing number of school pupils who feel the effects of stress; the increasing incidence of suicide, bulimia, anorexia, overweight and obesity cases, and the lack of programmes on mental health of children.

32. **The Committee recommends that the State party take the necessary measures:**

- (a) **To reduce the stress level of school pupils and help them deal with its effects;**
- (b) **To prevent suicide;**

- (c) **To address the issue of bulimia and anorexia;**
- (d) **To address the issue of overweight and obesity;**
- (e) **To strengthen mental health programmes for children, both preventive and interventional.**

Adolescent health

33. The Committee welcomes the efforts taken with regard to sex education in schools, drug and tobacco use and alcohol abuse. However, the Committee remains concerned about the sharp increase in 2002 in abortions among teenagers, and about the prevalence of tobacco and drug use, and of alcohol abuse.

34. The Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It further recommends measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child. It also recommends that the State party continue its efforts to prevent and combat the use of tobacco and drugs, and the abuse of alcohol.

6. Education, leisure and cultural activities

Bullying

35. The Committee welcomes the efforts taken to eradicate bullying, such as the incorporation into the Education Act (*Skollagen - 1985:1100*) and into the national curriculum of rules on action to counter bullying, as well as the 2001-2002 campaign against bullying, entitled "Together" (*Tillsammans*). However, the Committee notes that the rules still have to be fully implemented and that bullying against children with disabilities and of foreign origin continues to be a concern.

36. The Committee recommends that the State party, in its efforts to prevent and combat bullying, pay special attention to children with disabilities and of foreign origins, and that the rules for countering bullying are fully implemented in all schools and other institutions with the involvement of children.

Education

37. The Committee welcomes the efforts of the State party to provide free compulsory schooling through the age of 16 years, including universal free pre-schools for children aged 4-5. It is, nevertheless, concerned that:

- (a) Children without resident permit, in particular children "in hiding", do not have access to education;

(b) There are considerable variations in results among the various regions.

38. **The Committee recommends that the State party pursue its efforts to ensure that:**

(a) **All children enjoy the right to education, including children without resident permit, and “children in hiding”;**

(b) **Variations in results and differences between schools and regions are eradicated;**

(c) **Vocational training is made available and that transition from school to work is supported.**

7. Special protection measures

Unaccompanied children

39. The Committee notes the efforts of the State party to address the situation of unaccompanied minors and to enhance the quality of reception and interviewing for asylum-seeking children. However, the Committee is concerned about:

(a) The high number of unaccompanied children having gone missing from the Swedish Migration Board’s special units for children without custodians;

(b) The very long processing period for asylum application, which may have negative consequences for the mental health of the child.

40. **The Committee recommends that the State party pursue its efforts in this area, in particular:**

(a) **To ensure a coordinated approach to the collection of information and statistics, allowing a response commensurate to the needs;**

(b) **To increase coordination between the different actors, in particular the police, the social services and Swedish Board of Migration, in order to react efficiently and in a timely manner when children disappear;**

(c) **To consider appointing a temporary guardian within 24 hours of arrival for each unaccompanied child;**

(d) **To continue and strengthen training of professionals working with and for children on the rights of these children;**

(e) **To conduct refugee status determination procedures for children in a child-sensitive manner, in particular by giving priority to applications of children and by considering child-specific forms of persecution when assessing an asylum-seeking child’s claim under the Convention relating to the Status of Refugees of 1951.**

Family reunification

41. The Committee is concerned at the excessive length of family reunification procedures for recognized refugees.

42. **The Committee recommends that the State party strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner.**

Sexual exploitation and trafficking

43. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan. It also welcomes the proposed revisions to the Criminal Code regarding sexual offences, which, if adopted, will improve the protection of children against sexual exploitation. However, the Committee is concerned at:

(a) The occurrence of trafficking in children, prostitution and related issues in Sweden and abroad committed by Swedish citizens;

(b) Reports of cases of sexually abused children as a result of contacts via the Internet;

(c) The little protection provided by Swedish legislation, due in part to the subjective and incomplete definition of the child under the Penal Code concerning child pornography.

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

(a) **Strengthen the protection measures for children who are using the Internet and the awareness-raising programmes for children about the negative aspects of the Internet, including by working with service providers, parents and teachers;**

(b) **Strengthen measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns;**

(c) **Strengthen the legislation against possession and production of child pornography, including by prohibiting the display of child pornography on the Internet by service providers, and by revising the definition of the child in the Penal Code concerning child pornography, setting a clear objective age limit at 18 years;**

(d) **Strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of children abroad, including by prohibiting the reissuance of passports for persons freed after posting bail;**

(e) Increase the protection provided to victims of sexual exploitation and trafficking, including prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001 respectively.

Juvenile justice

45. The Committee welcomes the enactment in 2002 of a law on mediation in connection with criminal offences in order to reduce the injurious effects of the crimes, the introduction in 1999 of custodial care and of community youth service as sanctions for young offenders. Nonetheless, the Committee is concerned about the lack of specialized prosecutors and judges to deal with children's issues.

46. **The Committee recommends that the State party review its legislation, policies and budgets to ensure the full implementation of juvenile justice standards, in particular article 37 (b) and article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995. In this respect, it is specifically recommended that the State party:**

(a) Ensure that prosecutors and judges dealing with children's issues are all appropriately trained;

(b) Ensure that punitive measures are taken only by judicial authorities, with due process and legal assistance;

(c) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency and crime.

8. Optional Protocols to the Convention

47. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It further welcomes the indication given by the State party of its intention to ratify soon the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

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

(a) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(b) Submit its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in due time, namely on 20 March 2005.

9. Follow-up and dissemination

Follow-up

49. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, where applicable, for appropriate consideration and further action.

Dissemination

50. The Committee further recommends that the third periodic report and the written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

51. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial and the Committee appreciates the State party's performance in this regard. The Committee invites the State party to submit its fourth periodic report, which should not exceed 120 pages (see CRC/C/118), by 1 September 2007.
