

Distr.

GENERAL

CRC/C/15/Add.101

10 May 1999

Original: ENGLISH

***Concluding Observations on the Committee on the
Rights of the Child : Sweden. 10/05/99.
CRC/C/15/Add.101. (Concluding Observations/Comments)***

Convention Abbreviation: CRC

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

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

Concluding observations: SWEDEN

1. The Committee considered the second periodic report of Sweden (CRC/C/65/Add.3) at its 521st to 522nd meetings (see CRC/C/SR.521-522), held on 22 January 1999 and adopted* (* At the 531st meeting, held on 29 January 1999) the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the second periodic report and commends the State party for the submission to the Committee of additional information during the intervening period on its own initiative. The Committee expresses its appreciation of the comprehensive nature of the report, while regretting that it did not entirely follow the Committee's guidelines, in particular by repeating information that had already been included in the initial report and making very limited reference to the concluding observations issued by the Committee upon its examination of that report and to their implementation. The report focuses too heavily on the description of legislative measures, while containing limited statistical and other information on the actual status of children. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/SWE/2) and the additional information provided to it during the course of the dialogue, which enabled it to assess progress in the implementation of the rights of the child in Sweden. The Committee welcomes the constructive dialogue with the State party's delegation.

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

3. The Committee appreciates the setting up of a parliamentary committee to review existing legislation to ensure its conformity with the principles and provisions of the Convention.

4. The Committee appreciates the efforts of the State party to implement the recommendations of the Committee (see CRC/C/15/Add.2, para. 12) and welcomes progress achieved in reviewing legislation and taking appropriate measures to improve the compatibility of the juvenile justice system with the Convention, especially articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

5. The Committee commends the support of the State party to international efforts to combat commercial sexual exploitation of children, and welcomes the adoption in 1997 of the National Plan of Action against the Commercial Sexual Exploitation of Children.

6. The Committee commends the State party for its continued commitment to the rights of the child in its development cooperation programmes, and notes with satisfaction that the State party is one of the few to meet, and exceed, the United Nations target of 0.7 per cent of GDP for development assistance. The Committee welcomes the efforts of the State party to provide training on human rights and the rights of the child to officials working for the Ministry of Foreign Affairs and the Swedish International Development Agency.

C. Principal subjects of concern and the Committee's recommendations

7. While noting the positive aspects of decentralization in the provision of services by the municipalities, the Committee is concerned that it has caused inconsistencies in policies and disparities in the provision or accessibility of services to children and their families. In line with its earlier recommendation (see CRC/C/15/Add.2, para. 10), the Committee recommends that the State party increase its efforts to ensure that municipalities respect the framework of government policies designed to protect children fully from any discrimination in the implementation of the Convention.

8. While the Committee welcomes the establishment in 1993 of an Ombudsman for children, in accordance with the Committee's recommendation (see CRC/C/15/Add.2, para. 10), it is concerned about a number of issues raised during the dialogue with the State party concerning the role, autonomy and structural position of the Ombudsman for children. The Committee welcomes the launching of an inquiry into the effectiveness of the Ombudsman, carried out by a one-man committee, and encourages the State party to examine carefully its results and consider reviewing the role and autonomy of the Ombudsman for children.

9. The Committee notes that the impact of the 1991-1993 recession experienced by the State party led to budgetary austerity measures which have had an impact on children and cause concern regarding the achievement of progress in the implementation of the Convention.

While welcoming the decision of the State party to give priority in the use of additional resources to children with special support needs, the Committee remains concerned about the introduction of charges and cutbacks in educational and social services provided by some municipalities as a result of budgetary austerity measures. The Committee recommends that the State party review the impact of the budgetary cuts so as to renew efforts to implement the Convention to the maximum extent of available resources, in accordance with article 4.

10. The Committee welcomes the decision of the State party to review the legislation setting a lower age for marriage for children resident in or nationals of other States. The Committee encourages the State party to consider changes in the legislation with a view to increasing protection against the harmful effects of early marriage and to eliminating discrimination among children within its jurisdiction.

11. With regard to article 2 of the Convention and to the Committee's earlier recommendation (see CRC/C/15/Add.2, paras. 7 and 13), the Committee notes with concern that the principle of non-discrimination is not fully implemented for the children of illegal immigrants, the so-called "children in hiding". The Committee recommends to the State party that it review its policies, with a view to expanding the services available to illegal-immigrant children beyond the provision of emergency health services.

12. The Committee expresses its concern about the reported increase in racism and xenophobia, and shares the concerns of the State party about the effectiveness of the existing legislation on "unlawful discrimination" and "agitation against an ethnic group". The Committee encourages the State party to act upon its stated commitment to review the legislation and urges it to take all appropriate measures to ensure that the child is protected against all forms of discrimination, as provided for in article 2.2 of the Convention.

13. Regarding the right to acquire a nationality, the Committee is concerned about the existing legislation concerning stateless children. The Committee encourages the State party to complete its revision of the Citizenship Act and urges that resulting amendments fully take into account article 7 of the Convention.

14. While noting that measures are being taken and discussed, the Committee remains concerned about the protection of children from access to pornographic materials. The Committee encourages the State party to continue taking all appropriate measures, bearing in mind the provisions of articles 13, 17 and 18 of the Convention.

15. In relation to article 11 of the Convention, the Committee notes with satisfaction that Sweden is a party to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the Hague Convention on the Civil Aspects of International Child Abduction. The Committee encourages the State party to continue its efforts to conclude bilateral agreements to the same effect with States that are not parties to the two above-mentioned conventions, to review existing legislation on the recognition of foreign decisions on custody and to consider ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children of 1996.

16. While noting that some municipalities offer family counselling services free of charge, and that the fee being charged in other municipalities may not seem too high, the Committee

is concerned that a significant number of families find such fees a disincentive to seeking needed help and assistance. The Committee recommends that the State party review its policies in this regard so as to facilitate access to family counselling services, in particular for the more vulnerable groups.

17. With regard to the Committee's recommendation (see CRC/C/15/Add.2, paras. 9 and 11), and while appreciating the efforts being undertaken in providing increased training to professionals in this regard, the Committee is concerned that the system of compulsory reporting of incidents of child abuse is not working satisfactorily. The Committee recommends that the State party continue its efforts and undertake further measures to improve the protection of children from all sorts of abuse, in accordance with article 19 of the Convention.

18. Although the State party has one of the widest public support systems, disparities between municipalities and social strata seem to be widening, resulting in social exclusion and tension and poor services being delivered to the economically disadvantaged groups. The Committee recommends that all appropriate measures be taken, in accordance with articles 2, 26, 27 and 30 of the Convention, to ensure universal access to social benefits, in particular for the poorer families, and that the public be better informed of their rights in this regard.

19. While welcoming the State party's plans to dedicate the 1999 annual inspection of schools to the issue of bullying, the Committee encourages the State party to continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to set up specific structures to enable children to participate in adequately addressing and resolving this problem.

20. The Committee remains concerned about the impact of budgetary cuts on the child's right to education. The Committee encourages the State party in its decision to restore higher levels of funding for remedial education and to extend coverage to children in need of special assistance. It also recommends that the State party review its policy on access to day-care services for children of unemployed parents, taking into consideration the child's right to education and leisure activities, in accordance with articles 2, 3, 28 and 31 of the Convention, particularly in relation to current efforts to increase the educational role of pre-school and day-care centres.

21. With regard to its earlier recommendation (see CRC/C/15/Add.2, para. 13), the Committee is concerned about the rising incidence of substance abuse among adolescents. The Committee recommends that the State party undertake systematic efforts to collect data on and monitor substance abuse, and in particular on its impact on the more vulnerable groups.

22. While appreciating the review of legislation and other measures undertaken by the State party to improve protection of children from sexual exploitation, in line with the recommendation of the Committee (see CRC/C/15/Add.2, paras. 8 and 11), including current efforts to review domestic legislation so as to eliminate the "dual criminality" requirement for extraterritorial legislation, the Committee remains concerned about the need to increase protection from sexual exploitation, particularly for children aged between 15 and 18 years. The Committee encourages the State party to continue and to increase its efforts to ensure better protection for children up to the age of 18.

23. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

©1996-2001

**Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland**