

ADVANCE UNEDITED VERSION

COMMITTEE ON THE RIGHTS OF THE CHILD
Fifty-first session

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

Concluding observations: Sweden

1. The Committee considered the fourth periodic report of Sweden (CRC/C/SWE/4) at its 1403rd to 1404th meetings (see CRC/C/SR.1403 and 1404), held on 27 May 2009, and adopted at its 1425th meeting, held on 12 June 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's fourth periodic report, which follows the guidelines for reporting, and includes information on follow-up given to the Committee's previous recommendations (CRC/C/15/Add.248). The Committee also welcomes the State party's written replies (CRC/C/SWE/Q/4/Add.1) to its List of issues, which allowed for a better understanding of the situation of children in Sweden.

3. The Committee notes with appreciation the frank and open dialogue with the high-level delegation of the State party, which included experts from various ministries.

4. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on 8 June 2007 on the State party's initial report to the Optional Protocol on the involvement of children in armed conflict (CRC/C/SWE/OPAC/CO/1).

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

5. The Committee welcomes a number of positive developments in the reporting period, including:

- (a) The Anti-Discrimination Act which entered into force on 1 January 2009, includes age as a ground of discrimination and prohibits

discrimination in all parts of the education system, as well as the establishment of the Office of the Equality Ombudsman responsible for its implementation;

- (b) The new provisions included in the Social Services Act (2001:453) and the Care of Young Persons (Special Provisions) Act (1990:52) in April 2008 to further strengthen protection of children;
- (c) The Act on investigations regarding children who have died as a consequence of crime (2007:606) which entered into force on 1 January 2008;
- (d) The introduction, in 2007, by the National Council for Crime Prevention (BRÅ) of new offence codes for sexual offences under Chapter 6 of the Swedish Penal Code;
- (e) Legislative amendments introduced on 1 July 2006, which resulted in a transfer of responsibility for reception and housing of unaccompanied minors from the Swedish Migration Board to the municipalities; and
- (f) The adoption and implementation of a second national human rights action plan for the period 2006-2009, which includes specific programmes on the promotion and protection of the rights of the child and the appointment, in March 2006, of the Delegation for Human Rights in Sweden, which is intended to support work on ensuring full respect for human rights in Sweden.

6. The Committee also notes with appreciation that, since consideration of its third report in 2005, the State party has ratified or acceded to, *inter alia*:

- (a) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2007;
- (b) the Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008; and
- (c) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2005.

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

7. The Committee notes with appreciation that a number of concerns and recommendations (see CRC/C/15/Add.248) expressed after the consideration of the State party's third periodic report (CRC/C/125/Add.1) have been addressed through legislative, administrative and other measures. However, the Committee regrets that other concerns and recommendations, including those relating to issues such as independent monitoring, data collection, training and dissemination of the

Convention, children deprived of their family environment, health and health services, education and sexual exploitation and trafficking, have not been adequately addressed or implemented.

8. The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.

Legislation

9. The Committee takes note of the State party's explanation in the report and the written replies to its list of issues as to why the Convention has not been formally incorporated into the domestic legal system. However, the Committee is concerned at the continuous lack of formal recognition of the Convention as Swedish law which can have an impact on the rights contained therein and on the application of such rights.

10. The Committee invites the State party to take all necessary measures to ensure that national legislation is brought into full conformity with the Convention and recommends that the State party continue and strengthen its efforts towards formal recognition of the Convention as Swedish law. It further recommends that the Convention should always prevail whenever domestic law provisions are in conflict with the law enshrined in the Convention.

Coordination

11. The Committee welcomes the existence of a monitoring division, Coordination on the Policy for the Rights of the Child, within the Government, the establishment in June 2005 of a Child Rights Forum as a platform for structured dialogue between the Government and NGOs working with and for children as well as the application of systematic comparisons. Nonetheless, the Committee is concerned that the coordination and coherence of efforts on behalf of children at both central and local levels are inadequate. Furthermore, while noting that municipalities and regional councils enjoy a high level of autonomy, the Committee is concerned that large disparities remain between municipalities, counties and regions concerning the implementation of the Convention, including with regard to levels of child poverty, resources available to the social services for children at risk, and academic results between different schools and regions.

12. The Committee recommends that the State party continue and strengthen its efforts to improve the coherence and coordination of efforts on behalf of children so as to ensure adequate cooperation among central and local authorities as well as cooperation with children, parents and non-governmental organizations. The Committee also recommends that the State party strengthen its measures to monitor and follow up on decisions taken at the municipal and regional level to address the remaining disparities and to ensure implementation of the Convention at all levels, including through the county administrative boards.

National Plan of Action

13. While welcoming the adoption of the second National Plan of Action for Human Rights (2006-2009), which includes a number of measures concerning children's rights, the Committee notes with regret the absence of a specific national plan of action on children.

14. The Committee recommends that the State party adopt a comprehensive national plan of action on children and ensure that it covers all areas of the Convention and takes due account of the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children" and the "A World Fit for Children Plus 5 Declaration".

Independent monitoring

15. The Committee notes with appreciation the many activities undertaken by the Children's Ombudsman for the implementation of children's rights. However, the Committee is concerned that children cannot address their individual complaints to the Ombudsman and it is also concerned that the Ombudsman's role needs to be clearly independent from the Government, in accordance with the Paris Principles. .

16. 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 Riksdag (Parliament), together with suggestions for measures that the Government can take to implement the recommendations of the Children's Ombudsman;**
- (c) The State party continue to take the necessary measures to ensure that the Children's Ombudsman has adequate human and financial resources to exercise his or her mandate effectively and independently; and**
- (d) The State party provides the Children's Ombudsman with the necessary support to set up local offices with the aim of ensuring accessibility of all children to the Ombudsman, especially taking into account disparities in resources between counties and regions.**

Allocation of resources

17. While welcoming the information available on the allocation of resources dedicated to the implementation of the Convention, the Committee expresses its concern about disparities with regard to access and availability of services for children, depending on where they live, both with respect to the content and to the execution of such services.

18. The Committee recommends that the State party continue and strengthen the provision of specific information in terms of figures and percentage of the national budget regarding the implementation of the Convention in order to allow proper assessment of the degree to which the State party is meeting its

obligation under article 4 of the Convention. The State party should also strengthen its measures to ensure equal access and availability of services for all children, irrespective of where they live. In that regard, the Committee recommends that the State party take into account its recommendations following its 2007 Day of General Discussion on “Resources for the Rights of the Child - Responsibility of States.”

Data collection

19. The Committee notes various measures undertaken, including the statistical reports of the National Board of Health and Welfare and the work of Statistics Sweden (SCB). The Committee also notes that the working group tasked with developing indicators to measure and monitor initiatives within child rights policy has proposed a follow-up system using a set of objectives based on the Convention. However, the Committee reiterates its concern at the lack of statistical data regarding the total number of children with disabilities, child victims of abuse aged 15 to 18 years, and the imprecise total number of children victims of sexual exploitation.

20. The Committee recommends that the State party strengthen its efforts to establish coordinated approach between all entities collecting data on children and to improve the systematic collection of disaggregated data concerning the situation of all children, in particular concerning children with disabilities, child victims of abuse aged 15 to 18 years, and children victims of sexual exploitation.

Dissemination of the Convention and training

21. While welcoming the launch of a Swedish version of the Implementation Handbook for the Convention in January 2008 which was financed by the Government and the establishment, in March 2007, of the Swedish Academy for the Rights of the Child at Örebro University, the Committee is concerned that awareness of the Convention and its two Optional Protocols among children remains low and that not all professionals who work with and for children receive adequate training in children's rights.

22. The Committee encourages the State party to strengthen its measures to ensure that all children are aware of the Convention and its two Optional Protocols and can use such instruments to defend their rights. The Committee further recommends that the State party ensure systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and especially children themselves).

International cooperation

23. The Committee commends the State party for its continued commitment to official development assistance and international cooperation, including in the promotion and protection of the rights of the child. In this respect, the Committee notes with appreciation that the State party allocates more than 0.7 per cent of its gross domestic product to official development assistance (ODA target).

24. The Committee encourages the State party to continue and strengthen its activities in the area of international cooperation, including by conducting child impact assessments and paying particular attention, in its bilateral cooperation with other States parties, to the Convention and the Optional Protocols and the concluding observations and recommendations made by the Committee in respect of those countries. The Committee invites the State party to take into account its recommendations issued in 2007 after the Day of General Discussion on “Resources for the Rights of the Child – Responsibility of States”.

2. General Principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. The Committee reiterates its previous concern that, despite the adoption of legislative guarantees, including the new Anti-Discrimination Act, the principle of non-discrimination is not fully respected in practice, and it is particularly concerned about de facto discrimination against and xenophobia and racist attitudes towards children of ethnic minorities, refugee and asylum-seeking children and children belonging to migrant families.

26. The Committee recommends that the State party monitor and ensure full compliance with article 2 of the Convention and ensure the implementation of existing laws guaranteeing the principle of non-discrimination with respect to all children within its jurisdiction.

Best interests of the child

27. The Committee notes the new legislative measures incorporating the principle of the best interests of the child, including the Aliens Act (Swedish Code of Statutes – SFS 2005:716) and the amendments to the provision of the Children and Parents Code relating to custody, residence and access. However, the Committee is concerned that the principle of the best interests of the child is not sufficiently implemented in practice, including in the administrative spheres. The Committee also remains concerned that the best interests of asylum-seekers and migrant children are not sufficiently taken into consideration in asylum processes.

28. The Committee recommends that the State party strengthen measures to raise awareness about the meaning and practical application of the principle of the best interests of the child and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures. It also recommends that the State party take appropriate and effective measures to ensure that the principle of the best interests of the child form the basis and guide the process and all decisions, especially in asylum cases involving children, including by providing regular training to staff at the Migration Board and the social welfare authorities.

Respect for the views of the child

29. While welcoming measures taken to increase the right of the child to be heard, the Committee is concerned that regional disparities and inadequacies remain regarding active participation of children within schools, institutions and the social child and youth care services. The Committee also remains concerned that some children do not feel that they have any real influence in matters concerning their life in society.

30. In light of article 12 of the Convention, and drawing the State party's attention to the Committee's recommendations adopted on its day of general discussion on the right of the child to be heard held on 15 September 2006, the Committee recommends that the State party:

(a) Continue to promote and facilitate, including through legislation, within the family, schools, institutions, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention; ;

(b) Ensure that adults who work with children are trained to effectively ensure that children capable of expressing their views are provided with adequate opportunities to do so and that their views are given due weight; and

(c) Ensure that all municipalities meet the requirements for active participation by children and regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.

3. Civil Rights and Freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

Access to appropriate information

31. The Committee welcomes the enactment of a new law criminalising any intent to approach children on the Internet under a fictitious identity (i.e. adults pretending to be a child) that will enter into force on 1 July 2009 and the activities of the Government Committee Media Council, in cooperation with, *inter alia*, the Swedish National Agency for School Improvement, aiming at combating unlawful and harmful content on the Internet.

32. The Committee encourages the State Party to continue to take all necessary measures, including by enforcing appropriate legislation, providing parental education, education in schools and awareness-raising of children to ensure the protection of the child from information and material harmful to his or her well-being in conformity to article 17(e) of the Convention.

Follow-up to the UN Study on Violence against Children

33. With reference to the United Nations Secretary-General's Study on violence against children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia (held in Ljubliana from 5 to 7 July 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) To prioritize prevention;
- (ii) To promote non-violent values and awareness-raising;
- (iii) To provide recovery and social reintegration services;
- (iv) To ensure participation of children; and
- (v) To create accessible and child-friendly reporting systems and services.

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse.

(c) Cooperate with and support the United Nations Special Representative to the Secretary General on Violence against Children.

(d) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report.

4. Family Environment and Alternative Care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

34. The Committee is concerned at the high number of children who have been removed from their families and live in foster homes or other institutions. The Committee is also concerned at the number of children who run away from home or are forced to leave home.

35. The Committee recommends that the State party:

- (a) take measures to address the causes of the high number of children who are removed from their families as well as children who run away from home or are forced to leave home and ensure that the children who run away or are forced to leave home have access to services and get the necessary advice and support;
- (b) further develop and implement programmes and policies to prevent the placement of children in institutions, *inter alia* by providing support and guidance to the most vulnerable families, developing, funding and providing parent-training programmes for parents from vulnerable families, and conducting awareness-raising campaigns; and

- (c) give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only when in the best interests of the child.**

Children deprived of a family environment

36. The Committee expresses its concern at the insufficient supervision and monitoring of alternative care facilities, including private alternative care or homes for care and residence and at the lack of effective complaint mechanisms for children without parental care, including children placed in private alternative care.

37. The Committee recommends that the State party:

- (a) ensure adequate supervision and monitoring of the situation of children placed in foster homes or institutions, including private alternative care or homes for care and residence;**

- (b) take the necessary measures to ensure the provision of effective, well-known, independent and impartial complaint mechanisms for children without parental care; and**

- (c) provide adequate follow-up and reintegration support and services for children who leave institutional care.**

Abuse and neglect

38. While taking note of the State party's efforts to raise awareness of and reduce the abuse and neglect of children, including the existence of the Swedish Children's helpline, the Committee remains concerned at the high level of child abuse and neglect and other forms of domestic violence. It is also concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

39. The Committee recommends that the State Party continue and strengthen its efforts to provide adequate assistance to children who are victims of child abuse, including through:

- (a) early detection and treatment of cases involving child abuse;**

- (b) specific parenting programmes for families at risk of abusing children;**

- (c) ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;**

- (d) providing adequate protection to child victims of abuse in their homes;**

- (e) supporting the Swedish Children's helpline so it can provide a 24-hour helpline service for children; and**

- (f) **public awareness-raising and education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline.**

5. Basic Health and Welfare

(arts. 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1-3) of the Convention)

Children with disabilities

40. While welcoming the State party's ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Committee notes with concern that children with disabilities are limited in their participation in cultural and recreational activities. The Committee notes the increase in the number of individual plans for children with disabilities but it is concerned that, according to the State party report, children with disabilities are invisible and society often focuses on the disability itself rather than on the child. The Committee regrets that the State party has not implemented the recommendations about collection of disaggregated data in respect of children with disabilities.

41. The Committee recommends that the State party, in accordance with article 23 of the Convention and taking into account General Comment No. 9 (CRC/C/GC/9) as well as the Convention on the Rights of Persons with Disabilities and its Optional Protocol, continue to strengthen measures to protect and promote the rights of children with disabilities, *inter alia*, by:

- (a) developing and implementing a comprehensive policy for the protection of children with disabilities and for their equal access to social, educational and other services;**
- (b) ensuring that equal access to services is provided to children with disabilities taking into consideration the standard rules on the equalization of opportunities for persons with disabilities (General Assembly resolution 48/96);**
- (c) undertaking the necessary measures to collect accurate statistical data that is disaggregated on children with disabilities; and**
- (d) providing equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within the regular schools.**

Health and health services

42. The Committee notes that complementary and alternative medicine (CAM) is a recognized field of medicine both in Europe and globally. To this end, the Committee is concerned that the State party prohibits the use of CAM for examination, treatment and care of children below eight years of age as well as pregnant women and women in labour and it is concerned that such a prohibition

challenges the rights of all individuals in the State party, including children, to choose a method of treatment and that it might deprive them of their right to the highest attainable standard of health.

43. The Committee recommends that the State party consider reviewing and amending existing legislation to ensure that all children, without distinction of age, have access to CAM examination, treatment and care and can enjoy their right to the highest attainable standard of health.

Adolescent health

44. While noting efforts undertaken, including the establishment of the virtual youth clinic, the Committee remains concerned about the high incidence of eating disorders among adolescents, specifically bulimia and anorexia nervosa among girls. Furthermore, the Committee is concerned about the growing problems of overweight and obesity among Swedish children as a result of low physical activity combined with a poor diet and that, according to current studies, perceived stress is still a problem among adolescents.

45. The Committee recommends that the State party pay close attention to child and adolescent health, taking into account the Committee's General Comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the Committee recommends that the State party strengthen measures to:

- (a) Address the occurrence of eating disorders, including bulimia and anorexia nervosa;**
- (b) Address overweight and obesity and promote a healthy lifestyle among adolescents, including physical activity;**
- (c) Reduce the stress level of adolescents and assist them in overcoming the effect; and**
- (d) Ensure that treatment and counseling measures are gender sensitive and subject to an inter-sectoral and integrated approach.**

46. The Committee expresses its concern at the spread of sexually transmitted infections (STIs) as well as the increasing rate of unwanted teenage pregnancies and abortions among girls from 15 to 19 years of age.

47. The Committee recommends that the State party increase its measures to analyse and combat the spread of STIs and to strengthen sexual and reproductive health education for adolescents, in school and out of school, with a view to reducing the incidence of unwanted teenage pregnancies and abortions, and provide pregnant teenage girls with the necessary assistance and access to health care and education. In this respect, the Committee notes with interest the survey being conducted by the National Board of Health and Welfare on abortion and early pregnancies and invites the State party to include information about the outcome of this survey in its next periodic report.

Drug and alcohol abuse

48. While noting that numerous efforts are directed at prevention of drug and alcohol abuse, the Committee is concerned that limited treatment possibilities exist for drug users below 18 years of age. The Committee is also concerned that there are no statistics on the number of heavy drug users below 18 years and on how many of them are injecting drugs. The Committee is also concerned about the large number of children who suffer as a result of their parents' drug abuse.

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

- (a) Strengthen efforts to provide children and parents with accurate and objective information about the harmful consequences of substance abuse;**
- (b) Ensure the provision of necessary evidence-based support, recovery and reintegration services to all children affected by substance abuse, including drug users below 18 years of age and children suffering as a result of their parents' drug abuse, aimed at effectively reducing the harmful consequences of such abuse; and**
- (c) Conduct studies and collect data in view of determining the prevalence of this phenomenon.**

Mental health services

50. The Committee welcomes measures taken to strengthen mental health services, including the launch of investments with a special focus on child and adolescent psychiatry via measures for increased access to such psychiatry and that the State party has tasked Statistics Sweden to carry out a national survey of the mental health of children and young people. However, the Committee is concerned at the remaining challenges, such as significant waiting lists for children with mental health problems and mental illness to receive the necessary treatment and care, high incidence of suicides and suicidal attempts among teenagers, especially girls, and still existing gaps and lack of coordination between services under different (health, education, social welfare) sectors.

51. The Committee encourages the State Party to strengthen its mental health care system, including both preventive and interventional programmes, so as to ensure that adequate treatment and care are provided to all children that need it without undue delay. In addition, the State party should ensure better cooperation between related services, such as schools, social care homes, the juvenile justice system, treatment centres for drug and alcohol abuse, etc. The Committee urges the State party to strengthen the health care resources for people in suicidal crisis and to take measures to prevent suicide among groups that are at risk.

Standard of living

52. While noting an overall decrease in the number of children living in poverty in recent years, the Committee expresses its concern at the large disparities in the level of child poverty within and between municipalities, and urban boroughs. It also notes with concern the very high proportion of immigrant children living in households with a persistently low income and the continuing deterioration in the economic situation of children from non-Swedish backgrounds and children living in single-parent

households. The Committee is also concerned that the financial crisis might have a severe impact on the situation of such vulnerable groups of children.

53. The Committee recommends that the State Party take all necessary measures to ensure that all children are not living below the poverty line. The Committee also recommends that the State party take adequate measures, including special support measures, to ensure that children, in particular those from socially disadvantaged families, including single-parent households and of non-Swedish ethnic origin, are not living in poverty, regardless of where they reside. The State party should consider drawing up a plan of action for combating child poverty in times of economic crisis.

6. Education, Leisure and Cultural Activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

54. While noting with appreciation the numerous efforts of the State party in the sphere of education, in order to guarantee the objectives set out in the Convention, the Committee remains concerned that children without residence permit, in particular “children in hiding” and undocumented children, do not enjoy the right to education. However, the Committee notes the statement by the State party in its replies to the List of issues that the Government plans to appoint a supplementary inquiry to propose how the right to education can be further extended. The Committee is also concerned that there is lack of systematic and consistent education on the Convention in schools.

55. The Committee recommends that the State party pursue its efforts to ensure that all children enjoy the right to education, including children without residence permit, such as “children in hiding” and undocumented children. The Committee further recommends that the State party incorporate the Convention and other relevant human rights treaties in the curricula in the context of the new Education Act and strengthen such education in both primary and secondary education.

56. The Committee notes with appreciation that the National Agency for Education provides information about the labour market and preconditions of employment to students of primary and secondary school. However, the Committee is concerned at the high number of adolescents, who stay unemployed after finishing school and who would need more targeted assistance in the transition from school to the labour market.

57. The Committee recommends that the State party expand and strengthen measures supporting adolescents to acquire the vocational competencies and qualifications required to find an occupation. Schools and institutions, which train and further qualify adolescents with difficulties accessing the labour market, should receive adequate financial and personnel resources to effectively assist such adolescents in the transition from school to the labour market.

Bullying

58. While welcoming the numerous measures taken to combat bullying at school, particularly the relevant provisions in the Act Prohibiting Discrimination and Other Forms of Degrading Treatment of Children and School Students (2006:67), the initiative on bullying under the responsibility of the Swedish National Agency for Education, and the initiatives taken by the Child and School Student Representative (BEO), the Committee remains concerned at the persistence of this phenomenon in schools, in particular against children with disabilities and of foreign origin.

59. The Committee recommends that the State Party strengthen the measures taken to combat bullying and pay special attention to children with disabilities and of foreign origins, and to ensure the participation of children in the initiatives aimed at reducing bullying. Such measures should also address new forms of bullying and harassment outside classrooms or school yards, including by mobile phone and in virtual meeting places.

7. Special Protection Measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

60. The Committee welcomes the new Act on health care for asylum-seekers (2008:344) that provides asylum-seekers and former asylum-seekers or “children in hiding” with a right to health care and medical services under the same conditions as children legally residing in the country. However, the Committee is concerned that undocumented children only have a right to urgent medical care, with no subsidies.

61. The Committee recommends that the State party take the necessary steps to ensure that all children, including undocumented children, have a right to health care and medical services under the same conditions as children legally residing in the country.

62. The Committee welcomes the transfer of responsibility for reception and housing of unaccompanied asylum-seeking children from the Swedish Migration Board to the municipalities. Nonetheless, the Committee continues to be concerned about the large number of unaccompanied asylum-seeking children who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. While noting the State party’s position on the matter, the Committee remains concerned that the State party has not introduced legislation in respect of appointing a temporary guardian (or “trustee”) for each unaccompanied child within 24 hours of his or her arrival in the country, with a task of informing the child about his or her legal situation as well as available legal immigration procedures.

63. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee urges the State Party to take the necessary legislative steps to ensure the appointment of a temporary guardian (or “trustee”) for each unaccompanied asylum-seeking child within 24

hours of his or her arrival in the country, with a task of informing the child about his or her legal situation as well as available legal immigration procedures. The Committee also recommends that efforts be strengthened to ensure the suitability and adequate qualifications of such guardians. The Committee draws the attention of the State party to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

Family reunification

64. The Committee notes with concern that the State party is considering the introduction of a support requirement (maintenance) as of 1 January 2010 as a condition for family immigration of foreign citizens and stateless persons.

65. The Committee reiterates its recommendation that the State party continue to strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner and that they do not entail a risk of infringement of the rights of children under the Convention.

Sexual exploitation and trafficking

66. The Committee welcomes measures taken by the State party to combat trafficking and to provide assistance to victims of trafficking, such as the update of the national action plan for sexual exploitation of children and the adoption of the national action plan against prostitution and trafficking in people for sexual purposes as well as the introduction in 2007 by the National Council for Crime Prevention (BRÅ) of new offence codes for sexual offences under Chapter 6 of the Swedish Penal Code. The Committee also welcomes the recent submission of the State party's initial report to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. However, the Committee is concerned about the prevalence of trafficking in children for the purposes, inter alia, of sexual and economic exploitation as well as the limited available data on the extent and patterns of sexual exploitation, prostitution and trafficking.

67. The Committee recommends that the State party:

(a) fully implement the national actions plans for sexual exploitation of children and against prostitution and trafficking in people for sexual purposes, in order to protect children against trafficking;

(b) strengthen measures to monitor and foresee new and emerging risk situations of sexual exploitation of children;

(c) strengthen measures to protect children who are victims of sexual exploitation, including trafficking and prostitution, and bring perpetrators of sexual abuse and exploitation to justice, and provide data on the extent and patterns of such offences in the next periodic report;

(d) train law-enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality;

(e) implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the first, second and third World Congresses against Commercial Sexual Exploitation of Children in 1996, 2001 and 2008;

(f) ensure that education and training, as well as psychological assistance and counselling, are provided to child victims of trafficking; and

(g) negotiate bilateral agreements and multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved.

68. The Committee is concerned at the lack of data on the number of Swedish citizens involved in sexual exploitation of children abroad as well as the types of offences. The Committee is also concerned at the limited information provided on investigations, prosecutions and punishments of the perpetrators. The Committee further notes with concern that no measures have reportedly been taken to prohibit the reissuing of passports to persons freed after posting bail.

69. The Committee recommends that the State party increase its efforts to prevent and combat the worrying phenomenon of child sex tourism, including by:

- (a) Consistently prosecuting offenders for the crimes committed abroad when they return to Sweden;**
- (b) Setting up a mechanism for collecting data and information relating to sex tourism, including investigations, prosecutions and punishments, in a systematic manner;**
- (c) Raising awareness to tackle attitudes, such as the idea that it is acceptable to abuse and exploit children living in poverty in foreign countries;**
- (d) Strengthening cooperation with non-governmental organizations and the tourist industry in order to better meet the guidelines set up by the World Tourist Organization on the protection of children from sexual exploitation in tourism; and**
- (e) Considering reviewing and amending its legislation in order to abolish all outstanding requirements of double criminality for prosecution in Sweden of sex offences against children and associated crimes committed abroad.**

Administration of juvenile justice

70. The Committee welcomes various achievements made by the State party in the area of juvenile justice. However, the Committee expresses its concern that under

current rules (Section 15C of the Act with Special Provisions on the Care of Young People (Law 1990:52) and Section 17 of the Act on the Enforcement of Closed Juvenile Care (Law 1998:603), it is possible to isolate children in youth detention centres if they display violent behaviour or are affected by drugs to the extent that they jeopardise the general order. In addition, the Committee expresses its concern at reports that this treatment is also used as punishment. The Committee is of the view that solitary confinement should not be used unless it is judged to be absolutely necessary and the period of isolation may not exceed 24 hours.

71. The Committee recommends that the State party, taking into account General Comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10) and the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20):

- (a) Review as a matter of priority the current practice of solitary confinement, including amendment of current legislation, as appropriate;**
- (b) Limit the use of this measure to very exceptional cases, reduce the period for which it is allowed and seek its eventual abolition; and**
- (c) Ensure that all children who have been taken into custody are provided with adequate legal representation.**

Protection of witnesses and victims of crimes

72. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

8. Ratification of international human rights instruments

73. The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

9. Follow-up and dissemination

74. 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 Riksdag (Parliament), relevant ministries and the municipal authorities for appropriate consideration and further action.

75. The Committee further recommends that the fourth periodic report and written replies submitted by the State party and related recommendations

(concluding observations) it adopted be made widely available to the public at large, civil society organisations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

76. The Committee invites the State party to submit its fifth periodic report by 1 September 2011. This report should not exceed 120 pages (see CRC/C/118).

77. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the “Harmonised guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 and contained in document HRI/GEN/2/Rev.5.
