

SWEDEN

CRC A/49/41 (1994)

Concluding observations

49. The Committee considered the initial report of Sweden (CRC/C/3/Add.1) at its 56th, 57th and 58th meetings (CRC/C/SR.56-58), held on 18 and 19 January 1993, and adopted, at its 73rd meeting, on 28 January 1993, the following concluding observations.

Introduction

50. The Committee notes with satisfaction that Sweden has undertaken the necessary steps for the swift ratification of the Convention and was the first State to fulfil its reporting obligations. Its report is very comprehensive and follows closely the Committee's guidelines, although more information is needed on the situation of vulnerable groups, particularly minority children, including indigenous children, and neglected children in the major city areas.

51. The Committee expresses its appreciation for the additional information provided by the delegation that was sent to present the report of Sweden to the Committee. In this regard, the presence of a high-level delegation enabled a constructive dialogue to take place between the Committee and officials from those ministries directly responsible for the implementation of the Convention.

Positive aspects

52. The Committee welcomes the Government's awareness of the need to take an active approach to implementing the Convention, disseminating information on it and seeking ways to further improve the status of children in Sweden. In this regard, the Committee notes with satisfaction that laws have been enacted and administrative measures proposed to harmonize the legal framework for the protection of children's rights with the requirements of the Convention. The relevant legislation generally reflects the provisions of the Convention as well as the general principles which serve to guide its implementation. Particularly noteworthy is the Government's spirit of dialogue with non-governmental organizations, especially in regard to publicizing the Convention and promoting awareness among the general public.

53. The Committee expresses its appreciation for the significant contribution of the Swedish Government and the Swedish non-governmental organizations to improving the situation of children world wide. The prominence given by the State party to furthering the rights of the child through international cooperation and assistance directly benefitting children follows the spirit of article 4 of the Convention and can serve as a useful guide for other States parties.

54. The Committee notes that the competent Swedish authorities are considering the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families.

Principal subjects of concern

55. The Committee notes the fact that the law does not provide for protection against all the various forms of discrimination enumerated in article 2 of the Convention. As a result, it is unclear whether the law prohibits discrimination on the basis of the child's or his or her parents' or legal guardian's language, religion, political or other opinion, social origin, property, disability, birth or other status.

56. The Committee expresses its concern over the lack of clarity and apparent discrepancies contained in the law with regard to the definition of the child. The Committee notes that although persons under 18 in Sweden do not enjoy full legal capacity they may be subjected to military service and that a person aged 15 or over can be accepted in the Home Guard Defence. The Committee also expresses its concern at the fact that the age of sexual maturity has not been fixed, which threatens the protection of children from possible exploitation in the use of pornographic materials.

57. The Committee is concerned that the Government does not ensure that children in detention are separated from adults. The Committee is also concerned by the practice of taking foreign children into custody under the Aliens Act and notes that this practice is discriminatory in so far as Swedish children generally cannot be placed in custody until after the age of 18. Likewise, there seems to be a lack of information on children who are victims of sexual exploitation, including incest.

Suggestions and recommendations

58. With regard to general measures of implementation, the Committee recommends that careful attention be given to setting up the monitoring mechanism and indicators for measuring the progress made in the implementation of the legislative and other measures to protect the rights of the child. The Committee underlines that the implementation of the Convention should be carried out in close cooperation with local authorities in order to ensure an approach which is effective and consistent with the provisions and general principles of the Convention. In this connection, the Government should ensure that spending cuts carried out by municipalities are effected with due regard for the best interests of children, particularly those from the most vulnerable groups. To enhance the effective implementation of the Convention, the Committee suggests that the State party consider closer coordination with non-governmental organizations at the policy-making level; incorporating the provisions of the Convention directly into domestic law; and further strengthening international cooperation and assistance, particularly for the benefit of vulnerable groups such as disabled children and children needing special protection.

59. With respect to the definition of the child, the Committee recommends that the State party consider an approach which is more coherent and more closely reflects the general principles and the provisions of the Convention. In recognition of the spirit of article 38 of the Convention, steps might be taken to close the gap in the law which at present allows for the possibility of conscripting children under the age of 18 into the armed forces. The Committee suggests that the Government should reassess the effectiveness of present regulations regarding the exploitation of children in pornographic materials. Further, the Government should not overlook the problem of sexual abuse

within the family. The Government may also wish to reassess the advisability of permitting a child of seven years or older to accept legal or medical counselling without parental consent.

60. In regard to children in conflict with the law, the Committee suggests that further consideration should be given to ensuring that children in detention are separated from adults, taking into account the best interests of the child and alternatives to institutional care. In this connection, the State party may wish to study the situation in those countries where arrangements for liaison between juveniles and the police force have been established. The Committee also suggests that consideration be given to providing alternatives to the incarceration of children under the Aliens Act and that a public defence counsel be appointed for children in conflict with the law.

61. The Committee also recommends that steps should be taken to monitor more closely the situation of foreign children placed in adoptive families in Sweden. The Committee emphasizes the importance of monitoring the situation of foreign children and other vulnerable groups, and to this end, the Committee requests that the next report of the State party include fuller statistical and other indicators for these groups, including the incidence of HIV infection and AIDS. Recognizing that the ratification of other international human rights instruments has a favourable influence on the promotion of the rights of the child, the State party might consider ratifying the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

CRC/C/84 (1999)

128. 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* the following concluding observations.

Introduction

129. 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 for 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 delegation.

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

130. 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.

131. 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.

132. 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.

133. 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.

* At the 531st meeting, held on 29 January 1999.

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.

Principal subjects of concern and the Committee's recommendations

134. 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 of or accessibility to services by 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 fully protect children from any discrimination in the implementation of the Convention.

135. 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.

136. 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 the 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.

137. The Committee welcomes the decision of the State party to review the legislation setting a lower age of 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.

138. 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.

139. The Committee expresses its concern about the reported increase in the incidence of 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.

140. 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.

141. 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.

142. 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, and 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.

143. 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.

144. 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.

145. 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 on their rights in this regard.

146. 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 incidence of this phenomenon and, in particular, to set up specific structures to enable the participation of children in adequately addressing and resolving this problem.

147. 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 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.

148. 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 among the more vulnerable groups.

149. 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 between 15 and 18 years. The Committee encourages the State party to continue and increase its efforts to ensure better protection for children up to the age of 18.

150. Finally, 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.