

**COMMITTEE ON THE  
RIGHTS OF THE CHILD**

**WRITTEN REPLIES BY THE GOVERNMENT OF SWEDEN CONCERNING  
THE LIST OF ISSUES (CRC/C/Q/SWE/3) RECEIVED BY THE COMMITTEE  
ON THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION  
OF THE THIRD PERIODIC REPORT OF SWEDEN (CRC/C/125/Add.1)**

**[Received on 8 December 2004]**

**CRC/C/RESP/74**

7 December 2004

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**Additional and updated information to Sweden's third report on  
the implementation of the Convention on the Rights of the Child**

**Part I**

**A. Data and statistics**

**1. Disaggregated data covering the years 2002, 2003 and 2004**

*a) The number and proportion of children under 18 living in Sweden:*

- 2002: 1 940 910 children (approximately 21.56 % of the total population of Sweden) of which 944 795 girls and 996 115 boys.
- 2003: 1 941 436 children (approximately 21.57 % of the total population of Sweden) of which 945 142 girls and 996 294 boys.

*b) The number and proportion of children belonging to minority groups, refugees, asylum-seekers and migrants:*

There is no centralised data available about the number of children belonging to minority groups.

The number of migrant children, including refugee children:

- 2002: 15 867 children of which 7 718 girls and 8 149 boys.
- 2003: 15 445 children of which 7 617 girls and 7 828 boys

Total number of children applying for asylum:

- 2002: 9402 children
- 2003: 8568 children
- 2004 (October 31): 5530 children

**2. Updated data on budget allocations and trends.**

*a) Education and b) Child care services*

	2002	2003	2004
Pre-Schools	30 063 695 000 SEK (1.28 % of GDP)	32 613 018 000 SEK (1.34 % of GDP)	N.A
Family day care centers	3 357 758 000 SEK (0.14 % of GDP)	3 067 516 000 SEK (0.13 % of GDP)	N.A
Pre-school class	3 720 176 000 (0.16 % of GDP)	3 946 721 000 (0.16 % of GDP)	N.A
Compulsory school	70 717 656 000 SEK (3.01 % of GDP)	76 077 128 000 SEK (3.12 % of GDP)	N.A
Upper secondary school	24 579 817 000 SEK (1.05 % of GDP)	27 083 833 000 SEK (1.11 % of GDP)	N.A

*c) Health care:* There are no disaggregated data on budget allocations and trends in this area.

*d) Programmes and services for children with disabilities:*

There is no centralised data structured in this manner.

*e) Support programmes for families:*

Public support for families with children in 2002: SEK 70 979 millions that is about 2.5 % of GNP.

*f) Support for children living under the poverty line:*

Social assistance in 2003 for poor families with children: SEK 3 300 millions (0.1 % of GNP)

*g) Protection of children in need of alternative care*

*and*

*h) Protection from and prevention of child abuse, child sexual exploitation and child labour:*

The costs for different measures aimed to protect and support children at risk under 2002: SEK 9 800 millions, about 0.4 % of GNP.

*i) Juvenile justice:*

There is no centralised data structured in this manner.

*j) Protection and support of refugee, asylum-seeking and migrant children:*

Allocations from the Migration Board to the municipalities for schools:

- 2002: SEK 8 456 138
- 2003: SEK 13 883 081
- 2004 (October 15): SEK 15 402 500

Allocations from the Migration Board to municipalities for local social authorities' evaluations on unaccompanied minors:

- 2002: none
- 2003: SEK 87 500
- 2004 (October 15): SEK 6 860 000

Allocations from the Migration Board to municipalities for legal representative for unaccompanied minors:

- 2002: SEK 2 935 162
- 2003: SEK 3 488 131
- 2004 (October 15): SEK 5 928 689

*k) The Children's Ombudsman:*

The budget for the activity of Children's Ombudsman was as follows:

- 2002: SEK 10 865 000, plus SEK 5 000 000 as project funds for training on and dissemination of CRC. In total SEK 15 865 000.
- 2003: SEK 16 294 000.
- 2004: SEK 16 817 000.

***3. Disaggregated data on the number of children deprived of a family environment and separated from parents:***

*a) Children separated from their parents:* 19 200 children

*b) Children placed in institutions:* 5 200 children

*c) Children placed with foster families:* 14 000 children

*d) Children adopted through inter-country adoptions:*

- 2002: 1049 children from whom 811 children were 0-2 years old, 173 children were 3-7 years old, 40 children were 8-12 years old and 25 children were 13-17 years old.

- 2003: 1078 children from whom 669 girls and 409 boys. 843 children were 0-2 years old, 157 children were 3-7 years old, 34 children were 8-12 years old and 44 children were 13-17 years old.

- Regarding year 2004 we don't have the all data available yet.

During the last two years 2002 and 2003 the largest number of children were adopted from China (277 children in 2002 and 386 children in 2003), South Korea (112 children in 2002 and 100 children in 2003) and Columbia (119 children in 2002 and 86 children in 2003).

*Children adopted domestically:*

-2002: 107 children from whom 18 children from foster care families.

- 2003: 159 children, from whom 25 children from foster care families
- Regarding year 2004 we don't have all the data available yet.

*e) Migrant unaccompanied minor applying for asylum:*

- 2002
  - 577 children
  - boys: 373                      girls: 204
  - urban areas: 139              rural areas: 438
  - age 0-5: 17    age 6-10:33    age 11-15: 165
  - age 16-17: 362
  
- 2003
  - 555 children
  - boys: 351                      girls: 294
  - urban areas: 98 rural areas: 457
  - age 0-5: 22    age 6-10:34    age 11-15: 167
  - age 16-17: 332
  
- 2004 (October 31)
  - 322 children
  - boys: 180                      girls: 142
  - urban areas: 61 rural areas: 261
  - age 0-5:11    age 6-10: 16    age 11-15: 115
  - age 16-17: 184

*Migrant unaccompanied minors applying for other types of residence permits:*

- 2002
  - 37 children
  - girls: 26                      boys: 11
  - urban areas: 16 rural areas: 21
  - age 0-5: 2    age 6-10: 4    age 11-15: 17
  - age 16-17: 14
  
- 2003
  - 50 children
  - girls: 29                      boys: 21
  - urban areas: 22 rural areas: 28
  - age 0-5: 5    age 6-10: 9    age 11-15: 17
  - age 16-17: 19
  
- 2004 (October 31)
  - 18 children
  - girls: 8                      boys: 10
  - urban areas: 3              rural areas: 15
  - age o-5: 1    age 6-10: 1    age 11-15: 10
  - age 16-17: 6

f) *Street children:* There are no statistical data available

g) *Number of reported disappearances regarding asylum-seeking children:*

Please note that the statistics below shows the total number of disappearances registered. That means that, in some cases, one child can be the object of two or more registered disappearances.

- 2002: 103 cases
- 2003: 68 cases
- 2004: 124 cases

#### **4. The number of children with disabilities:**

##### *a) living with their families:*

There is no centralised data about these children. The number of children with disabilities, which are getting support from their local authorities:

- age 0-6: 1 248 children
- age 7-12: 4 666 children
- age 13+: 10 703 children

Please note that these children are only a part of the total number of children with disabilities

##### *b) in institutions:*

There is no institution for children with disabilities. We have data about children with disabilities living in family homes and in residence with special services:

- In family homes 218 children  
age 0-6: 10 age 7-12: 44 age 13+: 164
- In residence with special services: 1 071 children  
age 0-6: 26 age 7-12: 108 age 13+: 937

##### *c) attending regular schools:*

No centralized data available. Children with disabilities attending regular schools are not registered as disabled pupils.

##### *d) attending special schools:*

- In special schools for children with impairment of hearing:

2002/03: 757 children  
2003/04 703 children

- In special schools for children with retardation:

2002/03 20 941  
2003/04 21 628

- e) not attending any school:* No centralized data available

#### **5. Children abducted from or to Sweden.**

Background and Explanations:

The Ministry for Foreign Affairs, Department for Consular Affairs and Civil Law is the Central Authority under the Hague Convention of 25 October 1980, The European Convention of 20 May 1980 and the Brussels II regulation. The Department also

handles cases of child abduction, which fall outside of the Conventions, and cases regarding custody and access that fall within the scope of the Nordic Conventions of 6 February 1931 and 11 October 1977. The numbers presented in this report are based on cases registered at the Department. It is worth pointing out that there is no need to file an application to the Central Authority, but that an application can be made directly to the competent Courts. Also, there are many cases of abduction and retention where applications for return are never made. With reference to this, the numbers presented below do not represent the total number of children who have been brought to and from Sweden during the years 2002-2004.

It is also worth pointing out that in a few cases, a child has been registered twice, as the abduction or retention has been repeated. When this happens, a new application for return must be filed, with the consequence that a few children have been counted more than once.

Also, it is the number of children - not cases - that have been counted in this report. Usually, the children have been brought to or from Sweden during the year of registration, but this is not necessarily the case. The information in this document is based on the year of registration, not the year of abduction.

The Hague Convention makes it possible for a parent to apply for access in another state. In these cases, there might have been a previous wrongful removal or retention, where the applicant parent might have waited too long to file an application for return, or the application for return has been denied. In most cases regarding access, however, there has been no wrongful removal or retention at all. The parent merely wishes to exercise access rights with a child who is living abroad. With reference to this, the Hague Convention access cases are not taken into account in respect of evaluating how many children that have been brought to or from Sweden.

Furthermore, the European Convention and the Nordic Convention also makes it possible to make a request for access. In respect of these Conventions, however, the cases are not registered under different headings depending on whether the application is one for return or access. With reference to this, all these cases are taken into account.

Non-Convention cases are cases of abduction or retention where none of the conventions apply. Hence, these cases are taken into account.

Number of children brought to and from Sweden:

During the year of 2002, 42 children were brought to Sweden, 41 of these children were the subjects of Hague Convention cases and 1 child was the subject of a non-convention case.

During the same year, 57 children were brought from Sweden, 40 of these children were the subjects of Hague Convention cases, and 17 children were brought to non-convention countries.

In respect of the cases registered during the year of 2003, 33 children were brought to Sweden. Out of these, 32 were the subject of Hague Convention applications, and 1 of the Nordic Convention.

Regarding children brought from Sweden, 51 children were registered during 2003. Out of these, 38 were the subject of Hague Convention applications, and 13 to non-convention applications.

In respect of cases registered during 2004, so far, 18 children have been brought to Sweden. Out of these, 17 have been subjects of applications under the Hague Convention, and 1 has been the subject of an application under the Nordic Convention.

As to children brought from Sweden, 56 children have been registered as brought from Sweden. Out of these, 36 children have been brought to Hague Convention member states, and 20 to non-convention states.

#### **6. Child abuse:**

a) Number of reported offences by type of offence

See appendix 1.

b) Number and percentage of report which have resulted in either a court decision or other type of follow-up:

See appendix 2.

c) *Number of reports about female genital mutilation and honour killing:* No data available

#### **7. Children in schools:**

(There is no centralized data that answers to all questions.)

a) *The enrolment and completion rates in percentages of the relevant group in pre-primary school, in primary schools and in secondary schools.*

Pre-school education:

- 2002-2003	98 % of children.
- 2003-2004	no data yet

Elementary schools:

- 2003-2004	100%
- 2003-2004	no data yet

b) *Number and percentage of drop-outs and repetitions*

Pre-school education

- 2002-2003	2%
- 2003-2004	

Elementary schools

- 2003-2004	89,9%
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c) *Ratio of teachers to student*



Pre-school education	
- 2002-2004	8 teachers per 100 children
Elementary schools:	
- 2003-2004	7,9 teachers per 100 children
Upper secondary schools	
- 2003-2004:	8,2 teachers per 100 children

### ***8. Child mortality and children at risk:***

Infant mortality 2002: 314 children (141 girls and 173 boys)

Child mortality 2002: 340 children (210 boys and 130 girls)

Children and youth suicide 2002: 41 children and youth: 4 boys (age 10-14), 3 girls (age 10-14), 25 boys (age 15-19) and 9 girls (age 15-19).

The statistical data for 2003 and 2004 are not yet available.

### ***9. Children infected or affected by HIV/AIDS:***

There are approximately 60 children with a known HIV-infection.

### ***10. Children in conflict with the law:***

a) Children suspected of offences (15-17 years):

Please, see appendix 3 and 4.

b) Persons found guilty of criminal offences (15-17 years):

Please, see appendix 5 and 6.

c) *Children who have been tried as adults:* No data available.

d) *Detention facilities for juvenile offenders:*

There are 6 detention facilities with the capacity for 78 persons.

e) *Children in detention:* 98 in dosed juvenile care, 5 in prison.

f) *Children in pre-trial detention:*

Year 2002: 9 children in pre-trial detentions

Year 2003: 10 children in pre-trial detentions

g) *Reported cases of abuse and maltreatment of children in detention:*

No data available.

***11. Sexual exploitation of children and unaccompanied refugee children:***

*a) Children involved in sexual exploitation:* No data available.

*b) Children involved in sexual exploitation who received assistance:* No data available.

*c) Refugee unaccompanied asylum-seeking children:* Please see above under 3 e)

There is no data about the total number of children waiting for expulsion.

**B. General Measures of Implementation**

***1. Additional information regarding the previous concluding observations on the initial report of Sweden:***

*Decentralisation versus effort to ensure that municipalities respect the framework of government policies implementing the CRC.*

Local authorities, municipalities and county councils, provide most services that affect children directly. These include schools and preschools, social services, clubs and recreation centres, sport grounds and playgrounds, child health centres and youth guidance centres as well as buses and other means of transport. Municipal decisions on traffic, building and planning also affect the every day lives of children.

Given the autonomy of local government in Sweden, the main instrument available to the Government consists in legislation, especially the legislation covering specific services provided by the local governments, the allocation of states grants and special financial incentives.

The strategic target of the Government policy is that the municipalities and county councils should establish systems to follow up implementation of the best interest of the child in local government work. Municipalities and county councils should also offer their staff in-service training in order to strengthen their child-related skills and their knowledge of the Convention.

The clarification of the mandate and power of the Children's Ombudsman including the right of the Ombudsman to request both written and oral reports from the municipalities and county councils regarding their own operations to implement the Convention is a step in this direction. The Government intends to closely follow what effect these changes has on the development of the work to implement the Convention in municipalities and county councils.

The Government is also supporting the process of capacity building within the municipalities and county councils when it comes to the practical implementation of the Convention. In this regard the Government is financing regional conferences organised by the Children's Ombudsman in order to enable the experience exchanges between the local governments around the country in the work with the Convention. Further, the Government is since 2002 supporting a partnership of ten larger municipalities initiated by the city of Örebro, who have decided to work together for a

faster and more professional implementation of the Convention in the Swedish local communities.

A strategic issue for the Government is the improvement of the participation of children and young people in community and traffic planning. In this regard the Government has initiated a dialog with the Swedish Association of Local Authorities, the National Board of Housing, Building and Planning, the National Board for Youth Affairs and the Children's Ombudsman. The target of the dialog is to find out the best practice in involving children in community planning and to spread these experiences within the local authorities.

*The Role and Autonomy of the Children's Ombudsman.*

We would like to develop the presentation of the role and the autonomy of the Swedish Children's Ombudsman (section 2.2) in the context of the fundamental principle of the independence of Swedish administrative authorities and in the framework of the Swedish ombudsman system.

**The Principle of Independent Administrative Authorities:**

One fundamental principle in operation of public administration in Sweden is the principle of independent administrative authorities. This almost three centuries old division between the ministries and the central administrative authorities is perhaps unique for European countries and therefore to some degree difficult to understand.

According to the Swedish constitution no public authority, neither the Government nor the Parliament, may determine how an administrative authority/national agency shall make its decision in a case concerning the exercise of its authority. Although the administrative authorities are subordinate to the Government, they enjoy an independent status and implement laws and ordinances in an autonomous manner. That means that the agencies and other administrative authorities function independently of the Ministries within the framework of legislation and instructions. The agencies and their staff are themselves responsible for managing their respective sphere of activity to the best of their ability.

The Swedish constitution provides four methods of control of the administrative authorities as well:

- The power of appointment, which is in the hands of the Government. In practice it is only the higher-ranking posts that are appointed by the Government.
- The power to issue regulations, which is consisting in legislation – in the hands of the Parliament – and regulations issued by statutory order – which are decided by the Government.
- The power of financial control, placed at the Parliament.
- The power of adjudication, when the Government is acting as a final court of appeal on administrative matters.

**The Swedish Ombudsman System:**

The Swedish ombudsman system consists in a number of ombudsman institutions working as national authorities. The parliamentary Ombudsmen was established 1809 in order to supervise compliance with laws and ordinances by judges, civil servants and military officers. The four parliamentary ombudsmen cover nowadays all central and local government agencies and bodies and their staff as well as all other civil

servants who exercise public authority. JO are not intended to supervise the Cabinet ministries, members of the Parliament or elected local government officials.

The government appoints other ombudsmen. These are the consumer Ombudsman, the equal opportunities Ombudsman, the Ombudsman against ethnic discrimination, the Ombudsman against discrimination because of sexual orientation, the Children's Ombudsman and the office of the disability Ombudsman.

In the context of a self-disciplinary system of the Swedish press, which is not based on legislation, the only one ombudsman working at the national level without being appointed by and connect to the Government is the Press Ombudsman. A special committee comprising the representative of the parliamentary Ombudsmen, the chairman of the Swedish Bar association and the chairman of the Press Club appoint the Press Ombudsman.

The autonomy of the Swedish Children's Ombudsman:

The autonomy of the Children's Ombudsman is at first guaranteed by the fundamental principle of the independence of administrative authorities stipulated by the constitution.

At the second, the Children's Ombudsman Act (1993:335) was amended at the 1st of July 2002 and it is now in particular stipulating the autonomy of the Ombudsman. Section 6 in the Act is specifying: "The Ombudsman himself shall take decision on the organisation and focus of his work."

At the third, the amended Children's Ombudsman Act stipulates now the right of ombudsman to request reports from all administrative authorities, municipalities and county councils about their measures to implement the CRC. The administrative authorities, municipalities and county councils are also liable to attend discussions with the ombudsman at the latter's request (the Act, section 5).

The goals of the activity of the Children's Ombudsman as a national authority in the field of children's rights are:

- Children and young people shall be respected, get possibilities to development and protection as well as to participation and influence in the society.
- All relevant actors in the society shall implement the Convention on the Rights of the Child.
- The knowledge about Convention and about methods to implement it shall be spread within the local authorities, county councils and national authorities and agencies.

Then the Ombudsman shall independently decide the own contribution to the fulfilment of these goals and how to work for that purpose.

Further, as representative of children's interest and rights in the Swedish society, the Ombudsman is independently choosing what and how to do or if and how to be involved in other relevant activities for the rights of the child. In this regard the Government noted for instance Children's Ombudsman's involvement in training and educational programmes for foreign representatives.

The Children's Ombudsman has not the possibility to pursue investigations in individual cases, to take these cases to the court of law or to represent individuals in

court. The reason is that the childhood is not a discrimination ground neither in the Swedish society nor in our legislation. If a child is discriminated because of her or his origin, gender, disability or other reasons, this child has the right to address to the relevant ombudsman. According to the amended Children's Ombudsman Act, if the Ombudsman receives complains or other information to the effect that a child is abused or otherwise in need of social protection the Ombudsman shall report and give all the relevant information to the social services committee (section 7, the Act).

Based on the above-mentioned considerations and especially on the amendments of the Children's Ombudsman Act in 2002, we appreciate that the Children's Ombudsman enjoys a high degree of independence, similar to all other ombudsmen and fitting well in the Swedish ombudsman system.

*Non-discrimination of children of illegal immigrants.*

There is nothing to add to information given in the report.

*Measures against racism and xenophobia and prevention of bullying (para. 12 and 19):*

The Government decided in September 2003 to instruct a special inquiry to propose legislation against discrimination and other offensive treatment (such as bullying) and to promote equal rights in school. The inquiry's report (SOU 2004:50), *The Responsibility of School for offensive treatment (including discrimination) of pupils*, was presented to the Government in April 2004.

The report is now under drafting procedure within the Government Offices. A new bill regarding the equal rights and preventing discrimination, including bullying, in the schools is expected for 2005.

The Government has given the Swedish Agency for School Improvement, as its first and most important assignment in the years ahead, the task of working to improve the pre-school and school situation in segregated areas. The main purpose of the assignment is to enable a larger proportion of the pupils in these areas to attain the educational goals. The Agency is to gather information, analyse factors for success and spread good examples, e.g. successful teaching methods. The Agency delivered a first report in December 2003. During 2003 the Agency had about SEK 7 million at its disposal for this purpose. The Government's Budget Bill for 2005, recently submitted to the Parliament, makes proposals making SEK 70 million available for this purpose during 2006 and SEK 155 million during 2007.

Girls feel more exposed than boys to more or less all forms of violation at school. Many violations are of an ethnic nature and many pupils with a foreign background feel more vulnerable than those with a Swedish background.

The Swedish National Agency for School Improvement has developed reference material on the situation of girls and boys in environments characterised by strong patriarchal values. The textbook, *Starkare än du tror* (Stronger than you think) was sent to all compulsory and upper secondary schools in the autumn of 2003. The book also discusses current legislation and the role of schools, as well as relations between school and parents.

The Swedish National Agency for School Improvement has been instructed to prepare examples of how schools and municipalities, together with organisations and government agencies, are working on gender equality and social and ethnic diversity. The report, *Hur är det ställt! Tack ojämt!* (How are things? Unequal, thank you!), was completed in the autumn of 2003 and was sent to all schools and municipalities.

Another reference material is *Olika likas värde – om arbetet mot mobbning och kränkande behandling* (Different and of Equal Value – about the work against bullying and offensive treatment), also from 2003. The material consists of examples and good practice together with relevant legislation and regulations for schools.

The Swedish Agency for Education was instructed by the Government to produce National Guidelines with comments for the work against bullying and offensive treatment and for the work with the school action programme. The target groups for the National Guidelines are principals, teachers and other categories of school staff. The municipalities are of course a very important target group. The booklet was distributed to the municipalities and schools in the autumn of 2004.

To strengthen, promote and further develop gender equality education at pre-school level, the Government decided in August 2003 to set up a gender equality delegation for the period 1 December 2003 to 30 June 2006. The remit for the delegation has ten main points.

The Government bill submitted to the parliament in October 2004, *Kvalitet i förskolan* (Quality in Pre-school), makes proposals for example to strengthen the national pre-school curricula for children with mother tongues other than Swedish and to make it clear that the State subsidy for teaching materials can also be used for this purpose.

*Protecting children from sexual exploitation. (para.22)*

The Government has recently delivered a bill to the Parliament concerning new legislation on sexual crimes. (Prop. 2004/05:45.) The bill is based partly on a report from a parliamentary committee and partly on the EU Framework Decision on combating the sexual exploitation of children and child pornography. By reforming the legislation on sexual crimes, the Government wants to strengthen protection for victims by giving even more emphasis to the right to sexual self-determination and sexual integrity.

The Government also wants to underscore the special need for protection for children and underline in particular the seriousness of sexual crimes against children. The governmental bill is making a distinction between sexual crimes against adults and crimes against children.

One measure proposed is a special penal provision on child rape. Children's need for protection is total and the scope of legislation on child rape will therefore be broadened by dropping the requirement of force for children under the age of 15 and also including cases in which young people between the ages of 15 and 18 are exploited by certain close relations.

The proposal is to strengthen the ban on purchasing sexual services from young people by extending the scope to include purchases of sexual services from young

people in situations other than directly prostitution. In addition, the maximum penalty for this crime will be increased.

The Government has also proposed a broadened criminalisation regarding the use of young people for serious forms of sexual posing, i.e. paid posing for producing pornographic images.

To further strengthen protection for children, the special statutory limitation provisions have been broadened in scope. The period of limitation is lengthened and is to be calculated from the day the child becomes, or should have become, 18 years of age (instead of 15 years, which was the previous rule) and the scope of application has been widened to encompass additional crimes.

The bill also contains exemptions from the principle of double criminality as regards serious sexual crimes committed abroad against children. Swedish courts may thus have jurisdiction over such an offence committed abroad regardless of whether the act is punishable in the foreign country.

Finally, it is proposed that reducing the requirement of force and including the most serious cases of sexual exploitation in the rape provisions broaden the offence of adult rape. The new provisions on rape will also state that the offence is to be considered gross if more than one person has taken part in committing the crime.

*2. Efforts to coordinate policies for children and the implementation of the Convention.*

Please see the information in Part III and in appendix 7 about the newly updated strategy to implement the Convention.

*3. Individual complaints mechanism available and accessible to children.*

There are no individual complaints mechanism especially designed for children.

*4. The findings of the Parliamentary Committee against discrimination.*

The Government has appointed a Committee of Enquiry with a broad mandate to examine the entire field of anti-discrimination law and policy. The issues the Committee will examine include the possibility of combining various anti-discrimination laws in one single act and merging the different ombudsmen into one office. The Committee is to present its report on 31<sup>st</sup> of January 2006.

*5. Convention on the Rights of the Child invoked in court:*

There is no centralised statistic data about the causes, grounds or reasons invoked by the parties during the juridical procedures in the court.

*6. Dissemination of the Convention.*

Children and young people are an important target group for the dissemination of information on the Convention. The Government has supported the Children's Ombudsman in producing information material on the Convention aimed to children

and young people. Three publications, one aimed at 5-9 years old, one aimed at 9-13 years old children and one aimed at teenagers have been presented so far, along with a teacher's guide.

New editions of the Convention are periodically edited by the Ministry of Foreign Affairs and spread free of charge for different categories of professionals. The Governmental website for human rights -[www.manskligarattigheter.gov.se](http://www.manskligarattigheter.gov.se) - is presenting information about the implementation of the Convention in Sweden as well as in the Swedish international cooperation programmes. On the same website one can also find the text of the Convention even in a Swedish language easy to understand for children or immigrants.

The Government is cooperating with a network of higher medical professionals organised by the Federation of Swedish County Councils for spreading and implementation of the Convention. Together these two actors will organise a national conference about children's rights in the Swedish medical care system in the spring of 2005.

#### *7. Priorities in the implementation of the Convention.*

The Government has three major priorities for the years to come:

- a) Measures focusing on children living in economically disadvantaged families.
- b) Measures aimed to improve the ability and the possibilities of the psychiatric specialists to support children who need this kind of support.
- c) To ensure a child perspective in all public decision-making.

### **Part II**

There is no other official language than Swedish.

Besides the official text of the Convention in Swedish there is as well a presentation of the Convention for children in "easy Swedish" produced by the Minister for Foreign Affairs. For more information please see [http://www.manskligarattigheter.gov.se/dynamaster/file\\_archive/030407/79755e014e5f5ba8a03a9a2414072f8f/barn%5fratt%5flattlast.pdf](http://www.manskligarattigheter.gov.se/dynamaster/file_archive/030407/79755e014e5f5ba8a03a9a2414072f8f/barn%5fratt%5flattlast.pdf)

The Government has further financed the Swedish – Iranian Committee in translation of the Convention on the Rights of the Child in Farsi. The Department for Health and Social Affairs has also printed the text of Convention in Arabic.

### **Part III**

#### **New legislation**

- a) *Marriage age:*



Since 1<sup>st</sup> of May 2004 a minimum age of 18 has applied for all people wishing to be married by a Swedish official. Legislation also makes it clear that child marriage and forced marriage entered into in another country are not recognized as legal marriage in Sweden.

*b) Child abuse in criminal law:*

On the 1 of July 2003 an amendment was made in the Swedish Penal Code, Chapter 29, Section 2. A special aggravating ground was enacted for cases involving offences, suited to harm the sense of security and trust of a child in relation to a close relative.

On the same date the prosecution provisions of Chapter 3, Section 12 and Chapter 5, Section 5 of the Swedish Penal Code was amended with respect to offences against children. There are some offences where the prosecutor can prosecute only after charges have been pressed by the victim, or which may be prosecuted by the victims only. This was the case in these sections and amendments were made in order to enable the public prosecutors to initiate the prosecution if the victim is less than 18 years old.

*c) Trafficking in human beings:*

A new crime, trafficking in human beings for sexual purposes, entered into force on July 1<sup>st</sup> 2002. The new crime made a first step towards an extended penal legislation covering all forms of trafficking in human beings.

On 1 of July 2004 legislative amendments needed for Sweden to be able to ratify and fulfil the obligations established in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography were made. An extended penal legislation was also necessary in order to implement the Council Framework Decision on combating trafficking in human beings. The new legislation covered national as well as trans-national trafficking and trafficking for other forms of exploitation than sexual exploitation, such as forced labour and the removal of organs.

*d) Inter-country adoptions:*

The legislation concerning inter-country adoption has been amended from 1<sup>st</sup> January 2005. The aim of the amendments is to secure that every inter-country adoption is made in the best interest of the child. Clearer requirements are put for authorization of an association to work on intermediation of inter-country adoptions and more scope will be put on the conditions in the country that the association intends to work with. There will also be clearer and stronger requirements for consent to receive a child for adoption. You can find more information in the fact-sheet on inter-country adoptions attached as appendix No. 8.

## **New institutions**

*a) Two new school authorities:*

The Swedish National Agency for Education is the central administrative authority for the Swedish public school system for children, young people and adults, as well as for preschool activities and childcare for school children.

The Swedish National Agency for School Improvement is responsible for general support to schools within nationally prioritised areas and for supporting local development of work quality and improvement of learning environments.

### **Newly implemented policies**

*a) Updated strategy for the implementation of the Convention:* In January 2004 the Swedish Government presented for the Parliament an updated national strategy to implement the Convention on the Rights of the Child. Based on the national strategy adopted by the Parliament in 1999, the newly updated strategy is focusing on following issues:

- The work with the Convention within the Government Offices, including training for staff, guidelines for child impact analyses and a more clearly expressed child perspective in the state budget.
- The work within the Government Agencies including improvement of management for the implementation of the Convention.
- Integration of knowledge of the Convention in various educational programmes of universities and other higher educational institutions.
- Following-up the efforts of the Children's Ombudsman to press forward the implementation of the Convention.
- Developing statistics concerning children and using children as a source in statistical context.
- Supporting the experience exchanges between municipalities in order to spread successful practices in local work with the Convention.
- Enhancing the participation of children in community planning.
- Spreading information about Convention aimed to various age groups of children.
- Preparing a Swedish Implementation Handbook for the work with the Convention.
- Carrying out a preliminary study of setting up a knowledge centre for issues related to the Convention.
- Continuing the international cooperation based on the Convention within the European Union, the Nordic Council of Ministers and the Council of Europe.

For more information please see appendix 7.

*b) New policy for inter-country adoptions:*

Please see the information in the fact-sheet on inter-country adoptions, appendix No. 8.

### **Newly implemented programmes and projects**

*a) Plan of Action for Health Care:* The Swedish Government is now underway of negotiating the National Action Plan for the Development of Health Care with the Federation of County Councils. This Action Plan for the years 2005-2007 will incorporate a number of measures directed directly towards children and young people. Special attention will for example be given to improve mental health amongst young people and increase the co-operation between all authorities involved in treating young persons with mental illnesses.

*b) Girls at risk of violence in the name of honour:* The Swedish Integration Board gives priority to develop projects that promote gender equality and improve the

childhood and adolescent conditions for children and young people with foreign backgrounds. Special attention is given to the conditions of girls and young women when growing up. In 2003 more than SEK 2.8 million was granted to these types of projects.

*c) Action to promote gender equality in pre-schools and schools:* On the instruction of the Government, the Swedish National Agency for School Improvement has produced materials about how the schools can support girls and families. This material was distributed to all primary and secondary schools in 2003.

The Swedish National Agency for School has also compiled instructive examples of methods used by schools and municipalities in their work on gender equality and social and ethnic diversity.

*d) "Girl" – project:*

In the light of a trend of increasing commercialization and sexploitation in the society the Government decided in November 2003 a project on how this social phenomena affects young girls and boys.

The scope of the project was partly to start a discussion among young girls and boys on how market forces affect and direct their view of themselves and partly to create a dialogue with the branch on their role and responsibility concerning the influence on young girls and boys. The project has involved thousands of young girls and boys all around Sweden and will continue until 30 June 2005.

## Appendix 1

### 6. Reference to child abuse

#### a) Number of reported offences by type of offence

Number of reported offences by type of offence. Sweden	2002	2003	2004	2004	2004
	Year	Year	Quarter 1 prel.	Quarter 2 prel.	Quarter 3 prel.
<b>Assault (not resulting in death)</b>					
Against children of 6 years and under	1021	1196	292	283	289
Against children of 6 years and under of which indoors, acquainted with victim	750	922	240	210	215
Against children of 7 - 14 years	6244	6428	1797	1811	1377
Against children of 7 - 14 years of which indoors, acquainted with victim	2841	3103	940	792	543

## Appendix 2

### 6. Reference to child abuse

b)

Cleared-up offences where there is a person suspected	<b>Total</b>					<b>Person-based clearance</b> (Percentage of which reported offences have resulted in decisions to prosecute, approved summary imposition of fines by Prosecutor or waivers of prosecution), 2002
	Type of decisions					
Sweden <b>Year 2002</b>	Reported Offences	Decisions to prosecute	Imposition of fines by a prosecutor	Waivers of prosecution	Other	
<b>Assault (not resulting in death)</b> Against children of 6 years and under	1 021	144	11	3	113	15 %
Against children of 7 - 14 years	6 244	788	93	36	1 568	15 %

Cleared-up offences where there is a person suspected	<b>Total</b>					<b>Person-based clearance</b> (Percentage of which reported offences have resulted in decisions to prosecute, approved summary imposition of fines by Prosecutor or waivers of prosecution), 2003
	Type of decisions					
Sweden <b>Year 2003</b>	Reported Offences	Decisions to prosecute	Imposition of fines by a prosecutor	Waivers of prosecution	Other	
<b>Assault (not resulting in death)</b> Against children of 6 years and under	1 196	138	8	1	114	12 %
Against children of 7 - 14 years	6 428	842	99	24	1 511	15 %

## Appendix 3

### 10. Children in conflict with the law a) persons suspected of offences (15-17 years)

**Tabell 3.1**

**Persons suspected of offences, by type of offence, together with percentages of young persons and women, 2003**

Note:

Percentage = total number of persons suspected for respective type of offence

Total number = netto per offence

Type of offence	Total Number of Persons suspected	Of which			
		15-17 year	Women		
		%	number	%	
<b>ALL OFFENCES</b>	<b>98 821</b>	<b>12 971</b>	<b>13</b>	<b>18 551</b>	<b>19</b>
<b>Crimes against the Penal Code</b>	<b>66 479</b>	<b>10 320</b>	<b>16</b>	<b>14 691</b>	<b>22</b>
<b>Crimes against person. Ch. 3-7</b>	<b>22 244</b>	<b>3 115</b>	<b>14</b>	<b>3 009</b>	<b>14</b>
Crimes against life and health. Ch.3	12 957	2 219	17	1 490	11
Of which assault (not resulting in death)	12 302	2 175	18	1 418	12
against children of 6 years and under	208	3	1	60	29
against children 7-14 year	1 185	431	36	289	24
against women	4 886	480	10	758	16
against men	6 915	1 432	21	406	6
Crimes against liberty and peace. Ch. 4	10 696	1 228	11	1 272	12
Defamation. Ch. 5	1 607	129	8	490	30
Sexual offences. Ch.6	1 509	145	10	23	2
Of which rape, gross rape	352	38	11	1	0
Crimes against family. Ch. 7	338	2	1	180	53
<b>8-12 kap. Crimes against liberty and peace.</b>	<b>44 713</b>	<b>7 295</b>	<b>16</b>	<b>11 024</b>	<b>25</b>
Theft, robbery, other offences of stealing. Ch. 8	33 336	5 909	18	9 181	28
Of which Completed car theft	3 073	718	23	268	9
Attempted car theft	662	157	24	20	3
Of which robbery, gross robbery	1 541	455	30	82	5
Of which Shop robbery	329	48	15	14	4
Of which Robbery of persons	877	341	39	47	5
Fraud and other acts of dishonesty Ch. 9	6 403	488	8	1 330	21
<b>Embezzlement and other breaches of trust</b>					
Chap. 10	2 082	291	14	486	23
Crimes against creditors Ch. 11	1 876	3	0	188	10
Crimes inflicting damage Ch. 12	6 175	1 364	22	554	9
Crimes involving public danger Ch 13	624	77	12	147	24
Crimes of falsification Ch. 14	2 013	166	8	463	23
Perjury, false prosecution, etc Ch 15	1 473	591	40	614	42
Crimes against the state Ch. 16-20	<b>6 346</b>	<b>568</b>	<b>9</b>	<b>708</b>	<b>11</b>
	122	-	-	20	16
<b>Crimes against the Road Traffic Offences Act</b>	<b>27 919</b>	<b>2 661</b>	<b>10</b>	<b>2 877</b>	<b>10</b>
Of which Drunken driving, gross drunken driving	14 905	469	3	1 473	10
<b>Crimes against the Narcotic Drugs Act</b>	<b>15 443</b>	<b>864</b>	<b>6</b>	<b>2 284</b>	<b>15</b>

## Appendix 4.

**Tabell 3.1**

**Persons suspected of offences, by type of offence, together with percentages of young persons and women, 2002**

Note:

Percentage = total number of persons suspected for respective type of offence

Total number = netto per offence

Type of offence	Total Number of Persons suspected	Of which			
		15-17 year %	Women number	Women %	
<b>ALL OFFENCES</b>	<b>96 193</b>	<b>13 246</b>	<b>14</b>	<b>18 020</b>	<b>19</b>
<b>Crimes against the Penal Code</b>	<b>65 206</b>	<b>10 647</b>	<b>16</b>	<b>14 204</b>	<b>22</b>
<b>Crimes against person. Ch. 3-7</b>	<b>22 682</b>	<b>3 432</b>	<b>15</b>	<b>3 136</b>	<b>14</b>
Crimes against life and health. Ch.3	12 995	2 298	18	1 427	11
Of which assault (not resulting in death)	12 362	2 249	18	1 358	11
against children of 6 years and under	174	3	2	54	31
against children 7-14 year	1 211	503	42	237	20
against women	4 925	482	10	758	15
against men	6 912	1 430	21	382	6
<i>Crimes against liberty and peace. Ch. 4</i>	10 989	1 421	13	1 394	13
<i>Defamation. Ch. 5</i>	1 774	182	10	603	34
Sexual offences. Ch.6	1 413	181	13	25	2
Of which rape, gross rape	324	44	14	1	0
<i>7 kap. Crimes against family</i>	329	1	0	160	49
<b>8-12 kap. Crimes against liberty and peace.</b>	<b>43 289</b>	<b>7 387</b>	<b>17</b>	<b>10 455</b>	<b>24</b>
Theft, robbery, other offences of stealing. Ch. 8	31 374	5 809	19	8 444	27
Of which Completed car theft	3 413	900	26	270	8
Attempted car theft	769	215	28	48	6
Of which robbery, gross robbery	1 615	481	30	90	6
Of which Shop robbery	328	58	18	15	5
Of which Robbery of persons	890	357	40	56	6
<i>Fraud and other acts of dishonesty Ch. 9</i>	6 719	525	8	1 454	22
Embezzlement and other breaches of trust Chap. 10	2 290	364	16	517	23
Crimes against creditors Ch. 11	1 880	1	0	187	10
Crimes inflicting damage Ch. 12	6 421	1 521	24	545	8
Crimes involving public danger Ch 13	568	77	14	153	27
Crimes of falsification Ch. 14	2 033	173	9	453	22
Perjury, false prosecution, etc Ch 15.	1 538	563	37	576	37
Crimes against the state Ch. 16-20	<b>6 062</b>	<b>662</b>	<b>11</b>	<b>682</b>	<b>11</b>
<i>against national security and so on.</i>	136	-	-	28	21
<b>Crimes against the Road Traffic Offences Act</b>	<b>26 937</b>	<b>2 621</b>	<b>10</b>	<b>2 754</b>	<b>10</b>
Of which Drunken driving, gross drunken driving	14 246	509	4	1 382	10
<b>Crimes against the Narcotic Drugs Act</b>	<b>14 376</b>	<b>993</b>	<b>7</b>	<b>2 174</b>	<b>15</b>

## Appendix 5.

Persons found guilty of criminal offences, by principal sanction etc. and age, 2003.

Principal sanction (sentence)	Age		
	15-17	Total Number	Netto per row
<b>Summary of court decisions, imposition of fines by a prosecutor and waivers of prosecution.</b>	<b>12 305</b>	<b>113 752</b>	<b>104 095</b>
Imprisonment	514 903		13 201
Closed juvenile care	98113		111
Psychiatric Care	4379		375
combined with special release inquiry	3267		264
Probation	1796 393		6 389
of which combined with imprisonment	2220		220
combined with committal for special care	11 010		1 009
combined with community service	13896		896
Conditional Sentence	1159 481		9 472
combined with community service	33 298		3 297
Committal for treatment by the social welfare services	2 3282 551		2 394
combined with youth service	479529		511
Committal for treatment according to the Act on Drug misusers	-15		15
Fines	2 13821 942		21 337
34 Chap. 1 § 1 p. Crimes against the Penal Code	401 819		1 749
of which Imprisonment	-442		432
of which closed juvenile care	56		6
of which probation	331 305		1 245
of which conditional Sentence	165		65
30 Chap. 6 § Penal Code applied	-2		2
29 Chap. 6 § Penal Code applied	541		41
<b>Summery of court decisions</b>	<b>4 91257 639</b>		<b>55 086</b>
<b>Summary imposition of fines by a prosecutor</b>	<b>4 75038 285</b>		<b>36 790</b>
of which conditional Sentence	31 179		1 178
17 § The Young Offenders Act	1 9832 052		2 010
9 § The Young Offenders Act	1518		17
20 kap. 7 § 1 st. 1 p. Code of Judicial Procedure	701 057		1 041
20 kap. 7 § 1 st. 2 p. Code of judicial Procedure	274		65
20 kap. 7 § 1 st. 3 p. Code of Judicial Procedure	56414 487		8 973
20 kap. 7 § 1 st. 4 p. Code of judicial Procedure	9131		104
20 kap. 7 § 2 st. Code of Judicial procedure	-3		3
46 § Act on the Treatment of Drug Misusers	-6		6
<b>Summery waiving of prosecution.</b>	<b>2 64317 828</b>		<b>12 219</b>

<sup>2</sup> Brutto



## Appendix 6

Persons found guilty of criminal offences, by principal sanction etc. and age, 2002

Principal sanction (sentence)	Age	Total	Netto
	15-17	Number	per row
<b>Summary of court decisions, imposition of fines by a prosecutor and waivers of prosecution.</b>	<b>12 323</b>	<b>114 475</b>	<b>104 782</b>
Imprisonment	7	13 765	12 147
Closed juvenile care	95	114	109
Psychiatric Care	3	380	378
combined with special release inquiry	3	267	266
Probation	138	6 659	6 654
of which combined with imprisonment	2	248	248
combined with committal for special care	-	984	983
combined with community service	13	1 018	1 018
Conditional Sentence	141	9 888	9 883
combined with community service	4	3 685	3 684
Committal for treatment by the social welfare services	2 428	2 673	2 466
combined with youth service	416	463	445
Committal for treatment according to the Act on Drug misusers	-	12	12
Fines	2 154	21 402	20 877
34 Chap. 1 § 1 p. Crimes against the Penal Code	29	1 838	1 777
of which Imprisonment	-	456	445
of which closed juvenile care	4	8	8
of which probation	24	1 308	1 258
of which conditional Sentence	1	66	66
30 Chap. 6 § Penal Code applied	-	4	3
29 Chap. 6 § B Penal Code applied	6	37	37
<b>Summery of court decisions</b>	<b>5 001</b>	<b>56 772</b>	<b>54 343</b>
<b>Summary imposition of fines by a prosecutor</b>	<b>4 701</b>	<b>40 112</b>	<b>38 548</b>
of which conditional Sentence	3	1 186	1 186
17 § The Young Offenders Act	1 958	2 035	1 974
9 § The Young Offenders Act	26	29	21
20 kap. 7 § 1 st. 1 p. Code of Judicial procedure	71	939	912
20 kap. 7 § 1 st. 2 p. Code of Judicial procedure	-	59	58
20 kap. 7 § 1 st. 3 p. Code of Judicial procedure	556	14 366	8 781
20 kap. 7 § 1 st. 4 p. Code of Judicial procedure	9	143	126
20 kap. 7 § 2 st. Code of judicial procedure	1	17	16
46 § Act on the Treatment of Drug Misusers	-	3	3

## Appendix 7

**FACTSHEET Ministry of Health and Social Affairs, Sweden.  
No.6 March 2004-12-07**

### **Strategy to Implement the UN Convention on the Rights of the Child**

**The objective of Government child policy is that children and young people are to be respected and to have opportunities for development and security and also for participation and influence. This policy area is mainly concerned with action to implement the UN Convention on the Rights of the Child (the CRC) in Sweden. Child policy is based on a national strategy that has recently been updated and presented to the Riksdag (the Swedish Parliament).**

#### **Child policy**

Child policy is a cross-sector policy area mainly concerned with action to implement the CRC in Sweden. The role of the policy area is to initiate, press forward and coordinate processes aimed at ensuring that the intentions and spirit of the CRC permeate all aspects of Government policy and all public actions that affect to children and young people. Here children refer to girls and boys less than 18 years of age. This means that child policy is not a traditional sector policy area, even though there are some purely sector issues in the area.

#### **The UN Convention on the Rights of the Child.**

Sweden ratified the UN Convention on the Rights of the Child following a decision of Parliament on 21 June 1990, and did so without registering any reservations at all (Govt Bill 1980/90:107). This means that Sweden has pledged to follow the provisions of the Convention.

#### *Children must be respected.*

The message of the CRC can be summarised by saying that children must be respected. Implementing the CRC and rooting its perspective is a long-term process that must continue all the time. The CRC is intended to be a tool in work to gradually improve the conditions of children. If the child perspective is to permeate all issues that affect children and young people it is crucial to change attitudes, approaches and practices in a range of activities at various levels of society. It is also crucial to develop knowledge and methods in order to raise the awareness of decision-makers and adults working with children and also of children and young people themselves. On certain points changes are also needed in laws, regulations and practice.

#### *Child perspectives.*

The purpose of child policy and work on the CRC is to ensure that a child perspective is adopted in all decisions and other actions that affect children. The child perspective is based on respect for the integrity and full human dignity of children. All people – old and young – are of equal value. Adopting a child perspective means being able to see things from the child's point of view. The child perspective includes a certain amount of empathy and insight as well as the ability to identify with the situation of the child or young person. It also involves the awareness that children, as they get older and more mature, are increasingly entitled to influence matters that affect them. The child perspective involves focusing on the child and making careful analyses of what consequences a decision can have for an individual child or teenager or for

children and young people as a group. Another dimension of the child perspective is the intrinsic value of childhood. Children are not accessories to their parents or passive recipients of parental influence. They are individuals in their own right with their own needs and rights. This means that childhood is not seen solely as preparation for adult life but is seen as a part of life with a value of its own.

#### *Different kinds of rights*

The CRC contains different kinds of rights, both civil and political rights and economic, social and cultural rights. The Convention also pays special attention to the exposed and vulnerable situation of children, and this is manifested in the rights intended to give the child protection from exploitation and abuse. The CRC must be seen as a single unified document and the various rights it sets out are equally important. While some rights are absolute and must be implemented by all states immediately irrespective of the state's level of development (civil and political rights), other rights are more like goals and are dependent on the resources of the individual state (the economic, social and cultural rights). The CRC focuses on the individual – the individual boy or girl – and its substantive articles deal with the right of the child to have his or her fundamental rights and needs met.

#### *Four fundamental principles.*

The CRC contains four fundamental principles. They are intended to govern the interpretation of the other articles, but they are also significant in their own right:

- No child may be discriminated on grounds of origin, sex, religion, disability or on other similar grounds (Article 2).
- The best interest of the child shall guide all decisions and actions concerning children and young people (Article 3).
- Children and young people must be allowed to develop at their own pace and based on their own individual circumstances.
- Children and young people must be given the opportunity to express their opinions on matters that affect them and to have them respected (Article 12).

#### *A binding agreement.*

The CRC is a binding agreement between the states that have joined it. These states are obliged to take suitable action to implement the Convention. It is the state, in Sweden the Government, that is responsible for fulfilling the obligations under the Convention. This means that it is the Government that will be called on to account for any shortcomings. Each state decides how it lives up to its commitments, as long as implementation is in line with the principles of the Convention. The internal administrative structure of a state is of no importance. A combination of measures is needed to secure the rights of the child: legislation, opinion formation and information.

#### **The CRC in the Government Offices**

In the Government Offices a coordination function for CRC issues has been placed in the Ministry of Health and Social Affairs. One role of this function is to work at a general level to press forward, support and coordinate processes so that the child perspective is reflected in all parts of Government policy and in public actions that affect children and young people.

#### **Strategy to implement the CRC**

In 1999 the Riksdagen adopted a national strategy for the implementation of the CRC (see Govt Bill 1997/ 98:182). This strategy forms the basis for Government child policy. The strategy contains the following points:

- The Convention must be an active instrument and permeate all decision-making in the Government Offices affecting children.
- A child perspective must be included, where appropriate, in the terms of reference of inquiries.
- The Convention should be raised in various ways in education programmes for the professional groups that are to work with children.
- National government employees whose work impacts on children and young people must be offered in-service training to strengthen their child-related skills and their knowledge of the Convention.
- Similarly, municipalities and county councils should offer their staff in-service training.
- Municipalities and county councils should establish systems to follow up implementation of the best interests of the child in local government work.
- Child impact assessments must be carried out in connection with state decisions affecting children.
- The influence and participation of children and young people in community and traffic planning must be improved.
- The activities and organisation of the Children's Ombudsman must be reviewed in order to strengthen role of the Ombudsman in the implementation of the CRC in Sweden.
- Child statistics must be improved.

#### ***Who is the strategy aimed at?***

Most services that affect children directly are provided by municipalities and county councils. These include schools and preschools, social services, clubs at recreation centres, sports grounds and playgrounds, child health centres and youth guidance centres, as well as buses and other means of transport. Municipal decisions on traffic, building and planning also affect the everyday lives of children and young people, as do many decisions taken by government agencies and also, to a great extent, decisions taken by the courts. Given the autonomy of local government in Sweden, the main instruments available to the Government are legislation, especially the legislation covering specific services provided by local governments, the allocation of state grants and special financial incentives. But policy action, methods development, the provision of knowledge and professional development are also important instruments. The main actors with key roles in the implementation of the Convention are public bodies – the Government, the Riksdag, administrative agencies, local authorities (i.e. municipalities and county councils). But the courts also have an important role to play in implementing the Convention. They have to interpret the new or amended legislation resulting from the incorporation of the CRC in Swedish law. There are also a number of other actors that have important roles to play in implementing the CRC and ensuring that it has practical results for children and young people. These are NGOs, popular movements, the sports movement, industry, the media, the research community, families and, not least, children and young people themselves.

#### **The Children's Ombudsman**

The Children's Ombudsman is a key actor in work to implement the CRC. The Children's Ombudsman has special responsibility to press forward implementation of the CRC and monitor compliance at all levels of society, as well as to represent the

rights and interests of children and young people. The activities of the Children's Ombudsman cover all areas of society that affect children.

### **A developed strategy**

In January 2004 the Government set out the direction of continued strategic work to implement the CRC on the basis of experience gained since the strategy was adopted. It did so in a Communication to the Riksdag (Comm. 2003/04:47 Development of the National Strategy to Implement the UN Convention on the Rights of the Child). The main thrust of the 1998 strategy is still relevant, but strategic work must be developed further, methods must be deepened and new tools must be provided to actors responsible for the implementation of the CRC.

### **Work in the Government Offices**

The 1998 strategy: "The Convention must be an active instrument and permeate all decision-making in the Government Offices affecting children. A children's perspective must be included, where appropriate, in committee terms of reference."

The developed strategy:

- Work on information and training actions for staff in the Government Offices, both officials and political appointees, will be intensified and developed.
- Guidelines will be drafted for child impact analyses in government inquiries, etc.
- In addition, the training of staff on government inquiries will be supplemented with courses on child impact analyses.
- The child perspective will be expressed more clearly in the Government Budget. In the spring of 2004 the Government intends to present a Communication to the Riksdag reviewing the 2004 Government Budget in a child perspective.

### **Government agencies**

The 1998 strategy: "Child impact assessments must be carried out in connection with state decisions affecting children. National government employees whose work impacts on children and young people must be offered in-service training to strengthen their child-related skills and their knowledge of the Convention".

The developed strategy:

- It is important for the state to set a good example in integrating a child perspective into public decision-making. The Government therefore intends to follow up the progress of work in various agency sectors and to consider, on this basis, what action may be needed to improve the system of management by objectives and results as well as support for agencies.
- The county administrative boards have been commissioned in their appropriation directions for 2004 to report how a child perspective can be developed and improved in their activities. In addition, the Government intends to invite representatives of the county administrative boards to a dialogue on how to develop the role of the county administrative boards in implementing the CRC.

### **Higher education**

The 1998 strategy: "The Convention should be raised in various ways in education programmes for the professional groups that are to work with children".

The developed strategy:

- A follow-up will be made of the commission that the National Agency for Higher Education has had to stimulate institutions of higher education to integrate the CRC in various professional training programmes. The 2004 appropriation directions for universities and other higher education institutions require them to report action to incorporate knowledge of the CRC in a range of programmes where it is considered important.
- During 2004 the Government intends to hold regional conferences in cooperation with the National Agency for Higher Education to provide inspiration and highlight good examples of work being done to integrate the CRC in various education programmes.

### **The Children's Ombudsman**

The 1998 strategy: "The activities and organisation of the Children's Ombudsman must be reviewed in order to strengthen the role of the Ombudsman in the implementation of the CRC in Sweden."

The developed strategy:

- The Children's Ombudsman is now considered to be well equipped to work to ensure that the rights and interests of children and young people are respected and satisfied and to continue pressing development work forward, especially in municipalities, county councils and government agencies. The Children's Ombudsman's continued action to press forward the implementation of the Convention and to monitor compliance plays a key role in future work to implement the CRC.

### **Statistics**

The 1998 strategy: "Child statistics must be improved."

The developed strategy:

- In a number of areas there has been a reliable and positive development of statistics concerning children and young people. This work will continue and be further developed. Work on using children and young people as a source in statistical contexts should be developed further, and the Government's intention is that Statistics Sweden's annual surveys of living conditions will continue to include the age group 10-18 years.

### **The local government level**

The 1998 strategy: "Municipalities and county councils should establish systems to follow up implementation of the best interests of the child in local government work. Municipalities and county councils should offer their staff in-service training in order to strengthen their child-related skills and their knowledge of the CRC"

The developed strategy:

- The Government intends to closely follow what effect the clarification of the mandate and powers of the Children's Ombudsman has on the development of CRC work in municipalities and county councils.
- In addition, the Government intends to commission the Children's Ombudsman to hold regional conferences in order to encourage and spread successful practices in local work on the CRC.

### **Influence and participation in community and traffic planning**

The 1998 strategy: "The influence and participation of children and young people in community and traffic planning must be improved."

The developed strategy:

- The Commission to the National Board of Housing, Building and Planning and other agencies will be followed up. The Government intends to invite the National Board of Housing, Building and Planning, the Children's Ombudsman, the National Board for Youth Affairs and the Swedish Association of Local Authorities to take part in a discussion on municipal trials in line with the proposals previously presented by the National Board of Housing, Building and Planning.
- The Government intends to commission the National Board of Housing, Building and Planning to produce an advisory document for municipal planners.

### **Development areas based on the 1998 strategy**

#### **Follow-up**

- A system should be put in place to follow up what impact the actions taken have on the achievement of the objectives of child policy. The Government therefore intends to appoint a working group tasked to develop indicators to measure and follow up child policy actions.

#### **Participation and influence**

- It is important to follow developments concerning the opportunities available to young people for participation and influence. The Government intends to invite the Children's Ombudsman and the National Board of Youth Affairs together with the Swedish Association of local Authorities to a discussion of how to further develop influence and participation for children and young people in local government services and decision-making.
- The Government intends to further develop the forms for contacts and dialogue with the Minister for Children's reference group.

#### **Information – Article 42**

- Children and young people are an important target group for the dissemination of information on the CRC. The Children's Ombudsman has had a commission from the Government to produce information material on the CRC aimed at children and young people. Two publications, one aimed at 5-9 year-olds and one aimed at 9-13 year olds, have been presented so far, along with a teacher's guide. Another publication, aimed at teenagers, is being planned.

#### **Research and statistics**

- Knowledge about both girls and boys and about their living conditions should be improved by developing statistics and research.

#### **Children's rights centre and "Implementation Handbook"**

- The need to bring together and spread knowledge about the CRC and the rights of children has been raised in several quarters. The Government therefore intends to

carry out a preliminary study of setting up a knowledge centre for issues related to the CRC.

- The meaning of the various articles in the CRC and what commitment they actually entail for Sweden is a question that comes up all the time. The Government therefore intends to commission a project to produce a Swedish handbook on implementing the CRC.

### **International cooperation**

- International cooperation based on the CRC should be further developed. The Government intends to intensify work to develop cross-sectoral cooperation on issues concerning children and young people – based on the CRC – in the Nordic Council of Ministers and the Council of Europe. In EU cooperation the Government will continue to work for the adoption of a child perspective on all relevant decisions and programmes. The work being done in the Permanent Group l'Europe de l'enfance is valuable source for exchanges of experience and the development of the rights of children and young people.



## Appendix 8

**F A C T S H E E T Ministry of Health and Social Affairs, Sweden No. 7 • April 2004**

Government Bill 2003/04:131

### Intercountry adoptions

**The Government has presented a bill to the Riksdag (the Swedish Parliament) with proposals intended to strengthen the rights of the child in the adoption process and to establish a more transparent adoption service (Govt bill 2003/04:131).**

Intercountry adoption has long been an accepted and well-functioning way of forming a family, fully equivalent to other forms of family formation. Today there are some 43 000 intercountry adoptees in Sweden. About 1000 children from other countries are adopted by Swedish families every year. Intercountry adoptions are mediated by associations – non-profit services often built up by adoptive parents. The bill contains proposals intended to strengthen the rights of the child in the adoption process. This is done by stipulating additional, clearer requirements for authorisation of an association to work on intermediation of intercountry adoptions in Sweden. The proposed requirements will provide more scope to take account of conditions in the countries that the associations intend to work with. Reasons for the new authorisation requirements include Sweden's commitments under the United Nations Convention on the Rights of the Child (the CRC) and the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. Clearer requirements are also proposed for the day-to-day work of these associations in order to strengthen the rights of the child and of applicants, too, and in order to establish a more transparent adoption service. The bill also proposes clearer requirements for consent to receive a child for adoption. The proposals are described briefly below.

#### **Authorisation to work on mediation of intercountry adoptions is given in two stages**

First there is an assessment of the association's capacity to act as an intermediary of intercountry adoptions at all. Current authorisation requirements are supplemented with the requirements that other work done by the association must not compromise confidence in its adoption work and that the association must be open to everyone. The associations will still be able to do other work, such as development assistance work, but this work should be clearly demarcated in terms of staff and finances from its adoption work. The association must also have statutes that make it open for anyone to join or use and that make its activities transparent. The next stage is an assessment of the association's prospects of starting or continuing adoption work in another country. An organisation that has been given authorisation to work on intercountry adoption intermediation may be granted authorisation to work in another country on condition that:

- the other country has adoption legislation or some other reliable regulation of intercountry adoption that takes account of the fundamental principles for intercountry adoption expressed in the CRC and the Hague Convention.
- the other country has a functional administration of international adoption work.

- the association reports its foreign costs and the composition of these costs.
- when costs, the balance between Swedish associations and other circumstances are taken into account it is considered appropriate for the association to start or continue adoption cooperation with the other country.

### **Requirements on day-to-day work**

An authorised association will be obliged to provide international adoption intermediation to a person or persons holding an adoption consent from their municipal social welfare committee. This obligation will not, however, apply in cases where the association does not have any foreign contact able to mediate children to applicants or if applicants have neglected their financial or agreed obligations towards the association. The authorised association will also be obliged to document its work and to ensure financial security for applicants.

### **Supervision, orders and revocation of authorisation**

The national adoption authority is given additional supervisory instruments. It will have the right to inspect the work of an authorised association and to collect information and access the documents needed for its supervision. A new regulation gives the adoption authority the right to order an authorised association to remedy shortcomings in its intermediation work. The possibility of revoking an authorisation is also expanded, a change that is related to the new, clearer requirements for authorisation. Authorisation may also be revoked if the association has not mediated any children in the past two years.

### **New adoption authority**

The National Board for Intercountry Adoptions (NIA) is abolished and a new authority is set up for intercountry adoption issues. In broad terms the new authority will have the same duties as NIA has today. However, it is proposed that the new authority will have additional supervisory instruments. Along with clearer legislation this will enhance the authority's ability to exercise active supervision. In addition, the new requirements for authorisation of associations will lead to more international contacts. The new authority will therefore require an injection of new knowledge and skills. Consent to receive a child Stricter and clearer requirements are introduced for consent to receive a foreign child for adoption. The Act will state that consent may only be given if the applicant is suitable as an adoptive parent. In addition, the Act will provide that the assessment shall pay particular attention to the applicant's knowledge and insight concerning adopted children and to their needs and the implications of the planned adoption as well as to the applicant's age, state of health, personal qualities and social network. Moreover, ahead of the adoption the applicant must have taken part in parental training designated by the municipality.

### **Parental training before adoption**

One of the new requirements for consent to receive a foreign child for adoption that is added to the Social Services Act is that the applicant must have taken part in parental training designated by the municipality. The Government intends to commission the adoption authority to produce uniform study material in consultation with the National Board of Health and Welfare, the Swedish Association of Local Authorities and the Swedish Federation of County Councils. Adoption organisations and organisations of adoptees will also be invited to take part. The thinking behind this is that at present there are great differences between municipalities and municipalities rely on parents gaining the necessary knowledge about adoption through authorised adoption associations.

**Obstacles to marriage**

An adoptive relationship shall be equated with a biological relationship when applying the regulations on obstacles to marriage and obstacles to partnership. One result of this change is that an adoptive parent and an adopted child will no longer be able marry one another or register their partnership.

**Cooperation and professional development**

Since 1998 the social services have had special responsibility for providing support and help for adoptees and their families. But other actors – in both the municipality and the county council – also have an important responsibility in this context and need special knowledge of adopted children, adoptive parents and adult adoptees and of adoption-related problems. Questions related to intercountry adoptions rarely arise in the various services provided by either municipalities or county councils. It can therefore be difficult to retain or develop a high level of skills and knowledge in the area. To satisfy the requirements for skills, knowledge and development in the area of international adoptions it is necessary to develop cooperation both within municipalities and between municipalities and county councils. The Institute for Evidence-Based Social Work Practice at the National Board of Health and Welfare will be commissioned to establish a knowledge centre to collate and disseminate available knowledge about adoptees and their situation. The target groups for this work are the social services, child health care, psychiatric services for children and young people, preschools and schools as well as state county administrations in their supervisory work. In addition, the National Board of Health and Welfare is being commissioned to follow up the situation of foreign children placed in Swedish families. It is proposed the amendments to the legislation enter into force on 1 January 2005.