



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Third periodic report of States parties due in 2002**

**SWEDEN\* \*\***

[11 November 2002]

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\* For the second periodic report submitted by Sweden, see CRC/C/65/Add.3; for its consideration by the Committee on 22 January 1999 see CRC/C/SR.521-522 and CRC/C/15/Add.101. The annexes may be consulted in the files of the secretariat.

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## I. INTRODUCTION

1. In June 1990, Sweden ratified the United Nations Convention on the Rights of the Child without a single reservation. Under the terms of the Convention, states parties are required to submit regular reports to the United Nations Committee on the Rights of the Child. The present report is the third of its kind. The first report, CRC/C/3/Add.1, was submitted in 1990, the second, CRC/C/65/Add.3, in 1997. The Committee's instructions stipulate that these reports may only address the changes or developments that have taken place since the previous report was compiled. The present report accordingly refers extensively to the previous English language version.

### **Children today**

2. The circumstances of children and young people - their lives, their experiences and the conditions under which they live - are in constant transition, reflecting the changes taking place in the world at large. Society's child policies must be adapted as far as possible to emerging conditions so that children can grow up in an environment which is as beneficial and secure as society can make it. Although international and historical comparisons confirm that children in Sweden are well off, serious shortcomings may be found here and now, and many children come to harm through neglect or mistreatment. The economic crisis of the 1990s was followed by major cutbacks in public expenditure. Financial support for children and their families, schools and childcare provision are not only major items of central and local government expenditure; they are also crucial to families' security and their children's well-being. The cutbacks were therefore painful.

3. The recent substantial improvement in public finances combined with falling unemployment rates have resulted in better conditions for children and their families. Financial support for families has been increased and new improvements are in hand. Municipal and county councils can once again direct resources to the task of strengthening activities and services for children and young people. In Sweden, responsibility for services and support for children and young people rests primarily with the country's municipal and county councils. These include schools, pre-school and school-age childcare, health and medical care and social services. The way in which municipal and county councils utilise their resources is therefore of crucial importance. The Government considers that a proportion of the greatly increased resources now at the disposal of Sweden's municipalities - as a result of increases in government grants and income tax revenue - could be used to improve the quality of services offered to children. The preventive aspect is also important. The basic services: pre-school childcare, schools, child health care and child medical care, can all be better than they are today. This is particularly important to bear in mind in the case of children with special needs. In the Government's view, the social services and the child psychiatric care service could also expand and improve their activities for children in need of special protection.

4. There are a number of disturbing trends in different areas which must be taken seriously and will require both general and targeted measures. These include the growing prevalence of allergies and a perceptible deterioration in the mental health of children and young people. The situation of lone parents also requires attention as do the special

problems encountered by young girls in certain circumstances.

5. Stress and burn-out in working life have become a matter of concern lately, mainly as a result of the sharp rise in the number of people on long-term sick leave. We are seeing an intensification of the work pace at many workplaces with advantages in terms of higher productivity and more welfare. However, the side effects in terms of greater stress and more cases of long-term sick leave are not acceptable and must be dealt with. The heavier workload at the workplace must also be weighed against the cost in terms of reduced time and energy for activities outside the workplace. From the child's standpoint, the demand that such activities should include spending time with him or her is not an unreasonable one.

6. We adults have obligations to our children. Regarding the environment, the Swedish Riksdag (parliament) has decided that the major environmental problems shall be solved within a generation. A poor environment containing inter alia harmful chemicals and air pollutants will have negative effects on our children. Children are extra sensitive as they are not fully developed. Compared with adults, children's habits are different. They spend their time in different environments to adults and eat a diet that is not always comparable. There is therefore a great need among other things to further develop the models that are the basis for risk assessment of chemicals so that they also take children into consideration.

7. One of the clearest indications of the rapid social changes now taking place which effect children and young people is the emergence of the information society. But although most children and young people have quickly assimilated it and often use it with great facility, the new information technology has drawbacks as well as advantages. While it enables children to acquire new and wider knowledge and make new contacts, increased access to pornography and racist and extremist ideas afforded by the Internet are highly detrimental and as such must be acknowledged and actively opposed.

8. The fact that IT skills and access to computers are unevenly distributed among today's young people poses yet another problem. Information technology has become a part of everyday life and it is essential that everyone should benefit from it.

9. The rapid pace of technological development is also leaving its mark on today's labour market. The demand for specialised skills, training and educational qualifications has risen dramatically in recent years. The number of interesting, free, demanding jobs on offer has increased correspondingly. Developments in the labour market are reflected in the demands now being placed on schools and educational systems, which are not only expected to impart these skills and qualifications but also to turn out socially competent, flexible individuals. Although schools are adapting to meet these new needs, the process is far from complete.

10. These developments place children and young people who have difficulty in meeting such demands at risk of being excluded. It is vital that schools devote particular attention to these children. Instruction in Swedish and, where appropriate, in the child's mother tongue are especially important in this connection.

11. Schools play an important part in a child's social education. The national school curriculum emphasises that children should be encouraged to take part in discussions about rules, values and attitudes. It is a matter of learning to respect the views of others, of developing the ability to put oneself in another person's place and of taking responsibility for oneself and

other people. Clear rules on action to counter bullying have now been incorporated into the Education Act (*skollagen - 1985:1100*) and the national curriculum. If such action is to be effective, however, every school must implement preventive and remedial measures against bullying.

12. The changes taking place in society are also having an impact on leisure, not least that of children and young people. Travel has become easier and the range of activities available has also grown markedly. Access to culture and the opportunity to take part in cultural activities form an important part of what society can offer children and young people. Despite the emergence of new media, reading still plays a vital role in cultural acquisition, especially with younger children and young people. Music is perhaps the most important form of culture for many and takes up much of their time. Increased access to new TV and radio channels, the growing impact of video films and CD recordings have led to a rise in total media consumption.

13. Thus opportunities for children and young people to use their free time in interesting and developing ways have expanded enormously. There are dangers, however: because entertainment is now provided in pre-packaged, ready-made forms, a child's cognitive and imaginative world can lack creativity and spontaneity; his or her activities may become too directed and predefined. Children must have the opportunity and the space to develop their own imaginations and play. Children must have the right to be children.

14. In recent decades, immigration has gradually altered the composition of the Swedish population, which is now characterised by a high degree of ethnic and cultural diversity. Today, one in every four schoolchildren is of foreign extraction, i.e. with one or both parents born outside Sweden. The length of time immigrant parents have lived in Sweden can vary by several decades and there are considerable differences between families both in terms of their social and economic standing and their cultural and religious backgrounds. Children of immigrant parents do not constitute a uniform group and conditions for girls can also vary considerably from those experienced by boys. Measures to combat discrimination and segregation are being taken at different levels and in connection with different projects, including the Government's scheme for developing metropolitan areas.

15. Children with learning disabilities constitute another group requiring attention. As the vast majority of these children now live at home with their parents, the support they and their parents receive - and the way in which it is structured - is crucial to the child's development. Over and above the needs all children and young people have as they grow up, children with learning disabilities need special support to compensate for their functional impairment.

16. One of the aims of work undertaken in connection with the United Nations Convention on the Rights of the Child is to ensure that the child's perspective is clearly perceived and taken into account in decision-making at central and local government level. It is therefore essential that this perspective be adopted by those involved in the production of statistics and research. It is also vital in this connection to maintain a girl-boy perspective. We are fairly sure that boys and girls do not grow up under the same

conditions but if we are to avoid gender-based injustices we must know more.

17. We must observe children and young people as they grow in order to find out how they feel, see how their social integration is proceeding, chart the development of their knowledge over time and so on. It is equally important to monitor the development of children who are in need of special support and protection. Is this group becoming larger or smaller? What is causing the changes? Are the problems growing more serious? Are authorities getting better at helping these children? Are people's views on the causes of the problems changing? It is also important in this connection to learn more about how children and young people of foreign extraction are faring and what can be done to facilitate their integration.

18. In the spring of 2002, the Government organised a number of seminars in different parts of Sweden to learn more about the ways in which the Convention is applied locally and the problems experienced by children and young people. The events were attended by representatives of municipalities, county councils, NGOs, and children and young people. In the autumn of 2001, the Minister responsible for child affairs, set up a reference group composed of some 35 children and young people aged between 13 and 17 from different parts of Sweden. To date the Minister has had two meetings with this group. While the seminars and meetings largely confirmed the prevailing view - implicit in the present report - of children's and young people's circumstances, they also served as a reminder of certain conditions which are easily forgotten in discussions about their situation.

19. The circumstances of children and young people are closely related to their local environment. Opportunities - and risks - will vary widely according to where they live. Conditions in a big city are very different to life in a small town or in the countryside. On the whole, the children and young people at the seminars and meetings who came from smaller towns appeared to have a better life. Schools usually worked well and social networks were strong. In very small communities, issues such as meeting places and communications were treated as serious problems. Big cities, on the other hand, threw up problems of a totally different kind. These included extensive segregation involving a range of discriminatory factors. Criteria such as ethnic backgrounds, school and upper-secondary school programmes were disliked by the young people themselves. The children and young people from metropolitan areas also pointed to what they saw as widespread drug and alcohol abuse and the problems this created in their immediate environment. On the positive side, big cities offered a wide choice of activities and opportunities for children and young people with different interests.

20. On the whole, the children and young people in the group felt they were able to influence developments and decisions that were important to them. As schools were where they spent much of their time, issues of influence and participation were closely associated with that environment. Although they were generally confident in their ability to exercise influence, they pointed out that some teachers were better at listening than others. They also maintained that the older they became the less influence they had - contrary to what one might normally expect. This problem appeared to be related to the different ways in which teaching was organised at various levels in schools. They also considered that the instruction in democracy provided by schools was inadequate. In their view, bullying was a common occurrence. They also complained that teachers did

not treat all children equally.

21. Representatives of the municipal sector felt that although intentions were often good with regard to improving the circumstances of children and young people, the economic situation frequently acted as a brake to development. Shortage of financial resources was also a problem that hampered the work of enhancing democracy and increasing the influence and participation of children and young people. Representatives of local authority public works departments (highways, planning, etc.) declared that a children's perspective was seldom applied in connection with their work.

### **The Swedish core document**

22. Readers wishing to study the section of the report containing general information about the country, its population, broad political structure and public judicial system - which protects human rights - information and the dissemination of information are referred to the Swedish core document, HRI/CORE/1/Add.4/Rev.1.

## **II. GENERAL MEASURES**

### **(arts. 4, 42 and 44, para. 6)**

#### **2.1 Child policy in Sweden**

23. Implementation of the Convention in Sweden is an ongoing process. Promoting support for the outlook and principles that inform the Convention is a long-term undertaking. The developments that have taken place in the 12 years that the Convention has been in force in Sweden have been exciting ones. Issues relating to children and their rights - until recently a family or social welfare policy concern - are now seen as occupying a policy domain of their own.

24. The aim of Swedish child policy is the creation of a society in which children and young people are respected, a society which offers them security, scope for development, opportunities for participation and a say in the decisions affecting them.

25. On the whole, child policy is a mainstream concern; thus it aims to ensure that other policy areas apply a child rights perspective to issues affecting children so that the ensuing impact on children is also highlighted in areas not limited to but including children. In this sense, child policy is not strictly a policy area in its own right, although certain policy issues fall within it, in particular those which cannot readily be classified elsewhere. This view is in accord with the terms and intentions of the Convention.

26. Youth policy is a closely related area; there is no clear dividing line between childhood and youth. Thus the Convention also serves as a basis for Swedish youth policy.

#### *Strategy for implementation of the United Nations Convention on the Rights of the Child in Sweden*

27. In March 1999, the Swedish Riksdag (parliament) unanimously approved a government-proposed national strategy for the implementation of the United Nations Convention on the Rights of the Child in Sweden. The strategy was based on the



proposals contained in the report

Putting the Best Interests of the Child First (*Barnets bästa i främsta rummet*) compiled in 1997 by the cross-party parliamentary Committee on the Rights of the Child. The Committee had been instructed to ascertain to what extent Swedish legislation and practice accorded with the intentions and provisions of the Convention. The report has not only been of considerable value in interpreting Sweden's commitments under the Convention; it has also had a significant part to play in current legislative work.

28. The strategy is based on the premise that the spirit and the intentions of the Convention must be observed in all decision-making affecting children. The Government states in the strategy that the Convention is an important instrument for safeguarding the rights and interests of children and young people. Spreading knowledge and awareness of the Convention is at present the most important aspect of its implementation in Sweden. The Convention must inform the activities of decision-makers where these affect children's daily lives, adults working with children, and children and young people themselves.

29. The strategy includes the following points:

- 1 The Convention is to be an active instrument and must inform all decision-making in the Government Offices affecting children.
- 2 Where appropriate, committee terms of reference must make provision for children's rights and interests.
- 3 Reference should be made to the Convention in training programmes for professional groups working with children.
- 4 Government employees whose work impacts on children and young people must be offered in-service training aimed at enhancing their qualifications and their knowledge of the Convention.
- 5 Municipal and county councils should offer their staff similar in-service training.
- 6 Municipal and county councils should establish systems for following up implementation of local and regional government activities aimed at safeguarding the best interests of the child.
- 7 Child impact assessments must be made in connection with all government decisions affecting children.
- 8 Efforts must be made to promote the influence and participation of children and young people in community and traffic planning.
- 9 The operations and organisation of the Office of the Children's Ombudsman must be reviewed with a view to strengthening its role in the implementation of the Convention in Sweden.

Statistics on children must be developed.

A total of SEK 32.5 m was appropriated between the 1999 Budget Bill and the end of 2001 for direct efforts to disseminate information about and implement the Convention in Sweden. The Government has allocated SEK 12.5 m for the current year. The Government intends to update the strategy on a regular, five-year basis.

*Coordination of efforts in connection with the Convention on the Rights of the Child*

30. To ensure that strategy implementation and efforts to strengthen child rights is effective, a coordinating body with its own “principal”, or responsible authority, has been set up in the Government Offices, at the Ministry of Social Affairs. Its function will be to support and promote the development of Convention-related activities in the Government Offices. An important task will be to take part in the preparation of joint government business and ensure that government decisions - including bills, instructions, committee terms of reference and other documents coming out of the Government Offices - reflect the spirit and intentions of the Convention. Another important duty will be to take note of, coordinate and initiate developments in the child and youth policy field where more than one ministry is involved or where no ministry has a clear responsibility. It will also be responsible for representing Sweden abroad in matters relating to children. Other tasks include responsibility for reporting to the United Nations Committee on the Rights of the Child on a regular basis and for submitting periodic reports on Sweden’s child policy to the Riksdag.

31. To date the Government has laid two comprehensive child policy reports before the Riksdag. The first, *Children Here and Now: An account of child policy in Sweden based on the United Nations Convention on the Rights of the Child (Barn här och nu - Redogörelse för barnpolitiken i Sverige med utgångspunkt i FN:s konvention om barnets rättigheter - skr. 1999/2000:137)*, provides a broad description of children’s circumstances in Sweden in a range of areas and an account of government efforts and measures in this sphere. The second, and latest report, *Child Policy: Towards a strategy for the implementation of the United Nations Convention on the Rights of the Child (Barnpolitiken - arbetet med strategin för att förverkliga FN:s konvention om barnets rättighet - 2001/02:166)*, was laid before the Riksdag in March 2002. The report focused on the results of the Government’s efforts in connection with the strategy for the implementation of the Convention. It is the Government’s intention to submit a report on child policy every second year.

*Compiling knowledge*

32. Statistics Sweden has produced statistics on children since it was instructed to do so by the Government in 1998. It receives special funding for this task, whose initial purpose was to make available basic statistics on children and their families, an aim which has for the most part now been achieved. The agency has published three reports: *Children and their Families 1998, 1999 and 2000 (Barn och deras familjer 1998, 1999 respektive 2000)*. The most recent report, *Children and their Families 2000*, contains data on family structures, parental separation, residence, incomes, pre-school childcare and parental occupations.

33. The Government has instructed Statistics Sweden to continue to compile child

statistics. One of the objectives in this connection is to provide the most balanced, comprehensive account

possible of conditions for children in Sweden. To do so, the agency may make use of data produced by other bodies. It may be required to compile material showing how the different periods of a child's life interrelate. Interesting areas for continued work include schools, child health, children and the legal system and children and the social services.

34. The Government considers that the work of compiling data on children and young people must continue.

35. The Children's Ombudsman has compiled data and information on living conditions for children and young people for many years. Its publication, *Up to 18 (Upp till 18)* contains a compilation of statistical data on children and young people. A government bill submitted to the Riksdag in February 2002 proposing wider powers for the Ombudsman recommended that the authority's responsibility for collecting information and compiling statistics in this field should be made a permanent, statutory task.

36. The National Board for Youth Affairs regularly collects and disseminates information, in the form of research findings, statistics and reports, on social conditions for young people. These knowledge banks will of course be a valuable contribution to the Ombudsman's work.

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

### *The position of the Children's Ombudsman*

37. In the spring of 2002, the Riksdag passed into law a government bill entitled *A Stronger Children's Ombudsman (En förstärkt Barnombudsman)*. The bill, which forms part of a national strategy approved by the Riksdag for implementing the Convention on the Rights of the Child, contained proposals for strengthening the Office of the Children's Ombudsman and further defining its functions. Although the Ombudsman will remain responsible to the Government, the measures adopted will give the Office a greater measure of independence. The amendments took effect on 1 July 2002.

38. The Office of the Children's Ombudsman was established by act of parliament (1993:335). Legislation has further clarified the role of the Office as inter alia a representative of the interests and guardian of the rights of children and young people on the basis of Sweden's commitments under the Convention. Another important change was the establishment of the Office's proactive role in connection with the national strategy for the implementation of the Convention in Sweden as a permanent, statutory responsibility. The special funds (SEK 5 m) allocated annually to the Office by the Government to implement the strategy have been made permanent. The Ombudsman will also receive additional budget funds. See appendix 2.

39. The Children's Ombudsman has also been vested with certain legal powers in relation to other authorities and municipal and county councils. It has the right to request information on progress made by these authorities in implementing measures aimed at protecting and promoting the rights of children and young people. Bodies required by law to provide information of this kind may be summoned by the Ombudsman to discuss

relevant issues.

40. Since its inception, the Office has submitted an annual report to the Government, in accordance with Government Ordinance 1993:710, which contains an instruction for the Children's Ombudsman. This was also made a statutory obligation in July this year. Under the new amendments the Ombudsman is also required to monitor international developments with regard to the interpretation and application of the Convention's provisions.

41. Under the new legislation, the Ombudsman is further required to collect facts and figures on children's and young people's circumstances in Sweden. It is important in this connection to emphasise that the Ombudsman does not produce statistical data itself, but compiles material produced by other bodies. The authority is able to make competent choices in respect of the statistical material produced and included in its statistical publication *Up to 18 (Upp till 18)* by virtue of the broad view it commands of the world of children and young people. This overview does not obtain to the same extent at Statistics Sweden (*Statistiska centralbyrån - SCB*), whose main task is the production of statistics. The agency is required by the Government to produce and develop raw statistics on children and young people (see above). The Government expects close cooperation between the Ombudsman and Statistics Sweden with respect to the development of *Up to 18* and the processing of the agency's raw statistics.

42. It is clear from the above that the Office of the Children's Ombudsman enjoys a considerable degree of independence. Since its inception, it has been free to criticise Government measures and engage in opinion building on issues and in areas of its own choosing. It can cooperate unhindered with voluntary and other organisations, and has done so more or less continuously since it was established. Its independence has been further defined and enhanced by the new provisions of the government bill, *A Stronger Children's Ombudsman*.

43. Voluntary associations (NGOs) in Sweden have also contributed substantially to the dissemination of knowledge and information about the Convention through the publication of information material and opinion building. NGOs also play an active role in the public debate on children's and young people's situation. Every year, the Network for the Convention on the Rights of the Child, which comprises some 50 organisations, holds a hearing at which representatives of the government and different organisations use the Convention as a basis for discussion of a range of issues and problems.

*The Children's Ombudsman and national strategy measures at central, regional and local levels*

44. In 1999, the Government assigned the Office of the Children's Ombudsman a key role in the development and promotion of the national strategy for the implementation of the Convention on the Rights of the Child. The original mandate was for a three-year period. On 1 July 2002, however, the Ombudsman's proactive role in implementing the Convention - as this role was defined in the strategy - was made permanent by act of parliament. The Office's final report on the outcome of its three-year assignment is outlined below.

### *Measures at municipal and county council level*

Efforts at municipal and county council level have focused on the following strategic aims:

- 1 Municipal and county councils should offer their employees in-service training on the Convention.
- 2 Municipal and county councils should introduce systems for monitoring progress in promoting and protecting the best interests of children in the course of local government activities.

45. The Ombudsman has held conferences and organised a large number of information and training activities in municipalities and counties throughout Sweden. The authority's website, hosting a collection of useful tips and examples of best practices, has played a central part in this activity. A reference group, composed of local authority representatives, has also been set up. In 2001 the Ombudsman published a more comprehensive version of its first handbook for municipal and county councils issued in 1998. The Office has also commissioned studies of specific examples of municipal operations with a view to establishing the most effective approaches to Convention-related work and the best ways of reaching out to the children themselves. The collaboration has been appreciated by local authorities who have regarded it as highly useful.

46. The Ombudsman also used questionnaires as a way of monitoring compliance with the Convention. The authority has conducted questionnaire-based surveys in all the country's municipalities since 1995. The latest survey for both municipal and county councils was carried out in 2001.

47. Sub-areas covered by the questionnaires have included decisions, influence, cooperation and information, training and support for continued activities. The Ombudsman has seen a positive change in the way a number of municipalities have approached the practical problems of implementing the Convention. It has also noted that a growing number of municipal and county councils have adopted a process-oriented approach as opposed to applying a particular method, which has encouraged the adoption of a long-term perspective.

48. The effect of all the above measures and activities on progress in the implementation of the Convention is usually difficult to quantify. The Ombudsman has noted a number of probable agents of development; these include training and information activities of various kinds offered by NGOs and the authority itself, and increased media coverage of Convention-related issues and activities. Increased focus on the Convention as a result of the Riksdag's approval of the national strategy as also contributed to heightened interest in the issues.

49. The picture that emerges from the questionnaires on progress in implementing the Convention at municipal level is a fairly bright one. However, surveys of this kind are merely a description of different methods and decisions adopted in connection with the



Convention at a broad, general level. It is difficult to determine the effect of these methods and decisions on

policy-making in general, on day-to-day administrative work or on the everyday lives of children and young people. Further studies and research in connection with the practical implementation of the Convention's provisions will be needed in order to obtain a broader and deeper overall view. In the Ombudsman's view, the picture emerging from more detailed studies - focusing on the experience of different groups of children and young people with a view to determining to what extent child rights are actually recognised and observed, and how children and young people are affected by decisions and methods adopted by municipalities - might not be quite so bright.

50. The Ombudsman considers that implementation of the convention at municipal level is still in the establishment and mobilisation phase. Although there are a number of municipal and county councils for whom the Convention has yet to become an established instrument, there are signs that the next stage in the process, implementation and action, is approaching. On the other hand, few municipalities have reached the follow up and evaluation stage. Here, much remains to be done both in terms of methods development and knowledge acquisition. A central concern is of course to reach the individual child/young person in his/her everyday life.

51. The Ombudsman has also pointed out the need to make clearer connections between ongoing processes - such as the budget process - and the decisions and methods adopted as part of the work of implementing the Convention. Opportunities for smaller children to influence the process should be developed. Concepts such as "influence", "participation" and "power" need to be discussed. There is a need for greater collaboration between players in both private and public sectors in order to facilitate concept definition and establish an integrated view of children and their development. If the Children's Ombudsman is part of this process, it must develop its own know-how and expertise by promoting and participating in regional or local development efforts. It must also develop a way of measuring progress in implementation of the Convention by municipal and county councils and central government authorities that does not involve the use of questionnaires.

#### *Measures at central government level*

52. Efforts at central government level have focused on the following strategic aims:

- 1 Child impact assessments must be conducted in connection with all government decisions affecting children.
- 2 Government employees whose work impacts on children and young people must be offered in-service training to improve their qualifications and their knowledge of the Convention.

53. The National Financial Management Authority (*Ekonomistyrningsverket - ESV*) was commissioned as part of the Government's strategy to examine the feasibility of conducting child impact assessments in the central government administration. The Ombudsman has proposed a child impact assessment model based on the National Financial Management Authority's work and pointed to a number of central factors that would in its view contribute to the success of government efforts in connection with the

Convention.

54. Following the results of this study, the Ombudsman took part in a two-year pilot project in collaboration with nine different authorities. Its project aims were to provide training and collect examples of best practice at central government level for subsequent dissemination, and to involve more authorities.

55. The above collaboration has resulted in a series of information and training projects. The Ombudsman has also organised conferences aimed at spreading and acquiring know-how. In addition, it has published two books addressing central and local government authorities respectively. According to the authorities taking part in the pilot project, the collaboration was a largely positive and rewarding experience. The work of implementing the Convention now forms part of the authorities' normal operations.

56. The Ombudsman carried out a series of questionnaire-based surveys to determine the degree of progress made by a broad section of Swedish authorities in implementing the Convention. The first, sent out to 90 authorities, was conducted in 1998. The latest, which took place in 2001, was distributed to 70 authorities. In some respects, the questionnaires are similar enough to be compared.

57. In comparison with the first study, the 2001 survey revealed a number of favourable trends, as well as a few adverse ones. More authorities than previously had made Convention-related concerns a part of their own, internal policy documents as well as of those laid down by the Riksdag/Government. However, the county administrative boards had cut back on their activities in this area since 1998.

58. As in the case of the municipal and county councils, it is difficult to accurately identify those factors which have influenced central authorities in their approach to the work of implementing the Convention (see above). However, awareness of the Convention and its significance is now more widespread among adults as well as among children and young people. Many authorities whose decisions define and determine conditions for children while they are growing up have acknowledged the Convention's potential value both as a set of objectives and as an operational tool. Nevertheless, more information on and a better understanding of the Convention is called for, as are methods for its application, particularly in connection with the practical tasks of central and local government authorities. It is a matter of finding ways to introduce a child rights perspective into the authority's operational processes or to determine a child's best interests when reaching a decision.

59. Although much work remains to be done before the Convention becomes an integral part of the concerns of central and local government authorities, the Ombudsman considers that the actions and measures undertaken to date have been productive and that a number of effective methods and tools have been found.

*Awareness-raising and efforts to strengthen children's knowledge and understanding of the Convention on the Rights of the Child*

60. The Children's Ombudsman actively seeks to raise awareness of the Convention. It writes polemical articles for publication in the press, issues press releases, holds press conferences and meetings and gives, or takes part in, interviews. Since the last reporting period,

the Ombudsman has been the subject of or referred to in 1,300-1,400 articles in the Swedish press each year except for 2001, when the number of items rose sharply to 3,000. References to the Ombudsman or direct appearances on radio or TV varied between 70 and 111 per year.

61. A large number of articles on the Convention itself have also appeared in the Swedish press during the reporting period. Although the Ombudsman employs many different types of media, it is particularly concerned to reach media that address children and young people.

62. The Ombudsman communicates with children and young people in various ways. It has, for example worked closely for a number of years with contact classes and contact teachers around the country in order to get young people's views and comments about their own circumstances. There are at present 117 contact classes. The Ombudsman has also set up a 14-member child and youth council in with a view to establishing broader and deeper contact with children and young people throughout the country. The authority has intensified its efforts to communicate with children and young people through visits to schools, etc. in an effort to obtain background material for its work.

63. NGOs make a significant contribution to work in connection with the Convention through education, publications and awareness raising. Some 50 organisations active in the child rights field have come together to form the Network for the Convention on the Rights of the Child.

64. The Government awards annual grants to NGOs in a wide range of areas including the social welfare sector. The Swedish Inheritance Fund also extends support for newly organised activities in the voluntary sector involving children and young people.

65. In 2001, the Government instructed the Children's Ombudsman to develop and produce information material for children and young people, setting out their rights as laid down in the Convention. The first completed material, aimed at intermediate school pupils (years 4-6) will be distributed in the autumn of 2002. The information will be accompanied by a teacher's manual.

66. As the Ombudsman's material is intended to reach every child in Sweden, it will be published in forms which are accessible to children with different learning disabilities and in suitable quantities to immigrant children who are not yet proficient in Swedish. As children of different ages must find the material interesting and exciting, it will be produced in three different versions, each aimed at a different age group.

### **2.3 Measures for children and young people**

67. A substantial proportion of total social service provision in Sweden is aimed at children and young people. This means that in times of crisis, when public spending cutbacks become necessary, children are among the most seriously affected. In its Concluding Observations to Sweden's previous report of 1997, CRC/C/15/Add.101, the United Nations Committee on the

Rights of the Child expressed particular concern that social protection did not extend to all groups in the community. It also voiced concern over cutbacks in schools and pre-school childcare.

68. In the early 1990s, Sweden stood on the brink of financial collapse. After four years of sweeping cutbacks in public spending and major tax increases, the Government succeeded in turning the deficit in its public finances into a surplus. This extensive operation entailed major sacrifices for the entire population.

69. A fundamental principle of the financial repair programme was that services such as schools, social services and health care should take precedence over transfers. As a result, government grants to municipal and county councils remained nominally unchanged despite the fact that almost all other budget items were subject to major cutbacks. The reasoning behind this decision was that a few years of lower material standards could be made up for afterwards, while the damage caused by erratic or deficient care systems during the first years of a person's life or by an abbreviated school career would be almost impossible to redress. Government grants to local government authorities were increased as soon as the economic situation allowed.

70. Child benefit has been raised from SEK 640 to SEK 950 per month. Supplementary benefit for additional children has been raised by a corresponding amount. The period for which parental benefit is payable on the birth of a child has been extended from 12 to 13 months and the minimum entitlement has been raised from SEK 60 to SEK 180 per day. A ceiling has been imposed on pre-school childcare fees so that a household with one child now pays a maximum of SEK 1,140 per month. These reforms were introduced in order to improve the economic standing of families with children in Sweden and to ensure that all children have access to pre-school childcare.

71. An important aim of the Government's financial reconstruction programme was to ensure that the burden was shared equitably by all sections of the community. A number of key indicators are calculated on a regular basis. Two are specifically concerned with children. One is the percentage of children aged 0-17 whose financial position is weak; the other refers to the relative standard of living of families with children. Both benchmarks suggest that the situation of children has improved in recent years. The effects of further improvements in 2000-2002 in the form of increased child benefit and a ceiling on pre-school childcare fees are not yet reflected in the statistics. Another result of the distribution policy adopted was that the better-off households (20 per cent of the total) contributed 43 per cent of the cost of bringing the budget back into surplus, while the poorest households only contributed 11 per cent.

72. We are now back to earlier spending levels in a number of areas. However, more efforts are needed in other areas. These include preventive psychosocial measures in schools and the social services.

**Table 1**  
**Reforms aimed at children, SEK 1,000 m (accumulated costs)**

	2000	2001	2002	2003	2004
Increased child benefit including student grants	2,5	5,0	5,0	5,3	5,3
Fee ceilings etc,		0,2	4,4	5,6	5,6
Additional month of parental leave				0,5	1,0
Increased minimum parental insurance benefit			0,2	0,3	0,4
Raised ceiling for parental insurance				0,4	0,8
Contact days		0,1	0,2	0,3	0,3
Increased adoption grant		0,02	0,02	0,02	0,02
Raised maximum age for attendance allowance for disabled children				0,1	0,3
Specially vulnerable children		0,05	0,03	0,03	
<b>Total reforms</b>	<b>2,5</b>	<b>5,3</b>	<b>9,8</b>	<b>12,5</b>	<b>13,7</b>

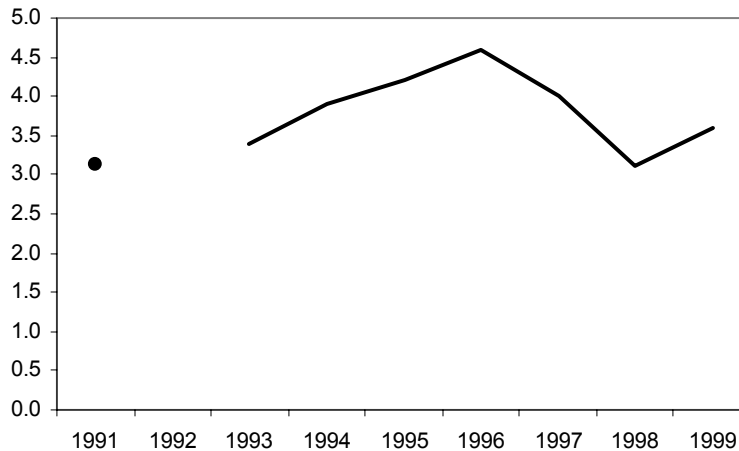
*Source:* 2003 Budget Bill, Government Bill 2002/03:1.

73. Sweden is a strongly decentralised country. Most services provided for the benefit of or relating to children are the responsibility of the municipal and county councils. The central government does not regulate local authority budgets in detail; as long as it complies with existing legislation, a council is free to decide what resources it wishes to allocate to children and young people.

74. A tax equalisation system was introduced at central government level to ensure reasonably uniform standards for all recipients of local government services no matter where they live in Sweden and regardless of the local authority's revenue potential (see description below). The central government also channels special funds to designated areas in need of extra support to boost activities. Examples include health care, social services and schools. To a large extent, these funds have also benefited children.

### Diagram 1

**Proportion of children aged 0-17 in households in a weak financial position, 1991-1999, per cent**



*Source:* Report on distribution policy, 2002 Spring Finance Bill.

75. In 1999, as the table shows, 3.6 per cent of children aged 0-17 lived in households whose financial position was precarious. Although the figure was significantly lower than it was in the mid-1990s, it had still not fallen to the level recorded in 1991, i.e. before the economic crisis. It is clear from the graph that “child poverty” in Sweden is very low by international standards. Sweden comes second in a report comparing 18 countries.

76. For the purposes of the present report, “households in a weak financial position” are defined as households whose disposable annual income is less than 50 per cent of the median disposable income of the population as a whole. The advantage of using this criterion is that it enables comparisons with conditions in other countries. The drawback is that when incomes fall among the population as a whole - a trend which has a disproportionate impact on high-income earners - the results will show a reduction in poverty levels despite the fact that everyone is worse off.

77. In Sweden if a person cannot support him - or herself, he or she may be eligible for social security benefit. The number of households in need of assistance rose markedly between 1991 and 1995. In 1997, 13 per cent of children in families received benefit on one or more occasions. In 2001, the figure stood at 8 per cent. The share of total welfare benefit allocation accounted for by social security benefit is used by the Government as an indicator of progress towards its policy objectives of increased justice and welfare. Achievement of these goals is expected to have a substantial impact on children with lone parents and children in immigrant households.

#### *The regional tax equalisation system*

78. Local government tax provides municipalities with their largest source of revenue. Additional financial support is provided by the central government in the form of general government grants. Apart from supplementing local authority budgets, the grant serves as a regulatory instrument between central and local government. It is divided into two parts, one resident-related, i.e. based on a flat rate per local inhabitant, and the other age-related, i.e. based on a special rate for each of four age groups. In



addition to this grant, the government may make special-purpose grants in certain cases. It has for example used an earmarked grant to increase the teacher-pupil ratio in schools and leisure-time centres for schoolchildren (see section 3.1)

**Table 2**

**Number of children living in metropolitan and rural municipalities, by sex, 2001**

	Girls	Boys	All
Metropolitan	137 397	144 974	282 371
Rural areas	41 035	43 107	84 142
Other	764 816	806 937	1 571 753
Total	943 248	995 018	1 938 266

*Source:* Statistics Sweden.

*Measures in pre-school childcare and schools*

79. Data supplied by the National Agency for Education clearly show that of all school budget items, teaching was the most severely hit by the spending cutbacks of recent years. Pupils with special needs may also have been affected more than other pupil groups. According to the Agency there are clear signs that pupils with less obvious needs have been affected by the recent cutbacks.

80. Thus there are grounds for closely monitoring changes - at both local and national level - in the number of pupils who fail to achieve the educational goals set for the Swedish compulsory school system, and determining why these failures occur. The National Agency for Education was instructed to carry out a study into the reasons why pupils leave school at both secondary and upper secondary level without a complete set of grades, and why a smaller group of pupils in individual programmes do not go on to study in other programmes. The Agency was instructed to focus particular attention on pupils of non-Swedish extraction and pupils with learning disabilities. A report on this task was submitted in May 2001.

81. Extra funding has been allocated to schools with a view to improving standards and ensuring that all pupils are able to enjoy school, develop and achieve the educational objectives set for them. The annual government grant will gradually be raised by a further SEK 5000 m to enable schools to take on 15,000 new teachers, school nurses, welfare officers, special needs teachers and other specialised staff. The extra resources, which will be allocated in addition to the supplementary funding already received by schools, can also be used for other internal purposes. In 2003, schools will dispose of SEK 1,000 m more than in 2002 and employ 3,000 more teachers and other specialists.

82. To place pre-school childcare services within reach of all children in Sweden, the Riksdag approved a Government-proposed measure on 1 January 2002 allowing municipalities to set a ceiling on fees for child daycare (see section 7.3).

83. The year 2003 will mark the introduction of universal pre-school for all four- and five-year-old children. This will give all children access to pre-school free of charge for

three hours a day (see section 8.1).

84. The Government would like to see more staff employed in pre-schools. The special funds allocated to municipalities to cover the recruitment of additional staff for schools will therefore be extended to pre-schools as well. An earmarked government grant will enable municipalities to recruit at least 6,000 new pre-school teachers, childminders and other pre-school staff. An increase in personnel of this magnitude will lower the child-staff ratio to an average of five children for every full-time employee.

#### *Pre-school and school-age childcare*

85. Gross municipal expenditure on pre-school and school-age childcare in Sweden totalled SEK 409,000 m in 2001, equivalent to 1.9 per cent of GDP. Childcare service provision in pre-schools for children aged 1-5 accounted for two thirds of the total (SEK 273,000 m). Leisure-time centres for schoolchildren accounted for just under one quarter (SEK 96,000 m) while care provided by childminders in family childcare units accounted for one tenth (SEK 4,000 m) of the total. Care provision in open pre-schools and open leisure-time centres for children aged 10-12 only accounts for 1 per cent (SEK 400 m) of total expenditure.

#### *Pre-school class*

86. In the 2001/02 academic year, 99,600 children - 93 per cent of all six-year-olds in the country - attended pre-school class. Seven per cent of Sweden's six-year-olds entered the first year of primary school.

87. Estimated expenditure on pre-school classes in 2001 totalled SEK 3,900 m, or almost 0.2 per cent of GDP. Ninety four per cent of all pre-school classes were municipally provided. Average expenditure per child was SEK 37,000.

#### *Compulsory school*

88. The total number of pupils attending comprehensive compulsory school in 2001/02 was 1,059,122. Total expenditure in this area came to SEK 644,000 m, including costs to the local authority for school transport and newly opened independent comprehensive schools. This corresponds to just over 2.9 per cent of Sweden's GDP. Municipally-run schools accounted for 96 per cent of all expenditure, while just over 3 per cent went on independent schools. The remainder, just under 0.5 per cent, covered costs for national boarding schools, international schools and Sami schools. The total average cost per pupil in all municipal schools was SEK 59,000, an increase of 4 per cent over the previous year. However, the cost per pupil varied considerably from municipality to municipality, ranging from SEK 43,000 to SEK 77,600 a year.

89. In the spring of 2001, the percentage of pupils qualifying for upper secondary school - i.e. having completed the 9th year of compulsory school with pass grades in Swedish or Swedish as a second language, English and Mathematics - was 89.6. The proportion of pupils who did not obtain pass marks in one or more of these subjects was 25.7 per cent.

### *Special needs schools*

90. Local authority expenditure on special needs schools (primary and secondary level) and special needs upper secondary schools for pupils with learning disabilities totalled SEK 43,000 m in 2001, 2 per cent of GDP. The cost per pupil was somewhat higher in compulsory schools than in upper secondary schools: SEK 289,000 and SEK 212,400 respectively, and varied substantially from municipality to municipality. Costs are generally higher in rural areas and small towns, and lower in the major cities.

### *Special schools (primary and secondary level)*

91. Some 650 pupils attend the six special schools in Sweden for children and young people who are deaf or have hearing impairments; for children and young people who are deaf or have hearing impairments as well as learning disabilities, and for children and young people aged 7-17 who were born deaf and blind. Altogether, the schools employ some 700 full- and part-time staff. The total cost of maintaining these schools in 2001 came to SEK 377 m. The cost per pupil, including instruction, board and recreation, in the regional schools was SEK 776,000.

### *Upper secondary school*

92. 311,100 pupils were attending upper secondary schools in the autumn of 2001. Of these, just over 92 per cent were studying in schools run by the municipalities. Some 2 per cent attended county council-run upper secondary schools. A total of 17,900 pupils, or 5.7 per cent attended independent upper secondary schools.

93. In the spring of 2001, 79.2 per cent of all pupils in their third - and final - year of upper secondary school graduated, having received their final grades. This figure represents a drop of 3.5 percentage points on the previous academic year. Final grades in national or specially designed programmes are only issued if the pupil has received pass grades in all the subjects and projects forming part of his or her course of studies. A contributing factor to the drop in the number of pupils receiving final grades was an amendment to the Upper Secondary School Ordinance which took effect on 15 September 2000. Under the amended ordinance, teachers may not award final grades if they lack a sufficient basis for assessing a pupil's performance owing to the latter's absence from school.

94. A total of 84.6 per cent of those pupils who received final grades (68 per cent of all pupils in their third year) had the basic qualifications needed for university entrance and higher education, an average increase of 4.3 percentage points over the previous year. The largest rise was recorded in programmes offering vocational subjects.

95. A total of 40 per cent of the pupils who completed upper secondary school in 1998 went on to university within three years.

96. In 2001, expenditure on upper secondary education totalled SEK 23,900 m, including costs to the local authority for school transport and travel allowances, or 1.09 per cent of GDP. Municipally run upper secondary schools accounted for 92 per cent of the total; schools

maintained by county councils made up just over 3 per cent of the total, while independent schools, national boarding schools and international schools accounted for just over 5 per cent of the total cost.

## **2.4 A multi-level child perspective**

### *The Convention in education and in-service training*

97. The National Agency for Education's annual report for 2000 included an account of the ways in which the agency incorporated a child's rights perspective based on the provisions of the Convention in its internal and external operations. Discussions of ways in which the views of children and young people should be heard are conducted in connection with the Agency's supervisory and quality assessment tasks, and ways of introducing routines designed to ensure that children can always have their say are constantly being tested. The Agency's guidance on this issue contains clear references to the Convention. The strategy adopted in the Agency's work in connection with the promotion of democratic values is based on the right of children and young people to learn to make up their own minds or take stands on different issues. Account is also taken of the need to raise awareness of the importance of further developing implementation of the Convention in the Agency's internal training programmes.

98. The Agency also provides information on the Convention, as well as access to the full text, on its website at [www.skolverket.se](http://www.skolverket.se).

99. The Riksdag and the Government lay down broad objectives for schools - aimed at the authorities responsible for this area - in their national policy documents for school education. It then devolves on the municipalities and each school to work towards their achievement and evaluate the results of their efforts with the help of annual quality assessments for every school and municipal council. The development of working methods and routines for this task are in the first instance the responsibility of the teaching staff themselves. The National Agency for Education is the authority entrusted by the Government with the task of following up and evaluating school education. It is also required to promote continuing professional development, quality development and the development of the schools themselves, inspect and supervise school activities, issue certain permits, and propose measures and changes to central government. In May 2002, the Government announced that as of 1 March 2003 the Agency would be split into two authorities: one responsible for inspection, evaluation and supervision of school activities, and the other for allocating resources for development.

100. On 13 December, the National Agency for Higher Education was instructed by the Government to make the Convention on the Rights of the Child a feature of all educational programmes for professional groups intending to work with children. The Agency will be required to identify which programmes should be the first to take the Convention on board. The Agency will also be expected to encourage and help institutes of higher education to find ways of integrating the Convention into their programmes, and to review their efforts to impart knowledge about the articles of the Convention to their students.

101. The Agency has further been instructed to inform institutes of higher education about the Convention and its significance through seminars or written material. In order to fulfil its instructions, the Agency has set up a reference group composed of people whose work in the educational field is concerned with the Convention. Examples of educational programmes which the Agency considers to be closely linked to or affected by the Convention's provisions are certain health and medical care courses, law courses, teacher training programmes, psychology and sociology courses, theology courses leading to the priesthood and certain general courses for town and country planners, librarians and journalists among others. The Agency must submit a report on its activities in connection with this assignment on 15 June 2003.

#### *The Convention and legal bodies*

102. The issue of children as victims was addressed in the parliamentary report Child Abuse and the Police and Public Prosecution Service: Methods and processing times (*Barnmisshandel - Polisens och åklagarnas handläggningstider och arbetsmetoder - SOU 2000:42*). The committee responsible for the report took the view that the methods and approaches adopted by the police and public prosecution service in connection with investigations into crimes of which children are the victims should be improved. Among the suggestions were various improvements in the education and training of police and prosecutors in order to improve their knowledge about and understanding of children.

103. The police and the public prosecutors adopted many of the committee's suggestions, inter alia by improving training in dealing with children. For example, in order to ensure that police officers were basically competent to handle cases where children are involved, the training in family violence provided during basic police training was prolonged and expanded to include training in the Convention. In the sphere of continuing professional training, an earlier course on sexual abuse against children was replaced by a course that included sexual abuse and assault. The need to train high-ranking police officers in matters concerning family violence was acknowledged by the National Police Board and resulted in a new course which is now offered to that particular group.

104. During the autumn of 2001, the Government amended the ordinances, bringing them into line with some of the committee's proposals on improvements to police investigations. Since 1 November 2001, staff who question children (police and prosecutors) are required to possess a certain degree of skill and aptitude for the task.

105. Another improvement was the introduction of a time limit on the preliminary investigation in cases where the victim is a child (younger than 18) and a crime was committed that endangered the life or health of the child. As a general rule the prosecutor must conclude the preliminary investigation and decide on whether to institute a prosecution within three months from the time a person is reasonably suspected of the offence.

106. The National Police Board's 2002 appropriations directions for its own operation and those of local police authorities, stipulate that the Board must report investigations into crimes of violence against women and children, including children coming to the

attention of the police who have not themselves been subjected to violence but who have experienced violence in their family. Certain matters which must be reported are mentioned explicitly, for example:

- 1 Measures taken to adopt and maintain a child's rights perspective in this area based on the provisions and intentions of the United Nations Convention on the Rights of the Child.
- 2 Measures taken to further improve/develop the police's treatment of and support to criminal victims and witnesses.

107. The report is to be part of the National Police Board's forthcoming annual report, due in February 2003.

108. Further, the National Police Board and the Office of the Prosecutor-General have been instructed to improve human rights training for their employees. The instructions are contained in the authorities' appropriations directions for the year 2002.

109. The National Courts Administration is actively concerned about the issue of training for judges in cases involving children. The task is regarded as a major priority. See section 4.4 and 9.2.1. The appropriations directions to the Swedish judiciary, etc, for the 2002 fiscal year require the National Judiciary Administration to report to the Government on such matters as which provisions and intentions contained in the United Nations Convention on the Rights of the Child are to be taken into account in training programmes. This kind of reporting has been practised for many years.

#### *The Convention and asylum-seekers and refugees*

110. The Swedish Migration Board has energetically sought to integrate the provisions of the Convention into its decision- and policy-making activities and to operations on the ground. Measures taken include drawing up guidelines on the processing of asylum applications involving children, an area covered by the Convention. A review of children's legal rights and an account of their participation in cases concerning them were presented in a report entitled Children in Cases Involving Foreign Nationals (*Barn i utlänningsärenden*). The Board was also one of the nine pilot authorities in the test project set up by the Children's Ombudsman to incorporate the Convention and integrate a child rights perspective into all the operations and activities of central government authorities. This work has been conducted in the form of a project. Detailed information was provided at meetings involving the agency's directors and regional management boards as part of the project. In addition, all department heads at the Board attended courses on the Convention and related subjects. In addition, some 40 members of staff attended a five-day instructor-training course to acquire the basic skills needed to instruct and train all the staff at the agency. They have now drawn up training plans for all staff in collaboration with their respective project coordinators and the officers responsible for children in each region. These plans will be implemented in the course of 2002. The project coordinators and the regional participants have also attended meetings of the directors and regional management boards to ensure that the child rights perspective was

included in every issue addressed.

111. The Aliens Appeal Board has appointed an executive officer to act as its expert on children's issues and on the Convention on the Rights of the Child. In 2001, the officer contacted the Swedish Migration Board and other authorities and advocacy groups, and took part in external meetings and conferences organised by them. In 2002, the officer held a seminar on the operational guidelines issued by the Swedish Migration Board and the UNHCR on cases and issues involving children and practices adopted in relation to children's matters for all staff at the

Aliens Appeal Board responsible for Convention-related activities. The Convention and processing of cases involving children will also be addressed in connection with training programmes for new officers.

#### *Swedish international development cooperation*

112. It is estimated that approximately 60 per cent of the support allocated by the Swedish International Development Agency (Sida) to social sectors (health, education and culture) is spent on children or players who work with, for or on behalf of children, or safeguard their interests, i.e. teachers and midwives, etc. Over one third of Sida funding for projects involving water supply and sanitation goes to children. In 2001, this amounted to SEK 25,000 m, as compared to SEK 19,000 m in 1998.

113. Important components in development cooperation for children at risk in Central and Eastern Europe include training of social workers and efforts for deprived children in institutions. Rounding out the picture, Sweden's total contribution to UNICEF's day-to-day operations and special projects rose from SEK 385 m in 1998 to SEK 713 m in 2001.

114. The bulk of support for health measures goes to primary health care and nutrition programmes, mainly targeted to pregnant women and small children. In recent years, increasing attention has been focused on sexual and reproductive health in young people, primarily in response to the HIV/AIDS epidemic. See also section 7.2.

115. Approximately 75 per cent of funding for educational projects is devoted to primary and secondary education. Special efforts have been made to reduce the disparity between boys and girls with respect to educational opportunities, to enable children with disabilities to attend ordinary schools and to adapt teaching and curricula to children who work. See also section 8.1.

116. The Government has declared that authorities engaged in bilateral negotiations with development cooperation partners must refer to the national reports which each country submits to the United Nations Committee on the Rights of the Child. Since the mid-1990s, the Government has enjoined Sida to play an active part in the international arena and take child rights into account in all their activities.

117. In May 2000, the Government earmarked SEK 45 m for programmes aimed at children in need of special protection.

118. In May 2002, the Government published its observations on the adoption of a child's rights perspective in development assistance in a written communication (skr 2001/02:186), which also included a programme as a guide for further action. The Government also emphasizes four strategic areas to promote the respect for children's rights: Social reform work, health and medical care, a school for all children and efforts for children with special needs.

## **2.5 Observations by the United Nations Committee on the Rights of the Child and measures adopted by the Swedish Government**

119. Sweden's previous report to the United Nations Committee on the Rights of the



Child and the subsequent hearing in Geneva in January 1999 were followed by a number of actions. Some were aimed at informing authorities and the public of the Committee's observations, others were actual measures taken in response to the Committee's remarks.

120. In an address to the Riksdag in February 1999, the minister then responsible for child affairs gave an account of Sweden's report to the United Nations, the subsequent hearing and the views and observations put forward by the Committee. In the same month, NGOs were invited to an information and discussion meeting on the same topic.

121. The Government reported on the measures it had adopted or planned to adopt in connection with the Committee's concluding observations in a communication to the Riksdag in September 2000 (skr. 1999/2000:137).

122. The Committee's Concluding Observations (CRC/C/15/Add.101) and the measures adopted in response are briefly summarised below:

**1. In view of the risk of disparities in the provision or accessibility of services to children and their families due to inconsistent compliance with the Convention by different municipalities, the Government was urged to increase its efforts to ensure compliance with and respect for the Convention.**

The Government offers municipal and county councils help in developing instruments and tools, inter alia through the efforts of the Children's Ombudsman in connection with the national strategy, for implementing measures to promote compliance with the Convention. Moreover, increased revenue from taxes and central government grants have substantially strengthened the ability of municipal and county councils to carry out improvements and raise the standard of activities aimed at children and young people. See section 2.3 *Measures for children and young people*.

**2. The Government was encouraged to review the role and autonomy of the Children's Ombudsman.**

On 1 July 2002, the Children's Ombudsman Act (*lagen om Barnombudsmannen 1993:335*) was amended with a view to strengthening the powers of the authority and defining its functions more clearly. Although the Ombudsman will under the amended legislation remain an authority responsible to the Government, it will enjoy a greater measure of independence. In addition, the authority's budget was increased from SEK 8 m to SEK 15 m from fiscal 2002. See also section 2.2 and Appendix 2 for the text of the amended act.

**3. The Government was urged to review the impact of the budgetary cuts of the 1990s and renew efforts to implement the Convention to the maximum extent of available resources (i.e. implement budget impact assessments) in accordance with article 4.**

In its final report (*SOU 2001:79*), the Welfare Commission conducted a review and analysis of the impact on children and young people of the economic and social developments of the 1990s.

The Government has instructed the Children's Ombudsman and the National Financial Management Authority to develop child impact assessments methods for application by central government authorities. Municipal and county councils wishing to develop their own efforts in connection with impact assessments will be able to use the material produced by authorities in the central government sector. The precise details of this arrangement will be the subject of discussions with the Swedish Association of Local Authorities and the Federation of Swedish County Councils in the course of continued efforts to implement the Convention in municipalities and county councils areas. See also section 2.3.

**4. The Committee welcomed the Government's decision to review the legislation setting a lower age of marriage for children resident in, or nationals of, other states. The Government was encouraged to consider changes in the legislation with a view to increasing protection against the harmful effect of early marriage and to eliminating discrimination among children within its jurisdiction.**

See Chapter 3, *Marriage and sexual self-determination*.

**5. The Government was urged to review its policies in line with the principle of non-discrimination with a view to expanding the services available to illegal immigrant children (the so-called "children in hiding") beyond the provision of emergency health services.**

See section 7.2, *Health and medical care rights of asylum seekers*.

**6. The Committee expressed its concern over the reported increase in the incidence of racism and xenophobia, and shared the Government's concerns about the effectiveness of existing legislation on "unlawful discrimination" and "agitation against an ethnic group". The Government was encouraged to act on its stated commitment to review the legislation and take all appropriate measures to combat racism and xenophobia thereby protecting children against all forms of discrimination.**

See section 4.1 *Racism and xenophobia*.

**7. Regarding the right to acquire a nationality, the Government was encouraged to complete its revision of the Citizenship Act and fully take into account article 7 of the Convention.**

See section 5.1 *Name and nationality*.

**8. The Government was urged to continue to take all appropriate steps to protect children from access to pornographic material.**

See section 5.3 *Freedom of Expression*.

**9. In relation to article 11 of the Convention, the Committee notes with satisfaction that Sweden is a party to the 1980 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 encouraged the Government 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 1996 Hague convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and measures for the Protection of Children.**

See section 6.5 *Illicit transfer and non-return*.

**10. Promotion of access to family counselling services. The Committee noted the absence of uniform charging for family counselling services across municipalities and was concerned that a significant number of families would find such fees a disincentive to seeking needed help and assistance. The Committee recommended that the Government review its policies in this regard so as to facilitate access to family counselling services, in particular for the more vulnerable groups.**

See section 6.1 *Counselling and guidance*.

**11. The Committee was concerned that the system of compulsory reporting for incidents of child abuse was not working satisfactorily and urged the Government to undertake further measures to improve protection of children, in accordance with article 19 of the Convention.**

See section 6.10 *Child Abuse*.

**12. The Committee recommended that the Government take all appropriate measures, in accordance with articles 2, 26, 27 and 30 of the Convention, to ensure universal access to social benefits, in particular for poorer families, and that the public was better informed of their rights in this regard.**

This point happens to be based on a misunderstanding. The United Nations Committee on the Rights of the Child considers that we must ensure universal access to all social welfare benefits, in particular for the most vulnerable groups in society. What is unique to our country is precisely the fact that most welfare provision *is* universally available. This applies both to services and benefits forming part of our social protection

system. These are universal; very few benefits are means tested. See also section 7.3 *Social protection and childcare* and section 7.4 *Living standards*.

**13. The Government was encouraged to adopt measures 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.**

See section 4.1 *Non-discrimination*.

**14. The Committee urged the Government to 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 school-age childcare.**

See section 7.3 *Children of unemployed parents and parents on parental leave*.

**15. The Committee was concerned about the rising incidence of substance abuse among adolescents. The Government was encouraged to undertake systematic efforts to collect data on and monitor substance abuse, in particular among the more vulnerable groups.**

See section 9.3.2 *Drug abuse*

**16. The Committee was concerned about the need to increase protection from sexual exploitation, particularly of children between the ages of 15 and 18, and called on the Government to continue its efforts to ensure better protection from the sexual exploitation of children up to the age of 18.**

See section 6.10 *On penal law* and section 9.3.3 *Sexual exploitation and sexual abuse*

## **2.6 The report: its compilation and dissemination**

123. A large number of players were involved in the work of compiling this third Swedish report to the United Nations Committee on the Rights of the Child. Final responsibility rested as before with the Ministry of Health and Social Affairs, which is also responsible for coordinating all work undertaken in the Government Offices in connection with the Convention on the Rights of the Child. Background data and material were provided by numerous departments in the Government Offices whose activities and spheres of responsibility touch directly or indirectly on the status of children.

124. It was also important during the compilation process to try to penetrate downwards through the social system in order to prevent a central, top-down, macroperspective from dominating the final picture. Sweden's previous report was sharply criticised in the Committee's Concluding Observations (CRC/C/65/Add.3, 1997) for focusing too heavily on descriptions of legislative measures, while containing limited statistical and other information on the actual status of children. The criticism was noted and special efforts were made to establish and intensify contact with representatives of

different sectors of the community.

125. Often, it is in the municipalities and county council areas that the provisions of the Convention are put into practice. Many municipal operations are directly aimed at children and affect their lives in important ways. Any description of children's status and circumstances must include a local, community level perspective. Efforts were therefore made to establish contact with representatives of different levels and sectors of society. The background data obtained from these sources should be seen as the outcome of an attempt to reflect reality to some degree, and is intended to complement material based on efforts at central government level to implement the Convention. However, as the selection was not as representative as it might have been, the information obtained through these contacts does not permit us to draw any general conclusions about reality on the ground in Sweden. Rather, the aim has been to obtain a picture of the way in which society's institutions - or different parts of them - are able to understand and handle certain issues and listen to the children's own views on the subject.

126. In the autumn of 2001, the Minister responsible for child affairs, set up a reference group composed of children and young people, with which she has since had two meetings. The group, which comprises some 35 lower- and upper secondary pupils from different parts of Sweden, has contributed to the deeper exploration and elucidation of certain issues in connection with the preparation of Sweden's third report to the Committee on the Rights of the Child. Its work focused on articles in the Convention dealing with discrimination, children and young people with learning disabilities, the best interests of the child, the right to health and medical care, the right to rest and leisure, to engage in play and recreational activities, protection from the illicit use of narcotic drugs, the duty to inform the public about the Convention, freedom of opinion and the right of children to be heard. The young people in the group raised and disseminated these issues in their schools and classes. The views expressed during such encounters were collected and referred back to the group for further discussion. Thus the issues and the discussions they gave rise to found new forums outside the reference group itself. The views and comments collected reflect a range of problems from bullying to deficient school health care to different forms of discrimination. Specific proposals were also discussed. Basic discussions about fundamental concepts such as the meaning of discrimination are found to be crucial in enabling children to truly apprehend and defend their rights. The group's next task will be to take part in drafting a new strategy for the implementation of the CRC and also in nationwide follow up to the 2002 World Summit for Children.

127. The group also held three regional hearings. The guests were mainly municipal and county councillors and representatives of the pre-school and school-age childcare services, schools, the social welfare and health and medical care services, NGOs and children and young people's organisations. The aim of the hearings was to study the work being undertaken in connection with the Convention from different regional perspectives - metropolitan, urban and rural. It was also hoped that the meetings themselves would help bring about a closer dialogue between local players on issues relating to the Convention.

128. A special meeting was also held with representatives of the Network for the Convention on the Rights of the Child, a group composed of some 50 NGOs with

different areas of interest and approaches to child rights issues. At the meeting, the representatives were given an opportunity to freely raise any issues which they felt should be receiving attention.

129. In sum, information has been collected from a number of important sources. As a result we now know more about the implementation process and its progress in Sweden. The conferences and meetings convened in connection with Sweden's report to the United Nations Committee on the Rights of the Child were not held merely to collect information. It was anticipated that the whole process would in itself help focus attention on the Convention and serve to disseminate knowledge and information in schools and municipalities. It was also hoped that organised meetings involving representatives of key regional players would lead to closer dialogue and cooperation between them.

130. Under Article 44 of the Convention, States parties shall make their periodic reports widely available to the public in their own countries. A total of 5,700 copies of the present report will be printed: 5,000 in Swedish and 700 in English.

131. To ensure the widest possible circulation, the report will be distributed to key players in the Swedish community. It will be sent to all municipalities and county councils, all libraries, public authorities and human rights institutions. It will also be distributed to the 50 NGOs forming part of the Network for the Convention on the Rights of the Child, as well as to the members of the reference group for children and young people. It can be obtained free of charge, and will also be available in electronic form on the Government Offices web site: [www.regeringen.se](http://www.regeringen.se).

### **III. DEFINITION OF CHILDREN**

#### **(art. 1)**

132. The definition of a child is naturally dependent on a large number of factors. These were discussed in Sweden's second periodic report to the United Nations Committee on the Rights of the Child, and most of the answers remain valid today (see inter alia pages 41-47 and page 143ff in CRC/C/65/Add.3. However, some of the information contained in the previous report may require further clarification or need updating.

#### *Medical advice and self-determination*

133. Children do not have the right to request legal or medical advice without a parent's consent. The same applies to medical treatment or surgical intervention. It is, however, a general, established principle in Swedish law that children who are old enough and have attained sufficient maturity have a right to self-determination in certain personal matters. Some of these are expressly regulated, while others are left to the child's discretion.

#### *Marriage*

134. A person who wishes to marry before a Swedish registrar (whether in a church or registry office) must under the main provision currently in force have his or her right to

marry legally endorsed in the country of which he or she is a citizen. However, a foreign national may have his or her right to marry attested under Swedish law provided he or she has been domiciled in Sweden for at least two years. This basic principle obtains because Sweden, like many other countries, has traditionally assumed that a person has his or her strongest ties with the country of which he or she is a citizen. The aim is to avoid situations where a couple may be regarded as married in one country but not in another.

135. The above provision means in effect that the right of Swedish and foreign nationals to get married may not be governed by the same rules. This could have unsatisfactory consequences and the Swedish provisions have been criticised on a number of occasions. The Ministry of Justice is currently reviewing the statutory regulations governing the choice of applicable legislation when considering legal impediments to marriage, with special reference to minimum marriage ages. This initiative has been welcomed by the United Nations Committee on the Rights of the Child (Concluding Observations CRC/C/15/Add.101). In a ministerial memorandum, *Marriage in Sweden and Abroad (Svenska och utländska äktenskap (Ds 2002:54)* the Ministry of Justice proposes that an investigation of the legal impediments to a marriage which takes place in Sweden must always proceed in accordance with Swedish law. The minimum age for marriage in Sweden (18 years) would thus apply regardless of a person's nationality. Permission to marry before the age of 18 would only be granted on exceptional grounds. The memorandum also proposed that where a person with links to Sweden has married abroad under the laws of that country, but where such a marriage could not be contracted in Sweden before a Swedish authority should not be regarded as valid in Sweden. This would prevent a Swedish citizen or a person domiciled in Sweden from circumventing the impediments to marriage established under Swedish law by going abroad and marrying there instead. The memorandum further proposed that the law be amended specifically to preclude recognition of forced marriages and in other ways aimed at obviating child and forced marriages and simplifying investigations of legal impediments to marriage.

#### *Criminal liability and deprivation of liberty*

136. Under the Swedish Penal Code, no one under the age of 15 may be sentenced or fined for a crime. The age of criminal responsibility begins when a person reaches his or her 15th birthday.

137. A person under 18 may only be sentenced to a term of imprisonment in exceptional circumstances.

#### *Participation in legal proceedings*

138. A witness who is under 15 years of age may be summoned to testify in person at a preliminary investigation if his or her attendance is deemed appropriate after due regard is taken of the circumstances and of his or her degree of maturity (Chapter 36, Section 4 of the Swedish Code of Judicial Procedure - *36 kap, 4 § Rättegångsbalken*). However, an oath may never be taken by a person summoned as a witness if she or he is under the age of 15. (Chapter 36, Section 13 of the Swedish Code of Judicial Procedure - *36 kap, 13 §*



*Rättegångsbalken*). See also section 4.4.

139. All children may act as parties in legal proceedings. However, if a child cannot legally dispose of his or her property, he or she has no procedural capacity and cannot therefore plead his or her own case in a court of law. This must instead be done by the child's custodian. This means that most young people under the age of 18 are unable to plead their own case in legal disputes over property.

140. Under the Social Services Act (2001:453) and the Care of Young Persons (Special Provisions) Act (*lagen med särskilda bestämmelser om vård av unga - 1990:52*), children who have reached the age of 15 may plead their own case in a court of law or in matters brought for adjudication. Children under 15 should be heard if in the opinion of the court they are unlikely to suffer harm as a result.

### *Religion*

141. In a bill entitled *The State and Religious Communities: Provisions concerning the Swedish church and other religious communities (Staten och trossamfundens Bestämmelser om Svenska kyrkan och andra trossamfund - 1997/98:116)*, the Government declared that children could find it difficult to assert their right to freedom of religion as proclaimed by the United Nations Convention on the Rights of the Child. To give clearer expression to this right, freedom of religion for children has been accorded legal force. Under the Religious Communities Act (*lagen (1998:1593) om trossamfund*), which came into force on 1 January 2000, a child who has reached the age of 12 may not be enlisted in or removed from a religious community without his or her consent. The provision, which replaces the earlier Freedom of Religion Act (*religionsfrihetslagen*), applies to the Church of Sweden as well as to other religious communities.

### *Puberty as a criterion in penal law*

142. In cases where puberty is cited in penal legislation as a constituent element, i.e. a defining criterion, (a constituent element of child pornography crimes is the incomplete pubertal development of the child involved) no distinction is made between girls and boys.

## **IV. GENERAL PRINCIPLES**

### **4.1 Non-discrimination (art. 2)**

#### *Review of current legislation*

143. The Government has resolved to examine ways in which Swedish legislation can be improved with a view to combating discrimination in different forms more effectively. A review of the penalties for unlawful discrimination has been undertaken and certain conclusions set out in a report entitled *Banning Discrimination Effectively: On unlawful discrimination and the concepts of race and sexual orientation (Ett effektivt diskrimineringsförbud Om olaga diskriminering och begreppen ras och sexuell läggning - SOU 2001:39)*. It recommends that consideration be given to repealing the provision

when adequate judicial protection in civil matters has been established.

144. A government report published on 2 May 2002 entitled Wider Protection against Discrimination (*Ett utvidgat skydd mot diskriminering - SOU 2002:43*) proposes three new pieces of civil law legislation banning discrimination. Their combined effect is expected to be strongly protective. One of the proposed laws would forbid discrimination on ethnic grounds in a number of areas of society. It is proposed that the legislation package take effect on 1 July 2003.

145. The Government has also set up a parliamentary committee to consider common legislation against discrimination covering all or most discrimination grounds and areas of society (*Dir 2002:11*). Among other tasks, the committee will be required to consider whether, in the light of its findings, there are grounds for replacing the penalties for unlawful discrimination currently in force. It has also been instructed to address the issue of age discrimination. The Committee shall submit its report by 1 December 2004.

146. As regards agitation against a national or ethnic group, a number of amendments to the law have been proposed in the government bill Agitation against National or Ethnic Groups, etc. (*Hets mot folkgrupp m.m. - 2001/02:59*). The proposal has been approved by the Parliament and will take effect on 1 January 2003.

#### *Gender equality in pre-school and school*

147. The promotion of equality between girls and boys is emphasised in all school curricula. For example, the national pre-school curriculum states that schools must actively seek to counter the development of traditional gender roles and behaviour patterns and to actively encourage girls and boys to develop abilities and interests traditionally associated with one or other gender. The national compulsory school curriculum states that all schools must promote equal rights and opportunities for all women and men.

148. In 1998, the Office of the Equal Opportunities Ombudsman initiated a project aimed at promoting gender equality and preventing sexual harassment in schools. Courses in these subjects were held for schoolteachers and staff throughout Sweden and a handbook on the prevention of gender-related bullying and harassment was published.

149. Efforts have been made at regional level to counter the development of traditional gender roles in pre-schools. A gender equality project involving pre-schools was recently concluded in the province of Jämtland. The purpose of Broader Perspectives (*Vidgade vyer*), as the project was called, was to develop teaching methods aimed at broadening young people's views on life. The project, launched in 1999, ended at the close of 2001 with a report containing advice to pre-school staff on how to counter traditional gender roles and behaviour patterns.

150. Similar projects, under the collective designation of Boys and Girls in pre-school (*Flickor och pojkar i förskolan*) were undertaken in the County of Gävleborg between 1996 and 1999. The aim here was to broaden gender roles and thereby increase the options available to girls and boys both in school contexts and in later working life. For

example, boys practised conversing, experiencing intimacy and developing relationships with one other person at a time, while girls were given opportunities to try out their physical strength and take part in games and competitive activities.

151. In the spring of 2001, the Government approved a proposal to support the establishment of feminist groups in the compulsory school system. Pupils in years 2-9 from over 60 schools across the country received financial grants to help them step up the pace of gender equality work and show adults new ways of pursuing goal-oriented gender equality activities. Gender-based rhetoric and argumentation techniques, language usage and sexual harassment among young people were among the areas covered by the projects. A report is to be submitted by the autumn of 2002.

152. Also, educational specialists will be trained in gender equality and gender studies so that they may be drafted in as extra resources. The Government has stipulated that there must be at least one teacher or educational specialist trained in this field in each municipality by 2004. The Government has also approved the allocation of SEK 5 m for educational projects and efforts primarily directed at girls and aimed at preventing and countering offensive and insulting treatment. The Government has also instructed the National Agency for Education to collect and disseminate examples of ways in which schools and municipalities collaborate with NGOs and other agencies in promoting gender equality and social and ethnic diversity. A report is to be submitted by 30 April 2003.

#### *Bullying and social vulnerability*

153. Cruel and/or degrading or insulting treatment, or bullying, is increasingly regarded as a major problem in schools. It has even come to the attention of the United Nations Committee on the Rights of the Child (see Concluding Observations CRC/C/15/Add.101). It is not only the extent of the problem that gives cause for concern but also its devastating effects on many of the victims, in terms of missed school attendance and mental as well as physical suffering. According to a breakdown of calls made in 2001 on the Children's Helpline at BRIS (*Barnens Rätt i Samhälle* - Children's Rights in Society, a voluntary organisation set up in 1971 to help children who are mistreated, abused or bullied), bullying was the most common single problem area. Approximately 18 per cent of the calls were about bullying, as compared to 13.3 per cent in 1999. (*BRIS 2002*) See also section 6.10 *Children's helpline*. The Children's Ombudsman takes the view, based on figures for recent years, that bullying would seem to be one of the most serious problems in the lives of children and young people today. (*BO 2001*).

154. In an attitude survey conducted by the National Agency for Education in the spring of 2000, pupils were asked whether they agreed with the statement: "You feel that you are being bullied or harassed by other pupils." (*Skolverket 2001*). Four per cent of pupils in years 7-9 and upper secondary school respondents concurred with the statement. This may be compared with a figure of 2 per cent obtained in a similar survey carried out three years previously. Remarkably, 6 per cent of the respondents stated that they had been bullied or harassed by a teacher. This would appear to suggest that schoolchildren

are more commonly bullied by adults than by other pupils.

155. The proportion of children who suffer from bullying seems to vary between 3 and 10 per cent, depending on how the term is defined. Young children are more at risk than older ones and most studies (excluding the National Agency for Education's survey) show that boys are more often bullied than girls.

156. No major socially determined disparities have been detected by the limited studies so far carried out. However, the Education Agency's attitude survey did establish that children of parents born outside Sweden felt they were bullied somewhat more often than pupils of Swedish-born parents (*Skolverket 2001*). This finding was borne out by a study of ten-year-old schoolchildren conducted by the Children's Ombudsman and Statistics Sweden in 1998.

157. In 30 per cent of the cases recorded, however, teachers of the ten-year-old children who were bullied according to the latter study, stated that no bullying ever took place in the class. Thus some form of outreach service would appear to be necessary in order to gain a better understanding of the problem in individual cases.

*The National Agency for Education inspects efforts to study and prevent bullying*

158. In 1998, the Education Act and the Swedish compulsory school curriculum were tightened up as regards the responsibility of school staff and head teachers to take active measures to counter cruel or degrading and/or insulting treatment or behaviour. All school staff must act decisively against all forms of abusive and insulting conduct including bullying and racist behaviour. Head teachers were also entrusted with special responsibility for drawing up, implementing, following up and evaluating action plans for preventing and combating all forms of cruel or degrading behaviour among pupils and school employees.

159. In 1999, the Education Agency was instructed by the Government to scrutinise the activities of a number of municipal and independent schools, focusing particularly on efforts to prevent bullying and on the effects of the tighter provisions. Although most of the 83 schools covered by the study had drawn up an action programme against bullying, data on the incidence of bullying in schools and on follow ups of bullying episodes was often inadequate.

160. The Agency pointed out that municipalities and schools should focus particular attention on developing and conserving the skills, know-how and expertise needed by staff to effectively prevent and detect bullying. Adults in schools must share a working knowledge of existing norms, values and social skills, and greater attention should be focused on the social goals of school education.

161. The Government has recently given the Education Agency a new assignment in connection with cruel and degrading and/or insulting treatment or behaviour. It includes the following tasks:

- 1 To highlight instructive examples of action plans and/or working methods aimed at combating cruel and degrading and/or insulting treatment or

behaviour which research or evaluation work has shown to be effective against bullying and to be conducive to good learning and working environments in schools.

- 2 To assist schools by scrutinising, evaluating and improving their efforts to counter cruel and degrading and/or insulting treatment or behaviour.
- 3 To compile and disseminate reference material that can be used in pre-schools and schools to promote the development of preventive and active measures against cruel and degrading and/or insulting treatment or behaviour, and assist in the framing of action plans.
- 4 To draw up guidance documents to assist in the work of countering all forms of cruel and degrading and/or insulting treatment or behaviour and developing action plans.

162. The Agency has also been instructed to review existing information and research findings on cruel and degrading and/or insulting treatment and bullying with a view to identifying gaps in our current knowledge of the subject.

*Together - a campaign against bullying*

163. A campaign against bullying, entitled Together (*Tillsammans*), has been running since the autumn term of 2001 and will continue throughout 2002. Its main aims are to focus attention on the options and methods available to prevent bullying and to coordinate efforts already being

made throughout the country. Participants include NGOs, advocacy groups, local associations, federations, researchers, writers and schools. The campaign has its own web site at <http://www.tillsammans.gov.se/>.

### *Racism and xenophobia*

164. The fight against crimes committed from racist or xenophobic motives has been a high-priority concern within the Swedish judicial system for many years. The years since 1997 have seen the introduction of a number of measures extending the powers of the judiciary to take action against racist and xenophobic acts.

165. Anyone found guilty of spreading printed matter, pictures or other material produced by technical means, which by virtue of their content could have a brutalising effect on or otherwise constitute a serious danger to a child's ethical upbringing, will be sentenced to a fine or imprisonment for a maximum period of six months for corruption of minors. As of 1 January, this provision may also be applied in cases where racist propaganda recorded on compact discs (CDs) has been distributed to young people notwithstanding the provisions of the Fundamental Law on Freedom of Expression (*yttrandefrihetsgrundlagen*).

166. On 1 May 1998, the Act on Liability for Electronic Bulletin Boards (1998:112) came into force. An electronic bulletin board is defined as a service for the electronic circulation of messages. The Act states that a person who provides such a service must exercise reasonable supervision over it. An electronic bulletin board provider is further required to furnish its users with certain information and to remove certain types of messages, including any which may be construed as constituting agitation against a national or ethnic group. A person who does not provide the prescribed information or allow certain messages to be removed may be fined or sentenced to imprisonment for a maximum period of two years.

167. In a bill submitted to the Riksdag in December 2001, the Government proposed that the period of limitation for compact discs that fail to provide information about their origin should be extended. This will make it easier to take action against so-called white power music. The proposal has been approved by the Parliament and the new provision take effect on 1 January 2003.

168. In another bill brought before the Riksdag, the Government proposed more severe penalties for serious cases of agitation against a national or ethnic group, namely imprisonment for a period of not less than 6 months and not exceeding 4 years. This stiffer scale of penalties will be applicable to cases of extensive dissemination of abusive racist material. It is proposed that the provisions take effect on 1 January 2003.

169. In December 1999, the Prosecutor General laid a comprehensive, concrete plan of action before the Riksdag. The plan was intended to serve as a guide for the prosecution authority's continued efforts against racist and xenophobic crimes. It included a proposal to give precedence to all cases involving crimes that might have been committed from racist or xenophobic motives.

170. In 2000, all authorities in the Swedish judicial system were instructed by the Government to draw up strategies aimed at ensuring that staff were well-informed about crimes with racist or xenophobic elements and about the status of groups exposed to such crimes.

*Families with strong patriarchal traditions and beliefs*

171. In recent years, the situation of girls living in families with strongly patriarchal values has been a subject of public attention and debate in Sweden. There are girls who drop out of school in order to get married. There are girls who are betrothed against their will and forced into marriage. Some marriages are not celebrated before a Swedish registrar and are therefore not formally recorded. In some families, the desire to control the lives of unmarried daughters assumes extreme, sometimes violent, forms, with brothers and fathers taking it upon themselves to protect the girls' chastity. Girls often receive no support as relatives actively encourage or passively condone the close supervision of their movements and actions - which may involve threats and physical abuse, and in some cases even lead to murder - imposed when they express the desire to live in a way which runs counter to the family's traditional values and practices.

172. The Government has adopted a number of measures to counteract this type of oppression. These involve the judiciary, and social, educational and youth policies, and are mainly aimed at preventive work and promoting better protection of the individual.

173. Authorities directly subordinate to the Government have been instructed to focus attention on the situation of young girls and to support projects aimed at promoting gender equality. Other tasks have also been assigned: for instance, the National Integration Office has been commissioned to submit a report containing examples of best practices and proven methods for preventing conflicts between individuals and their families which may have arisen as a result of attempts to assert patriarchal values. The National Board of Health and Welfare has distributed information leaflets to personnel in the social services designed to help them with their work in connection with girls at risk. The National Institute of Public Health has been instructed to draw up and present proposals on ways of providing support for the families. The National Agency for Education has been directed to prepare suitable reference material and conduct a broad survey of existing knowledge, information and research findings to help school staff provide competent, professional advice and support for young people living in strongly patriarchal environments. The Agency is further required to disseminate information about this material, to plan measures aimed at encouraging collaboration with other relevant authorities and organisations and to provide opportunities for further professional development for head teachers, teachers and health care staff in primary, secondary and upper secondary schools. Municipal resource staff (teachers and educational specialists) must also be given training in gender equality and gender studies to ensure that there is at least one person qualified in this field in each municipality by 2004. Finally, the Agency has been instructed to provide examples of ways in which gender equality work can be carried on in collaboration with other authorities and organisations.

174. The Government has allocated SEK 2 m towards sheltered housing projects for

girls at risk in patriarchal families. The funds have been distributed to the county administrative boards in Sweden's three metropolitan counties and will be used partly to survey the situation and identify needs in connection with the provision of sheltered housing for girls at risk, and partly to provide initial assistance to the city councils in coordinating their efforts in this sphere.

175. In December 2001, the Government allocated SEK 1.5 m to projects in support of girls at risk of oppression or mistreatment by strictly patriarchal families. Part of this sum will be used to survey changes in patriarchal family structures as a result of migration and the effects of these changes on the girls' emancipation. The knowledge and information obtained will be used as guidance for staff in schools and the social services in their dealings with the girls and their families. Funds will also be allocated to the National Council for the Protection of Women Against Violence (*Nationellt råd för kvinnofrid*) to support its work in this field (for more information on the Council see the section entitled Violence against Women and Girls). See also under section 6.10.

176. For a number of years, funds have been earmarked for projects aimed at women and girls from immigrant backgrounds. Approximately SEK 2.3 m was made available for various projects between 1998 and 2001. For example, SEK 500,000 was set aside for the establishment of a national helpline for women and girls from immigrant backgrounds. A further SEK 500,000 was set aside for this project in March 2002. The helpline now operates in 20 languages. The project was conceived and run by Terrafem, a nationwide network for women's rights and a member of the National Organisation for Women's Shelters and Young Women's Shelters in Sweden (*ROKS*).

177. The Government has held four seminars on the above issues since the autumn of 2001. Participants have included representatives of authorities, women's shelters, religious organisations, organisations based on ethnic affinity, other NGOs and experts in the field. Matters discussed included ways in which authorities and organisations could cooperate more closely to improve the situation for immigrant girls.

#### *Discrimination against people with learning disabilities*

178. In the autumn of 2001, the Office of the Children's Ombudsman carried out a questionnaire-based survey among secondary school pupils (4th - 9th years) to determine their views on their rights. According to the study, children and young people with learning disabilities are excluded from school and recreational activities more often than other children. They do not always get the support they need in terms of learning aids and transport, and they are more often teased and bullied than their schoolmates. In the light of these findings, which were published in the Ombudsman's annual report for 2000, the authority has proposed a series of measures aimed at improving the situation of children and young people with learning disabilities. The proposals are currently being considered at the Government Offices.

179. Under section 9.4 the discrimination that many roma and sami children meet is discussed.



## 4.2 The best interests of the child (art. 3)

### *The child and legal proceeding*

180. As stated in Sweden's previous periodic report, the work of framing policies, rules and regulations directly affecting or relating to children and young people is based on the principle of the best interests of the child. This is particularly applicable to the questioning of children in preliminary investigations into suspected crimes. Particular care should be taken to ensure that the investigation does not attract media or other attention. The proceedings must not be more prolonged or elaborate than circumstances require. Hearings must not take place more often than is necessary, taking into consideration the type of investigation and the best interests of the child. A child under 15 is not obliged to attend a hearing for more than three hours unless his or her presence is considered to be of special importance to the investigation. In such cases the child must be accompanied by his or her legal custodian unless this could prejudice the investigation in the opinion of the court.

181. The question of the best interests of the child was dealt with in CRC/C/65/Add.3, pp. 49-52. See also *The Convention and legal bodies* in section 2.4.

182. Young offenders are accorded special treatment within the Swedish penal system. One of the premises underlying legislation on young offenders is that imprisonment reduces a young person's chances of leading a law-abiding life later on. Responsibility for young offenders rests with the social services, which are best placed and equipped to provide youngsters with the special help and support they need. However, responsibility for sentencing rests, as with adult offenders, with the prosecutor's office and the courts.

183. Committal into the care of the social services is the most common penalty, after fines, imposed on young offenders.

184. Responsibility for putting custodial care sentences for young offenders into effect rests with the National Board of Institutional Care (see section 9.2.2 below). Responsibility for implementing certain other penalties, such as suspended or probational sentences, rests with the Prison and Probation Service.

### *Family*

185. Among the measures adopted in connection with the reform of legislation governing parental custody in 1998 was the inclusion of a new provision in the introductory section of the chapter in the Parental Code (*föräldrabalken*) on custody, residence and access. The provision stipulates that the best interests of the child must take precedence in all decisions regarding these matters. A corresponding provision was included in the chapter on implementation. The effect of these amendments was to place greater emphasis than in the past on the need to consider and act in accordance with the best interests of the child. The Parental Code further states expressly that a child has the right to access, i.e. visit, the parent with whom he or she is not living and that parents must share responsibility for ensuring that their child or children's need of such access is met as far as possible. (See also section 6.2).

186. The National Board of Health and Welfare was instructed in connection with the reform to support the development of methods for conducting “cooperation talks”, discussion sessions with families designed to secure the best interests of the child in disputes over custody, residence and access. Central concerns included how children were to be informed of decisions affecting them, whether and in what way they were able to express their views freely, how the talks could be used to reach multicultural families, forms of cooperation for municipal councils and the

application of alternative methods to solve the most intractable disputes. The Board accordingly organised conferences, provided financial support for methods development projects of various kinds, compiled and published material containing information on custody, residence and access, and collaborated with the county administrative boards on the task of following up the reform, etc.

187. The county administrative boards were assigned to follow up the effects of the 1998 reform on legislation governing parental custody. The impact of the new provisions has so far been limited (according to data compiled in 2000). Despite a generally favourable response from municipal councils based on their experience of the amendments, information about the changes had not yet reached wider sections of the community. The social services noted an increase in the number of agreements on custody, residence and access between 1999 and 2000. In many cases, the agreements, which often concerned custody, were preceded by cooperation talks. Agreements were seldom reached without the involvement of the social services. The municipal councils also reported a rise in the number of cooperation talks. Disputes are increasingly about residence and access. Child residence is a type of matter that can be referred to a court.

188. Success in breaking down traditional gender roles and ensuring that girls *and* boys are given the same opportunities and rights in life is predicated on the will to change and the active participation of women *and* men in the task of creating a society of gender equality. For some years now, the Government has accordingly given priority to measures aimed at encouraging men to take more responsibility for the unpaid work of looking after home and children. The best interests of the child include the opportunity to have close, constructive relationships with both parents. The Government has allocated funds for a number of projects aimed at encouraging fathers to take parental leave. These include information campaigns and courses for fathers at selected antenatal clinics. Another of the Government's priority objectives is that social insurance administration shall contribute to utilisation of parental benefit by a greater proportion of men. In order to stimulate this development an extra month's benefit for fathers was introduced on 1 January 2002. See section 7.3.

#### *The social services and social insurance*

189. On 1 January 1998, the Social Services Act (*socialtjänstlagen*) was amended to include a provision stating that the best interests of the child must be given full consideration when adopting any measures affecting the child's life or status. This applies not only to the placing of children in institutions but to all measures concerning children within the purview of the social services.

190. Efforts are currently being made to further clarify and define the principle of the best interests of the child as embodied in the Care of Young Persons (Special Provisions) Act. Although the Act was specifically designed to meet children's need for protection in this area, there are good reasons for continuing to stress that all measures taken under the Act must be based on a determination of what is best for the child.

191. Acting on the Government's instructions, the National Board of Health and Welfare followed up the 1998 amendments to the Social Services Act and published their

findings in two reports. The follow up was partly carried out in collaboration with the country administrative

boards, which had been given a similar assignment. Six county administrative boards examined 455 documents in 17 municipalities. As the selection was not representative, it was not possible to draw any conclusions about the country as a whole. A degree of insight was achieved, however. Two issues are relevant here: one concerns children's visibility in cases involving the processing of benefit applications, assessing eligibility for services, etc.; the other has to do with the best interests of the child and whether these were correctly assessed. The term "best interests of the child" was taken to mean that some kind of description of children's needs or how these were met had to be present.

192. The county administrative boards' examination of the documents revealed wide disparities between municipalities in terms of child visibility and regard for their best interests and needs. Thus some municipalities focused attention on children in cases involving the processing of benefit applications, assessing eligibility for services, etc. and took their best interests into account in all decisions affecting them, while others only did so to a limited extent.

193. The county administrative boards were also instructed to assess the impact of the 1998 and subsequent amendments on child health care services in the municipalities as part of their normal supervisory duties. The boards reported evidence of growing awareness of the need to adopt a child perspective and act in the child's best interests. Deficiencies were noted, however. The need for a common approach to the practical implications of the "best interests" and "child perspective" concepts has been recognised. These concepts need to be defined and given concrete form. The National Board of Health and Welfare is currently drawing up a handbook for executive and administrative officers in the social services on how to engage in discussions with children. The Board has also contributed funds to a project aimed at designing a 10-credit higher education course in how to engage in dialogue and discussions with children.

194. The National Board of Health and Welfare and the county administrative boards have also been assigned to examine the effect of the amendments on municipal assessments of applications for social security benefits from families with children. In the course of their supervisory activities, the county administrative boards have noted a clear willingness to improve children's standing in cases involving the processing of benefit applications, assessing eligibility for services, etc. and a clearer commitment to a child perspective. Some municipalities have drawn up guidelines stressing the need to adopt this perspective. In one county, officers employed in the social services have established networks to discuss ways of applying a children's perspective in practice when assessing benefit applications, etc. Although children are able to express their views more often and more freely than in the past, their needs and best interests are not always taken into account to the desired extent. Ten county administrative boards have studied cases involving financial assistance in some 80 municipalities and found shortcomings in this respect in 40 per cent of the cases examined.

195. In view of the deficiencies found in applying a child perspective in cases involving social security benefit applications, the National Board of Health and Welfare will compile a report in collaboration with the county administrative boards in which the problems of maintaining a child perspective and acting in the best interests of the child in such contexts are discussed. The report will focus on families that have been dependent

on social security benefit for extended periods. Tasks will include preparing a statistical description of the group, compiling known data and

information on the experience of living in households that draw social security benefit, providing an account based on known data and information of the extent to which the social services apply a child perspective in their work, collect examples of best practice and define child perspective more precisely. The project, which is due for completion by January 2003, will be presented and discussed at a series of conferences to be held throughout Sweden.

### *Immigration and asylum*

196. In 2000, the Children's Ombudsman carried out a study of the decisions taken by the Swedish Migration Board (Stockholm Region, Solna) between 1 July and 30 November 1999 with regard to political asylum for families with children. The aim of the study was to establish to what extent the Board took into account the provisions of the Aliens Act (*utlänningslagen -1989:529*) concerning the best interests of the child and the right of the child to express him - or herself freely. While noting that the Board among other authorities had made substantial progress, the report was critical on a number of points. It drew attention to the fact that children belonging to families seeking asylum were not accorded special treatment or consideration, as were lone refugee children. According to the study, the Migration Board failed to adequately safeguard children's rights in asylum cases. In particular, children were not sufficiently encouraged to take part in the asylum process, determinations of their best interests were not always sound or referred to in connection with decisions, contact between case officers and children in asylum cases was inadequate and officers had insufficient knowledge and recognition of children's needs and interests. The Ombudsman made a number of comments in connection with the study. It considered that reports of all determinations made of the best interests of the child and accounts of all activities involving the questioning of children must always accompany the Board's decisions, that determinations of a child's best interests must in principle always be made independently, and that special case officers with experience and knowledge of the ways in which children of different ages communicate, etc, must always be employed in interviews with children. The Ombudsman also felt it was essential that staff were adequately informed of the prevailing interpretation of the Aliens Act and the Convention on the Rights of the Child, as well as of children's special needs and interests. These views were noted and considered in the study carried out by the Migration Board in 2001 (see *Convention on the Rights of the Child in asylum and refugee cases* in section 2.4.)

197. The detailed guidelines on procedures and approaches adopted by the Swedish Migration Board when handling asylum cases involving children are currently under review. The Board is also working to improve the skills of officers responsible for handling applications for residence permits involving children.

198. A report by the Board, *Children in Cases involving Foreign Nationals (Barn I Utlänningsärenden - 2001)* as well as its current guidelines state that the Board's activities with regard to asylum cases involving children must be based on and informed by two guiding principles: the best interests of the child and the consideration of children's views. The Board is often compelled to make choices that may have consequences for children. Other interests must also be weighed against those of the child. Children's views should be accorded significance in proportion to their age and

maturity. Deciding whether or not to interrogate a child always involves a delicate balancing act. Case officers must be clear about the purpose of



an investigation. An important part of the Board's integration of the Convention's intentions in its day-to-day activities is continuing professional development aimed at ensuring that skilled impact assessments can be made in individual cases. Investigations must also be tailored in terms of length and scope to the child's age, maturity and mental and physical health. Allowing a child perspective to inform the entire process increases the chances of forming a clear picture of the child's family and the family's former circumstances in its country of origin and thereby acquiring some of the background knowledge needed to determine the child's best interests. To avoid protracted processing times, however, the Migration Board must develop a model for this type of inquiry which will enable it to establish the child's grounds for asylum in the space of a single hearing. A child perspective must also form part of the Board's decisions. It must be clear from a decision whether the child has been questioned and what emerged in the course of the inquiry. Whether and how the child's grounds for asylum were taken into consideration and whether they affected the outcome in some way must also accompany the decision. Consideration must have been given in the final ruling to the question of whether the child's development would be significantly affected by returning to his or her country of origin. The Aliens Appeals Board's operational guidelines also stipulate that a full account must be made of the way in which the child's best interests were factored into the final decision.

199. The Migration Board's guidelines state the following with respect to unaccompanied child refugees: all efforts must be premised on securing the child's legal right to protection and physical safety. The Board should seek to effect the reunification of the family wherever possible. If there is no need for protection, efforts should be aimed at bringing about a reunification in the child's country of origin or in the country where the family is domiciled. The child's needs must determine the measures to be adopted. The child's right to affirm its origins and its cultural and linguistic roots must be respected. See CRC/C/65/Add.3, p. 51.

#### *Spending cutbacks and quality standards*

200. Pre-school childcare was one of the social services hardest hit by the cutbacks in local authority expenditure of the 1990s. Despite this, more children than ever now have access to publicly financed childcare. Although the number of children receiving childcare rose by approximately 180,000 between 1990 and 1997, total gross cost for the services remained unchanged at SEK 42,000 m. Larger groups and lower staff-child ratios in pre-schools and leisure-time centres were among the results of the decisions taken during this period.

201. Before 1990, the maximum number of children in most pre-school groups was 15. The average number of children per yearly employee was 4.4. At present half of all groups contain at least 18 children. The average number of children per yearly employee is 5.4 - varying from 3.9 to 8.6 depending on the municipality. The average number of children in leisure-time groups is 29.4, compared to 17.8 in 1990. The average number of children per yearly employee has risen from 8.3 at the start of the 1990s to 17.4. Criticism from staff and parents of present-day pre-school childcare is mainly directed at unduly large group sizes and the shortage of supply staff.

202. As regards pre-schools, however, the trend has now been halted and resources per pre-school place have risen over the last three years. Although the total cost has not changed

substantially, the drop in the total number of children in childcare has led to a cost-per-place rise of 8 per cent. The relative cost increase is due partly to higher pay awards for staff and partly to lower staff-child ratios.

203. The Government nevertheless views the current development with some concern and has accordingly instructed the National Agency for Education to conduct an in-depth study of pre-school group size and staff-child ratios. An analysis of the result will be carried out on the basis of current research findings and experience. The report is to be submitted by 1 March 2003. See also section 7.3.

*Enhanced supervisory powers for county administrative boards*

204. Under the Social Services Act (2001:453), no one may provide care services for children or young people on a professional basis, whether in a full or part-time capacity, without a permit from the local county administrative board. Such permits are only granted if the operation is deemed to meet required quality and safety standards. The county administrative boards are responsible for supervising these operations and under the new Social Services Act, which took effect on 1 January 2002, have been vested with new supervisory powers. Since 1999, moreover, the boards have been allocated more resources to enable them to carry out their supervisory duties effectively. The boards are now working in collaboration with the National Board of Health and Welfare on the development of their supervisory function as part of a national action programme.

205. The allocating municipality, i.e. the local authority which has offered a child a place in pre-school childcare, is responsible for following up that allocation and ensuring that the child is receiving adequate care. If there are grounds for suspecting that conditions are not satisfactory, those responsible must take steps to establish that the child is well and happy or make other care arrangements.

*The best interests of the child in cases of crimes against children*

206. In 2000 the National Police Board conducted an inventory of police cases involving children who had been victims - directly or indirectly - of criminal offences. Ten police authorities were studied in order to learn more about the ways in which police activities in this area were actually pursued, and to improve the standard of police operations on the basis of that knowledge. This involved an assessment of whether and in what way the best interests of the child were taken into account during routine procedures. Areas examined by the Board included the extent of training and in-service training for police officers responsible for cases involving children, and the physical configuration of the premises used for questioning and holding children. The Board noted that the police authorities examined had not been uniformly successful in adapting their operations and procedures to the principles embodied in the Convention on the Rights of the Child and that there was room for improvement in a number of respects.

### 4.3 The right to life, survival and development (art. 6)

207. In respect of children's right to life, survival and development under Article 6, the information in the previous periodic report still applies to a great extent (CRC/C/65/Add.3, Basic health and welfare, *Grundläggande hälsa och välfärd*, pp. 94-97). Some points, however, require closer examination in the current report.

#### *School health service*

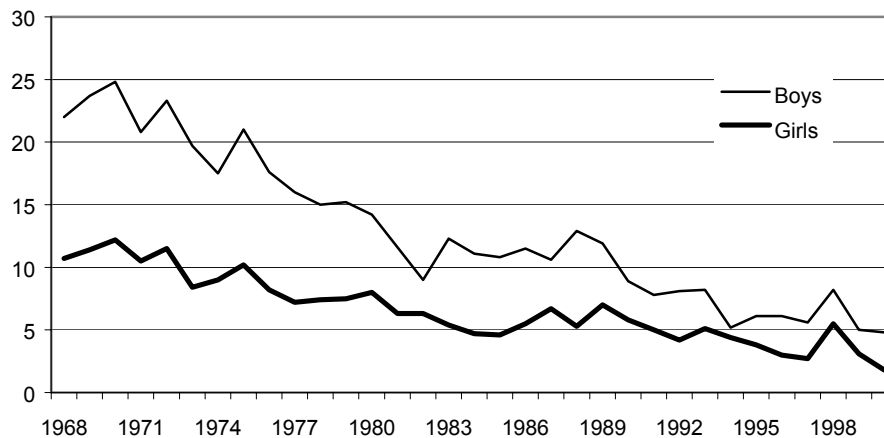
208. The school health service in Sweden has acquired a more central role than before, particularly in terms of the demand for expertise concerning lifestyles, habits and other health-related work in schools. Pupil health and health issues are now of greater concern in all staff categories in this field, and have been accorded additional resources, e.g. via the government bill, Health, Learning and Security (*Hälsa, lärande och trygghet* - prop. 2001/02:14). The basic premise is that a good learning environment is beneficial to health, and that responsibility for children and young people - not just those with documented physical and/or psychosocial health problems - rests with all school staff.

#### *The Commission on Child Safety*

209. The Government has appointed a Child Safety Commission to update and intensify efforts to combat accidents among children. The aim is to improve knowledge in this area, to encourage local programmes, to find methods for involving children and young people themselves in safety work on an ongoing basis, and to propose whatever legislative changes may be needed in order to improve safety.

**Diagram 2.**

#### **Children aged 0-17 killed in accidents, 1968-2000, per 100,000**



*Source:* National Board of Health and Welfare and Children's Ombudsman 2001, Up to 18: Facts on children and young people.

See also table 6-7 in Appendix 1.

### *Causes of death among children and young people*

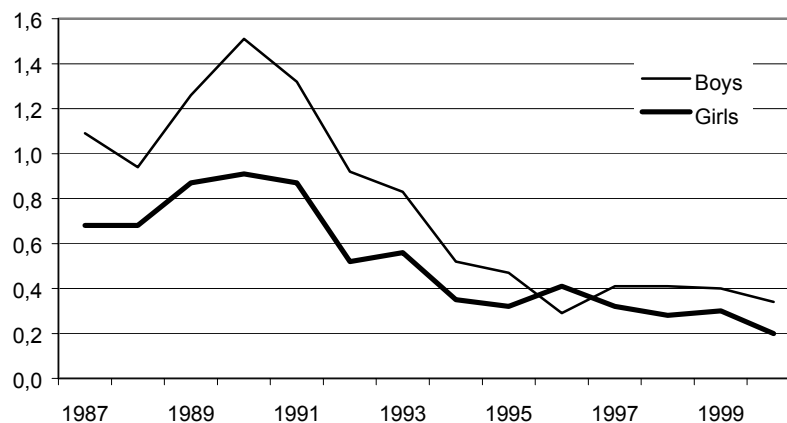
210. Each year, the National Board of Health and Welfare publishes data concerning causes of death among the population, including children and young people. Under the National Registration Act, all living and stillborn children are to be registered with the tax authorities from the 28th week of pregnancy.

211. Following a relatively stable period in the 1980s, when approximately 6 children per 1,000 born alive died before the age of one, the infant mortality rate for this age group fell to 3.2 per 1,000 in 2000. The number of deaths per 1,000 in the 1-4 age bracket fell by half between 1988 and 1999. The previous, already low, mortality rate for children aged 5-14 fell by 20 per cent over the same period, while the rate for young people in the 15-19 age bracket dropped by almost 40 per cent. In 1999, 259 children died before the age of one, 231 between the ages of 1 and 14 and 138 in the 15-19 age bracket. Boys aged 0-19 run a 50 per cent (approx.) higher risk of dying than girls in the same age group. Although this disparity is even greater among young adults, it applies to children and young people of all ages except those in the 1-4 age bracket.

212. Infant mortality in Sweden is among the lowest in the world. Between 1990 and 1999 the number of deaths from sudden infant death syndrome (SIDS) fell sharply. The incidence of SIDS is somewhat higher among boys than girls. Children die of congenital illnesses and defects in later life as well as in infancy, albeit at a lower rate. This applies particularly to congenital defects of the heart and nervous system, chromosomal anomalies and degenerative metabolic disorders.

**Diagram 3.**

### **Sudden infant death syndrome, 1987-2000. Deaths per 1,000**



*Source:* National Board of Health and Welfare and Children's Ombudsman 2001, Up to 18: Facts on children and young people.

See also tables 8 and 20-21 in Appendix 1.

### *Suicide prevention*

213. Apart from the young adult category, children and adolescents are the age group most prone to suicide in the population as a whole. Suicide prevention efforts of various kinds are under way, and at public administration level the National Institute for Psychosocial Factors and Health (IPM) runs a National Centre for Suicide Research concerned with the prevention of suicide and suicide attempts. The Centre conducts research, provides training and is actively involved in development efforts, which include bringing together the other regional suicide prevention networks in the country. The Centre also trains professionals in strategically selected occupational categories that are potentially close to people with suicidal tendencies, such as social services staff, psychiatric staff, school staff, the police and clergy.

214. Schools are equipped with suicide prevention programmes drawn up jointly by the National Board of Health and Welfare, the National Institute of Public Health and the IPM. The aim is to demonstrate that the problem can be dealt with and to show young people where they can turn for help. A close watch is being kept on this area with a view to preventing suicides, identifying risks in society that lead to mental ill-health and facilitating measures to bring down the number of suicides. Staff in the health and medical care services and social welfare field are also having to pay closer attention to risk factors in child and adolescent environments and to be sensitive to young people's signals with regard to disruptive family situations.

215. Bearing in mind the decline in mortality from other causes, such as infectious disease and accidents, suicide prevention is a highly important task. As in the case of accidents, the causes are manifold and must be tackled at different levels. A range of different prevention methods is needed as well as stable contact with adults during the child's formative years. Supportive environments must be created for children and adolescents, and staff and others must be trained in conflict management and in detecting signals in pupils with destructive family environments.

## **4.4 Respect for the child's opinions (art. 12)**

### *The family*

216. Rules on the right of children to express themselves freely in judicial proceedings involving custody or access were introduced in 1996. As a result of the 1998 custody reform, the provisions governing the right of children to express their views freely also came to apply to residence cases and rulings by the social services committee on parental agreements on custody, residence and access. Courts and authorities must consider the child's wishes, having taken due account of the child's age and degree of maturity. Where appropriate, a person conducting an investigation in connection with cases of this kind must endeavour to elucidate the child's attitude to the proceedings and report this to the court. See also section 4.2 *Family*.

217. In monitoring the impact of this reform on the work of the social services

committee in the family law field, county administrative boards have found that municipalities differ in the extent to which their case reports include data on whether and how children have been allowed to express their views. In some municipalities, investigating officers habitually meet the children concerned and report their views, while in others this rarely occurs. Here, as in case reports in the social care field, welfare officers sometimes refrain from giving an account of their conversations with the child for fear of harming him or her.

### *School activities*

218. According to an attitude survey conducted by the National Agency for Education in 2000, pupils want to have a say in such matters as how they are meant to work, what they are supposed to learn in various subjects, homework and tests. Compared with the previous survey in 1997, pupils feel they are able to exercise greater influence in this field than before. One pupil in five, however, feels that his or her views are respected by very few teachers if any.

219. Some 200 compulsory schools are taking part in a trial programme involving local school boards with a parental majority. Compulsory school pupils are allowed to belong to these boards and have the right to speak at meetings and to vote. In May 1997, the Riksdag also approved a trial programme in upper secondary education and elsewhere involving local school boards with a pupil majority. This programme was to have run until June 2001 but has been extended by two years to 30 June 2003. Response to the initiative was below expectations.

220. The Swedish Agency for Administrative Development presented a report in June 2002 on why so few schools had chosen to take part in this trial programme. The main reason was said to be the difficulty of persuading parents to become actively involved. In the Government's view, the option of establishing local boards should be made a permanent feature of the school system, but other forms of consultation should also be encouraged.

221. The Educational Law Commission is currently reviewing the question of how the right of pupils to exercise influence in schools is to be enshrined in law.

### *Family law*

222. Sweden was actively involved in the development of the European Convention on the Exercise of Children's Rights. The Convention was opened for ratification on 25 January 1996. Sweden has signed the accord but has yet to ratify it. The aim of the Convention is to improve the position of children in family law proceedings. It is intended to supplement the United Nations Convention on the Rights of the Child and help countries to apply it in a correct manner. The Swedish Ministry of Justice is currently considering what legislative changes may be required in order for Sweden to ratify the European Convention. Its draft amendments have been presented in a ministerial memorandum, *The Exercise of Children's Rights in Family Law (Utövändet av barns rättigheter i familjprocesser - Ds 2002:13)*.

223. In the spring of 1999, the Standing Committee on Civil Law Legislation dealt with a motion concerning the possibility of appointing legal counsel to represent children in custody and access disputes. The Committee concluded that it could not totally rule out the possibility that children's rights might be further strengthened were such a procedure to be followed in cases of a particularly contentious nature. It felt the matter should be specifically addressed as part of the preparatory work under way in connection with the European Convention on the Exercise of Children's Rights. The Riksdag adopted this view and this was duly approved.

#### *Social issues*

224. The Social Services Act was amended on 1 January 1998 by the introduction of a provision whereby a child has the right to express his or her opinion in matters concerning the child personally. This right means that the child's views in the matter are to be determined without necessarily placing the child in a position where he or she has to make a choice. The child must never be coerced into taking a stand or expressing his or her views. The child's wishes are to be taken into account with due regard to his or her age and maturity. Thus there is no such thing as a minimum age. Instead, the law emphasises that the social services in the course of their duties must seek to determine how the children themselves view their situation. If the case involves a very young child, for instance, the social services can acquire an understanding of the child and his or her needs by talking to others who are close to the child. The new provision does not apply solely in case investigations but also in other situations where the social services encounter children. County administrative boards, too, have been instructed by the Government to address as part of their supervisory duties the question of children's right to express their personal opinions.

225. When introducing the amendment, the Government entrusted the National Board of Health and Welfare with the task of following up the changes in legislation. The Board delivered reports on this mandate in 1999 and 2001. Its follow up is based on a survey by six county administrative boards of 455 child welfare cases in 17 municipalities. The survey showed that conversations with children occur to a much greater extent today than was shown by the surveys conducted in the mid-1990s. Documentation of the conversations and of the children's attitudes towards the matters raised in the inquiries, however, only occurred in about half of these cases. There was little evidence on record of the child's attitude having influenced the final decision.

#### *Preliminary investigation*

226. In Sweden, child victims of a crime (or their parents) are not obliged to report the offence to the police for a preliminary investigation to be launched. Under Chapter 23, Section 1 of the Code of Judicial Procedure, a preliminary investigation must be initiated as soon as there is reason to believe that a prosecutable offence has been committed, whether due to information received or for some other reason. See also Section 1 of the Preliminary Investigation Ordinance (*förundersökningskungörelsen - FUK*).

227. Regarding the interrogation of children during the preliminary investigation of criminal cases, there are a number of special provisions which aim to protect children as



far as possible from traumatic experiences in connection with criminal investigations (Sections 15-19 of the Preliminary Investigation Ordinance). The provisions state, for instance, that the custodian of a child should always attend interrogations if the person concerned is under 15 years of age and if such a procedure does not jeopardise the investigation. The questioning of children must also be conducted in such a way that it does not give rise to a situation in which the person being questioned risks suffering detriment, particularly in cases concerning sexual experiences. Moreover, questioning must be conducted in such a way that it does not attract undue attention

and does not enter into greater detail than the circumstances demand. Children must not be questioned more than necessary taking into account the nature of the investigation and the best interests of the child. Also, interrogations of children must be conducted by a person with the appropriate skills (specific experience and expertise) for the task in hand. Finally, the provisions state that a person with specific skills in child or interrogation psychology should assist the police during questioning, or at least be given the opportunity to express an opinion later on the value of the child's testimony. Police questioning of children must be recorded on video. As a rule, only the interrogating officer and the child may be present in the interview room. Prosecutors, counsel for the aggrieved person and defence counsel can listen to the interrogation in adjoining rooms and put questions via the interrogating officer.

228. Although young offenders are usually represented by a public defence counsel, they have an unconditional right to put their case and express their opinions freely throughout the trial.

#### *Trial proceedings*

229. In Sweden, it is considered inadvisable to let a child take part in trial proceedings, especially if the child has been exposed to a criminal offence. As noted in Chapter 3, a witness who is under 15 years of age may only be summoned to appear in court for questioning if this is considered appropriate taking into account his or her degree of maturity and general situation.

230. Similarly, the guiding principle with regard to children under 15 who have been exposed to a criminal offence (plaintiffs) is that they are not to be questioned in court personally. While there is nothing to prevent a child being summoned and questioned in court, such a procedure is only followed in exceptional cases where in order to determine the truth there is no alternative but to question the child in person and where it is felt that such a course would not adversely affect the child's health. In such cases, the questioning must not go beyond what is needed to supplement the interrogation held as part of the preliminary investigation. The decision not to let children exposed to a criminal offence be questioned in court is based on a belief that this would subject the child to unnecessary and severe mental pressure. Also, it may often be difficult upon re-examination - on request in a courtroom and after a considerable passage of time - to obtain acceptable testimony from the child concerned. As a result, it has become standard practice in Swedish courts to avoid questioning children personally, out of consideration for the children themselves. Instead, the video recording of the questioning conducted during the preliminary investigation is played back to the court.

231. Regardless of the type of case involved and in what capacity a child is questioned in court, hearings are conducted behind closed doors in order to protect the child (Chapter 5, Section 1 of the Code of Judicial Procedure). To provide further protection for children exposed to a criminal offence, their identities may be concealed by such means as classifying documents, photos and video recordings, and by replacing their names with fictitious ones, etc, on documents that have to remain in the public domain.

### *Asylum and migration*

232. In 1997, the Aliens Act was amended to ensure that children were given the right to express their opinion when aliens cases were being dealt with. Under Chapter 11, Section 1 a of the Act, when permit matters relating to the Act are to be assessed, the views of children affected by a decision in any given case are to be determined, except where this is inappropriate. These views are to be taken into account with due regard to the child's age and maturity. See also section 4.2 *Immigration and asylum*.

233. The guidelines of the Swedish Migration Board include a detailed description of how oral case processing should be conducted and what kind of information should be collected. There are special guidelines for the interrogation of unaccompanied children. They are not to be questioned - beyond the initial interview held to determine basic facts - except in the presence of a public counsel. The child's trustee, too, is allowed to attend. In addition, the guidelines discuss the specific skills that are required in people engaging in the interrogation of children.

234. Besides its inclusion in these guidelines, which are available to all Swedish Migration Board and Aliens Appeals Board staff, the issue has been discussed as part of the above-mentioned training programmes at the Migration Board. See also section 4.2 *Immigration and asylum*.

### *Influence forums*

235. Children and young people in many Swedish municipalities have been given the opportunity to influence decision-making on issues affecting them. Each year, the National Board for Youth Affairs surveys the number of "influence forums" available to young people around the country. These are forums where young people and decision makers can conduct an ongoing dialogue with a view to integrating a youth perspective into local government affairs.

236. The survey conducted by the Board in December 2001 shows that influence forums for young people have been established in 136 of Sweden's 289 municipalities. Of the total number of participants, 44 per cent were aged 13-15 and 43 per cent 16-18. See CRC/C/65/Add.3, **Respect for the child's opinions**, *School activities*, p. 55ff.

### *The educational objectives of teacher training*

237. In general it can be stated that higher education in Sweden applies management by objectives and central government does not specify how many teaching periods are required for a given subject. In the case of teacher training, the objectives contained in Appendix 2 (Examination Rules) of the Higher Education Ordinance (SFS 1993:100) specify that trainee teachers in order to obtain their degrees must be able to communicate and seek approval for the fundamental democratic values on which Swedish society is based. The government bill, A New Model for Teacher Training (*En förnyad lärarutbildning* - prop. 1999/2000:135) proposes that in the new, restructured training system, matters such as the United Nations Convention on the Rights of the Child might best be discussed as part of the general educational course. This

course, which accounts for 30-40 per cent of the total teacher training programme, deals with such issues as learning, teaching and remedial education. Another subject area concerns socialisation, cultural issues and public life. This covers such topics as how teachers are to develop children's sense of democracy, fellowship and solidarity. Trainee teachers are required to develop their understanding of children's circumstances and conditions during growth. Another subject area focuses on democracy, the community of fundamental values in society and the social mandate of professional teachers. In this respect, the bill proposes that international declarations such as the United Nations Convention on the Rights of the Child be used to help illuminate these issues.

238. The National Agency for Higher Education recently circulated the country's institutes of higher education to determine how many courses, aiming at giving the students knowledge about the CRC, are provided in certain training programmes (see The Child convention in Education and In-Service Training) The results is to be published in June 2003 within a commission given by the Government in December 2001.

239. When a teacher is recruited, he or she draws up an individual professional development programme together with the employer. This programme is governed primarily by the operational objectives. Among other things, these require staff to possess an understanding of the policy documents that govern the operation and to be provided with professional development training that will help them achieve the specified objectives. Teacher training at universities and elsewhere discusses issues relating to common basic values and democracy in education, areas that are in line with the content and implementation of the United Nations Convention on the Rights of the Child. The minimum amount of time that teachers have at their disposal for training in professional development corresponds to four days per academic year. This is regulated by agreements between the parties concerned.

#### *Community planning*

240. Under the Swedish Planning and Building Act, all citizens have the formal right to take part in and influence physical planning. In practice, however, children and young people have very little opportunity to exercise influence. It is assumed that their interests are looked after by adults, primarily by parents. The Government has decided to appoint a committee to review the Planning and Building Act (dir. 2002:97). Its terms of reference state that the committee, taking account of the United Nations Convention on the Rights of the Child, is to specifically discuss ways in which children and young people may be given the opportunity to influence community planning.

241. During the 1998-2000 period, the National Board of Building, Planning and Housing was instructed to join the National Road Administration, the Children's Ombudsman, the National Board for Youth Affairs and the Swedish Association of Local Authorities in developing methods for giving children and young people greater opportunity to influence community and traffic planning at municipal level. The subsequent report to the Government proposed, inter alia, that a provision be introduced into the Planning and Building Act with specific reference to the participation of children and young people. Follow up to the mandate also included a number of regional conferences targeting teachers and community planners. These conferences were much

appreciated and well attended.

## **V. CHILDREN'S POLITICAL AND CIVIL RIGHTS**

**(arts. 7, 8, 13-17 and 37a)**

### **5.1 Name and nationality (art. 7)**

242. The Swedish regulations concerning the registration of children immediately after birth have not undergone any material changes since the last report, see CRC/C/65/Add.3, pp. 56-58.

243. On 1 July 2001, a new Swedish Citizenship Act (SFS 2001:82) entered into force. Under this law, the child of a Swedish mother automatically acquires Swedish citizenship at birth. If the father is the only parent with Swedish citizenship, the child automatically becomes a Swedish citizen if the parents are married. If the parents are not married, the child automatically acquires Swedish citizenship if he or she is born in Sweden. A child born abroad becomes a Swedish citizen if the father requests it before the child turns 18. The child's custodian must consent to the acquisition of citizenship. The child's consent is also required if he or she has another nationality and has turned 12.

244. A stateless child born in Sweden can acquire Swedish citizenship on request (notification) by the person or persons having custody of the child, on condition that the child has a permanent residence permit and is domiciled in Sweden. A stateless child coming to Sweden as a minor is granted Swedish citizenship upon notification if he or she has a permanent residence permit and has been domiciled in Sweden for the past three years.

245. A child of non-Swedish nationality acquires Swedish citizenship on request (notification) by the custodian(s) if he or she has a permanent residence permit and has been domiciled in Sweden for the past five years. The consent of the child is required if he or she has turned 12.

246. In the case of children adopted by a Swedish citizen, all adoption decisions that have been officially approved or that otherwise apply in Sweden, automatically confer Swedish citizenship on the child if he or she is under 12 years of age.

### **5.2 Identity (art. 8)**

247. The question of preservation of identity was dealt with in Sweden's previous periodic report to the Committee on the Rights of the Child. See CRC/C/65/Add.3, p. 58ff.

### **5.3 Freedom of expression (art. 13)**

248. Concerning freedom of expression, see Sweden's previous report CRC/C/65/Add.3, p. 59ff, and also section 5.7 below.

#### **5.4 Freedom of thought, conscience and religion (art. 14)**

249. Children's right to freedom of thought, conscience and religion is enshrined in the Constitution. Teaching in this area is to be objective and balanced. Since the last report to the Committee on the Rights of the Child, the Freedom of Religion Act has been superseded by the Act on Religious Communities. See also CRC/C/65/Add.3, pp. 65-67, and **Definition of Children, Religion**.

#### **5.5 Freedom of association and freedom of peaceful assembly (art. 15)**

250. Under the Constitution, all children in Sweden are guaranteed freedom of assembly, freedom of association and freedom to demonstrate, in their relations with Sweden's public institutions (see also CRC/C/65/Add.3, p. 67ff). The involvement of young citizens in organised recreational activities is encouraged, inter alia, by annual government grants distributed by the National Board for Youth Affairs. The funding goes to help youth organisations maintain and develop their activities. Youth organisations have an important role to play in furthering youth policy and also as representatives of the country's youth in the public debate. In 2002, the National Board for Youth Affairs distributed SEK 63 m in the form of basic grants to 64 central organisations representing children and young people. A further sum of SEK 15 m has been set aside for 2002 for the promotion of new organisations and development activities. This funding is distributed separately. In addition, just over SEK 50 m out of the proceeds from AB Svenska Spel's video lottery terminals is distributed to youth organisations for their local activities. The 64 youth organisations allocated basic grants have a total of 553,000 registered members aged 7-25.

#### **5.6 Protection of privacy and family (art. 16)**

251. The statement of objectives in the Constitution Act lays down that the country's public institutions shall safeguard the privacy and family life of the individual (see CRC/C/65/Add.3, pp. 68ff). The penal code contains provisions that may be applied in connection with different types of intervention in the home, in respect of correspondence and in connection with attacks of various kinds on a person's honour or reputation. These include provisions that safeguard against breaches of domestic privacy, unlawful trespass, breaches of postal or telecommunication confidentiality, data intrusion, slander and insult.

252. In order to enable the authorities to carry out drug checks at approved homes for young offenders, special provisions have been introduced into the Care of Young Persons (Special Provisions) Act (1990:52). Under the new rules, residents at such homes suspected of being under the influence of drugs are required to undergo drug tests when admitted to the institution, when due for parole and when returning from parole. The tests are to be carried out in a selective way and may only be applied in individual cases when circumstances indicate that the person concerned is under the influence of drugs. See also section 9.2.

#### **5.7 Access to information (art. 17)**

## *Media*

253. The Swedish public service companies have been granted new broadcasting licences for the 2002-2005 period. Under their licensing provisions, the Swedish Television Company, the Swedish Broadcasting Corporation and the Swedish Educational Broadcasting Company are to devote special attention to programmes for and with children and young people, and seek to convey news and information as well as cultural and artistic experience. The companies are also to make special allowance for the language needs of children from linguistic or ethnic minorities.

In addition, public service companies are to provide programmes that reflect the multicultural character of the country. When designing their programmes, in terms both of subject matter and presentation, and when determining transmission times, the companies are to pay due regard to the special impact of television/sound radio on audiences. Furthermore, under the licensing provisions, the Swedish Television Company is required to devote special attention to the way violence is depicted in news programmes and in other programmes that inform the general public about violence occurring in real life.

254. The licensing permit for TV4 (for 2002-2005), the only commercial channel in Sweden licensed to broadcast on the analogue network, requires the company to broadcast programmes specifically for children under the age of 12. During the nine months of the year that represent the prime season (September-May), the total time for such programmes may not be less than five hours a week. At least two and a half hours of the transmission time for children's programmes must be devoted to material in which Swedish or one of the other Nordic languages is the original language. Programmes with a Swedish framework in which less than half of the material is in another original language also come under this definition.

255. The media situation of children and young people was a priority issue during the Swedish presidency of the European Union in the first half of 2001. A seminar held in Stockholm on 12-13 February 2001 discussed matters relating to the protection of children from injurious content in various kinds of media - TV, computer games and the Internet - in light of the rapid advances in technology in modern society, increased media output and the internationalisation of the media. The issue of advertising specifically targeting children was also discussed. Sweden prohibits television advertising directed at children under the age of 12. As a result of the conclusions adopted at the Council Summit on 21 June 2001, work is continuing within the European Union on measures to protect children from injurious media content.

256. Swedish legislation relating to the protection of children against harmful audiovisual content is described in Sweden's second report (CRC/C/Add.3, page 50ff.) An amendment to the Radio and Television Act (1996:844) means that in addition to a prohibition on broadcasting programmes containing explicit depictions of violence of a realistic nature and programmes with pornographic pictures at times and in a manner that mean there is a considerable risk that children will see them, these programmes must furthermore be provided with a warning message. The same year, the term "technical recordings" was introduced into the Fundamental Law on Freedom of Expression and into the provisions of the Penal Code in this area, which means, inter alia, that provisions on unlawful depictions of violence and prohibited distribution of technical recordings nowadays also include computer and TV games.

257. The Swedish Government has set up a Council on Media Violence with the task of coordinating activities against violence in moving images. In December 1998, the Government issued a supplementary directive entrusting the Council with the task of informing the audiovisual industry in Sweden about EU Recommendation 98/560/EG concerning the protection of minors and human dignity in audiovisual and information services, through self regulation. The Council on Media Violence maintains a dialogue



with the Swedish media industry concerning responsibility and self regulation in this area. It monitors research and information concerning media impact and issues a number of different publications each year. The Council on Media Violence has been granted funding by the European Union (via the Internet Action Plan) for the purpose of conducting an 18-month information and training project in cooperation with Norway, Denmark, Iceland and Ireland. The target groups for this project, entitled SAFT (Safety and Awareness for Teens), are parents, children and adolescents, teachers and the media. The aim is to heighten awareness both of the dangers and of the advantages of the Internet.

258. At the same time as technical developments increase children's access to media, they also provide opportunities for the recipient to drop unwanted programmes. In the TV sector a change from analogue to digital broadcasting technology is ongoing. This is a positive development since digital broadcasts offer parents the opportunity to block programmes they do not want their children to have access to.

### *Culture*

259. The publication and distribution of children's literature continues to be a major priority in Swedish cultural policy. As a result of the Riksdag's adoption in 1996 of a new approach for national cultural policy (prop. 1996/97:3) and its adoption in 1998 of further reforms in the literary field, measures have been introduced in support of children's literature and juvenile literature at public and school libraries. In addition, special funding has been earmarked in the national budget for programmes to promote reading. Under the funding system, schools, libraries, bookstores and organisations, etc, can apply for grants in support of reading promotion activities, and the money is primarily to be used for programmes on behalf of children and young people. To help promote reading and to make the supply of literature more widely available, a children's book catalogue is produced each year with the aid of government funding, based on the industry's total output of literature for young readers. In addition, support for literary projects has been increased to give public libraries and some 100 bookstores free access to those children's and juvenile books and children's and juvenile comic books that have been published with the aid of government grants. *En bok för alla AB*, a state-subsidised publisher focusing on low-price quality literature and books promoting literacy in young readers, has been allocated more extensive government funding since 2001.

260. As part of the Government's new minorities policy (prop. 1998/99:143), SEK 1 m has been earmarked for the purpose of supporting the publication of literature and cultural periodicals in minority languages. The ordinances governing these grants stipulate that the funds must be used partly to support children's literature and juvenile literature and partly to support children's periodicals in minority and immigrant languages.

261. Grants are also available under these ordinances for the translation of books from foreign languages and for the translation of Swedish fiction into other languages.

262. A new government grant was introduced on 1 January 2002 specifically to encourage the development of national minority languages and culture. The guidelines

for this grant specify that it should include the funding of efforts on behalf of children and young people. See also Cultural policy under section 8.3.

## **5.8 The right not to be subjected to violence or torture (art. 37a)**

263. Every citizen is protected against torture under the Constitution (Instrument of Government). See CRC/C/65/Add.3, p. 69.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

**(art. 5, paras. 1-2, art. 9-11, 19-21, 25, 27 para. 4, and art. 39)**

### **6.1 Parental guidance (art. 5)**

#### *Family structure*

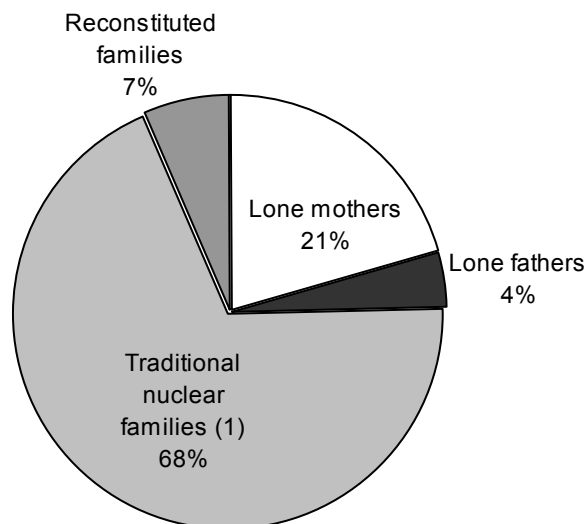
264. In Sweden today, more than 800,000 families are headed by cohabiting partners and 250,000 by lone parents. In the latter category, the great majority are single mothers. Some 40,000 families comprise a single father with children. The structure of families with children has remained constant in recent years.

265. The great majority of families with cohabiting partners are traditional nuclear families. This means the parents have all the children in the household in common. A reconstituted family means a family in which one or more of the children belong either to the woman or to the man. It is much more common for women to bring their children from a previous relationship into reconstituted families than for men to do so.

266. Cohabiting families have more children than lone-parent families, and reconstituted families tend to have more children than traditional nuclear families. Most families with children have one or two children living at home.

### **Diagram 4**

**Types of family with children aged 0-17 who live at home, 31 Dec. 2000**



*Source:* Statistics Sweden.

(1) The term “nuclear family” refers to families in which parents have all the children in the household, i.e. living at home (including adopted children) in common.

267. In 2000, just over 3 per cent of all children aged 0-17 were affected by parental separations. The proportion of children who experienced a separation during their childhood has increased in recent decades but has changed little over the past five years.

268. According to the figures, the children of cohabiting partners are twice as likely to experience a separation as the children of married couples. Also, the separation rate is higher among the parents of younger children than among the parents of older.

269. The most common outcome is that children live with their mother following a separation. According to the civil registration data, this was the case for 84 per cent of all children who experienced separations in 2000. The figures may not, however, reflect the actual situation. A growing number of children today alternate between living with their mothers and living with their fathers. This applied in the case of an estimated 65 per cent of the children. See also table 9-12 in appendix 1.

#### *Joint custody*

270. In 1998, the provisions concerning child custody, etc. in the Parental Code, were revised. The aim of this legislative change was to emphasise the importance of mutually acceptable solutions and to enable parents to agree as far as possible on how to resolve issues such as custody, residence and access. Another aim was to pave the way for greater use of joint custody. As a result of the 1998 reform, it became possible to apply the regulations concerning a child’s right to express his or her views to cases concerning children’s residence and cases where social services committees are required to consider parental agreements on custody, residence and access.

271. In the summer of 2002, the Government appointed a committee of inquiry on

custody, residence and access. The committee's brief will be to evaluate the 1998 reform. One of its tasks will be to establish whether the aims of the reform - facilitation of agreements on custody, residence and access, encouragement of joint custody arrangements and the promotion of the principle of the best interests of the child - have been achieved. The impact of the new rules on joint custody is another key issue. Particular attention must be focused on the application of the rules in cases of abuse or suspected abuse. It is essential to prevent a return to the situation which obtained before the 1998 reform, in which one parent's opposition to joint custody precluded that form of care altogether.

### *Counselling and guidance*

272. In Sweden, family counselling is normally concerned with support and guidance aimed at improving relations within the family. In couples counselling or marriage counselling the emphasis is on the two partners, irrespective of whether they seek help in order to continue living together, to separate in a sensible way or to be able to cooperate with the children following a separation.

273. Much of the social services' work with children and their families in Sweden comes under the heading of family counselling. All counselling provided by the social services is free of charge. Child and youth guidance, too, focuses on the family and is concerned with family counselling. In most county council areas, child health and medical care is free of charge.

274. In the field of preventive health care for children, too, family counselling is applied to a certain extent. Psychologists working in this field emphasise relations within the family, whether the work involves supporting the ties between parents and children or helping parents who are in the process of separating. This type of counselling is free of charge.

275. On request, municipalities are required to provide separating or separated parents with what are termed cooperation talks. The aim of these discussions is to help parents arrive at solutions regarding things like custody, residence and access. The talks may take place under social services auspices or as a part of family counselling provision. They are free of charge.

276. Municipalities are entitled to charge a fee for family counselling provided to couples under local authority auspices. The cost varies from place to place. A number of municipalities have a system of high-cost protection. To improve accessibility, they are also permitted to waive fees.

277. The Committee against Child Abuse, which had a government mandate in 1999-2001 to review the abuse of children and appurtenant issues, produced a book for parents in Sweden, *The Parents' Book*. To date, 550,000 copies have been printed (in Swedish) and the book has been distributed free of charge to parents via pharmacies, antenatal and child welfare clinics, and social services, etc. It is used in many different contexts: in schools, in social services counselling and in parental training of various kinds. It has

been printed in several immigrant languages as well as in an easy-to-read version.

278. The cutbacks that occurred in the second half of the 1990s led to a greater need for cooperation between different activities. New collaborative forms emerged, one example being family centres. These brought together antenatal clinics, child welfare clinics, open pre-school facilities, social services, family counselling and other important family-related activities under one roof.

279. The principal aim of these centres is to enable staff to cooperate more easily with individual families. Another important effect is that the various groups of staff acquire a better understanding of one another's work approaches and thus a greater appreciation of one another's needs. Families, for their part, find it easier to obtain proper assistance. In practical terms, they only need to visit a single location to obtain help, which is an important consideration for those with young children.

280. Under a government mandate, the National Institute of Public Health is currently examining which methods are having the desired effect in the work being done to support parents. The Institute will also be required to disseminate information on good practices in this field. A specific issue under review is how best to support the parents of teenage children.

281. In addition, the Government has allocated funds for such projects as information campaigns and paternity training at some of the country's antenatal clinics with a view to encouraging fathers to take parental leave. This is described in closer detail in section 4.2 *Family*. See also CRC/C/65/Add. 3, pp. 69-72.

## **6.2 Parental responsibility (art. 18, paras. 1-2)**

282. The 1998 reform on child custody brought about changes in the Parental Code aimed at underlining the importance of mutually acceptable solutions and enabling parents to agree as far as possible on how issues such as custody and access are to be resolved. The changes were also intended to help make joint custody a more common solution. Parents who are in agreement can regulate matters such as custody, access and residence via contracts approved by the social services committee. A contract approved by the social services committee applies in law and may be enforced as part of a court ruling. Joint custody may also be considered even in cases where one of the parents is opposed to such a course. This presupposes, however, that such an arrangement is in the best interests of the child. The aim is to ensure that parents have joint custody in all cases where this form of care is best for the child. Besides ordering joint custody, a court can deliver a ruling on which of the parents the child is to live with, and on access. The parents' joint responsibility for upholding the child's right of access to the parent that he or she is not living with is emphasised. Further, the law prescribes that parents are to share responsibility for the travel costs incurred when the child goes to stay with a parent living in another part of the country. See also section 4.2 *Family*.

283. There are situations in which joint custody does not lie in the best interests of the children. A parent's opposition to joint custody must not, of course, be ignored. The *travaux préparatoires* of the 1998 health care reform emphasised that the option of

ordering joint custody against a parent's will should be exercised with the utmost caution and sensitivity. It stated further that such an option should be ruled out in cases where one of the parents subjects a member of the family to violence, harassment or some other form of abusive treatment.

284. The 1998 amendments emphasised the importance of acknowledging the risks to which children are exposed in such cases, namely abuse, wrongful removal or retention or other harm. A provision to this effect was introduced in the introductory section of the chapter of the Parental Code dealing with custody, residence and access.

285. It should be emphasised that Sweden's economic family policy seeks to safeguard the child's right of access to both parents. In this respect, parental insurance is important and was recently augmented by a second "dad's month" reserved for fathers (see Social security and child day care).

286. As far as possible, children with disabilities are to be given the chance to go on living in the parental home. The parents of children with disabilities may need occasional relief from their care duties if the child is to continue living at home. This is also crucial to their chances of devoting time to any other children in the family. Care relief can be granted either under the Support and Services for Persons with Certain Functional Impairments Act (*lagen om stöd och service till vissa funktionshindrade* - 1993:387), if the child qualifies under this law, or under the Social Services Act. Relief may also be provided in the form of short-term stays outside the parental home. This also gives the child the opportunity to enjoy both a change of environment and recreation. Children with very extensive disabilities - in cases where parental efforts combined with such facilities as child day care, school education, relief services and short-term stays prove insufficient - may qualify for personal assistance.

287. In 2000, the European Union adopted a Council Regulation on Jurisdiction and the Recognition and Enforcement of Judgements in Matrimonial Matters and in Matters of Parental Responsibility for Children of Both Spouses (the Brussels II Regulation). The regulation entered into force on 1 March 2001 and is directly applicable in Sweden.

### **6.3 Separation from parents (art. 9)**

288. In response to repeated calls in the past few years for a review of the Care of Young Persons (Special Provisions) Act (*lagen om vård av unga* - 1990:52), the Government appointed a special investigator to look into the matter with a view to strengthening the child's perspective and legal rights. One of the investigator's proposals is the introduction of provisions explicitly stating that the best interests of the child are to be paramount in all decisions made under the Act, and that the child has the right to freely express his or her views on such decisions. When a child has been placed in care for three years, the social services committee concerned must make a special assessment of the arrangements for the child's future and decide whether there is reason to apply for a transfer of custody. The investigator's report has been referred for consideration and draft proposals are being prepared at the Government Offices with a view to submitting a bill to the Riksdag in the autumn of 2002.

289. Following the 1998 custody reform, the Parental Code now states that parents have joint responsibility for upholding as far as possible the child's right of access to the parent that he or she is not living with. As before, the custodian is responsible for satisfying as far as possible the child's need of access to others with whom he or she has a close relationship. See CRC/C/65/Add. 3, pp. 77-80.

290. Problems over access may arise in cases where the parents live apart and where one is prohibited from contacting the other (restraining order). To enable the social services to find out about situations of this kind and thus be able to offer help with access, prosecutors and courts were required as of 1 July 2001 to notify the social services of such cases. Section 4 a of the ordinance (1988:691) on enforcement of the Restraining Orders Act (1988:688) now specifies that if a court or prosecutor decides on a restraining order, the social services committee must be informed immediately if the subject of the order and the person it protects have children in common under 18 years of age.

291. Access may also be restricted as a result of one or both of the parents being deprived of their liberty. The Prison and Probation Service is actively seeking to reduce this problem to a minimum. In 2000, the Government earmarked funding for the improvement of visiting conditions at prisons and other correctional care institutions. Special flats where visiting families can live are now available at all correctional care institutions for women and at the largest institutions for men. Opportunities for detainees serving prison sentences to obtain parole in order to maintain contact with their children and other family members are relatively good in the Swedish system. In order to reinforce detainees in their parental role, special parental training programmes are available at most Swedish correctional care institutions, focusing on the children's needs.

292. Swedish law contains provisions on secrecy that in certain circumstances prevent the child from obtaining information concerning the whereabouts of an absent member of the family. See also CRC/C/65/Add. 3, p. 80.

293. Under the Aliens Act, the general rule is that the law is to be applied in such a way that the freedom of aliens is not limited more than is necessary in each individual case.

294. For current provisions concerning the committal of children to custodial care in Sweden and information on what kinds of premises children committed to care may be kept at. See CRC/C/65/Add. 3, pp. 152-154.

295. The Council of Europe has drawn up a convention on access to children. Its provisions contain generally accepted principles for use in resolving access issues. It was felt that a set of common principles would facilitate recognition and implementation of access orders in countries other than the country of origin. The Council will be inviting signatories to the convention shortly.

296. In the EU negotiations are currently under way in connection with a proposed regulation on parental responsibility. The instrument is intended to address issues such as custody of children, access to children and residence. The proposal includes

provisions defining the competence of courts, enjoining recognition and execution by one Member State of access orders issued in another and establishing a basis for cooperation between the public authorities of respective Member States. The proposal will also involve the abolition of the so-called exequator procedure, thus permitting direct implementation of an access order in another Member States without the need for special procedures.

#### **6.4 Family reunification (art. 10)**

297. In the event of a child having been granted a permanent residence permit as a refugee or as a person in need of protection, family reunification may be granted in accordance with Chapter 2, Section 4, Paragraph 4 of the Aliens Act. This applies if the Swedish authorities conclude that reunification could not have been achieved in another country.

298. In essence, the information contained in the previous report still applies (CRC/C/65/Add.3, p. 80ff), but a number of points need updating here.

299. Immigration on the grounds of family ties represents a large proportion of overall immigration to Sweden. Of the 44,000 people granted residence permits in 2001, a total of 24,447 were allowed to stay due to the fact that they had close relatives living here. Of this number, 9,756 were under 18 years of age. Of those under 18 granted residence permits, 2,758 were from Iraq, 401 from Yugoslavia, 355 from Thailand, 356 from Turkey, 519 from Somalia, 303 from Poland, 203 from Iran and 4,851 from other countries.

300. In the spring of 2001, a report by a parliamentary committee on the Reception of Close Relatives Entitled to Immigration Due to Family Ties in Sweden (*Vår anhöriginvandring*) was referred for consideration. The Committee has proposed amending the provisions in the Aliens Act concerning this type of immigration, e.g. with regard to the use of DNA analysis in such cases.

301. As noted in the previous report, the Swedish authorities have been criticised for the length of time applicants have had to wait for permit decisions. In general, both the



Swedish Migration Board and the Aliens Appeals Board give precedence to cases involving children. This applies in particular, of course, to cases involving unaccompanied children. Furthermore, shorter processing times in aliens cases with no loss of legal rights is a major priority for the Government. With a view to reducing waiting periods, therefore, it has raised the administrative appropriations of the Swedish Migration Board to SEK 90 m for the previous year and SEK 110 m for the present year, and the administrative appropriations of the Aliens Appeals Board by SEK 6.5 m and SEK 25 m respectively. A number of missions abroad have also received additional resources in the form of staff brought in specifically to work off the backlog of cases. As a result of these improvements, the number of completed cases relating to family ties rose by about 200 from the year 2000 to 2001. The expected growth in the number of residence permit applicants arriving in Sweden, however, will inevitably have an adverse effect on waiting times.

302. In the report that the Swedish Migration Board and the National Board of Health and Welfare presented in May 2002 on their mandate concerning unaccompanied children, they also call for clarification of the division of responsibilities involved and for efforts to improve cooperation between relevant actors as regards work aimed at improving the prospects for reuniting unaccompanied children with their parents and enhancing their contact with their country of origin. The report states that a plan should be drawn up for how the Swedish Migration Board in cooperation with the National Integration Office is to inform and assist municipalities, trustees/representatives and NGOs in this work. The Swedish Migration Board has been charged with reporting to the Government by 31 October 2002 on the economic implications of this and other proposals on behalf of unaccompanied children. The matter will then be considered further at the Government Offices.

## **6.5 Illicit transfer and non-return (art. 11)**

303. In recent years, Sweden has come in for a certain amount of criticism for allegedly failing to fulfil its obligations under the Hague Convention of 25 October 1980 on the civil aspects of international illicit transfers and the non-return of children. In Sweden, the central government authorities are currently processing around 40 cases under the Hague Convention. The criticism has concerned cases where children illicitly transferred to Sweden or kept in the country unlawfully have not been returned in accordance with the terms of the Convention. The issue of the illicit transfer and non-return of children has also been discussed by the Riksdag (inter alia in bet. 2000/01:LU and in bet. 2001/02:LU 9).

304. The Swedish position is that, basically, Sweden is fulfilling its obligations in this respect. However, in light of the criticism, a review is under way at the Swedish Government Offices of the Act concerning Recognition and Enforcement of Foreign Custodial Decisions etc, and concerning Transfer of Children (*lagen om erkännande och verkställighet av utländska vårdnadsavgöranden m.m. och om överflyttning av barn - SFS 1989:14*). The law and its implementation have been discussed, for instance, in a working group that includes representatives from the Ministry of Justice, the Ministry of Health and Social Affairs and the

Ministry for Foreign Affairs. The task of reviewing this issue further has been entrusted to a special single-issue investigator, whose proposals concerning legislative changes will shortly be presented in the form of a ministerial memorandum.

305. With a view to facilitating the return of illicitly transferred or non-returned children, the Government proposed allocating SEK 1 m in the 1999 national budget to cover travel costs and other costs in connection with the return of children to their country of domicile. The Riksdag subsequently approved the appropriation. In 1999-2001, the money was used to help fund the return of children as well as for efforts to bring parents to court and for enlisting the aid of the International Social Services (ISS) in establishing contact with the parent that had illicitly transferred a child.

306. The 2002 Budget Bill states that the appropriation is to be SEK 500,000 for the current year and that the money is to be used to cover the costs of restoring illicitly-transferred or non-returned children to their country of domicile. The sum is to cover the costs of travel, translation and other costs in connection with the child's return. Nowadays, it is also to cover costs incurred in seeking to ensure parental right of access to the child and costs incurred by the government authority in organising courses and seminars for the purpose of providing information on these issues.

307. The question of the EU Member States' accession to the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children is currently being prepared by the Community. Sweden is actively pursuing the line that all EU Member States should be given the opportunity to sign and ratify the Convention as soon as possible.

308. Under the Brussels II Regulation, a ruling on the exercise of parental responsibility delivered in one Member State can be enforced in another Member State once it has been deemed enforceable there. Thus the illicit transfer or non-return of a child in breach of a custodial ruling delivered in another Member State of the EU may be responded to by an application for enforcement under the Brussels II Regulation.

309. Further improvements are being considered in connection with the current review of the Act concerning Recognition and Enforcement of Foreign Custodial Decisions etc. and concerning Transfer of Children. See CRC/C/65/Add. 3, pp. 86ff.

## **6.6 Recovery of maintenance (art. 27, para. 4)**

310. In cases where the child receives little or no maintenance from a parent from whom it is due, the Social Insurance Office pays the child an allowance (maintenance support). The question of recovery of maintenance has been dealt with in Sweden's second periodic report (see CRC/C/65/Add. 3, p. 81ff). It should be noted, however, that the 1968 Brussels Convention has been superseded by a Regulation on jurisdiction and the enforcement of judgements in civil law. The Regulation, which was adopted by the Council of Europe in 2000 and entered into force on 1 March 2002, is directly applicable

in Sweden.

311. The maintenance support system covered 52 per cent of all children whose parents lived apart. Some 33 per cent were not covered by the system, while data for approximately 14 per cent was not available due to the death or emigration of one of the parents or because the child did not live with either parent.

### 6.7 Children deprived of their family environment (art. 20)

312. Since the mid-1990s, the National Board of Health and Welfare has been constantly endeavouring to improve the quality of Swedish foster homes. The move was prompted by a number of studies and surveys showing major deficiencies in the provision of social care for children. The criticism concerned inadequate case processing, documentation and follow up and a lack of reliable statistics at both local and regional level. The National Board of Health and Welfare is conducting a project of several years' duration together with seven municipal councils/districts, entitled Focusing on Children's Needs. The project, which has its methodological origin in the United Kingdom, has been adjusted for Sweden and began in 1999 and is expected to continue until mid-2004. The long-term goal is to develop a cohesive system for investigation, assessment and follow up in social care for children. The aim is to enhance the position of the child in accordance with the United Nations Child Convention and the Social Services Act.

313. Children who are unable to continue living at home are as an initial priority to be found accommodation in another family. The reasons why a child cannot continue to live at home may include an inadequate home situation, his or her own behaviour or a disability of some kind. Placements due to the person's home situation or own behaviour are granted under the Social Services Act or the Care of Young Persons (Special Provisions) Act. Placements due to disabilities are granted under the Support and Services for Persons with Certain Functional Impairments Act (1993:387).

**Table 3**

#### **Number of children per 100,000 in care outside the home under the Care of Young**

**Persons Act (*lagen om vård av unga - LVU*), the Social Services Act (*Socialtjänstlagen - SoL: 0-21 yrs*) (care being received at 1 Nov.) and persons with measures in accordance with the Support and Services for Persons with Certain Functional Impairments Act (*lag om stöd och service till vissa funktionshindrade - LSS: 0-22 yrs*)**

	1998		1999		2000		2001	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
LVU (1)	177	153	188	159	194	162	199	167
SoL	370	348	410	382	431	394	440	403
LSS	55	42	54	40	52	37	52	36
Total	199	179	215	191	223	195	228	200

Source: National Board of Health and Welfare.

(1) Placement or immediate custodial measures.

**Table 4**

**Percentage of all children who receive full-time care (24 hrs a day) receiving full-time care in relatives' homes, from 2001**

	Social Services Act		Care of Young Persons Act		Immediate custody under Care of Young Persons Act	
	Boys	Girls	Boys	Girls	Boys	Girls
1998	7.6	8.4	3.0	3.9	4.7	3.8
1999	7.3	8.5	4.1	3.8	4.0	5.3
2000	8.5	8.5	2.7	2.9	3.6	5.6
2001	7.9	7.9	4.5	4.7	4.5	5.1

Source: National Board of Health and Welfare.

314. A provision was introduced into the Social Services Act on 1 January 1998 requiring the social services, when placing a child in alternative accommodation, to consider whether he or she can be placed with a relative or some other person close to the child.

315. The Government has instructed the National Board of Health and Welfare to monitor how this provision has worked. The Board delivered reports on this mandate in 1999 and 2001. According to its findings, the proportion of children placed with relatives does not appear to have increased since the Social Services Act was amended. An estimated 15 per cent of the children placed in foster homes are found accommodation with relatives. An in-depth study conducted by the National Board of Health and Welfare in four municipalities revealed a number of factors that sometimes prevented the social services from considering placement with a relative. Such failures were due partly to a lack of awareness among social welfare officers about the new provision, partly to a lack of established routines for studying children's networks in case processing, and partly to the fact that some officers are negatively disposed towards the alternative of placing children with relatives, based on the theory that social problems are passed down. Consequently, the National Board of Health and Welfare has produced a summary of current knowledge acquired through research and development efforts concerning placements with relatives and foster home placements and how they affects children's schooling and health. This summary has been circulated to all social services offices in the country to bring it to the attention of all persons concerned. Efforts are also under way within the National Board of Health and Welfare to improve statistical reporting on children placed with relatives or with someone else close to the child. See also Table 13 in Appendix 1.

## **6.8 Adoption (art. 21)**

316. The ministerial memorandum Parental Consent to Adoption, Etc (*Föräldrars*

*samtycke till adoption m.m.* - Ds 2001:53) considers that the very profound legal implications of an adoption order, together with the child's need of contact with and access to both its biological parents, suggest that an adoption against the wishes of a non-custodial parent is inadvisable. Consequently, it proposes that the present provisions on consent to adoption be amended so that

the basic principle is that consent must be obtained from both parents, i.e. including the one without custodial responsibility. The memorandum further discusses the matter of openness over the adopted child's origin and the matter of contact between the child and his or her biological parents. To underline the importance of informing the child about the adoption and about his or her origin, the memorandum proposes that a provision be introduced into the Parental Code requiring the person or persons who adopted the child to inform him or her about the adoption as soon as this is deemed appropriate.

317. The Riksdag voted in the spring of 2002 to allow registered partners to be considered as adoptive parents. This means both that two partners can now jointly adopt a child and that one of the partners can adopt the other partner's children. A stepchild adoption in a partnership can provide the child with economic, social and legal security. Allowing partners to adopt a child jointly means widening the range of suitable adoptive parents who can provide such security. Also, recognising the homosexual family structure sends an important message to children living with homosexual adults. The reform is to enter into force on 1 February 2003.

318. In the matter of international adoptions, the Government has appointed a special investigator whose task is to scrutinise the adoption process with a view to strengthening the rights of the child. The investigator's mandate includes specifying ways of improving home investigations so as to assure the adopted child of the best possible conditions in his or her new home. It also includes examining whether the present system of psychosocial support and guidance is commensurate with the needs of the adopting family, analysing the procedure for the authorisation of adoptive families and analysing the question of costs.

319. The committee is to deliver its report to the Government in May 2003. Negotiations are currently under way with Vietnam on the establishment of a bilateral agreement regulating inter-country adoption.

320. In view of the events of the 1970s, when children were adopted from Thailand on false papers, etc, the Government has decided to allocate funding to the National Board for Inter-country Adoptions for the purpose of helping and supporting adopted persons in their search for their roots. See also Table 14–15 in Appendix 1.

## **6.9 Periodic review of treatment (art. 25)**

321. On government instructions, a committee has reviewed the Care of Young Persons (Special Provisions) Act (1990:52). The committee has proposed that when a child has been in care for three years, the social services committee should perform a special review of the case. See also section 6.3 and *Periodic review of treatment* in CRC/C/65/Add. 3, pp. 93ff.

## **6.10 Abuse and neglect (art. 19), including physical and mental rehabilitation and social reintegration (art. 39)**

*On penal law*

322. The provisions of the Swedish penal code on assault and aggravated assault apply to physical assault and the inflicting of more tangible forms of mental suffering. The penal code's provisions concerning bodily injury or illness, unlawful threat, unlawful coercion, slander and insult and the provisions on sex offences (primarily rape and the sexual exploitation of minors) may also be applicable. The question is answered on pages 87–93 of Sweden's second periodic report, CRC/C/65/Add.3, but need updating on one or two points.

323. The committee appointed by the Government in 1998 to examine the issue of child abuse proposed in its report, Child Abuse: Prevention and Action (*Barnmisshandel – Att förebygga och åtgärda* – SOU 2001:72), the introduction of a special provision on aggravating circumstances for criminal cases where the offence involves a child being abused by a close relative or someone who was previously a close relative. The committee has also proposed making it easier for prosecutors to bring charges in cases involving the infliction of bodily harm or illness and cases involving slander and insult where the victim is a child close to the offender. The committee's report has been referred for consideration and is currently being processed at the Swedish Government Offices. The plan is to bring a bill before the Riksdag in the autumn of 2002.

324. On 1 July 1998, a new offence was introduced into the penal code: gross violation of integrity. Anyone subjecting a close relative, such as a child, to repeated assault, for instance, may be convicted of this offence. Its introduction was specifically intended to underline the seriousness with which Sweden view crimes against close relatives. The range of punishment is imprisonment for between six months and six years. The sanction allows courts to impose considerably stiffer sentences for systematic violence against a child.

325. In June 1998, the Government appointed a parliamentary committee, the Committee on Sex Offences, to conduct a comprehensive review of the provisions concerning sex offences in Chapter 6 of the Penal Code. In the case of offences against children, this review was to be based on the requirements of the Convention on the Rights of the Child. The committee delivered its final report, Sex Offences: Enhanced protection of sexual integrity and related matters (*Sexualbrotten Ett ökat skydd för den sexuella integriteten och angränsande frågor* - SOU 2001:14), in March 2001. The committee has proposed new regulations for sex offences. One proposal is that Swedish law should make a distinction between sex offences committed against a child who has not yet turned 15 and offences against adults. The draft law also contains one or two rules specifically protecting young people aged 15-18. The report has been referred for consideration and preparatory work is taken place within the Ministry of Justice. The Government intend to present a proposal to the Parliament during 2003.

#### *Special representatives for children*

326. On 1 January 2000, the Act concerning Special Representatives for Children (*lagen om särskild företrädare för barn* – 1999:997) entered into force. The aim of this law is to strengthen the rights of the child when his or her legal custodian, or someone close to the custodian, is suspected of an offence against the child. The law is designed to facilitate the investigation of such suspicions. Hence, it is also intended to prevent

further abuse against the child. The law requires a special representative to be appointed for the child under certain circumstances. This person then acts on the child's behalf, in place of the child's legal custodian, and safeguards the rights of the child during preliminary investigations and court proceedings. Only persons who fulfil specific requirements as to their suitability for the task may be appointed as special representatives. The Crime Victim Compensation and Support Authority has provided special training programmes for prospective special representatives.

### *Child abuse*

327. In connection with government mandates entrusted to the National Board of Health and Welfare, a number of social services committees and outpatient psychiatric clinics for children and young people were assigned to develop methods and conduct research relating to the work being carried out on behalf of children subjected to various kinds of abuse. As a result, a certain amount of specialist knowledge has been built up in different places around the country. Various committees of inquiry and other committees have proposed that in order to maintain the present level of knowledge in this field, special knowledge centres should be established to which professionals can turn when necessary. The National Board of Health and Welfare is currently discharging a government mandate to examine this issue. (See also section 9.9.3).

328. A government report entitled *Children and Abuse: A report on corporal punishment and other abuse in Sweden at the end of the 20th century (Barn och misshandel – en rapport om kroppslig bestraffning och annan misshandel i Sverige vid slutet av 1900-talet - SOU 2001:18)* included three studies commissioned by the Committee on Child Abuse, a number of other Swedish studies and a summary of the current body of knowledge concerning the possibility of recognising causal patterns, both within families and in society at large. The report notes that corporal punishment as a way of rearing children has declined considerably. Not only has the number of children being subjected to corporal punishment declined, but children exposed to this abuse are being punished less often than before. However, four per cent of pupils at intermediate level compulsory school (years 4-6), and seven per cent of 20-year-olds state that they have been exposed to serious corporal punishment with the use of a weapon at some point during their upbringing.

**Table 5**

**Breakdown of children's replies to questions about their experience of physical punishment, per cent.**

	Mother 1994/95	Mother 2000	Father 1994/95	Father 2000
Never	66	86	65	86
Occasionally	25	8	25	7
Frequently	5	1	5	2
Did not reply	4	5	5	5
Total	100	100	100	100

*Source:* Data from 1994/95, based on replies from school-children in Years 7-9,



Statistics Sweden. Data for 2000 was based on replies from schoolchildren in Years 4-6, Committee of Inquiry into Child Abuse (*Kommittén mot barnmisshandel*, SOU 2001:18).

329. Cases of physical child abuse reported to the police doubled in the 1980s, both for pre-school children and for schoolchildren. In the 1990s, the increase was even greater - four times as great for pre-school children and five times as great for schoolchildren. The National Council for Crime Prevention (BRÅ), therefore, has conducted a separate survey of child abuse

cases reported to the police concerning children aged 0-6. The Council concluded that abuse of pre-school children had not increased in the 1990s but that the higher rate was due to a greater willingness to report such cases. This is probably related to a greater public appreciation of children's rights, an awareness that has grown steadily in recent years.

**Table 6**

**Cases of child battery reported to the police by age and perpetrator**

	1990	1994	1995	1999
Child battery, 0-6 yrs	437	838	824	879
Perpetrator not known to victim	107	143	170	133
Perpetrator known to victim	330	695	654	746
Child battery, 7-14 yrs	1 738	3 544	4 381	5 040
Perpetrator not known to victim	629	1 070	1 229	1 526
Perpetrator known to victim	1 109	2 474	3 152	3 514

*Source:* Annual statistics from National Council for Crime Prevention (Bsförebygganderådet - BRÅ).

330. As a result of amendments to the Social Security Act (*socialtjänstlagen - 2001:453*) approved by the Riksdag on 1 January, the duty to report incidents of child abuse was widened to include all those who come into contact with children in the course of their professional activities. The duty of the social services to inform those concerned within the municipalities both of their activities and of legislation currently in force was emphasised in the *travaux préparatoires*. The National Board of Health and Welfare (*Socialstyrelsen*) was entrusted with the task of following up the legislative amendments, and included in two subsequent reports the findings of an inquiry into the effects of the amended provisions on compulsory reporting. The inquiry was limited to 50 municipalities which were asked on two occasions - in 1998 and 1999 - to state the number of children who had suffered abuse. On the first occasion the Board noted that the municipalities did not report cases of abuse in the same way, which made comparisons between them more difficult. The inquiry showed that the amendments had not had an appreciable effect on the number of cases reported to the social services. Nor did the follow up carried out a year later show a general increase in the number of cases reported to the municipalities included in the study. Although it was evident that the number of reported cases varied widely from year to year in any given municipality no consistent trend could be detected. The social services did not appear to have informed the bodies and people concerned satisfactorily in the opinion of the Board of Health and Welfare.

331. The Parliamentary Committee on Child Abuse was instructed to adopt an outward-looking approach in the performance of its tasks. It accordingly initiated a project to help improve the detection of signs of child abuse and heighten awareness of the duty to report among concerned professional groups. A working party composed of representatives of the relevant trade unions from the Swedish Trade Union Confederation

(*Landsorganisationen i Sverige - LO*), the Swedish Confederation of Professional Associations (*SACO/SR:s Allmänna Tjänstemannaförbund*) and the Central Organisation of Salaried Employees (*Tjänstemännens Centralorganisation - TCO*) took part in the planning of the project.

332. Material produced by the Committee included a compact disk containing dramatisations of situations that can arise in a pre-school or school environment in which children come to harm or are seen to be at risk of doing so. Also produced was a compendium entitled *Medical Views on Child Abuse (Medicinska synpunkter på barnmisshandel)*. This was published in two editions, one aimed at medically trained staff, the other at teachers and others who work with children.

333. This material was supplemented by a booklet entitled “What do we do when we suspect that a child is being abused?” (*“Vad gör vi när vi misstänker att barn far illa?”*), containing advice on procedures and methods that can be adopted when staff discover that a child is being or has been abused.

334. All the above material (70,000 copies of each item) was distributed to the country’s child health care centres, child rehabilitation clinics and pre-schools, as well as to all primary school (1st to 3rd year) teachers. To maximise the impact of the campaign, an information letter was sent out at the same time to all relevant chief officers and department heads.

335. The Committee on Child Abuse has proposed that the relevant legislation should contain a reference to the system of compulsory reporting as provided for in the Social Services Act (*socialtjänstlagen*), in order to increase people’s willingness to report cases of child abuse to the social services. The Committee has also made a number of specific proposals aimed at improving cooperation. The Government intends to submit a bill proposing measures to strengthen the protection of children at risk to the Riksdag before the end of 2002.

336. The establishment of units specialising in violence in the family is an increasingly common trend among local police authorities. See also Table 27-28 in Appendix 1.

#### *The children of substance abusers and children in violent families*

337. The children of substance abusers are much more likely to suffer physical and mental ill-health than other children and to become substance abusers themselves. Also, children in families where violence and physical/mental abuse is present between adults are particularly unprotected and vulnerable, and are in danger of developing their own dependency on drugs/alcohol in the course of time. The Government, therefore, considers the preventive work taking place at municipal level and in various organisations in support of these children to be of prime importance, and is anxious both to reinforce the positive processes currently under way and to encourage the development of further programmes in this field. Consequently, it has decided to allocate SEK 100 m to municipalities and organisations for the 2001-2003 period for the purpose of developing alcohol and drug prevention programmes for the children of substance abusers and children in families where violence and physical/mental abuse is present

between adults.

*Violence against women and girls*

338. In the spring of 1998, the Riksdag adopted a government bill, Protecting Women Against Violence (*Kvinnofrid* - skr. 1997/1998:55), containing a wide-ranging programme of measures for combating violence against women. The programme focused, *inter alia*, on young women. Young people represent an important resource in the efforts being made to counteract violence against women. Funding totalling SEK 2m has been earmarked for projects concerned with and initiated by young people and their organisations focusing on issues relating to violence against women. In February 1999, work carried out in five projects relating to the prevention of violence against women, with the aid of SEK 1m in government funding, was presented at a conference for young people and adults. The conference was organised by the Minister for Gender Equality Affairs and sought to draw attention to the vulnerability of the young and the responsibility of adults to create positive role models for young people as regards gender equality in relation to love and sex. So that this work might continue, and in order to encourage further dialogue between young people and adults on the issues of love and responsibility, funding was allocated for a number of regional conferences organised by county administrative boards.

339. One of the tasks of the National Council for the Protection of Women against Violence, set up in 2000 and headed by the Minister for Gender Equality Affairs, is to act as an advisory body on issues relating to violence against women and to identify problem areas requiring corrective action. The Government selected a number of priority areas for the Council's work, one of which was children in abuse situations. In May 2002, the Council presented a report, *Pray the Lord, my Soul to Keep. When Dad Hits Mum*. The report examined the problem of child abuse families from different points of view.

340. The *Kvinnofrid* reform paved the way for a regional project, *Operation Kvinnofrid*. This is an information campaign about male violence against women, aimed at heightening awareness about such violence in order to prevent and combat it. The campaign was launched at the initiative of the Stockholm County Administrative Board, the Stockholm County Police Authority and the City of Stockholm. The Government allocated funds for the campaign. In 1997, 1999 and 2000, measures included poster campaigns on Stockholm buses and underground trains, a series of seminar, public meetings and conferences for government agency employees. The goal of the first campaign was to focus attention on the vulnerability of women, while the second campaign focused on the responsibility of men in this area and the campaign in 2000 addressed the situation of the children involved. Children are mentally assaulted when they see their mothers being subjected to threats and violence. Many of the children, too, are exposed to sexual abuse. A fourth campaign is scheduled, primarily addressing the situation of the young.

341. Within an EU framework, *Operation Kvinnofrid* is part of a joint project with partners from a number of EU countries, *Operation Kvinnofrid International*. This joint venture has resulted in such things as a method manual, *The Worst Scars Are On The*

Inside: Methods for counteracting violence against women.

*Children as crime victims*

342. In 1998, a provision was introduced into the Social Services Act to the effect that in cases involving women who are or who have been exposed to violence or other forms of abuse in the home, social services committees should seek to provide assistance and support so that the women can change their situation (Section 8 a). As the result of an amendment that entered into

force in July 2001, the provision now makes clear that social services committees should provide assistance and support to all persons exposed to such abuse, as well as to their families. (Social Services Act, Chapter 5, Paragraph 11 – 2001:1453). In connection with this amendment, the National Board of Health and Welfare was assigned to develop methods for supporting social services in their work with crime victims. As part of its mandate, the Board will concentrate in particular on child crime victims and what kind of support social services can provide in different situations.

343. In 2001, the Crime Victim Compensation and Support Authority was entrusted with the task of preparing, drawing up and implementing a programme of “victimology” research. In connection with this mandate, it was noted that there was an urgent need for research on the behavioural patterns of children at risk. Such research could provide staff working in child day-care facilities and schools with the knowledge they need to detect early on whether a child is being abused. As a result of the more or less daily contact they have with children, childcare staff and teachers equipped with adequate knowledge in this field would be in a good position to detect abuse. The terms of reference also state that there is a crucial need for research on how best to interrogate children and how to interpret their testimony. In addition, there was a need for more in-depth research into the situation of children living in socially disadvantaged environments with such components as drug abuse and physical and mental abuse.

344. At present, there are about 140 local emergency women’s shelters in Sweden, and in recent years some 25 shelters for young women have been established. They represent an important form of protection and assistance for women exposed to violence and for their children. The shelters are organised into two national umbrella organisations that receive annual grants out of the national budget. Local shelters receive funding from the municipality in which they are located, but the amount varies from place to place. They can also apply for central government funding to develop their activities.

#### *The Children’s Helpline*

345. At the end of the 1970s, the Swedish children’s rights organisation BRIS established a helpline for children. For the first three years, funding was provided out of the State Inheritance Fund, since when other kinds of financing have become available. BRIS receives a certain amount of central government funding. The Children’s Helpline reaches children and young people under 18 via a national telephone number and is free of charge to the caller. The helpline is staffed by “duty helpers” who are not professionals but who are given induction training, in-service training and personal supervision in order to perform their tasks. Calls are registered and regularly analysed by BRIS. The volume of calls is increasing continuously and many callers are unable to get through. In 2001, a total of 17,150 calls were registered.

346. The vast majority (9 out of 10) are not registered as they do not incorporate sufficient data. Most of the calls concern children at senior level in compulsory school (years 7-9), and the

average age is 13. Usually, the calls are about bullying, family feuds, love problems and relationships. More severe problems such as physical assault and sexual abuse/molestation are also common themes.

347. Today, BRIS has a website, [www.bris.se](http://www.bris.se), with an e-mail intake ("BRIS Mail") that in 2001 registered around 4,000 messages from children and young people.

## **VII. BASIC HEALTH AND WELFARE**

**(art. 6, 18 para. 3, 23, 24, 26, 27 paras. 1-3)**

### **7.1 Children with disabilities (art. 23)**

*A national action plan for disability policy*

348. In May 2000, the Riksdag adopted an action plan for national disability policy. The national objectives are:

- 1 To achieve social community based on diversity;
- 2 To shape society in such a way that people of all ages with disabilities can fully participate in the community at large;
- 3 To ensure equality in living conditions for girls and boys, women and men, with disabilities.

Disability policy efforts are to focus in particular on:

- 1 Identifying and removing obstacles to full participation in the community for people with disabilities;
- 2 Preventing and combating discrimination against people with disabilities; and
- 3 Giving children, young people and adults with disabilities the opportunity to enjoy independence and self-determination.

349. All the objectives and policy approaches apply to children and young people with disabilities as well as to adults. Central government authorities are to set an example and integrate a disability perspective into their regular activities. Action should be based on the standard United Nations rules.

350. Today, measures are being taken both via the State Inheritance Fund and as part of the mandate issued to the National Agency for Special Educational Support under which it has been working since 1 July 2000 to improve professional skills in the treatment of people (including children) with disabilities. The agency is being required, inter alia, to draw up a national programme for professional development. This programme, which will address all public employees in Sweden, is to serve as a basis for the professional development training provided by the relevant principals to elected representatives, managers and other staff who deal with disabled people in the course of

their work.

351. At the Government's request, the National Board of Health and Welfare has sought to promote the use of individualised plans in connection with measures adopted under the Support and Services for Persons with Certain Functional Impairments Act and as part of habilitation and rehabilitation programmes provided for under the Health and Medical Services Act (*Hälso- och sjukvårdslagen*).

352. The National Board of Health and Welfare has also been entrusted with the task of determining children's and young people's level of access to habilitation and rehabilitation. Access to assistive technology is being investigated by a separate committee that is due to present its report to the Government on 15 September 2003. Another component in the action plan is a mandate under which the Disability Ombudsman is to produce an information booklet on assistance and service for children and young people with disabilities.

353. On 1 July 2001, supplementary provisions were added to the Social Services Act (2001:453) and the Support and Services for Persons with Certain Functional Impairments Act according to which county administrative boards are to require municipal and county councils, under penalty of a fine, to abide by legally binding decisions that give an individual citizen the right to certain forms of assistance under one law or the other. The option of imposing fines, however, is to be superseded by a system of sanctions charges.

**Table 7**

**Number of persons per 10,000 of the population receiving care under the Support and Service for Persons with Certain Functional Impairments Act (*lag om stöd och service till vissa funktionshindrade - LSS*)**

	1 Nov. 1998		1 June 1999		1 June 2000		1 Sept. 2001	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
0-6 yrs	35	23	25	18	24	16	23	15
7-12 yrs	82	50	75	45	77	44	81	47
13-22 yrs	83	65	82	62	89	65	96	69

*Source:* National Board of Health and Welfare.

Persons only receiving advice and support not included.

354. The Swedish Handicap Institute and five disability organisations have been engaged for three years in a project entitled Focus-On-The-Young, the aim of which is to improve the quality and availability of assistive technology for children and young people. Among other features, they have drawn up new directions for assistive technology programmes for children and young people as well as a new needs-based list of aids, with a wider range and fewer rules. Emphasis is placed on assistive technology that improves people's opportunities for play and leisure-time activities.



355. Children who for reasons of physical or mental health or for other reasons require special support in their development are to be provided with places in pre-school facilities or leisure-time centres for schoolchildren if their need for such assistance cannot be met in any other way.

Municipalities are to engage in outreach activities to determine which children require places and are to actively seek to ensure that families make use of the place allotted to them. They are also to inform parents about this type of support activity and the purpose of it. For children in this category, pre-school is free of charge for three hours a day. Consequently, the proportion of children with different types of disabilities was significantly larger than the proportion of other children in child day care. See also Table 16-19 in Appendix 1.

### *The Swedish Institute for Special Needs Education*

356. The Swedish Institute for Special Needs Education was founded on 1 July 2001, bringing together the various central government resources that already existed for supporting special needs education in such bodies as the State Institute for Special Needs Education and various state-run resource centres. The purpose of the merger was to provide considerably greater support to the principals in school education, usually the municipalities, to enable them to fully assume their responsibilities as regards the provision of quality schooling adapted to the needs of this pupil category.

357. The Government has also provided funding for professional development programmes targeting both staff who work with pupils with severe speech and language impediments and those working with pupils with impaired vision and other disabilities. In addition, the National Agency for Education has been given funding for the purpose of encouraging and supporting educational research focusing on pupils with disabilities.

358. In 2001, the Government entrusted a special investigator with the task of reviewing central government involvement in the production and adaptation of teaching aids and study materials for children, pupils and adults with disabilities at pre-schools and schools and in adult education.

359. In addition, the Government has appointed a special investigator to develop more specific forms for what is termed limited-period placement at certain resource centres. The mandate refers to pupils with severe linguistic impediments or severely impaired vision who also have other disabilities, and the investigator is to consider how their needs can best be met.

### *Special schools*

360. The Special Needs School Authority is responsible for the education provided to the deaf and the hearing impaired, to deaf and hearing impaired persons with learning disabilities and to deaf-blind children and young people aged 7-17. The agency was founded on 1 July 2000 and comprises six school units, of which five are regional special schools for deaf and hearing impaired pupils while one is a national special school for deaf or hearing impaired pupils with learning disabilities and for children born deaf-blind.

361. At the bilingual (sign language and Swedish) special school, the agency is required to provide a level and standard of education that as far as possible corresponds to that provided at compulsory school level and special needs compulsory school level.

The instruction is also to be adapted to the capabilities of each pupil. In addition, the agency is to support moves towards equivalent standards and quality development at Swedish special schools, and seek to ensure a good sign language environment at the schools.

### *Special needs education*

362. Children who cannot follow classes at regular compulsory school due to a learning disability are to be educated at special needs schools. These are available at both compulsory and upper secondary level. Compulsory special needs schools are in turn divided into elementary programmes and remedial programmes. Upper secondary pupils are offered courses in national, specially designed and individual programmes. Special needs education seeks to give children and young people with learning disabilities a form of instruction that, while adapted to the capabilities of each pupil, corresponds as far as possible to that provided at regular compulsory and upper secondary schools.

363. During the 2001/02 academic year, just over 14,200 children and young people were registered at compulsory special needs schools. About 15 per cent of those studying at elementary level were integrated into regular compulsory education either individually or in groups. In the same year, upper secondary special needs schools had just over 5,500 pupils. Staff-pupil ratios are high at special needs schools. At compulsory school level, the ratio is about 25 teachers per 100 pupils.

364. The Government has instructed a parliamentary committee to review education for children, young people and adults with learning disabilities. The prime task of the committee is to propose what future education should look like in terms of goals, content, organisation and staff skills, etc. The committee is to deliver its report by 1 October 2004 at the latest.

### *Upper secondary education*

365. There are four national upper secondary schools for pupils with impaired mobility, attended by about 170 young people. These pupils are guaranteed specially adapted instruction in an upper secondary national, specially designed or individual programme as well as care in the form of student accommodation and habilitation. There is also a national upper secondary school for the deaf and hearing impaired with some 400 pupils. National upper secondary schools offer pupils specially adapted instruction in all 17 national programmes as well as in individual programmes. In addition, there is a separate school unit responsible for their accommodation and leisure-time activities.

### *Municipal transportation*

366. The question of children's access to municipal transportation services has been raised by the National Road Administration in a report to the Government on the state and development of municipal transportation since 1998. Proposals include the introduction of legislation aimed at strengthening child rights and enhancing parents' ability to exercise their parenthood. The proposal has received widespread support from

the bodies to which it was referred for consideration. A special investigator has been instructed by the Government to recommend legislative changes on the basis of the proposals presented by the National Road Administration and taking into account the views of the referral bodies.

#### *Information from the Disability Ombudsman*

367. There are a number of laws, regulations and activities in Sweden that affect people with disabilities and their families. To make it easier for people to penetrate this information, the Disability Ombudsman has been commissioned by the Government to produce a guide on the rights of children and young people with disabilities and the rights of their families. The booklet describes in simple terms various programmes offering social and financial support, such as pre-school/school education and health and medical care. Each section includes references to the relevant legislation. There is also a section about how to apply for assistance and appeal a decision, and how various activities are supervised.

#### *Annual report of the Children's Ombudsman*

368. In its latest annual report, the Office of the Children's Ombudsman presents a report showing that children and young people with disabilities are discriminated against more extensively than other children in Sweden. See section 4.1 *Discrimination against people with learning disabilities*.

## **7.2 Health and medical care (art. 24)**

369. The general standard of health among children in Sweden is good. A whole range of illnesses that previously posed a serious threat to children's health have disappeared or have become considerably less widespread or less dangerous. Child health centres play an important part in the efforts to provide children with a healthy start in life. They also provide important support to parents in their parental role. Two areas, however, require further attention: allergies, asthma and over-sensitivity disorders, and mental illness.

370. To determine the extent to which health and medical care staff working with children and young people are sufficiently competent in this area, the Government commissioned the National Board of Health and Welfare to look into the situation.

371. In the early 1990s, the Nordic Association for the Needs of Sick Children (NOBAB) established a common Nordic standard for the care of young hospital patients, known as the NOBAB Standard. It is based on the United Nations Convention on the Rights of the Child. Generally speaking, children enjoy good facilities at Swedish hospitals and they are not placed in hospitals unless this is absolutely necessary. Present levels of care must be maintained and methods and procedures for looking after children and young people in hospital situations must be developed further. Consequently, part of the National Board of Health and Welfare's remit was to examine the possibility of developing a common standard for upholding the rights of children when they are hospitalised, based on the quality requirements formulated by NOBAB. Furthermore, the Board was to review the preventive health activities of youth guidance centres and

consider the medical treatment of children seeking asylum. The Board's report is currently being processed at the Swedish Government Offices.

### *Child health and medical care*

372. Paediatrics is a specialised branch of medicine dealing with health problems in children from conception up until their late teens, i.e. for the 0-18 age group. In Sweden, these age groups comprise a quarter of the population. A public health perspective and a preventive approach have been central features of this specialised field. More than any other medical speciality, therefore, paediatrics is characterised by its concern with both health and medical care and prevention in almost all aspects of its work.

373. In recent decades, the number of care openings at all paediatric clinics has declined steadily, from over 2,000 in the 1980s to just over 1,100 in 1998. This trend was a result of a growing number of children being treated in outpatient care or home care. At the same time, average care time has dropped from 4.6 days in 1981 to 3.7 days in 1998. Excepting neonatal care, average care time in 1998 was 2.8 days. At a number of country district hospitals, inpatient care has been phased out in recent years.

374. The principle whereby all children, regardless of the disease involved, are to be cared for in a paediatric ward is referred to as "unified care". This is an important goal in quality development efforts, but today about a quarter of all children are still cared for in other wards. At leading university hospitals, the trend towards unified care has led to the establishment of "child centres" bringing together all the resources needed for specialist paediatric care.

375. In principle, child health and medical care is free of charge throughout the country. County councils themselves decide the rates, which has meant that a small number have chosen to charge fees.

### *Future development*

376. Even if children and young people have on the whole become healthier, as regards acute infectious diseases, for instance, there has been a distinct increase in health problems and the sickness rate in many other areas. Despite substantial medical advances and knowledge gains, a large number of children and young people still suffer from chronic diseases and disabilities whose care and treatment absorb a great deal of resources.

377. The school situation of many pupils represents a stress factor that often leads to bodily ailments. The National Agency for Education has investigated stress levels for pupils and concluded that young people are increasingly feeling the effects of stress. Among pupils at senior compulsory school level and upper secondary school, 25 per cent often or always felt stressed in 1997, while the figure in 2000 was 35 per cent. Stress was more common among upper secondary pupils than among pupils at senior compulsory school level, and more common among girls than among boys. The Welfare Commission appointed in 1999 came to the same conclusion in its report. It showed, for instance, that gender differences in mental wellbeing were to be found in all age groups

and tended to be more pronounced in the higher age brackets. Children from split families tended to display a lower level of wellbeing but the differences were not statistically significant. The family's class affiliation and whether the parents were born in or outside Sweden, however, did not appear to affect children's mental wellbeing to any great extent.

378. Class distinctions, as well as differences in type of family and parental country of origin, appear nevertheless to be determining factors as regards food, exercise and smoking habits in the 13-18 age group. Unhealthy habits are more common among children in blue-collar families, in families where the parents were born abroad and in lone-parent families. Gender, however, appears to be the most influential factor of all in a child health context.

379. In sum, this means that certain parts of the school health service need to be improved going into the 21st century. Continuous, easily accessible support, and where necessary early and effective action, can help improve the situation in schools and subsequently reduce the need to treat the adult population as well.

#### *Primary care*

380. Preventive action is undertaken in most areas of primary care and by different vocational categories such as doctors, district nurses, assistant nurses, midwives, physiotherapists, occupational therapists, welfare officers, psychologists and dieticians.

381. Primary care work in the prevention field is to be found in the paediatric, maternity and school health care sectors as well as at youth guidance centres (vaccination, allergy prevention, tobacco, alcohol and dietary information, sex education, abortion prevention, accident prevention), while other kinds of preventive action in primary care are largely of a secondary preventive nature targeting private individuals or individual groups.

#### *Pupil health programmes*

382. During the 1990s, responsibility for education was extensively decentralised from central government to municipal and individual school level, which resulted in considerable variations in the organisation of pupil healthcare. In some municipalities, pupil health programmes are linked to central resource units while in others they are linked solely to local schools.

383. The National Agency for Education's annual report on pupil health costs in schools covers the cost of school doctors, school nurses, school welfare officers and school psychologists. From 1998 to 1999, costs in this category in municipal compulsory schools increased by 4 per cent. In 2000, the cost level had returned to the same as for 1998, i.e. SEK 1,100 per pupil. These costs do not include the costs of remedial teachers, special-needs education groups, etc, or services purchased from other principals. The latter are procured for a set period either from the county council or from an individual provider, and usually only for emergency cases.

384. The Government's Committee on Pupil Health has presented its report, From Double Tracking to Pupil Health (*Från dubbla spår till elevhälsa – SOU 2000:19*), and a bill entitled Health, Learning and Security (*Hälsa, lärande och trygghet – prop. 2001/02:14*) was adopted by the Riksdag in the spring of 2002. This bill proposes that responsibility for the healthcare of six-year-olds be transferred from county councils to school health and medical care services.





385. In the bill, the Government outlines its views on pupil healthcare and pupils' working environments. The definition of health in the bill is based on the WHO's definition specifying that health is a state of physical, mental and social wellbeing. The basic premise is that learning and health are affected by the same general factors. A good learning environment is also conducive to health. Efforts on behalf of pupil health should be largely preventive.

#### *Maternal mortality and perinatal mortality*

386. Perinatal mortality (when the foetus dies during pregnancy or when the child dies at birth or up to a week afterwards) and maternal mortality in connection with pregnancies and childbirth are the oldest recorded quality variables in medicine. Death directly due to childbirth is very rare in Sweden and can usually be avoided. Foetal death is the most common form of mortality nowadays and often cannot be explained. In recent years, a growing number of pregnant patients at risk have been transported to clinics specially equipped to look after newborn children. As a result, the death rate among extremely immature children has been reduced. Under present referral procedures, there are no significant differences between different types of hospitals as regards perinatal mortality. One reason for the continuing decline of perinatal mortality is that some grave deformities can now be diagnosed early in pregnancy and lead to abortions. The previous trend towards a relatively higher rate of mortality in connection with childbirth in the home or a similar environment has been confirmed, which suggests a need for further research into medical safety at alternative births and home births.

#### *Breastfeeding*

387. Breastfeeding incidence is high in Sweden but the number of children who are breastfed is no longer increasing. The number of children who live on breast milk alone at the age of six months has declined to 36.3 in the case of children born in 1999, compared with 43.1 per cent for children born in 1996. If, however, those who are exclusively breastfed and those who are partially breastfed at the age of six months are counted together, there has been no change. The former group includes children who are given small portions of ordinary food to taste.

388. Sweden is a party to the World Health Assembly resolution (WHA 54.2) which recommends that children be exclusively breastfed for the first six months. This needs to be followed up by the relevant sectoral authorities to ensure that both staff and parents are made aware of the recommendation.

#### *Immunisation and vaccination*

389. The most important public measure for preventing child disease and associated complications is the universal child vaccination programme. Since Sweden delivered its last report to the United Nations Committee on the Rights of the Child, this programme has been supplemented by vaccination against whooping cough and Haemophilus influenza type B. Vaccination against chicken-pox, yellow jaundice types A and B and Rotavirus (a virus that gives rise to diarrhoea, particularly among children) has also been discussed, but for the time being is not being introduced. Vaccination coverage in

Sweden is very extensive: over 96 per cent of children are vaccinated as a result of the broad-based programme provided. Due

to the introduction of an effective vaccine against Haemophilus influenza (a bacteria that gives rise to infections in the upper respiratory passages and ears), the serious infections that this bacteria can cause have been reduced to a fraction.

390. In recent years, a degree of uncertainty has spread among parents as to the wisdom of vaccinations. There are a number of reasons for this. Certain serious diseases are thought to be side effects of vaccinations. Meanwhile, one or two anti-vaccination groups have emerged and have received considerable media attention. The ensuing debate has contributed to a degree of uncertainty among parents. In 1999, there was a slight fall in the number of people vaccinated. From a public health viewpoint, this decline is insignificant but as a trend it is a serious observation. A number of activities have been initiated by the National Board of Health and Welfare to facilitate and improve information to parents. See also CRC/C/65/Add.3, pp. 94-97.

#### *The right of asylum seekers to health and medical care*

391. As of 1 January 1997, Sweden's county councils are responsible for ensuring that all asylum seekers, etc, receive emergency medical care and dental care as well as medical and dental care that cannot be deferred. In addition, they are required to provide certain other types of care, such as maternity care and obstetric care.

392. In principle, asylum seeking children have the same right to both health and medical care and dental care as other children living in Sweden. Asylum seekers are also to be offered health checks in accordance with general guidelines from the National Board of Health and Welfare.

393. Central government subsidises this form of care by paying a certain sum per asylum seeker to the county council. In accordance with an agreement between the state and the Federation of County Councils, the Government decided in March 2000 that children kept in hiding to evade expulsion or deportation orders must be guaranteed the same right to health and medical care as asylum-seeking children. Swedish NGOs have promised to help find suitable care providers for these children, as before.

#### *Compulsory psychiatric care*

394. As the Government considers the provision of better care to children and young people suffering from mental ill-health to be a matter of the greatest urgency, it has concluded an agreement with the Federation of County Councils and the Swedish Association of Local Authorities on measures to be taken, *inter alia*, in the psychiatric care field. This agreement on development programmes is detailed in a government bill entitled National Action Plan for Healthcare Development (*Nationell handlingsplan för utveckling av hälso- och sjukvården* - prop. 1999/2000:149). Under the agreement, county councils and municipalities will be allocated additional resources during the 2002-2004 period. The agreement also stipulates that county councils are to be responsible for offering early and adequate assistance to children and young people who show signs of mental illness. The county councils will further be responsible for meeting the care needs of young people aged 16-25 by means of coordinated measures in the child psychiatry and adult psychiatry fields. In addition, county councils will be required to

improve care content for children and young people with mental problems who are also substance abusers.

### *Deaths in childhood and youth*

395. The mortality rate among children and young people in Sweden is one of the lowest in the world. Mortality is highest during infancy. See section 4.3 *Causes of death among children and young people*.

### *Sexuality and personal relationships*

396. Both central and local government play a limited but important role in shaping the way society views sexuality. Via the provision of sex education at compulsory and upper secondary schools and the distribution of information at youth guidance clinics, children and young people can and should be guaranteed a factual and objective understanding of sexual matters.

397. To a great extent, sexual signals nowadays are communicated through commercial channels, and schools must provide a counterbalance in this respect. Teaching should take into account the disparate capabilities and circumstances of different children, based on their gender, their ethnic, cultural and religious affiliation, their sexual preferences and/or, where applicable, their disabilities. School education concerning sex and personal relationships must also seek to integrate all the various issues relating to sexuality, convey an open-minded view of people's sexual preferences and deal with the questions and reflections of heterosexual, homosexual and bisexual young people.

398. At upper secondary level, headteachers have a particular responsibility to ensure that pupils are provided with education on sexuality and personal relationships. On the basis of the objectives laid down in the national curriculum, the National Agency for Education was assigned by the Government in 1999 to examine the state of sex education in Sweden. It presented its report to the Government in December 1999. The study revealed widely differing results, not only between schools but also within each individual school. Among other recommendations, the National Agency for Education called for a more specific formulation of goals in the national curriculum. The report said the curriculum gave teachers and school leaders little indication of the objectives to be achieved, and nor did it offer much incentive to improve sex education programmes.

399. The respective situations of girls and boys must become a focus of attention. The situation of boys needs to be addressed more closely, not least via youth guidance clinics, and boys need more information on the connection between risk behaviour and unwanted pregnancies. In other words, boys must also be made a target group when it comes to taking responsibility for sexuality and reproduction.

400. Girls and boys from immigrant backgrounds are a category that has been largely neglected as a target group in society in terms of what is known about their needs concerning the prevention of unwanted pregnancies. Efforts to improve knowledge and to influence attitudes must in future focus on this group in particular. Young women

especially are an important target group.

401. In the 1990s, teenage abortions decreased in number. During the later seven years, however, the number of abortions increased among teenagers and the abortion rate (number of abortions per 1 000 women) has increased in this group. In 1995 the abortion rate among teenagers was 17, year 2001 it had increased to 25. During the first half of 2002 the teenage abortions increased by 25 per cent in comparison with the same period the year before. The abortion rate was highest in the three largest metropolitan areas but the increase in teenage abortions was greatest in certain regions outside these areas. The incidence of abortion is highest amongst those who live in socio-economically deprived areas. Despite successful abortion prevention efforts, the abortion rate is still relatively high - one known pregnancy in four is aborted. Ongoing prevention efforts are important, therefore, as the incidence of abortion sometimes undergoes rapid change.

402. The authorities are engaged in intensive and continuous efforts to reduce the number of abortions among teenagers. In June 2001, the National Institute of Public Health presented a draft action plan for the prevention of unwanted pregnancies. The plan is currently being processed at the Swedish Government Offices.

#### *Health-related habits*

403. Lifestyles and habits relating to food, exercise and the consumption of tobacco and alcohol are considered highly important factors for public health. In its report, Welfare Among Children and Young People (*Barns och ungdomars välfärd* – SOU 2001:55), the Welfare Commission notes, *inter alia*, that boys and girls tend to have different habits. Girls eat breakfast less often than boys, do less physical training and are more inclined to smoke. Drinking alcohol as frequently as once a week, however, is more common among boys.

404. Health-related habits reflect differences in type of family, social class and parental country of origin. Children living with a lone parent are more likely than others to skip breakfast and are less likely to engage in physical training. As regards social differences, the children of senior white-collar families tend to have healthier habits than others. They eat breakfast more often and eat lunch every day, they engage more often in physical training and are less likely to be smokers than children from other social classes. Only in their rate of alcohol consumption are they no different from other social classes.

405. The highest incidence of unhealthy habits and lifestyles is to be found among the children of blue-collar families. There is also a difference between the children of native Swedish parents and those of foreign-born parents, with the latter group displaying habits that pose a greater hazard to health. The children of foreign-born parents often skip both breakfast and lunch. They also engage in physical training less often. Particularly in the case of physical training, but also with regard to smoking and alcohol, the picture is different, however, when child categories are broken down further. Only the children of parents born outside Europe seldom engage in any form of physical training whatsoever.

#### *Overweight and obesity - a growing health problem*

406. Overweight and obesity are on the increase among young people and have become a rapidly growing problem both in Sweden and elsewhere in the West. As a result, the Government assigned the Swedish Council on Technology Assessment in Health Care (SBU) to survey and report on the prospects for treating obesity, in consultation with the National Institute of Public Health, the National Board of Health and Welfare and the Medical Products Agency.

The survey, presented in the spring of 2002 in an SBU report entitled *Obesity: Problems and Programmes*, covers both primary care and hospital care in Sweden, and describes the effects of different ways of treating obesity as well as the costs of such disorders both to the individual and to the community. The report finds that there are few effective methods for treating and preventing obesity, and urges rapid action to develop new strategies for such purposes as establishing good food habits during children's pre-school and school years and promoting interest in physical activity among both children and adults.

#### *Anorexia nervosa and bulimia*

407. Anorexia nervosa and bulimia are diseases that afflict more than one girl in a hundred in Sweden and more than one boy in a thousand. On average, anorexia lasts for three and a half years and is thus one of the most common disorders among teenage girls. The background to this type of illness is not known. Lengthy treatment is required. The disease can be very serious and often leads to bodily complications. The World Health Organization's 1997/98 study on the health habits of European schoolchildren in Years 5, 7 and 9 shows that in Sweden boys and girls in Year 5 and boys in all three years have become more conscious of their weight. In Year 5, there was little difference in the way girls and boys respectively viewed their bodies, but in Years 7 and 9 a sizeable proportion of the girls feel they are too fat while the boys feel they are too thin. Eight per cent of the girls in Year 9 were slimming; 57 per cent felt they were a little or much too fat while 27 per cent were happy with their weight. A similar study carried out in 1971 reported that 26 per cent of girls in Year 9 felt they were too fat.

408. In its 1997 appropriations directions (containing goals and funding specifications) to the National Institute of Public Health, the Government instructed the agency to join the National Board of Health and Welfare in monitoring the development of anorexia and other eating disorders, and also to coordinate preventive work and develop it further in collaboration with the county councils, municipalities and relevant NGOs. The Institute's final report noted that a number of different theories have emerged over the years as to the underlying causes of anorexia. Some of these theories have since been abandoned. Among those researchers and practitioners who have studied the issue more closely, there is widespread agreement that the causes of eating disorders are complicated and tend to differ from individual to individual. Among the basic premises on which there is consensus in the research community are the need for preventive work aimed at strengthening young people's self-esteem and self-confidence, and, in the case of preventive information (targeting children and young people), the need to focus on the healthy body.

#### *Environmental pollution*

409. The National Board of Health and Welfare (together with the Stockholm County Council's Institute of Environment Medicine) has produced the 2001 Environmental Health Report, which is the first report in Sweden to describe the national situation with regard to health hazards in the environment and environment-related ill-health. It was presented to the Government in the spring of 2001. The Board will produce the next Environmental Health Report in 2004 and will focus on that occasion on children's

environments. In general, it may be said that air pollution (especially environmental tobacco smoke) is an important child-related environmental health factor.

410. Sweden's overall goal for environmental policy is to be able to pass on to the next generation a society in which the major environmental problems in Sweden have been solved. Some examples of environmental objectives connected with children's health include: clean air, a non-toxic environment and a good built environment. The environmental quality objective "clean air" means, inter alia, that the content of air pollutants must not exceed low cancer risk levels or the standard value for protection against illnesses. Standard values are set in consideration of people who are oversensitive and those who suffer from asthma. Regarding the objective "a non-toxic environment", it means that total exposure to harmful substances in the working environment, the outdoor environment and the indoor environment should be close to zero. Exposure to other chemical substances should not be harmful to people. A good built environment means, inter alia, that people must not be exposed to injurious pollutants, harmful levels of radon or other unacceptable health or security hazards.

#### *Female genital mutilation*

411. Since Sweden last reported to the Committee, stricter provisions have been introduced on two separate occasions into the Act concerning the Circumcision of Women (*lagen om kvinnlig könsstympning* - 1982:316) (Cf. p. 104 in CRC/C/65/Add.3).

412. On 1 July 1998, the law was renamed the Act Prohibiting Female Genital Mutilation. At the same time, severer penalties were introduced for breaches of the law. Anyone committing an offence under the Act can be imprisoned for up to four years. If the offence caused danger to life or serious illness, or involved a very serious lack of regard in some other respect, it is to be treated as an aggravated offence and the offender becomes liable to imprisonment for between 2 and 10 years. Under Chapter 23 of the Swedish penal code, attempt, preparation and conspiracy to commit a crime are also punishable by law, as is failure to report a crime.

413. On 1 July 1999, new wording (Section 3) was introduced into the Act Prohibiting Female Genital Mutilation whereby anyone in breach of the law can be convicted in Sweden even if the offence was committed abroad. Prior to this date, criminal liability was dependent on the offence being punishable by law in the country in which it took place.

414. In 1998, the Government assigned the National Board of Health and Welfare inter alia to develop and disseminate methods aimed at preventing genital mutilation, and to initiate projects to this end. The mandate was to extend over three years and a budget of SEK 2.7 m was placed at the Board's disposal. As part of its remit, the Board has carried out a project focusing on genital mutilation among young people in order to determine such factors as levels of knowledge and needs. A separate project concerned the knowledge levels, experience and needs of youth guidance centre staff and school nurses. In addition, assistance has been provided to the *Idil Project*, under which African women, but also men, are trained as information officers whose task is to combat genital mutilation in their own community in Sweden. A number of Somali and Eritrean



voluntary associations have also been provided with funding for projects aimed at preventing genital mutilation. The assignment further involved disseminating information and raising professional competence via a range of training and networking programmes and the

provision of information materials. In addition, the National Board of Health and Welfare has monitored international developments in this field and established contact with many international parties.

415. As a further step towards stopping the practice, the responsible minister called a national conference on genital mutilation in May 2002. It aroused considerable interest and the participants represented a broad spectrum of public life, including immigrant and advocacy groups, care and school staff, social services staff, MPs and police representatives. The Norwegian minister responsible for genital mutilation issues as well as Senegalese government representatives also took part in the programme. In addition, the Swedish minister has set up a parliamentary committee to monitor the issue of female genital mutilation and provide funding for further efforts. Based on what has been learnt, the Government has begun developing a national action plan against female genital mutilation. Such a plan had been called for by the Children's Ombudsman.

416. To date, no cases of female genital mutilation reported to the police in Sweden have led to court proceedings, which is largely due to the fact that the 1999 law eliminating dual criminal liability is relatively new and that determining whether mutilations have taken place before or after the law entered into force has proved difficult. However, few cases have in fact been reported to the police. In most cases, only a member of the family, a close friend of the family or the girl herself has had knowledge of the offence. Naturally enough, few people are prepared to report a close friend or relative to the police.

417. The Government takes the view that current legislation in this area is satisfactory. Essentially, what is needed in the present situation is further preventive work in the form of a broad-based programme to educate public opinion along with the dissemination of information aimed at changing attitudes in the long term. This would also improve the prospects both for reporting and for criminal proceedings.

#### *Circumcision of boys*

418. As of 1 October 2001, Sweden has a special law governing the circumcision of boys. Previously, no legislation had existed in respect of surgery that was not medically motivated. An estimated 3,000 circumcisions are performed every year, mainly on boys in Muslim and Jewish families. The law specifies under what conditions a circumcision may be performed, and who may perform it, and also specifies the penalty for any unauthorised person found to have performed such surgery. Pain relief is made compulsory and the operation may only be performed by a registered medical practitioner or by someone granted special dispensation by the National Board of Health and Welfare. Such dispensation may be granted to persons associated with a specific religious community where circumcision is a traditional feature. Prior to the operation, information is to be provided to both the parents and the boy, and both legal custodians must consent to the surgery. The boy's own view of the matter is to be determined as far as possible, and the operation may not take place without his consent. The effects of the law are to be evaluated within four years of its entering into force. See appendix 3.

## *Health in Swedish development cooperation*

419. Health promotion is an important part of Sweden's international development cooperation work. The aim is to support partner countries in their efforts to improve the general state of health among their citizens. This is to be achieved by:

- A. Influencing social, economic and environmental factors that affect the health of the individual by strengthening the role of the health sector and by influencing health-related policies and health results in other sectors. A basic elementary education is vital to the task of upholding rights and determining how rights are respected.
- B. Supporting the development of sustainable and effective health systems available to all citizens regardless of age, gender or economic status and providing an acceptable level of health service.

420. Sweden is giving priority to the following areas in its work on behalf of child health rights:

### **1. Changing factors outside the health system**

The most important factors affecting individual health lie outside the health system itself. Such factors include people's social and economic situations, environment, access to food and water, education, and their level of knowledge concerning matters of hygiene. Other factors are individual lifestyles and risk behaviour in traffic, sexuality, food habits, and levels of alcohol, tobacco and drug use. Hygiene and water as well as family care and nurture, e.g. in the form of breastfeeding, are the most important factors for infant children. The spread of HIV/AIDS and other sexually transmitted diseases, along with the high mortality rate resulting from pregnancies among teenagers, makes young people's teenage years a particularly hazardous phase in life. This is also a momentous time in general for young people, and their views and active participation are matters of particular importance. Access to information about different contraceptive practices, sex education and the care and treatment of sexually transmitted diseases, as well as pregnancies and abortions, are priority issues in the case of teenagers.

### **2. Developing effective health systems for all**

Health systems must have considerable resources at their disposal if they are to function properly, well above the levels available to low-income countries today, and satisfactory developments in this area can only be achieved by combining increased national resources with greater development assistance for health purposes. Child health absorbs the largest share of assistance to the health sector. While child health and medical care has had an impact on both policy and practice, maternity care has primarily had an impact on policy. A limited number of diseases such as HIV/AIDS, tuberculosis, malaria, child diseases, maternal diseases and malnutrition are major priorities in the work to ensure people's survival. The provision of

quality maternity care and obstetric care as well as the training of midwives and other care workers is essential if children are to get the best possible start in life. Maternity care and child health and medical care must be made available to all irrespective of background, age, social situation and the like. Such care must be informed by respect for and acceptance of social, ethnic and cultural dissimilarities, especially in the case of girls. This also means providing vaccination programmes and paediatric care for children under five years of age, as well as health information programmes. The requisite economic resources must be guaranteed so as to ensure that all citizens receive the care they need. The treatment, care and rehabilitation of children with disabilities as well as children with mental health problems is also important.

421. Young people are demanding youth-oriented health service centres at which they can receive guidance concerning sexually transmitted diseases and discuss lifestyle and sexual matters both with one another and with adults. School health services are another important component.

422. Sweden is currently developing partnerships with central government actors and the civil society with a view to further improving health and progress in youth communities. Innovative ways of reaching young people and working together with them are vital in this respect. Young people must be helped to acquire greater self-confidence, gender awareness and gender equality, and the strength to say "No". Young people's own organisations and schools are particularly important in this respect. The transition from childhood dependence to adult independence involves seeking out one's identity and lifestyle in a rapidly changing world. Swedish development cooperation prioritises the right of children and adolescents to develop independence and responsibility and sound lifestyles and habits, and to learn about reproductive health, HIV/AIDS and drugs. Young people also have the right to take part in the dissemination of information, opinion building activities and mobilising operations on behalf of their own rights. They must be given the chance to develop skills that leave them better equipped to deal with the difficulties they encounter. They also need a greater say in decisions affecting them. Children and their parents must acquire a say in how educational and health systems are structured by exploiting their user influence and the political process.

423. In international development cooperation work, the fight against HIV/AIDS is a major priority and incorporates an explicit child perspective. In accordance with the declaration adopted by the United Nations General Assembly at its special session on HIV/AIDS in June 2001, the Swedish Government will be placing particular emphasis on measures, including opinion building efforts, that help counteract denial and silence on the HIV/AIDS issue. Transparency with regard to sexually transmitted diseases, including HIV/AIDS, helps people - not least young people - to discover how HIV/AIDS is spread and how they are to protect themselves against infection. Thus transparency can help prevent the spread of HIV/AIDS. The Government will also be increasing its funding to the United Nations population programme (UNFPA) and has previously announced its intention to allocate a total of SEK 600 m, including SEK 60 m for the present fiscal year, to the newly-created Global Fund to Fight AIDS, Tuberculosis and Malaria.

### 7.3 Social protection and childcare (art. 26 and art. 18, para. 3)

#### *Improved family support systems*

424. On 1 January 1998, a general child perspective was introduced into the Social Services Act. Under the new provision, all measures concerning children are specifically to take the best interests of the child into account. Compliance monitoring by the county administrative boards in 2000 showed that as a result of the child perspective being more closely defined, children and the best interests of the child had been accorded a more central place in the work of the social services. A greater number of municipalities now have guidelines for how the best interests of the child are to be served. Some of them, for instance, emphasise the interests of the children in cases where parents face having to change to cheaper accommodation or where decisions are to be taken on whether to grant social security benefits to pay off rent arrears. In a number of municipalities, family households with a long-term dependence on social security are a category granted economic assistance for furnishings, child/parent access travel, holiday travel, leisure-time activities and camp visits.

425. It is felt, however, that children living in families which are chronically dependent on economic assistance are all too often neglected in the case reports on which decisions are based, or alternatively no mention is made of how the child's needs are being met. This is partly due to the fact that there is a pronounced lack of consensus on the meaning of the terms "best interests of the child" and "a child perspective". Accordingly, the county administrative boards and the National Board of Health and Welfare are developing common terminology relating to these terms in cases concerning families with children where the family is chronically dependent on economic assistance. In 2002, the Government decided that the national standard allowance was to include certain improvements for economically assisted households with children. The increases correspond to the living cost figures supplied by the Swedish Consumer Agency for the same year.

426. In connection with the restructuring of state finances in the 1990s, central government expenditure on basic child benefit was reduced by means of a reduction in the amount payable for each child. In addition, supplementary child benefit was abolished for new children. Also the benefit level in the parental insurance was reduced, which affected the pregnancy benefit, the parental benefit and the temporary parental benefit. On 1 January 1998, basic child benefit was restored to its previous level of SEK 750 per child/month. In addition, the decision to abolish supplementary child benefit was revoked. This entailed readjusting the special housing allowance that had been introduced to compensate certain households for the loss of supplementary child benefit. As of 1 January 1998, this special housing allowance once again stands at between SEK 600 and 1,200, depending on the number of children. The benefit level in the parental system was raised to 80 percent of the income in 1998.

427. Since 1999, a number of changes have been introduced to improve the situation of children and their families. Basic child benefit, extended child benefit and study grants, for instance, have been adjusted upwards on two occasions to their present level of SEK 950 per child/month. Supplementary child benefit has also been raised on two separate

occasions.

428. As of 2002, parental insurance has been extended by 30 days to the present 480 days. Nowadays, a total of 60 days are reserved for fathers and mothers respectively. In practice, this means that the system incorporates two “dad’s months” introduced for the purpose of increasing the participation of fathers in parental leave and in the care of the child. In addition, the guaranteed basic level of parental benefit has been raised from SEK 60 to 120 per day. This is payable to parents who have little or no income or do not meet the qualifying requirements for parental insurance. From 2003 the minimum level will be raised to SEK 150 per day. The Government intend to increase the maximum level in the parental insurance system from 7.5 times basic amount to 10 times the basic amount from July 2003. This will mean a better coordination between the loss of income and the benefit received.

429. In 2000, the Government appointed a commission to examine the state of economic family policy in Sweden. The National Commission on Family Policy presented its final report, *Out of the Poverty Trap (Ur fattigdomsfällan - SOU 2001:24)* in February 2001. The commission’s task was to analyse child benefit, maintenance support and housing allowance for families with children, and to consider without prejudice whether it might be possible, within a general welfare policy framework, to revise and modernise the present system of economic assistance to families. Another goal was to look at the feasibility of moving benefit provision in a direction calculated to reduce marginal effects while increasing the accuracy of distribution policy measures. The commission devoted particular attention to housing allowance as this type of benefit is responsible for a sizeable share of the marginal effects in the case of families with children. The commission’s report has been referred for consideration and is currently being processed at the Government Offices.

430. From 2003, new rules will apply in the case of child pensions. Child pensions under the basic pension and supplementary pension (ATP) schemes will be replaced by income-based child pensions and a special allowance for surviving children. Child pensions already granted up to and including 2002 will be subject to transitional rules in accordance with the old rules. The upper age limit for caring allowances will be raised from 16 year of age to the beginning of the halfyear of the 19th birthday. In other respects, see *Social security and child care* in CRC/C/65/Add.3, pp. 105-110.

#### *Applications for financial assistance*

431. In principle, children can apply for financial assistance on their own behalf from the age of 15. The Social Services Act states that “children who have reached the age of 15 are entitled to plead their own cause in respect of legal proceedings and other business under the present Act”. If a minor has turned 15 but not yet 18, the age of majority, both the legal custodian(s) and the young person concerned will in general be the parties litigant, which means that the custodians/parents must have given their consent. Approximately 0.3 per cent (769) of all households receiving assistance are under 18.

432. The Parliamentary Ombudsman has stated that providing individuals with the assistance they need is part of the duties of the social services. In the absence of other alternatives,

therefore, a social services committee can intervene and provide economic assistance to young people applying for it on their own behalf. Providing economic assistance to a child without the consent of the legal custodian, however, is a solution that should only be adopted as a last resort when all other available means have been exhausted.

#### *Expansion of the childcare system*

433. During the 1997-2001 period, the number of children registered in the Swedish child daycare system fell as a result of declining birth rates. The national proportion of children in registered child daycare, however, has continued to increase from year to year. Today, most families with children have access to this form of care and avail themselves of it. Some 90 per cent of gainfully employed parents have children in child daycare, and in other categories, too, the numbers are increasing. As a result of the expansion of child daycare facilities, virtually all municipalities are today fulfilling their obligation to provide places for the children of parents who are either gainfully employed or engaged in studies, without any lengthy waits being required. A small number of municipalities, however, are still having difficulty fulfilling the intentions of current legislation in this area.

434. The largest proportion of registered children is to be found in metropolitan areas and suburban municipalities, i.e. in regions where the rate of female employment is high. Family daycare units are more often found in rural and sparsely-populated municipalities while pre-school and school-age childcare (leisure-time centres, etc) are more common in metropolitan areas and suburban municipalities. Children in white-collar families, particularly in the families of senior white-collar professionals, were long over-represented in the child daycare system. Expansion of the system, however, has reduced this imbalance.

435. Children of foreign extraction are less likely to have pre-school places than other children. The differences, however, are comparatively slight and refer to children whose parents are gainfully employed or studying. Among unemployed parents, children with parents born abroad tend to be over-represented. See also Table 22-23 in Appendix 1.

436. The basic provisions concerning parents' right to a pre-school place for their children have not changed since 1997. The committee reviewing the Education Act is examining the question of how pre-schools and school-age childcare can best be integrated into this law.

#### *Children of unemployed parents and parents on parental leave - universal pre-school*

437. As of 1 July 2001, children in the 1-5 age group whose parents are unemployed have the same right of access to pre-school education as the children of gainfully employed parents and parents engaged in studies. Such children are guaranteed a pre-school place for three hours a day or 15 hours a week. The right to pre-school extends to keeping a place as well as to being found one. On 1 January 2002, a similar right of access to pre-school education was introduced for children aged 1-5 whose parents take time off from work to care for another child in the family who is sick. On 1 January 2003 a universal pre-school for all children 4-5 years of age is introduced. The universal pre-



school will be free of charge for at least 525 hours per year.

438. According to the funding estimates for this reform, an additional 45,000 children will have access to pre-school education. Many of these children will be of foreign extraction or live in rural or sparsely-populated areas, where the pre-school system has not developed to the same extent as in metropolitan areas. All children are to be given access to pre-school education irrespective of their social, economic and geographical situations, and no children are to be excluded. Pre-school must become a child right and a parental choice. The principle is that no-one should have to go without a place because it costs too much or because of a restrictive regulatory system.

#### *Fee ceiling*

439. On 1 January 2002, a fee ceiling was introduced for pre-school education and school-age childcare. The introduction of such a ceiling by municipalities is not mandatory. For those who introduce a ceiling, a special government grant is provided to compensate them for the resultant loss of income.

440. To qualify for this grant, municipalities must not charge parents more than three, two and one per cent of household income before tax for the first, second and third child in the family respectively. Nor may the fee exceed SEK 1,140 a month for the first child, SEK 760 for the second and SEK 380 for the third child attending a pre-school facility.

441. In school-age childcare, fees are not to exceed two per cent of household income before tax for the first child and one per cent of income for both the second and third children in the family. In monetary terms, however, fees may not exceed SEK 760 a month for the first child and SEK 380 a month for the second and third children respectively. The fourth child can attend free of charge.

442. The ceiling means a reduction in fees for most families with children of between SEK 500 and 1,000 a month. All municipalities in Sweden except two chose to introduce fee ceilings on 1 January 2002. The remaining two municipalities intend to introduce such ceilings on 1 January 2003.

443. Over and above the special grant for fee ceilings, municipalities have access to government funding for quality assurance programmes. This type of grant is to be used for reinforcing staff and developing their professional skills.

#### *The costs of the reforms*

444. The reforms in the pre-school and school-age childcare sectors will cost a total of SEK 5,600 m a year in the form of a permanent increase in government funding to Sweden's municipalities. The pre-school programme for the children of parents who are unemployed or on

parental leave, as well as the universal pre-school programme, will be financed via an increase in the general government grant to the municipalities. The fee ceiling and quality assurance funding will be financed via special grants that the municipalities requisition from the National Agency for Education.

Reform	Costs from year 2003
Pre-school education for children of unemployed parents	SEK 200 m
Pre-school education for children of parents on parental leave	SEK 200 m
Fee ceilings	SEK 3 400 m
Quality assurance funding	SEK 500 m
Universal pre-school education for 4-5-year-olds	SEK 1 200 m
Total	SEK 5 600 m

#### *Quality in pre-school education*

445. Pre-school education in Sweden is facing new tasks at both national and local level that need to be embarked upon with respect. Pre-school education enjoys the confidence of parents and also has considerable public legitimacy, but was exposed throughout the 1990s to budgetary cuts which inevitably had an adverse effect on activities. For the past three years, however, resources per pre-school opening have increased. The child-staff ratio is 5.4 children per full-time employee, which is a slight improvement on previous years. There are, however, considerable variations between municipalities. The Government has instructed the National Agency for Education to perform an in-depth study into the size of pre-school groups and child-staff ratios, and also to make a comprehensive analysis of the results, based on research and experience. Pre-school education must be guaranteed the resources that will enable it to fulfil its function properly. Central government investment in pre-school education must be matched by initiatives and priority investment at municipal level. It is the responsibility of the municipalities to ensure that pre-school education and other forms of childcare are conducted in such a way that the national curriculum goals can be achieved.

446. Financing of the fee ceilings includes both the annual reimbursement of SEK 3,400 m to cover the overall loss of municipal income and the annual quality assurance grant of SEK 500 m, which is to be used for staffing improvements and for developing professional skills. The initial payment to the municipalities of the special government grant for fee ceilings and of the quality assurance grant was made in March 2002.

447. According to the requisition orders that the municipalities have submitted to the National Agency for Education, 85 per cent of the quality assurance funding is to be used for staff recruitment and 15 per cent for professional development. All told, the municipalities intend to recruit 1,650 pre-school teachers, childminders and recreation leaders during the first year of fee ceilings, as a result of the quality assurance initiative. Assuming that the same number graduate this year as last, some 1,700 pre-school teachers and recreation leaders are to enter the labour market this spring.

448. As yet, it is too early to say what effect fee ceilings will have. On 1 March 2003, the follow up of fee ceilings and the other reforms - pre-school education for parents who are unemployed or on parental leave and universal pre-school - will be reported for the

first time in

quantitative, qualitative and economic terms. Changes in volume over the year, as regards both the number of children in pre-school childcare and the time they spend there, will be examined in detail. In light of the favourable response that the fee ceilings have met with among an overwhelming majority of parents and municipalities, an initial preliminary evaluation in the form of a progress report will be presented as early as the autumn of 2002, on the basis of the figures available at that time.

449. In 2001, a total of 68 per cent of children aged 1-5 were enrolled at a pre-school (60 per cent of those aged 1-3 and 79 per cent of those aged 4-5), and upwards of 9 per cent attended family day care units. Just over 66 per cent of children aged 6-9 were enrolled at leisure-time centres. In all, over 700,000 children were registered pre-school users in 2001, against 70,000 at the beginning of the 1970s.

#### *The Government's urban development policy*

450. In its bill, Development and Justice: a policy for metropolitan areas in the 21st century (*Utveckling och rättvisa - en politik för storstaden på 2000-talet* - prop. 1997/98:165), the Government presented a national urban development policy for the first time. In December 1998, the Riksdag presented two principal objectives for urban development policy: to provide metropolitan regions with the means for achieving a sound rate of growth and thereby creating new job opportunities both in these areas and elsewhere in the country, and to end social, ethnic and discriminatory segregation in metropolitan regions and strive to achieve equality and equal opportunity among their inhabitants. The bill also specified a number of target areas for each objective. Since 1999, the Government, in consultation with seven local authorities in metropolitan regions, has begun to implement an urban development policy. In all, it has allocated over SEK 2,000 m for the 1999-2003 period. The seven local authorities are together required to contribute the same amount. All funding is distributed to the local authorities directly via what are termed local development agreements.

451. In order to achieve the overall objectives of urban development policy in metropolitan regions, and to end social, ethnic and discriminatory segregation, coordinated long-term action will be required. Central and local government measures, therefore, have been brought together in local development agreements for the most disadvantaged city areas. These agreements incorporate locally defined goals, a plan of action for each housing area specified, regulation of central and local government commitments in each area and a plan for follow up and evaluation. The agreements also specify how these programmes are to be financed.

452. The various parties to the agreements are to translate the national objectives into common goals for local development work. Prior to the end of the contractual period, the parties are to perform a collective progress check and evaluation. They will then decide on the future course of work with metropolitan issues and the prospects for continuing with development efforts.

453. In its metropolitan policy, the Government and the local authorities concerned have strongly emphasised education and the need to improve educational programmes in the metropolitan regions. Initiatives to improve linguistic development among pupils are

a top priority. For pupils, a good command of the Swedish language is essential to a proper understanding of instruction in all school subjects.

454. The programme ranges over pre-school education in socially disadvantaged areas, funding for language development in schools and a drive to find practical training openings for adult immigrants.

455. Under the pre-school programme, all children aged 3-5 without pre-school places in the housing areas covered by the agreement are offered part-time places. Efforts are being made to increase the number of children in pre-school education, by such means as seeking greater contact with parents from immigrant backgrounds. Staffing is being stepped up in all pre-schools in these areas while at the same time the staff's linguistic skills are being improved by means of training and of method development. In a large number of the housing areas concerned, activities are under way aimed at boosting parental involvement in pre-school activities. See also section 8.1.

456. The funding of language development in schools is intended to equip children with the means to achieve the compulsory school objectives through having a better command of Swedish. Development work is also focusing on improving language skills by using the school as a meeting point for pupils, parents and others from the local community. This endeavour encompasses method development and in-service training for staff, but also takes in programmes emphasising culture in schools. In a number of the housing areas involved, special activities in support of school work have evolved, such as language and study workshops where pupils can get help with their homework and also get help in their mother tongue with such problems as understanding the meaning of Swedish words and expressions and thus be in a better position to keep up with the teaching provided at school. Results have been good and these development projects show that it is possible to improve school education and give pupils a good start in life.

#### **7.4 Living standards (art. 27, paras. 1-3)**

##### *Inquiry into maintenance support*

457. In the spring of 2002, the Government decided to appoint a committee to examine the rules concerning maintenance support. The inquiry is to proceed from the assumption that the fundamental principles in the system are retained. Some criticism, however, has been levelled at the maintenance support system. Consequently, the committee has been charged with analysing it and determining ways in which it might be changed so as to accord more closely with the actual support needs of children who have parents living apart. Another aim is to achieve greater harmony between the other systems that guarantee the maintenance of children living with only one of the parents, i.e. maintenance allowance, maintenance support and child pension. The committee is also to consider whether and to what extent maintenance support should in future be payable to the resident parent in cases where the parent concerned, either alone or together with the other parent, is in a position to provide for the child. In addition, the committee is to consider whether the amount of assistance and the repayment requirement should be adjusted or differentiated to accord with different family situations, and whether

repayment levels for parents owing maintenance are reasonable, especially in the case of those with many children. The committee is to report its findings by 31 March 2003.

### *Caring allowances*

458. The Riksdag has decided to raise the upper limit for entitlement to caring allowances for children with disabilities from the age of 16 to 30 June in the year that the child turns 19. The higher limit will apply from 1 January 2003. Social development in Sweden has shown the 16-year age limit to be outdated. A higher upper limit corresponds more closely with the special responsibility for care provision that rests with parents.

459. The number of caring allowances granted to applicants is increasing. The National Social Insurance Board was therefore instructed in its appropriations directions for 2002 to determine the reasons for this. The Board notes in its report that the number of caring allowances has been growing since 1990. This is due to a number of different factors, including to some degree an increase in the overall number of children in the population.

460. The Government considers that the question of why the number of approved allowances is rising should be examined further. It aims, therefore, to instruct the National Social Insurance Board in consultation with other public authorities to make a closer study of the various factors that could help explain the increase in the number of cases involving caring allowances.

### *Living standards and child poverty*

461. Family policy in Sweden is to proceed from the best interests of the child. One of the basic aims is to create the kinds of conditions that allow all children to grow up under equal terms. This can be achieved partly by helping parents to meet economic commitments of importance for the welfare of children during their upbringing, and partly by providing parents with the opportunity to combine parenthood with gainful employment or studies.

462. The previous report offered a description of the economic assistance available in Sweden to children with families, including social security benefit. See CRC/C/65/Add.3, pp. 111-113.

463. Economic assistance in the family policy sector is designed to provide economic security for families with a heavy maintenance burden. The purpose of the economic family policies is to reduce the differences in economic standards between families with and families without children within the framework of the general welfare system.

464. On 1 January 2001, child benefit was raised by SEK 1,200 to SEK 11,400 per child/year. Supplementary child benefit was also raised. This supplement now amounts to SEK 3,048 per year for the third child, SEK 9,120 per year for the fourth and SEK 11,400 per year for the fifth child and each subsequent child. The Government have announced further increase of the child benefit during the current term of office. As of 1 January 2002 the child-related part of the national standard sum for maintenance

assistance was raised so as to meet children's needs in a more satisfactory way.

465. Even though most children in Sweden enjoy a high material standard, there are still children living in families with scant economic resources. About 180,000 children live in families drawing social security benefit on a continuous basis. This group is dominated by lone

parents and families in which the parents were born abroad. Efforts are currently under way to reduce the number of benefit recipients by improving access to jobs and by means of long-term social work. This is also important for the good of the children in the family. Only limited knowledge is available concerning the effects on children of living in families with scant economic resources. It is not clear how this affects the child's self-esteem, faith in the future, school performance, state of health, prospects for taking part in leisure-time activities, or susceptibility to accidents, etc. The Government has initiated a knowledge assessment programme in preparation for taking whatever measures prove necessary.

*Study grants increased for upper secondary pupils*

466. To boost economic assistance to young people attending upper secondary school and to their parents, the Government has proposed amending the Act on Study Assistance (*studiestödslagen* - 1999:1395) to make study grants payable for ten months instead of nine from 1 January 2003. The Government has also appointed a committee to review the study assistance scheme.

## **VIII. EDUCATION, LEISURE TIME AND CULTURAL ACTIVITIES**

### **(art. 28, 29 and 31)**

#### **8.1 Education, including vocational training and vocational guidance (art. 28)**

*Government development plan*

467. In May 2002, the Government presented a development plan for pre-school, school and adult education in Sweden, entitled Knowledge, Quality and Interaction in the Education System. The plan outlined the Government's objectives, results and visions regarding educational policy over the next few years. It focused in particular on the development of quality systems designed to ensure universal access to knowledge and education.

*Suitability tests for staff*

468. On 1 January 2001, a law entered into force concerning the screening of staff working in pre-school and school education and in school-age childcare. Under this law, employers are required to check the records of job applicants in all staff categories prior to recruitment. Applicants themselves must produce an extract from police records concerning their person. The aim of the law is to deter people convicted of serious crimes, such as sex offences and child pornography offences or offences involving gross violation of integrity, from applying for posts in fields of activity that involve contact with children.

*Universal pre-school*

469. On 1 January 2003, a universal pre-school system for children aged 4-5 will be introduced in Sweden. All children are to be offered a pre-school place from the autumn term of the year they turn four. Universal pre-school is to be free of charge and will offer



pre-school

activities for at least 525 hours a year. This corresponds in principle to three hours a day during the school term. Municipalities are required to inform parents of the existence and purpose of the system. Most four- and five-year-olds have parents who are either employed or studying. In their case, the same rules apply as previously: they are to be given pre-school access to whatever extent is necessary taking into account parents' hours of employment or studies or on the basis of the children's needs. Universal pre-school will mean that a greater number of children of foreign extraction, as well as children in rural and sparsely-populated areas, where pre-school education is not as widely available as in urban areas, will have access to pre-school activities.

#### *Pre-school classes*

470. On 1 January 1998, pre-school classes were introduced for six-year-olds in Sweden as an initial, voluntary year of education. Pre-school class comprises 525 hours a year and is free of charge. The aim is to provide all six-year-olds with equal or equivalent opportunities prior to starting compulsory school at the age of seven. An important goal is to bring pre-school, school and leisure-time activities closer together and ensure that these different educational traditions benefit by such interaction. To this end, the national curriculum for compulsory education has been revised in certain relevant respects to encompass the pre-school class and the leisure-time centre.

471. The Government gave the National Agency for Education a three-year assignment to monitor developments concerning the pre-school class and its integration with schools and leisure-time centres. The Agency's final report shows that pre-school classes have hitherto focused excessively on traditional educational activities, even if some favourable trends are also noted. The intentions of the reform need to be reiterated more strongly and developed further.

#### *Compulsory education - varied goal attainment*

472. The Government has addressed the problem of varied and inadequate goal attainment in compulsory schools following the introduction of the new grades system in the spring of 1998. The National Agency for Education has been instructed to "look behind the figures" and analyse the reasons why certain pupils are not attaining the national goals.

473. According to the Agency's report *Without Final Grades: Why not all pupils attain their objectives (Utan fullständiga betyg - varför når inte alla elever målen? - Rapport 202: 2001)*, process-related causes (ones that the school itself can influence) of this failure to attain goals include unsatisfactory relations between pupils, staff and parents, inadequate adaptation of work methods to pupils' capabilities, needs and ambitions, and low pupil expectation as to results. Another cause may be shortcomings in professional development for teachers. In the case of pupils of foreign extraction, the report found that mother tongue tuition and study guidance had been accorded low priority. In the case of pupils with disabilities, schools often demanded a diagnosis as a condition for granting assistance.

474. Factors relating to the individual - which schools can do less to influence -

include the pupil's social situation and the parents' educational background. In the case of pupils of foreign extraction, cultural difficulties, short periods of attendance and a lack of educational background may also be factors.

475. It is up to each municipality to analyse its own results and take appropriate measures. Results vary considerably, however, both between schools and between and within municipalities. These gaps appear to be widening. Nevertheless, schools vary little in Sweden by international standards, according to the latest survey by the Program for International Student Assessment, PISA. (The PISA survey is the OECD's major study of the educational performance of 15-year-olds in over 30 countries around the world.)

476. A number of schools experience problems that are not exclusively their own but which reflect general problems in society at large, such as housing segregation and social problems. In this area, the Government has introduced long-term measures such as the universal pre-school initiative and a revised teacher training programme, and is also applying general policy measures in such fields as business enterprise, housing and social integration.

477. The Government is contributing to a higher level of goal attainment by increasing government grants, funding professional development programmes for teachers, reviewing policy documents and teacher training, evaluating public programmes and requiring municipalities to improve their reporting on quality development. The National Agency for Education is assisting the municipalities in their development dialogues. Action was taken in all these fields during the Government's term of office, but the results will not be evident until later.

478. The Government has also initiated a wide-ranging programme for boosting child-staff ratios in compulsory education and school-age childcare. Over a five-year period, Sweden's municipalities are to be allocated SEK 17,500 m for the purpose of improving the situation of children and young people in schools and leisure-time centres. When the programme is at its height, the number of employees in these two institutions will have increased by about 15,000.

479. The Riksdag has also granted the municipalities extra resources that will enable them to offer teachers specially targeted programmes for their professional development as well as development projects in priority educational areas such as basic training in reading, writing and arithmetic, remedial instruction, and efforts in environments where there is a high concentration of children and young people with many different nationalities and languages.

#### *National minorities*

480. Sweden's five minority languages - Sami, Finnish, Meänkeli (Tornedal Finnish), Romani Chib and Yiddish - are used to different extents in education and exist under different organisational conditions. Sami, Tornedal Finnish and Roma pupils are entitled to receive mother tongue tuition even if it is not their everyday language and even if the

number of pupils is less than five.

481. In the 2001/02 academic year, approx. 180 pupils were enrolled in one or other of the six Sami schools. In addition, 187 pupils took part in integrated Sami classes. In 2001, the cost to the Sami Board of Education - the principal for this type of instruction - was SEK 31.4 m.

482. On 1 April 2000, new laws entered into force in support of minority languages in Sweden. In the educational field, this legislation gave children and parents right of access to pre-school activities provided wholly or partially in Sami, Meänkeli or Finnish in seven municipalities in the province of Norrbotten.

483. In March 2001, the National Agency for Education reported on an assignment concerning mother language tuition and bilingual tuition targeting the country's national minorities. In the report, the Agency identified a need both for teaching aids in the languages concerned and for professional development among teachers in the case of all five minority languages. The proposals are currently being considered at the Government Offices.

#### *Mother tongue tuition*

484. The opening section of the national curriculum, dealing with both the common democratic values and the task of pre-school education, note that increasing cross-border mobility is creating greater cultural diversity in Swedish pre-schools, which in turn is giving children the opportunity to learn the value of respect for all individuals regardless of their background. Under the curriculum, the pre-school is to assist children who have mother tongues other than Swedish to develop their skills in both Swedish and their mother tongue.

485. Resource allocations to mother tongue tuition in Sweden have been declining for some time. Targeted grants to the educational sector, which are being introduced to boost child-staff ratios in schools and leisure-time centres, may have an impact if the money is used to recruit additional mother tongue teachers or teachers specialising in Swedish as a second language.

486. Approximately 12 per cent of all compulsory school pupils are entitled to mother tongue tuition, but only about 6 per cent make use of this opportunity. Mother tongue tuition is provided in Arabic, Finnish and Bosnian/Croatian/Serbian, and in 119 other languages. The willingness of pupils and parents to seek mother tongue tuition may have been affected by the fact that more than 60 per cent of the instruction is provided outside school timetables, often in inadequate premises, and that qualified mother tongue teachers are only available to a very limited extent.

487. Often, pupils receiving mother tongue tuition are also to be found in classes taught Swedish as a second language. Here, too, a lack both of qualified teachers and of premises and equipment has been evident. Of the total number of pupils in compulsory education in Sweden, 5.7 per cent received mother tongue tuition in 2001.

488. On 15 May 2002, the National Agency for Education reported on a government

assignment which included analysing the organisation and extent of mother tongue tuition and study guidance at both compulsory school and upper secondary level. The Agency's report addressed attitudes towards mother tongue tuition and the need for study guidance in pupils' mother tongues, and proposed both the introduction of incentives and changes in the relevant ordinance.

489. One of its proposals was that entitlement to mother tongue tuition should be governed by statute. Another proposal was that measures to strengthen mother tongue tuition should, as far as possible, be taken within the same organisational framework as that applied to central government assistance for educational development at municipal level, i.e. as part of what are

known as the development dialogues. The Government will now consider what action needs to be taken in order to improve the situation of pupils of foreign extraction, partly on the basis of the National Agency for Education's report.

490. In its educational development plan (May 2002), the Government proposes that the first task of the new Educational Development Authority be to review the position of pre-schools and schools in segregated areas. The question of strengthening mother tongue tuition and Swedish as a second language needs to be examined more closely, as do the reasons why young people of foreign extraction tend to perform less well in school than young Swedes. See also Table 24 a) and b) in Appendix 1.

#### *Asylum seekers' right to an education*

491. As of 1 January 2002, asylum-seeking children and children granted temporary protection (mass-flight refugees) under Chapter 2, paragraph 4 a of the Aliens Act (1989:529) are entitled to schooling in the public educational system, pre-school and school-age childcare on approximately the same terms as children resident in Sweden. The same applies in the case of children who have sought asylum in Sweden on other grounds and who have been granted the right to stay in the country while their applications are being dealt with. Central government grants are provided to the municipalities for this purpose.

#### *Extended hours of instruction*

492. In order to improve pupils' chances of achieving the educational objectives, Swedish upper secondary schools' hours of instruction, i.e. the minimum amount of teaching they are required to provide, were extended in 2001. This involved both a general increase of 30 hours for all national and individually-tailored programmes, and a further 30 hours for programmes with vocational subjects.

#### *Individual development plans and remedial assistance*

493. In its development plan for quality improvements in the pre-school, school and adult education fields - Education for Knowledge and Equality (*Utbildning för kunskap och jämlikhet* - 2001/02:188) - the Government states that schools should be given a more specific duty to inform parents and pupils of each child's study progress. Regular performance appraisals play an important role in this respect, and professional development measures should be instituted with a view to improving informational exchange. This in turn should point the way to a forward-looking individual development plan for each child.

494. In 1999, the Ordinance on Upper Secondary Education was amended so as to give pupils the right to remedial instruction should it be feared that they would not otherwise attain the national educational goals or should they need special assistance for some other reason. A further amendment introduced in 2000 requires the headteacher to ensure that pupils in need of special remedial assistance benefit from a programme of measures drawn up for the purpose. This gives pupils the same right to support as they enjoy in the compulsory school system. See also table 25 in Appendix 1.

### *Study and vocational guidance*

495. A special investigator reported to the Government in 2001 on the future of study and vocational guidance programmes in education. One of the investigator's tasks was to propose goals for this area on the basis of the new demands imposed by developments in working life, education and the social sphere. The proposals are currently being considered at the Government Offices.

### *Cooperation between schools and working life*

496. In order to enhance individual programmes at upper secondary level and give more pupils the opportunity to switch to and complete studies in a national or specially designed programme, the Government proposed in a bill, Certain Educational Matters, Etc (*Vissa skolfrågor m.m.* - prop. 1998/99:110), that pupils in individual programmes be offered courses specifically oriented towards national or specially designed programmes.

497. In 1999, the Government instructed the National Agency for Education to examine how the quality of upper secondary vocational training and other programmes might be improved. Funding was to be divided among the following:

- 1 Development of vocational training and of the forms for cooperation between schools and working life;
- 2 Development of teacher skills in vocational subjects, focusing on pupils' occupational roles;
- 3 Development of models for programme-oriented individual programmes.

498. A trial programme, Learning in Working Life, was introduced at upper secondary level in the autumn of 2000. This offers pupils an alternative route to attainment of the national or specially designed programme goals and involves at least 30 weeks of a three-year upper secondary vocational programme being undertaken at a workplace.

### *The Educational Law Commission*

499. With a view to developing modern legislation in the educational field better suited to a system of management by objectives and results, a parliamentary commission, the Educational Law Commission, was set up in 1999. Its task is to review the entire range of educational legislation, partly in light of the decentralisation of decision-making in the educational sector that took place in the early 1990s and partly because of the transfer of responsibility for pre-school activities and school-age childcare from the Ministry of Health and Social Affairs to the Ministry of Education and Science.

500. The Committee is specifically charged with reviewing pupils' legal rights. Areas of discussion in this respect include grades reassessment, measures to protect pupils against

violence and bullying, and the extent to which pupils are able to influence school matters. Another central issue is the integration of pre-school and school-age childcare into the educational system.

#### *The Upper Secondary Education Committee*

501. The future structure of upper secondary education in Sweden is being examined by a parliamentary committee, the Upper Secondary Education Committee, which to some extent will be coordinating its proposals with those of the Educational Law Commission. The committee, which was set up in 2000, is considering how upper secondary education might be organised in light of the changes that have occurred both in the employment sector and in society at large and also in light of the need for wider recruitment to higher education. The committee is further to consider how all paths of study might be made accessible to pupils throughout the country, and the economic consequences of such a move. In addition, the committee is to analyse the impact of school sizes on quality and the range of study paths available.

502. The Upper Secondary Education Committee is also discussing what can be done to reduce distorted recruitment and the drop-out rate among pupils of foreign extraction. In addition, it is to review the eligibility terms for upper secondary admission. The committee is to submit its report to the Government by 16 December 2002.

#### *The Mathematics Commission*

503. The Government considers that mathematics instruction must be improved if pupils' interest in and understanding of this subject is to develop. This applies in particular to girls, who tend to drop both mathematics and subjects in the general science field to a greater extent than boys. In the autumn of 2002, the Government intends to appoint a commission to draw up a plan of action containing measures and initiatives aimed at boosting interest and proficiency in mathematics at all educational levels.

#### *The Vocational Training Commission*

504. The Government is planning to initiate the establishment of a special vocational training commission incorporating representatives from trade and industry, union organisations and the public sector. Together with the relevant public authorities, this body will be required to encourage further development efforts aimed at finding new forms for cooperation between upper secondary vocational training and working life.

#### *The National Agency for Education*

505. The National Agency for Education works with follow up, evaluation, quality development and supervision in overseeing educational activities in Sweden and contributing to their advancement. It is assisted in this task by the Quality Review Board, which was established in 1998 and has a government mandate to carry out thematic quality studies. Hitherto, such studies have focused on the role of school leaders in a decentralised management system, instruction for pupils in need of special assistance and school efforts to combat bullying and other abusive treatment.



506. This selection of themes reflects problem areas in which the Government is anxious to bring about improvements. The study findings have been distributed to all municipalities and schools in the country, and have also provided supporting material for the Government's ongoing reform efforts in this field.

507. As of 2001, the National Agency for Education has been working with special measures targeting municipalities in which many pupils fail to attain the educational goals. Via what are known as development dialogues, the National Agency for Education is discussing with these municipalities what measures are required in order to further goal attainment. To some extent, the Agency has also redirected its resources for professional development programmes for teachers in order to strengthen efforts in these municipalities. In the Government's opinion, the impact of this redistribution of resources will become evident over the next few years.

508. Under the Government's development plan, the National Agency for Education is to be divided into two agencies in the spring of 2003. One of these is to have responsibility for inspection, supervision, follow up and evaluation while the other is to focus on promoting educational development.

#### *International cooperation*

509. Swedish education is becoming increasingly international in character. A survey by the International Programme Office for Education and Training shows that seven schools in ten have established some form of international contact. Sweden's most important partners in the educational field are the EU, the OECD, the Council of Europe and the Nordic Council of Ministers.

510. In 2001, the International Programme Office distributed SEK 13.8 m in government grants to over 500 schools to encourage the development of their international contacts. The money was used for such purposes as teacher and pupil exchange programmes and the active participation of teachers in international conferences.

511. Educational cooperation in the OECD mainly involves the analysis and discussion of educational policy issues via different types of projects. Reviews of national educational systems and thematic reviews of specific issues in the Member States are recurrent activities. Among the OECD projects currently under way are ones focusing on teacher recruitment and on the role of national educational systems in the promotion of lifelong learning.

512. To a great extent, EU activities in the educational sphere are aimed at the applicant states of Central and Eastern Europe. Sweden plays an active part in the work of the Council's Education Committee. In 2001, the Council of Europe organised the European Year of Languages in a joint initiative with the European Commission.

513. Sida's policy in the educational sphere emphasises that education is both a human right and an important element in poverty reduction and the promotion of democracy. It is also an important tool in the fight against the exploitation of child labour and in work

on behalf of democratic culture, peace, tolerance and development. The education of women and girls has been found to have a leverage effect both on the wellbeing of the family and on economic development as a whole.

514. In accordance with the Framework for Action adopted by the World Forum for Education in Dakar in 2000, Sida policy emphasises basic education for children, young people and adults. Special priority areas are:

1. Modified planning and teaching methods that reflect participation, a rights perspective and gender awareness, and that centre on the child.
2. Responsible and open leadership in education, especially with regard to budgetary and financial systems.
3. Legislation and programmes for compulsory education reflecting a commitment to a rights perspective and EFA goals.
4. Combating gender, linguistic and ethnic barriers in education and encouraging the development of multilingual education.
5. Promoting access to education of good quality.
6. Improving literacy among children, young people and adults via both formal and informal activities and via greater access to books, libraries and periodicals.
7. Encouraging lifelong learning among young people and adults, particularly teachers.

Teachers are viewed as key figures in the development of good educational practices.

## **8.2 Educational goals (art. 29)**

### *The Convention on the Rights of the Child in education and teaching*

515. The description of teacher training goals in Sweden refers to such matters as democracy, human rights and respect for the child. The National Agency for Higher Education has been instructed by the Government to define a first batch of educational programmes that need to be brought into line with the United Nations Convention on the Rights of the Child. The Agency is also being required to encourage institutes of higher education to determine ways in which the Convention might best be integrated into their teaching. In addition, it is to examine what these institutes are doing to make students aware of the contents of the Convention. Furthermore, the Agency is to inform the institutes of the importance of the Convention via seminars or written materials, and is also supposed to inform the students directly about the existence of the Convention. The Agency is to report back to the Government by 15 June 2003. See also CRC/C/65/Add.3, pp. 15ff).

### *Common basic values in education*

516. Sweden's schools minister at the time declared 1999 to be the Year of Common Values in Education, as a means of highlighting the work under way on value-related issues in pre-schools, schools and adult education and to encourage debate and discussion on the function of Swedish schools.

517. To mark the event, the Ministry of Education and Science launched a special project focusing on fundamental democratic values. It ran from February 1999 to March 2000 and involved encouraging and stimulating local efforts to translate the idea of a community of democratic values in pre-schools, schools and adult education into practical action. An important target group in this endeavour was children and young people. Various kinds of material were produced for these age groups as well as in-depth reports for adults working in education.

518. The Government has invested SEK 12 m in a programme running from July 2000 to June 2003 to support and intensify work in schools on issues relating to common basic values by providing better access to the experience and knowledge available in this field. Two national centres are working towards this end.

519. In its appropriations directions for 2000, the National Agency for Education was instructed to produce a long-term strategic plan for its work with fundamental democratic values. The Government called on the Agency to intensify its cooperation with offices such as the Children's Ombudsman and the Discrimination Ombudsman for the purpose of preventing and combating all forms of abusive treatment.

### *Independent schools*

520. A total of 42,600 compulsory school pupils received their education in independent schools in the 2001/02 academic year, which marked a 21 per cent increase on the previous year. This means that 4.9 per cent of all compulsory school pupils were educated in independent schools. The child-staff ratio in independent schools was 7.9. A total of 17,887 pupils or 5.7 per cent of all pupils attended independent upper secondary schools in the 2001/02 academic year.

521. At compulsory school level, Sweden had 475 independent schools in the 2001/02 academic year. The number of pupils in independent upper secondary schools has also increased. In the autumn of 2001, 48 new independent schools were opened at upper secondary level out of the 114 that had been granted licences. Most independent upper secondary schools are to be found in metropolitan regions and suburbs.

522. In independent compulsory schools, the average cost per pupil was SEK 60,100. The increase from the year 2000 was 4 per cent. Independent schools tend to have higher costs for teaching, school meals and teaching aids/equipment/school libraries than municipal schools, and lower average costs for pupil welfare and premises.

523. The total cost for independent schools at upper secondary level was just over SEK 893 m, and the cost per pupil SEK 75,700. Independent upper secondary schools have higher costs for teaching than municipal upper secondary schools. Child-staff ratios in

independent schools, however, are lower than in municipal schools, which may indicate that salary levels are relatively high in the former.

524. Following parliamentary adoption of the Independent School Bill (Fritstående skolor), new provisions entered into force on 1 July 2002. The provisions concerning grants and fees are not to apply until 1 January 2003. This means, for instance, that independent schools, in the same way as municipal and county council schools, are to employ teachers, pre-school teachers and recreation leaders who are qualified to provide the teaching and instruction they will be primarily concerned with in the course of their duties.

525. In recent years, a number of new independent schools have been established in the form of companies with shareholders. The Government is concerned that conflicts may arise between stock market expectations and the national objectives of the educational system. There is also a risk that the principal of a profit-driven school may want to close the institution down if profits fail to match expectations. For the above reasons, the Government plans to make legislative changes so as to guarantee that the earnings at such institutions are returned to the school and invested in educational development undertakings, such as professional development for staff or support for pupils.

526. The Educational Law Commission is reviewing current legislation on independent schools together with the regulatory framework for public school education in Sweden. See also CRC/C/65/Add.3, pp. 130ff.

### **8.3 Leisure time, recreation and cultural activities (art. 31)**

#### *The pre-school curriculum*

527. Under the Education Act, the task of pre-school activities and school-age childcare in Sweden is to encourage children's development and learning and contribute to an upbringing that is conducive to their wellbeing. Staff working in these fields must have sufficient training and experience to enable them to meet the children's needs of both care and good educational activities. Child groups must be of an appropriate size and composition, and premises must be suited to their purpose. Activities are to be based on the individual needs of each child. Children who need special support for their development are to receive care in proportion to their needs.

528. In August 1998, the first national curriculum for pre-schools was introduced, with the result that pre-schools are now an integral part of the Swedish educational system for the young, and represent the first step in the educational process. The pre-school curriculum is in the form of an ordinance with binding provisions issued by the Government. The document specifies the demands that parents may make on the pre-school and what they are entitled to expect of it.

529. The curriculum also formulates the basic common values and tasks of pre-school education as well as its goals and guidelines. The curriculum does not, however, state how these goals are to be achieved. This is primarily a matter for the professional staff

working in pre-school programmes. At pre-school level, it is not primarily the performance of the individual child that is to be evaluated. No grades or assessment papers are provided. Pre-schools are required to offer children a secure environment conducive to their development that also represents a challenge and encourages them to play and be active. They are supposed to inspire children to explore the world around them. Pre-school activities are also supposed to give children the freedom to develop their own initiatives, imagination and creativity in an atmosphere of play and learning. For further comments, see CRC/C/65/Add.3, pp. 133-137.

#### *Child and youth recreation*

530. Children and young people have a great need of suitable meeting places. Sport gives them an important opportunity in this respect. But both those who are active in sport and those who are not need other places in which to meet. The range of meeting places available to young people under 18 diminished in the 1990s. In 2000, Sweden had about 1,350 youth centres, as against 1,567 in 1990. The proportion of municipal youth centres has declined while the number of centres run by voluntary clubs and associations has increased slightly. Boys are more regular visitors than girls. Young people from socially and economically vulnerable environments are more frequent visitors than other youngsters.

#### *Cultural policy*

531. Government objectives in the cultural policy sphere, under the Riksdag's 1996 adoption of a bill on a new focus for national cultural policy (prop. 1996/97:3), relate to freedom of expression, equality, diversity, cultural heritage and internationalisation.

532. The *freedom of expression objective* includes establishing that the right to cultural freedom of expression, as laid down in the United Nations Convention on the Rights of the Child, also means that children and young people must have access to linguistic and cultural tools. The *equality objective* states that cultural policy is to help strengthen cultural stimulus in pre-school and school activities. The *diversity objective*, too, refers to the importance of providing children and young people with alternatives to commercial culture and giving precedence to young people's own meeting places and their own creativity. The *cultural heritage objective* states that the task of museums is not only to preserve but also to help people make active use of their cultural heritage, especially children and young people. Finally, the *internationalisation objective* is supposed to help society make room for Sweden's multicultural and multiethnic generations.

533. It is out in the country's municipalities that the conditions are created for good cultural activities for children and young people. Culture and leisure-time activities are integrated into pre-school and school activities both in the policy documents and out in the field. Public libraries and municipal music/culture schools are cornerstones of cultural policy for the young.

534. Cultural statistics show that children and young people are the most active consumers and practitioners of culture in Sweden. The total sum of economic resources

publicly invested in cultural activities focusing on children and young people is estimated at more than SEK 3,700 m, including library programmes and municipal music and culture schools.

535. The National Council for Cultural Affairs is a government agency that supports child and youth culture both within the framework of general support for the arts and via more specific development projects in this sphere. The Council also distributes grants to central organisations for non-professionals active in the cultural field. In 1999, the National Council for Cultural Affairs and the National Agency for Education were commissioned to cooperate on national programmes aimed at stimulating culture in schools. A report on the project, Culture for Enjoyment and Learning (*Kultur för lust och lärande*), was presented in the spring of 2002. The Council is also pursuing a method development initiative in the cultural education sphere relating

to schools and other environments where children and young people are found. This programme focuses on the training of teachers for young people active in the fields of visual art, literature, theatre and dance.

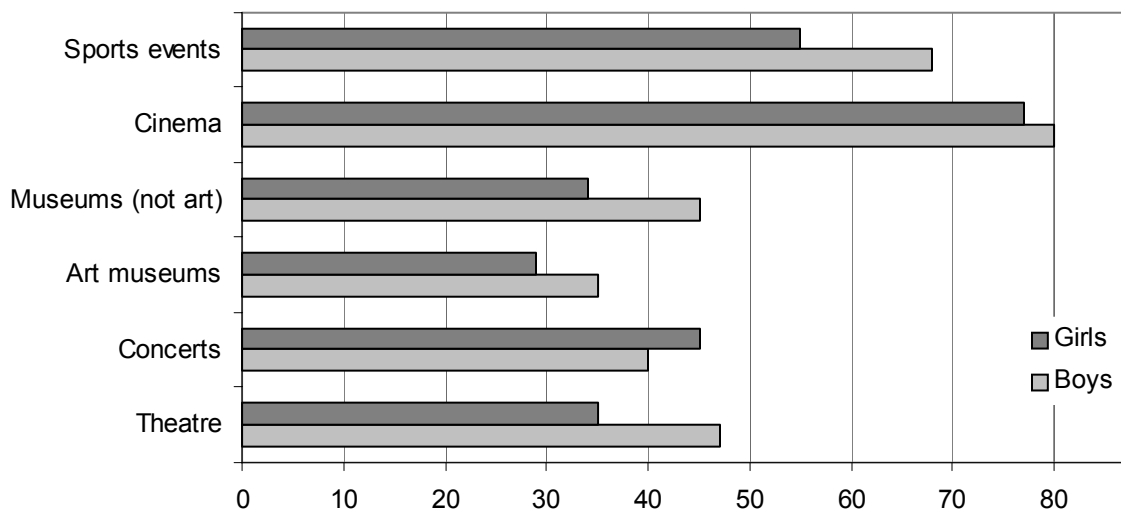
536. Surveys of cultural habits indicate a relative decline in children's reading, which means that the introduction of various forms of assistance for the purchase of literature and for measures to promote reading has become more urgent. On 1 January 2002, the value added tax on books was reduced from 25 per cent to 6 per cent. As a result of more favourable prices, children's and juvenile books are becoming more widely available.

537. Children and young people make up almost 28 per cent of the total annual audience at the country's publicly-financed theatre, dance and music institutions. Independent drama groups are responsible for about half of the total output of plays for young audiences. Central government funding to independent drama groups has been increasing by stages since 1997. Over half of all theatre visits take place under pre-school or school auspices.

**Diagram 5**

**Percentage of young people aged 9-14 who attended the theatre, a concert or a sports event, or visited a museum or the cinema in the last six months**

**(1) Per cent**



*Source: Kulturbarometern 2000, National Council for Cultural Affairs.*

(1) Interview-based survey conducted between 1 December 1999 and 23 November 2000.

538. Music is the most important form of culture for many children and young people, both as practitioners and as listeners. The country's municipal music schools play an important role in this respect. Latest statistics on cultural habits in Sweden show that the proportion of young people among music practitioners is declining. See also Table 26 in

## Appendix 1.

539. In the field of cinema, children and young people are an important target group for the Swedish Film Institute. The Institute seeks to distribute quality films to this group by providing funding for regional activities and for school cinema, as well as supporting the production of films aimed at children and young people. It is also worth noting here that a special funding programme has been established for regional film and video resource centres that work with children and young people to varying extents.

540. A “county artist” scheme was introduced in 1997 with a view to disseminating and encouraging knowledge and heightening awareness among, inter alia, children and young people about art and culture at regional level.

541. Significantly greater support for children’s and young people’s cultural creativity and participation is being provided by the issuing of government mandates to film, music and theatre institutions outside the Swedish capital.

542. In its bill, *From Patient to Citizen (Från patient till medborgare - prop. 1999/2000:79)*, the Government has proposed stepping up state efforts to improve accessibility to the cultural sector for people with disabilities. This also applies to disabled children and young people. Examples mentioned in the bill include films and easy-to-read literature for young audiences and readers. See also section 5.7 *Culture*.

### *Non-formal education*

543. Non-formal educational activities among children and young people, available through clubs and associations, etc, as well as via international youth exchange schemes, are an important factor in personal development. The National Board for Youth Affairs is the national office in Sweden for the EU Youth Programme, extending from 2000 to 2006, which gives young people the chance to visit and stay in foreign countries. Programme aims include helping young people to acquire knowledge, competence and skills and to develop initiative. Much of the Youth Programme comprises exchanges and various types of youth initiatives. In 2001, a total of 799 Swedish young people under 18 took part in youth exchange programmes, and 164 in the same age group in youth initiatives of various kinds.

## **IX. SPECIAL PROTECTIVE MEASURES**

**(art. 22, 38-40, 37 (b, c, d), 32-36)**

### **9.1 Children in distress**

#### *9.1.1 Refugee children (art. 22)*

544. By way of introduction is to be mentioned that children have the same rights and opportunities to apply for asylum in Sweden as adults. The best interests of the children must always be considered in connection with applications for residence permits. The number of asylum applicants has raised steadily the latest years. In 1998 3 606 children applied for asylum in Sweden, in 2001 this figure amounted to 6 449. See also



CRC/C/65/Add.3, pp. 137-139.

*The health and medical care rights of asylum-seekers and children in hiding*

545. Asylum-seeking children and children in hiding has in principal the same right to health and medical care as children resident in Sweden. See section 7.2.

*The right of asylum-seeking children to an education*

546. As of 1 January 2002, asylum-seeking children and children who have been granted a temporary residence permit under Chapter 2, paragraph 4 a of the Aliens Act (1989:529) - "mass flight refugees" - are entitled to schooling in the public education system, pre-school and school-age childcare on approximately the same terms as children resident in Sweden. See also section 8.1.

*Children who arrive unaccompanied*

547. Most foreign children arriving in Sweden do so in the company of their parents. In 2001, however, 461 children came to Sweden with neither a parent nor any other legal custodian. Of this total, 187 came from Iraq, while other major countries of origin were Somalia, Afghanistan, Bosnia-Herzegovina, Yugoslavia, Iran and Russia. These children are in a particularly vulnerable situation. Shortcomings have been noted both in the way public measures are coordinated and in the way the authorities have dealt with the situation of these children.

548. In June 2002, the Swedish Migration Board and the National Board of Health and Welfare delivered their report on a government mandate whereby they were to propose - jointly and in consultation with the National Integration Office and the Children's Ombudsman - ways of improving the reception of children who come to Sweden from another country unaccompanied by a legal custodian. The report specifies, among other things, the shortcomings already noted and stresses the importance of defining the division of responsibilities among the various authorities concerned. The report also proposes that the Swedish Migration Board be required to conclude agreements with a relatively small number of municipalities on the reception of unaccompanied children and that central government funding be provided to the municipality responsible. Furthermore, the report proposes that a new institution be established to represent unaccompanied children, with greater responsibilities and greater powers than trustees are endowed with today. The report also includes proposals concerning better information to county councils, municipalities and relevant authorities.

549. Improving the reception in Sweden of unaccompanied children is one of the Government's priorities. In accordance with the proposals in the above report, it instructed the Swedish Migration Board in July 2002 to review the prospects for concluding agreements with a number of municipalities under which they would assume special responsibility for taking in unaccompanied children. In addition, the Swedish Migration Board was instructed to assess the economic consequences of the proposals contained in the joint report. The final report is to be delivered on 31 October 2002 and will then be processed at the Government Offices. A committee set up by the Ministry of

Industry, Employment and Communications (N 2001:11) to study refugee reception and introduction in Sweden is to examine the situation of unaccompanied children in particular. The proposals for legislative changes relating to the representation of unaccompanied children will be dealt with in a scheduled inquiry by the Ministry of Justice (Ju 2002:04) concerning legal custodians, trustees and administrators.

550. In 2001, a total of 41 unaccompanied children were registered as having gone missing from the Swedish Migration Board's special units for children without custodians. As of 10 October 2002, the Board had 48 such cases registered. The particulars refer only to the fact that the children are no longer registered in the Board's reception system. Unfortunately, they do not show whether the children are in Sweden, abroad, or living with relatives, etc.

551. The Swedish Migration Board, the social services and the police authorities all take a serious view of cases where children and young people registered as asylum seekers with the Migration Board go missing. The Board immediately reports a disappearance to the police authority, the child's trustee and the child's public counsel. The police thereupon investigate the disappearance and Migration Board staff do whatever they can to locate the missing person by contacting his or her relatives or someone close to him/her. In the majority of cases, the authorities have managed to discover where these missing children and young people have gone. Often, they have left Sweden, frequently with relatives, to return to their country of origin or to travel to a third country. Often, too, such disappearances occur after the child's application for asylum has been rejected.

552. The Swedish Migration Board has no legal right to prevent a child from leaving one of its units when, for instance, a relative wishes to collect him or her. This was one of the points noted by the Swedish Migration Board and the National Board of Health and Welfare in their proposals for improvements in the reception of unaccompanied children. They are calling for the law to be changed so as to provide for a special representative for unaccompanied children who would have the right, inter alia, to decide where the child was to live. The proposals for legislative changes concerning representatives for unaccompanied children are being considered as part of the inquiry (Ju 2002:04) by the Ministry of Justice into legal guardians, trustees and administrators.

#### *9.1.2. Children in armed conflict (art. 38)*

553. In the spring of 2002, the Government presented a bill (prop. 2001/2002:178) calling on the Riksdag to approve the adopted facultative protocol to the United Nations Convention on the Rights of the Child concerning the participation of children in armed conflicts. On the specific question of providing assistance for the child's physical and mental rehabilitation and reintegration into society, the following applies:

554. At the request of the Government, the National Board of Health and Welfare presented a report in November 2001 on the prospects for developing guidelines on how asylum-seeking children are to be given access to personal health discussions and how the state of health of such children is to be determined. The proposals are currently being

considered at the Government Offices.

555. Work with traumatised children and young people has been under way for some time at the Swedish Red Cross centre in Uppsala. In October 2001, the Government decided to place SEK 2.7 m from the State Inheritance Fund at the disposal of the Swedish Red Cross for a project, Helping Children and Young People Affected by War and Conflict, aimed at passing on the methods and experience acquired at this centre to the Red Cross centres in Stockholm, Malmö and Skövde. The funding was for the first year of a scheduled three-year period.

556. During the Swedish presidency of the EU in 2001, Sweden organised a high-level seminar on children in armed conflicts and in flight. The participants included children who described their own experiences of war and refugee situations, as well as the United Nations Secretary General's Special Representative on children and armed conflict and the EU Commissioners for Migration and Humanitarian Aid.

See also CRC/C/65/Add.3, pp. 143-145 and section 7.2 *The right of asylum seekers to health and medical care*.

## **9.2 Children in conflict with the law**

### *9.2.1 The legal system and young persons (art. 40)*

557. The treatment of young persons under the Swedish legal system is dealt with for the most part in Sweden's second report, CRC/C/65/Add.3, pp. 145-148. There is reason, however, to update this information on a number of points.

558. Children and young people under 18 are seldom taken into custody during the preliminary investigation of their case. Judicial proceedings in Sweden are governed by the Code of Judicial Procedure. Rules for young offenders are also contained in the Young Offenders (Special Provisions) Act (1964:167), LUL. In the case of the latter law, the Riksdag recently adopted an amendment which entered into force on 1 July 2002 whereby other adults besides those who are principally responsible for the young person concerned shall, if they have a role in the upbringing of that person, be informed in the event of a suspected offence and be summoned for questioning. By application of this provision, it becomes possible to involve step-parents, former foster parents and grandparents more closely in the process.

559. Cases involving young offender are dealt with at general courts by judges and lay members specially appointed to handle this kind of case. When charges are brought against a person who has not yet turned 18, the court since of July 2002 - in the same way as applies to the crime-investigation authorities - has to inform the persons responsible for the young persons upbringing of the nature of the charge and the time and place of the main hearing, unless there are specific reasons for not doing so. Such persons must also be summoned to appear before the court if the young person charged is liable to imprisonment and there are no specific reasons for not summoning them.

560. On 1 July 2002, a law was enacted in Sweden on mediation in connection with a criminal offence. The law focuses on mediatory activities organised by central or local

government authorities and specifies the structural framework for such activities. Mediation is defined as a voluntary meeting between the perpetrator of a crime and his or her victim in the presence of an impartial mediator for the purpose of discussing the offence. Such mediation must be in the interests of both parties and must seek to reduce the injurious effects of the crime. To finance mediation relating to crimes committed by young offenders, the Government intends to provide an annual grant of SEK 18 m per year, to be distributed by the National Council for Crime Prevention, mainly to municipalities wishing to pursue mediatory activities in connection with juvenile crime. The Council is to be issued with a mandate to distribute this funding and to deal with such matters as training, method development and quality assurance in connection with mediation programmes.

*9.2.2 Children deprived of liberty, including all forms of detention, imprisonment or compulsory care (art. 37, paras. b-d)*

*Custodial care for young offenders*

561. On 1 January 1999, a new sanction, that of custodial care for young offenders, was introduced into the Swedish penal code for the 15-17 age group. The sanction was to largely replace imprisonment in the case of this particular age group as prison is considered an unsuitable environment for children and young people. If someone commits a crime before turning 18 and a court decides that the appropriate sentence is imprisonment, it must now pass a sentence of custodial care for young offenders for a specified period. When the sentence is to be served, the young offender's need of rehabilitation must be given special consideration. Since custodial care for young offenders was added to the statute book in Sweden, only a few young offenders have been sentenced to imprisonment. To cover such cases, the provision in Article 37 (c) of the United Nations Convention on the Rights of the Child has been incorporated into Swedish penal law. The law now prescribes that a detainee who has not yet turned 18 may not be held in an institution where he or she would be in the company of detainees over the age of 18 unless this is considered to be in the young person's best interests. Penal law states explicitly that the human dignity of all detainees must be respected and that understanding must be shown for the particular difficulties associated with a stay in an institution. In the case of young offenders under the age of 21, special activities are provided at a number of correctional care institutions and detention centres in Sweden.

562. On 1 January 1999, changes were also made in the penalty committing offenders to the care of the social services. The requirements concerning predictability, consistency and proportionality were given greater weight in the revised sanction. Also, the alternative of combining committal to the care of the social services with unpaid work for a minimum of 20 hours and a maximum of 100 hours - community youth service - was introduced.

563. On 30 August 2001, the Government instructed the National Council for Crime Prevention, the National Board of Health and Welfare and the National Board of Institutional Care to follow up and evaluate the penalties of custodial care for young offenders and committal to the care of the social services, as to both their legal application and their enforcement. The three bodies were to examine whether and to

what extent custodial care in approved homes had replaced imprisonment for young people aged 15-17, and to determine the reasons why a greater number of young offenders in this age group were being sentenced to custodial care than were previously sentenced to imprisonment. A final report is to be submitted by 29 November 2002.

564. The Government has summoned a special investigator to review the system of penalties for young offenders and offer proposals as to how the system might be extended and improved. The measures undertaken are to focus on combating recidivist behaviour among young offenders. The aim of the government mandate is to encourage further efforts to develop a system of sanctions for young offenders that has an explicit and unambiguous content. The committee is to report its findings by September 2004.

565. All penalties that may be imposed on adult offenders may also be imposed on young offenders, with the exception of life imprisonment. The most common sanction imposed on young offenders in Sweden is a fine and committal to the care of the social services. The latter may be combined with fines or community youth service. In the case of offences committed before the age of 18, courts may only impose a prison sentence if there are extraordinary reasons for such a measure. If someone commits a crime before turning 18 and a court decides that the appropriate sentence is imprisonment, it is required to pass a sentence of custodial care at an approved home instead (see section 9.2.1). Other sanctions such as probation and conditional sentences are also applicable. These may be combined with fines or community service. Probation may also be combined with what is termed contractual care.

566. Conditions at correctional care centres and other institutions are monitored by the Parliamentary Ombudsman. Investigations are conducted as a result both of individual complaints and of inspections undertaken at the initiative of the Ombudsman's Office itself.

567. In 2001, a total of 115 young offenders aged 15-17 were sentenced to custodial care. All were boys and the average term of sentence was approximately nine months.

568. During the same year, an average of 68 young people were registered in custodial care for young offenders at the approved homes run by the National Board of Institutional Care. On 31 March 2002, a total of 65 young people were in this type of care. All but one were boys.

569. In 2001, the Board registered 88 young people in custodial care at its approved homes, 87 of whom were boys. During the year, 83 young people were released after completing their sentences, 82 of them boys. The average age of the young offenders in custodial care in 2001 was 17, the same as in 2000. Almost half of them were 17 when they were taken into care, and 37 per cent had turned 18. Only three of those taken into care were 15 years old at the time. See also CRC/C/65/Add.3, pp. 148-153.

#### *The juvenile care system*

570. Legislation on custodial care for young offenders in Sweden proceeds from the assumption that the young person concerned should be allowed to receive visits and

make telephone calls as much and often as is feasible at an institution of this kind. Exceptions to this rule are to be made on a limited basis only, and exclusively for reasons of security or treatment. The young person has the right to appeal to a court of law all decisions restricting this right. When the term of sentence begins, a plan of treatment is drawn up in collaboration with the social services in the young person's home area. The plan is to focus on measures that can facilitate reintegration into society and prepare the young person for life outside the approved home. While the sentence is being served, the social services remain responsible for the person concerned. The legislation makes clear that he or she is to be provided with the necessary care and treatment, educational opportunities, activities, recreation, physical training and time outdoors. If the requisite health checks and treatment cannot be adequately provided at the approved home, they are provided by the public health and medical care service.

571. Contact with parents and other members of the family should be encouraged rather than discouraged, unless there are substantial treatment-related reasons to the contrary. If the institution finds that the young person's contact with his or her parents or legal custodian is unsuitable, the head of the institution is to contact the detainee's social services committee. If

required under the Care of Young Persons (Special Provisions) Act (1990:52), the committee can decide to restrict rights of access between the young person concerned and his or her legal custodian or custodians. The social services committee alone is entitled to take such action, not the institution. In cases where a parent only has right of access to a child under an agreement or court order, for example, this right may be curtailed if the institution comes to the conclusion that such contact is inadvisable.

572. The tapping of telephone conversations is forbidden, unless there are extraordinary reasons for such a measure. Calls may only be monitored by the practice of “open listening-in”, i.e. by staff being present in the same room as the detainee. The person with whom he or she is conversing is to be informed that staff are present. The checking of telephone calls should normally be confined to approving the person or persons with whom the detainee is keeping contact and supervising this communication should such a course be deemed necessary.

573. Detainees are entitled to talk in confidence with their lawyers or their public counsel and with public officials. Such conversations may not as a rule be prevented or postponed.

574. Young people in care at approved homes should not be prevented from calling journalists/media representatives if they wish to do so. The reverse, however, does not apply - journalists are not entitled to initiate contact with detainees. In the case of young people under 18, the guiding principle is that parents should be asked for their views before permission is given to a journalist to contact the person concerned. In cases where detainees are deemed to have attained such a degree of maturity that they can decide for themselves who should be privy to their affairs, the parents do not need to be contacted.

575. Visiting hours at institutions are to be such that they offer adequate scope for visits without preventing or prejudicing care and treatment. In addition, where the institution has general visiting hours, principals are required to agree to an extension of visiting hours in the case of a specific detainee or detainees should circumstances dictate that visits outside normal hours are appropriate. The institution must reach a decision on whether or not to allow such an extension whenever requested to do so by the detainee or by someone intending to visit him or her.

576. Under the Visiting Restrictions Act, decisions on extended visiting hours and visiting restrictions may be appealed to a general administrative court, i.e. to a county court. The person concerned must on request be provided with a written decision and appeal instructions. Decisions to refuse a detainee permission to receive visits, under Section 15 a of the Care of Young Persons (Special Provisions) Act (1990:52), may also be appealed. See also section 5.6 and Sweden’s second periodic report, CRC/C/65/Add.3, pp. 148-152.

#### *Children’s access to legal counsel*

577. In cases involving suspects who have not yet turned 18, a public defence counsel is to be appointed, unless it is clear that the accused does not need such counsel. When the appointment of a public defence counsel is required, the person leading the

investigation is to notify the court of this, under Section 24 of the Young Offenders (Special Provisions) Act (1964:167). The court appoints a public defence counsel on the same day as notification is received.

578. Due to the fact that the appointment of public defence counsel for young crime suspects is mandatory in Sweden, as is the appointment of legal representatives for young crime victims, no statistics are available concerning legal aid in this respect.

#### *Detention in custody*

579. Persons under 18 may only be detained in custody if there are extraordinary reasons for such a measure, under Section 23 of the above Act. If a prosecutor orders someone to be placed in provisional custody, and that person is not subsequently released, the prosecutor must within three days apply to a court for a detention order. When such a request is received, courts must institute detention proceedings without delay. Such a hearing must not be held later than four days after the arrest of the suspect or the enforcement of the provisional custody order. Once the hearing has been concluded, the court must rule immediately on the detention issue, in accordance with Chapter 24, Sections 11-13 of the Code of Judicial Procedure.

580. Both the right to a public defence counsel in connection with detention proceedings and the opportunities that exist for reviewing the legality of custodial measures are described in CRC/C/65/Add.3, p. 151.

#### *Children in the custody of the Swedish Migration Board*

581. According to statistics from the Swedish Migration Board, 136 children were taken into custody in 2001. This was substantially fewer than in 2000, when 238 children were taken into custody. The average time these children spent in custody in 2001 was approximately four days. For children without legal custodians in Sweden, the average time was just one day. The Board has the option of extending the 72-hour period by a further 72 hours in cases where the child is discovered after having been in hiding or after having been kept in hiding, or in cases where departure has been delayed due to some other cause that the implementing authority could not have foreseen or prevented.

582. Children may not be kept in any form of custodial care except that of the Swedish Migration Board. The option of remanding them in custody, in police detention or in correctional care does not exist. Nor may children be separated from their legal custodian, or, if there is more than one, from one of the custodians by placing the child or the custodian himself/herself in custody.

#### *9.2.3 Sentencing of children, particularly the prohibition of capital punishment and life imprisonment (art. 37a)*

583. As stated in Chapter 3, capital punishment is prohibited in Sweden under the Constitution. Under the terms of the penal code, no-one may be sentenced to life imprisonment for a crime he or she committed when under 21 years of age.



#### *9.2.4 Physical and mental rehabilitation and social reintegration (art. 39)*

584. The Committal of Young Offenders to Custodial Care in Special Approved Homes Act (*lagen om verkställighet av sluten ungdomsvård* - 1998:603) stipulates that enforcement must facilitate the reintegration of the convicted person into society and reduce the harmful effects of custodial care on the individual. See section 9.2.1 and 9.2.2.

### **9.3 Children in vulnerable situations, including physical and mental rehabilitation and social reintegration**

#### *9.3.1 Economic exploitation of children, including child labour (art. 32)*

585. As described in previous reports, provisions governing the protection of minors in Swedish working life are primarily to be found in the Work Environment Act (1977:1160) and in law-based regulations issued by the Swedish Work Environment Authority. Rules concerning special protection for minors are also to be found in the Merchant Seaman Act (1973:282) and the Marine Safety Act (1973:282) as well as in regulations issued by the National Administration of Shipping and Navigation.

586. On 13 June 2001, Sweden ratified ILO Convention No. 182 concerning Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. No legislative change was required for the purpose. Convention No. 182 is based on the United Nations Convention on the Rights of the Child and may be viewed as a clarification of Article 32.1 in this document. Similarly, ILO Convention No. 138 concerning the Minimum Age for Admission to Employment can be seen as a clarification of the provisions in Article 32.2 of the United Nations Convention.

587. On 1 January 1996, an amendment to the Work Environment Act (1995:1239) entered into force whereby Chapter 5 concerning minors was henceforth to apply to those who performed duties in an employer's household. The law governing working hours, etc, in domestic employment (1970:943) was also amended, the result being that the provisions concerning the work environment and working hours in that particular law no longer apply to employees under 18 years of age. Instead, the provisions governing the working hours of minors are now to be found in the ordinance issued by the National Board of Occupational Safety and Health (now the Swedish Work Environment Authority). This means that the previously reported exception to the implementation in Sweden of ILO Convention No. 138 concerning minimum age no longer applies.

588. The revision of the Minors Ordinance (AFS 1996:1) also brought Sweden into line with the Council Directive on the protection of young people at work (94/33/EEG), lowering the age limit from 17 to 15. Both limits refer to the placement and extent of working hours. Adaptation to the Directive also meant limiting the Work Environment Inspectorate's scope for granting dispensation for night work performed by minors in the upper age bracket. In accordance with the various directives and conventions that apply in this area, the Swedish provisions on minors now require them to undergo health checks if this is deemed necessary in order for an employer to continuously assess

whether a job involves a risk for the young person performing it.

589. In revising both Chapter 5 of the Work Environment Act and the National Board of Occupational Safety and Health's ordinance on minors, consideration has been given to the comments of the ILO and of the Council of Europe's review bodies. The intentions of the United Nations Convention on the Rights of the Child have been integrated into the new regulations.

590. In the day-to-day activities of both the Work Environment Inspectorate and the Maritime Safety Inspectorate, monitoring of compliance with the rules governing minors are an integral part of all inspection work. Appreciation of the fact that special rules apply to minors is now widespread and this is reflected in the number of inquiries concerning their application.

591. The Swedish Work Environment Authority and the Swedish Maritime Administration supervise employer compliance with the requirements contained in the various laws and regulations. The penalties in this area have been dealt with in previous reports.

592. Swedish development cooperation programmes seek to combat the exploitation of children. This applies in particular to all forms of harmful child labour and to sexual exploitation. Efforts in this field are supposed to focus primarily on prevention but also on rehabilitation and the task of providing children at risk with alternatives. Swedish support goes to research and development in the statistical field to enable the authorities to learn more about the exploiters and their victims. For other related issues, see CRC/C/65/Add.3, pp. 155-157.

### 9.3.2 *Drug abuse (art. 33)*

#### *Narcotic drugs*

593. The Commission on Narcotic Drugs, appointed in 1998, identified severe deficiencies in Swedish drugs policy. This applies not least to the existing structure for combating the drug problem, primarily in the drug prevention field and in the care and treatment extended to drug abusers.

594. The number of young people who have experimented with illicit drugs has increased in recent years, as has the availability of drugs. This trend, however, is not peculiar to Sweden: it is reflected more or less throughout the world.

595. In Sweden, the proportion of 16-year-olds who said they had tested drugs at some point increased from 6 per cent in 1995 to almost 10 per cent in 2001. The proportion of new conscripts (18-year-old men) who said they had tested drugs at some point increased from 6 per cent to 18 per cent between 1992 and 2001. The proportion of 16-year-olds who said they had refrained from testing drugs despite being interested and having the opportunity to do so rose from just over 10 per cent in the late 1980s to 25 per cent in 2001.

596. As a result of the Commission's conclusions, the Government drew up an action plan containing measures aimed at reducing drug abuse in Sweden. The plan was adopted by the Riksdag in the spring of 2002 and a special drugs policy coordinator was appointed to help implement it. The action plan identifies the youth community as an important target for public measures and states that anti-drug efforts must be a matter for all authorities and organisations in the public sphere, including schools, but also for NGOs active in this field. In accordance with new instructions, the National Institute of Public Health now has overall responsibility for the coordination and analysis of national

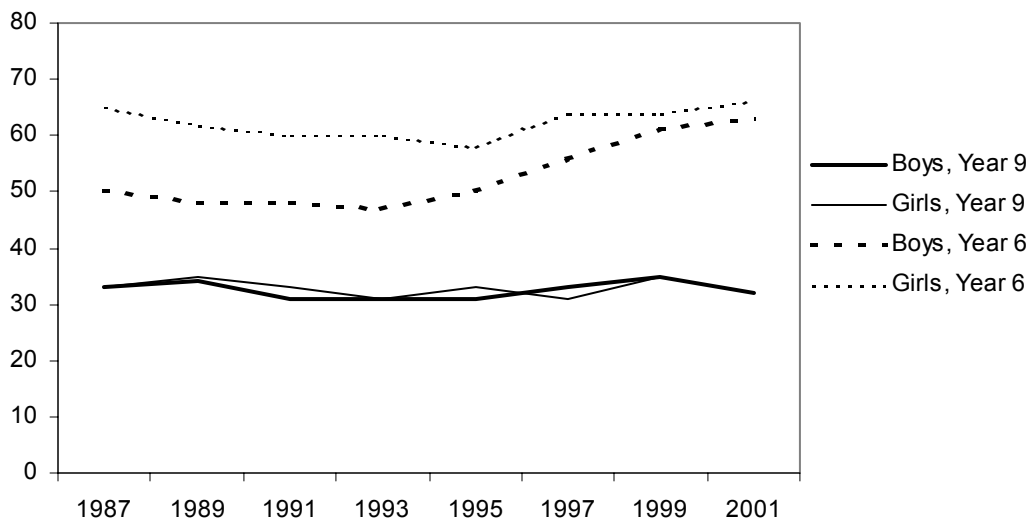
drugs-related statistics.

## Tobacco

597. In 1997, the Tobacco Act was amended to outlaw the sale of tobacco products to minors. This ban has not been properly respected, however, and in its bill, Certain Tobacco-Related Issues (*Vissa tobaksfrågor* - prop. 2001/02:64, bet. 2001/02: SoU8, rskr. 2001/02:235), adopted by the Riksdag on 15 May 2002, the Government proposes that all business operators selling tobacco products be required to notify this to the local authority, which is then better informed about who is selling tobacco and is therefore in a position to monitor compliance and provide relevant information. The same bill proposes that smoke-free zones be provided in all environments serving food or drink and establishes a target whereby all such environments are to be totally smoke-free from 2004. In addition, the Government has allocated funding of SEK 90 m for a three-year programme reinforcing work in the tobacco prevention field and focusing on the development of methods targeting children and young people, smoking withdrawal initiatives and the prevention efforts of NGOs. The twin aims of central government efforts in the tobacco prevention field are to prevent young people from starting to use tobacco and to help people stop smoking. The Government has also appointed two committees of inquiry, one of which is to prepare for the total ban on smoking in serving premises from 2004 while the other is to examine the tobacco companies' marketing practices, specifically their "tobacco parties", and consider further restrictions on tobacco advertising.

**Diagram 6**

### Percentage of school pupils in Years 6 and 9 who have never smoked



*Source:* Drug use among school pupils, 2001 (Skolelevers drogvanor), Swedish Council for Information on Alcohol and Other Drugs.

## Alcohol

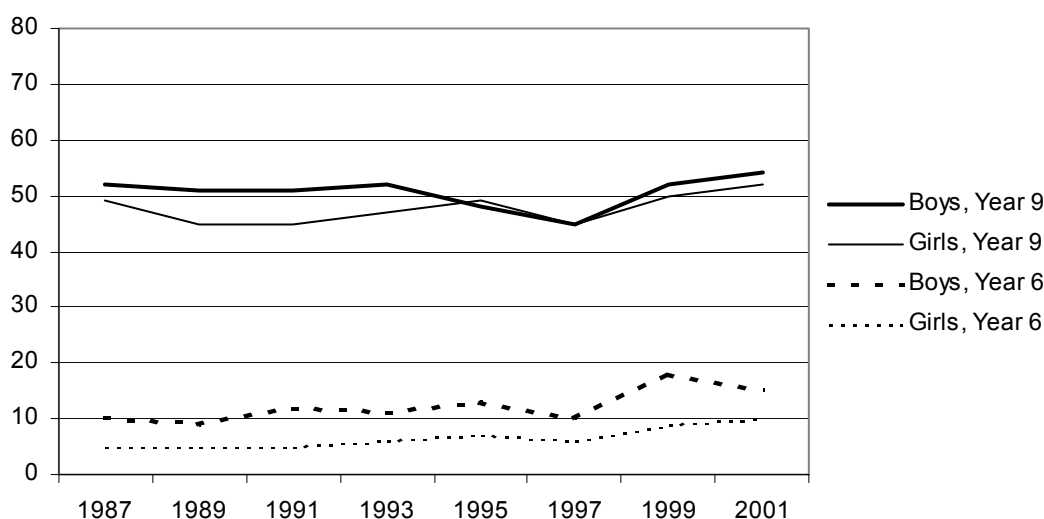
598. In February 2001, the Riksdag adopted a national action plan for the prevention

of alcohol-related injuries (*Nationell handlingsplan för att förebygga alkoholskador - prop. 2000/01:20*). The aim of this plan is to establish over the immediate five-year period the basis for an alcohol policy that reduces both alcohol consumption and alcohol-related injury. A committee (The Alcohol Committee, 2001:02) has been issued with a government mandate to coordinate efforts at national level and, in consultation with municipal and county councils, to encourage action at both regional and local level.

599. In the case of young people, school is the arena in which greater scope must be given to educational efforts focusing on alcohol as well as on tobacco and other drugs. A quality study by the National Agency for Education in 1999 revealed numerous shortcomings in this area, particularly in the formulation of goals, in following up the efforts in progress, in professional development for staff, in pupil participation and in schools' interaction with parents and the surrounding community. Pupils themselves want more time for discussion and exchanges of information, and the National Agency for Education for its part is now advising schools to focus less on risk scenarios and more on factors that promote health. There is reason to note the links that exist between tobacco, alcohol and other drugs. Almost nine smokers in ten drink alcohol.

**Diagram 7**

**Percentage of pupils in Years 6 and 9 who had drunk beer, wine or spirits several times in the preceding spring term**



*Source:* Drug use among school pupils, 2001 (Skolelevers drogvanor), Swedish Council for Information on Alcohol and Other Drugs.

600. The task of developing drug-free environments at places of entertainment has been neglected by many municipalities as this kind of activity is seldom commercially profitable. To encourage greater initiative in this area, the Swedish Association of Local Authorities has been allocated a total of SEK 5.4 m for developing alcohol prevention programmes at all leisure-time centres for schoolchildren, in collaboration with a

voluntary organisation, Fritidsforum.

### 9.3.3 *Sexual exploitation and sexual abuse (art. 34)*

601. Ever since the 1996 Stockholm World Congress Against the Commercial Sexual Exploitation of Children, Sweden has worked actively with this issue. It was one of the first countries to produce a national action plan in accordance with the congress declaration and action plan adopted in Stockholm in 1998. Swedish NGOs and the Children's Ombudsman were critical of the plan on the grounds that it was not specific enough and could not be followed up.

602. Since 1999, the Government has allocated funding (SEK 500,000) for the explicit purpose of counteracting the commercial sexual exploitation of children. This, however, is not the only funding provided for efforts to combat the sexual exploitation of children in Sweden.

603. In connection with the preparations for the Second World Congress Against the Commercial Sexual Exploitation of Children, in Yokohama in December 2001, the Government brought the Swedish action plan up to date. The twin aims were to expand it and to make it easier to follow up. In working towards this end, the Government found that it had taken measures not included in the original action plan. The Government intends to follow up the plan in conjunction with its periodic reporting to the United Nations Committee on the Rights of the Child.

604. The Government decided on 28 February 2002 to appoint a working group whose two-year mandate would be to collect facts and information about the sexual exploitation of children in Sweden and to identify actors who could build up a network for the exchange of experience and information and for mutual collaboration efforts. The working group will also examine the need for efforts to influence public attitudes on issues relating to the sexual exploitation of children, follow up the Swedish action plan and, where necessary, decide whether further action is needed from the Government's side. The working group has been allocated special funding for outreach activities.

605. At the end of the 1990s, the National Board of Health and Welfare produced a number of expert reports dealing with the sexual abuse of children from different viewpoints. A report entitled *The Sexual Abuse of Children (Sexuella övergrepp mot barn - SoS-rapport 2000:1)* presented a review of current knowledge on the subject. The material as a whole is intended to serve as a knowledge base for the social services in their efforts to protect children exposed to sexual abuse of various kinds.

606. The need to learn more about young offenders has grown in recent years. Much effort has been invested in the development of methods for detecting them and treating them so that they do not relapse into crime. In its report, *Young Offenders and Young Victims: A study of sexual abuse (Unga förövare och unga offer - en kartläggning av sexuella övergrepp - artikelnr. 2002-123-42)*, the National Board of Health and Welfare presents a survey of young people under 18 suspected of having committed such abuses. The study also includes background data and details of how the social services dealt with the cases in question. A further report on a qualitative study focusing on the work of welfare officers in this area is being produced by the National Board of Health and Welfare. It will describe both problems and opportunities, and as far as possible include



recommendations on how to deal with such cases in the social services.

607. The National Board of Institutional Care has conducted a two-year development project - Target Group: Young Sex Offenders - for the purpose of improving treatment in the state-administered institutional care of young sex offenders. A report entitled Sexual Abuse by Young Offenders (Unga förövare av sexuella övergrepp - SiS Rapport nr 2/02) has been published describing both the progress of the project and the care model employed, and summarising international research in this field. The project will be followed up to determine whether the young persons concerned relapse into this form of crime once treatment has been completed.

608. The Government has instructed the National Board of Health and Welfare to examine the possibility of establishing knowledge centres for social services working with children exposed to assault and sexual abuse. The Board also has a government mandate relating to knowledge-based social service provision.

609. Within the framework of the Council of the Baltic Sea States, and as part of the follow up to the 1996 World Congress Against the Commercial Sexual Exploitation of Children, Sweden has initiated a regional cooperation programme dealing with issues in this field. A special working group at the Ministry of Health and Social Affairs has been in charge of the programme, which is to be concluded on 30 June 2002 with the appointment of a special adviser in the Council secretariat who will work with child issues over a three-year period. The collaboration began with a conference in Tallinn in 1998 and the aim is to set up a professional development network bringing together decision-makers and senior administrative staff and to disseminate specialist knowledge concerning sexually exploited children in the region. Information technology will play a central role in this venture. The hub will be the website The Child Centre for Children at Risk in the Baltic Sea Region (<http://childcentre.baltinfo.org>). The site allows for interactive cooperation between child specialists in the region.

#### *Penal law*

610. Most penal provisions on sex offences deal with acts committed against both adults and children. There are, however, special provisions for the protection of children against sexual abuse. The penal provisions are intended to protect children both against the most serious types of sex offences, such as aggravated rape, and acts classified as sexual molestation, such as exposing oneself to a child.

611. The provisions also offer protection against children being drawn into prostitution or used for sexual posing or pornographic practices. As of 1 January 1999, the purchase of sexual services by adults is also a criminal offence. This legislation is designed to clarify Sweden's position that prostitution is an undesirable social phenomenon. As it is hoped the law will lead to a reduction in the number of new purchasers of sexual services, it may in time also have repercussions for children.

612. The penal provisions concerning sex offences were amended in the 1990s to give children greater protection against sexual abuse and underline still more strongly the criminal nature of such abuse. The age of the victim, for instance, has been added to the

circumstances to be taken into consideration by the court and which can result in the rape or sexual exploitation of a minor being classed as an aggravated criminal offence.

613. In 1998, a parliamentary committee investigating sex offences was instructed by the Government to conduct a comprehensive review of the provisions in this area in Chapter 6 of the penal code. In considering sex offences against children, the committee was to base its work on the United Nations Convention on the Rights of the Child. It submitted its final report, *Sex Offences: Greater protection of sexual privacy and related issues (Sexualbrotten: Ett ökat skydd för den sexuella integriteten och angränsande frågor - SOU 2001:14)* in March 2001. The committee has proposed new regulations for sex offences. In addition, it proposes introducing special provisions concerning criminal liability for both human trafficking as a whole and trafficking in children for sexual purposes, and also proposes removing the dual liability requirement for crimes committed abroad in the case of both serious sex crimes against children and the new penal provisions concerning trafficking in adults and children. In other words, under these proposals it will be possible for a person to be convicted in Sweden of an offence committed abroad, even if the act in question is not liable to prosecution in that country. The committee has also proposed making the ban on the purchase of sexual services from minors more forceful and strengthening protection for young people against exploitation through sexual posing. The committee has further proposed that the limitation period for certain sex offences against children should not begin until the child has turned 18. The committee's report has been referred for consideration. A government bill proposing a new penal provision on human trafficking for sexual purposes was submitted to the Riksdag in March 2002 and the new provision came into force by 1 July 2002. See section 9-3-4 The other proposals of the Committee is under preparation in the Ministry of Justice with the aim of a proposal to the Parliament during 2003.

614. Work is currently underway at the Swedish Government Offices on a ministerial memorandum dealing a) with Sweden's ratification both of the Additional Protocol to the United Nations Convention Against Transnational Organised Crime concerning the prevention, combating and punishment of human trafficking, particularly in women and children, and of the facultative protocol to the United Nations Convention on the Rights of the Child concerning child trafficking, child prostitution and child pornography, b) with implementation of the proposed EU Council Framework Decision on Combating Trafficking in Human Beings, and c) with the legislative changes that these instruments will entail. The memorandum is expected to be referred for consideration in the autumn of 2002 and the Government expects to be able to submit a bill to the Riksdag in the spring of 2003.

615. On 1 January 1999, the penal provisions concerning child pornography offences underwent extensive revision that broadened the area of liability by criminalising a wide range of dealings with child pornography, including possession. In addition, the scale of punishment for standard offences was made more stringent by the elimination of fines, and a special scale of punishment was introduced for aggravated offences. Acts of negligence also become punishable by law in that anyone who in the course of their professional duties or otherwise spreads pornography for economic gain is liable to prosecution even if the act was caused by negligence. Both attempts to wilfully commit a child pornography offence and attempts and preparations to commit an aggravated child

pornography offence were outlawed. As of 1 January 1999, moreover, the importing and exporting of depictions of children in pornographic images is liable to prosecution under the law prohibiting the import and export of child pornography.

616. As mentioned above (section 4.1) a new law on the Responsibility for Electronic Bulletin Boards Act (*lagen om ansvar för elektroniska anslagstavlor - 1998:112*) entered into force on 1 May 1998. The law does not, for instance, apply to services protected under the Freedom of the Press Act or the Fundamental Law on Freedom of Expression, nor does it apply to electronic mail (e-mail). Anyone providing an electronic bulletin board is required to remove any messages from it that clearly constitute a child pornography offence.

617. On 1 July 1998, a new criminal offence was introduced into the penal code: grave violation of integrity. See section 6.10.

*National efforts to combat the sexual exploitation of children*

618. The National Criminal Investigation Department is responsible for police work in cases of sexual exploitation of children, including child pornography. The Special Objects Unit, which is accountable to the Criminal Intelligence Service, deals with such cases. This division informs Interpol when an investigation reveals data with international ramifications. The National Criminal Investigation Department has issued an action plan for international police work on child sex offences and child pornography. The Department's tasks, as outlined in the action plan, are:

- 1 To document child sex abuse and the circulation of child pornography;
- 2 To collaborate with other organisations;
- 3 To establish cross-matching procedures for child pornography material;
- 4 To further develop these procedures;
- 5 To assist with searches and provide investigation resources;
- 6 To prevent child sex abuse with the help of liaison officers;
- 7 To assist with training.

619. The Special Objects Unit gathers and systemises pictures that come into its possession in a digital reference library comprising pornographic images of children. The library currently consists of 360,000 pictures and is hitherto the only such library in the world.

620. The digital reference library has proved a highly effective tool in the fight against child pornography offences. Since it is still the only library of its kind, the unit assists countries worldwide with searches and investigations. One of the staff members of the Special Objects Unit is currently working in Lyon, France, with the creation of a similar database for Interpol. Europol has also initiated work on a EU database.

621. In addition, the Special Objects Unit focuses on crime prevention, by holding lectures on the subject at schools and at company workplaces. The latter environment was chosen as it has been shown that offenders often use the Internet tools available at

work as opposed to using a private alternative, one of the reasons being the higher quality of the Internet at the workplace.

622. A *national network* has been set up, consisting of two contacts from each County Police Department. The network members meet at a conference held once a year in order to acquire further training and information and to exchange what they have learned about sexual offences against children.

623. In 1997 the National Police Board was appointed the *national rapporteur* for Sweden in accordance with a EU declaration signed jointly by the Ministers for Justice and the Ministers for Gender Equality Affairs. The National Police Board will, inter alia, collect information on the extent of trafficking in women and children in Sweden, as well as between Sweden and other countries. It is required to report regularly to the Government and so far three reports have been delivered.

624. The National Police Board has arranged training for persons in charge of child pornography offences in the Baltic countries.

625. A EU expert seminar, Fighting Child Pornography on the Internet - Forensic Aspects, was held in Stockholm in March 2001. It was arranged by the National Criminal Investigation Department as a follow up to the conference held in Vienna in 1999, Combating Child Pornography on the Internet. Besides presenting new forensic methods and developments, the main theme of the seminar was to discuss best practices in intelligence operations and investigations and to further strengthen cooperation between law enforcement authorities.

626. A telephone hotline dealing specifically with sexual abuse against children has been established by Save the Children, Sweden. Incoming material is forwarded to the Special Objects Unit.

#### *International action against the sexual exploitation of children*

627. Sweden has taken an active part in the work of drafting a framework decision on measures against the sexual exploitation of children and child pornography, the object of a so-called political agreement reached by the EU Justice and Home Affairs Council on 14-15 October 2002. Improved Community law legislation will make it easier for police and prosecutors to cooperate across national boundaries in the fight against this type of crime.

628. In the Council of Europe, Sweden has taken part in the efforts to develop the Convention on Cyber-Crime, which, inter alia, affects child pornography on the Internet. Sweden signed the convention on 23 November 2001. Work aimed at ratifying the convention has begun.

629. A good example of international cooperation is the work being carried out by the Baltic Sea Prosecutors-General under the auspices of the Task Force on Organised Crime in the Baltic Sea Region. They have established a special working group on trafficking in and sexual abuse of children and women. This shows that states and national authorities are concerned and prepared to cooperate in these matters. See also

CRC/C/65/Add.3, pp. 159-162.

#### 9.3.4 *Trafficking and abduction (art. 35)*

##### *Trafficking in children*

630. On 1 July 2002, a new criminal offence was introduced into the penal code, “Human trafficking for sexual purposes”. This offence refers to transnational human trafficking for the purpose of exposing people to certain types of sex offences, of exploiting them for casual sexual relationships or of exploiting them for sexual purposes in other ways. The penalty is imprisonment for not less than two and not more than ten years, or for less serious offences, imprisonment for not more than four years. Anyone preparing, conspiring or attempting to engage in human trafficking for sexual purposes or failing to report such an offence is also liable to prosecution. The new penal provisions constitute a first step towards wider criminalisation of all forms of human trafficking.

631. In the case of trafficking for purposes other than sexual ones, such as the exploitation of labour or trafficking in bodily organs, various kinds of penal statutes apply, such as kidnapping, unlawful deprivation of liberty, placing a person in a stressful situation and unlawful coercion.

632. The EU has an extremely important role to play in the fight against human trafficking. It has a responsibility for taking part in and carrying forward work in this field in a wider international perspective and for stimulating and encouraging Member States to cooperate. The Swedish presidency did its utmost to carry forward European Union efforts to combat human trafficking. One example is the work currently under way on a framework decision on measures for combating human trafficking. The aim is for improved legislation in Community law to make it easier for police and prosecutors to cooperate across national boundaries in the fight against this type of crime.

633. The Stockholm Police Authority is currently in the process of starting up a “trafficking group” comprising eight police officers divided into two teams. See also section 9.3.3.

##### *Campaign against prostitution and trafficking in women and children*

634. At Sweden’s initiative, the Nordic and Baltic ministers for gender equality affairs decided at the Women and Democracy conference in Vilnius, Lithuania, in June 2001 to conduct a joint information campaign against trafficking in women simultaneously in all eight countries. In August 2001, the Nordic and Baltic ministers of justice also joined the campaign. The Nordic-Baltic campaign is being waged with funding from the Nordic Council of Ministers. Sweden is paying the salaries of the project coordinators.

635. At the same time, the participants are conducting national campaigns reflecting the situation and needs of each country. The overall goal of the Swedish part of the Nordic-Baltic campaign against trafficking in women is to heighten public awareness in Sweden about prostitution and global trafficking in women and children by means of education and information. This effort is expected to help prevent and combat both prostitution in Sweden and trafficking in women and children to and from Sweden, by the

adoption of a common approach.

636. Another aim of the campaign is to help authorities and NGOs learn more about prostitution and trafficking in women and children so that they can expand and improve their efforts in this area.

637. Via information and education, the campaign focuses on those men who exploit women and child prostitutes in Sweden and on those who travel to neighbouring countries and to other countries in Europe, South America, Asia and Africa to purchase and exploit such women and children, usually girls.

638. The campaign highlights - and in the long term seeks to improve - the circumstances and conditions that women and children who are victims of prostitution and trafficking live under.

639. This information campaign should not be regarded as an isolated and limited effort. Rather, it should be seen as part of an organised, long-term effort to combat prostitution and trafficking in women and children in Sweden. Consequently, it will conclude with an evaluation and with specific recommendations for further efforts against prostitution and trafficking in women in Sweden. This evaluation will be part of the report due to be prepared by a Nordic-Baltic working group and to be presented to the Nordic Council of Ministers in 2003.

#### *Efforts to combat human trafficking within Swedish Foreign politics*

640. Sweden is working actively to combat human trafficking both globally in the United Nations and regionally in the EU, as well as in its international development cooperation work. As part of the ongoing regional collaboration between Asia and Europe (ASEM), Sweden initiated a project against human trafficking that led to the adoption by ASEM ministers for foreign affairs in May 2001 of an action plan for the prevention and combating of human trafficking. This project has given rise to studies and seminars focusing on different aspects of the problem and has acted as a catalyst for policy-related progress in the Swedish foreign policy field. Similarly, as part of the dialogue between Africa and the EU, Sweden has initiated a project aimed at moving human trafficking up the political agenda.

641. Sweden also supports a number of efforts to combat human trafficking in Central and Eastern Europe, including the Western Balkans, as well as in South and South East Asia and in West Africa. Swedish assistance has mainly been channelled via international organisations such as the IOM, UNICEF and ESCAP, but also to NGOs such as the Woman to Woman Foundation (*Kvinna till Kvinna*), the Women's Forum (*Kvinnoforum*) and Save the Children. In June 2002, the government decided to commit further resources to Swedish programmes against human trafficking primarily in North Western Russia, the Baltic States, Belarus and Ukraine. With a view to integrating this issue into Swedish foreign policy, the Ministry for Foreign Affairs is currently developing a strategy for how human trafficking is to be combated via Sweden's international development cooperation work. The strategy is due to be completed during

the second half of 2002.

#### **9.4 Children belonging to a minority or an indigenous population (art. 30)**

##### *National minorities in Sweden*

642. The basis of Sweden's policy on national minorities is set out in a government bill, National Minorities in Sweden (1998/1999:143). The proposals in the bill were later adopted by the Parliament. The Government subsequently ratified the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

643. The Governments and Parliaments policy on national minorities implies that five groups are recognized as national minorities in Sweden. That is samis (that also is an indigenous population), swedish-finns (*sverigefinnar*), *tornedalingar*, romas and jews. The languages recognized as minority languages in Sweden are sami (all forms), finnish, meänkieli, romani chib and jiddisch.

##### *Roma children*

644. In Sweden, Roma children are a vulnerable group. In recent years, the influx of refugees to Sweden has included a comparatively large number of Roma.

645. No official discrimination occurs, but out in Swedish society Roma are still widely discriminated against. Roma children, too, are affected. To a great extent, public efforts have centred on providing Roma children with a proper education and ensuring that they complete the compulsory school programme. The results have been mixed and much remains to be done. In the light of these facts the Ombudsman against ethnic discrimination has been given a special assignment to prevent and counteract discrimination of romas. The assignment is to be reported to the Government during spring 2003.

646. One positive aspect has been the fact that the situation of Roma children has come to the attention both of the general public and of the Roma community itself. A working group has been set up at the Swedish Government Offices with representatives of various ministries and of the Roma community in Sweden. Work in the group has been specifically directed at giving the Roma themselves the principal role in the efforts under way to improve their situation.

647. At the initiative of the working group, a conference was organised in the spring of 2002 on the position of Roma children in Sweden, at which Roma children and young people described their situation themselves. The conference attracted considerable attention and there are plans to follow it up at both regional and local level.

648. In October 2002 the Government decided to set up a special council of roma-issues in the Government Offices. All major roma groups in Sweden will be represented in the he Council, with as equal participation as possible by women and men. Also young romas will be represented in the Council. The Government Office as well as the Integration Board, The Ombudsman Against Ethnic Discrimination and the Swedish



Association of Local Authorities will also be members of the Council.

### *Sami*

649. In light of the widespread lack of awareness and information about the Sami population among the Swedish population at large, the Government allocated SEK 12 m for 2001-2002 and budgeted for SEK 8 m in 2003-2004 for the provision of information about the Samis and Sami culture. The initiative is designed to make Sweden's indigenous people more visible in Swedish society. The aim is for the initiative to become a broad, long-term programme for heightening awareness about and furthering understanding of the Samis and Sami culture. A further aim is to develop greater long-term understanding between Samis and non-Samis and to prevent and combat discrimination.

650. The programme is designed to make the Samis more visible in society, and focuses on schools and the youth community. The Government considers the establishment of a national information centre for Sami issues, as part of the current information campaign, to be a matter of importance.

651. The popular image of Samis is still a stereotyped one characterised by exoticism and prejudice. At the request of the Discrimination Ombudsman, a survey on ethnic discrimination was conducted in 1998 among a random group of Samis from the Sami General Assembly's electoral roll. It showed that 75 per cent of those interviewed felt that Swedish society was hostile to Samis. Just under 50 per cent felt that this hostility had increased in recent years. One Sami in three reported having been subjected to derogatory remarks and one in five had been harassed at his or her workplace. It is not known what Sami children make of their situation.

### **Notes**