

## STATE PARTY EXAMINATION OF SWEDEN'S FIFTH PERIODIC REPORT

68<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
12 JANUARY-30 JANUARY 2015

### Content

Opening Comments .....	1
General Measures of Implementation .....	2
General Principles.....	3
Civil Rights and Freedoms .....	3
Family Environment and Alternative Care .....	4
Disability, Basic Health and Welfare.....	4
Education, Leisure and Cultural Activities .....	4
Special Protection Measures.....	6
Concluding Remarks.....	6

*Sweden ratified the Convention on the Rights of the Child (CRC) on 29 June 1990. On 13-14 January 2015, the Committee on the Rights of the Child (the Committee) examined the fifth report of Sweden. It was last examined on 26 May 2009.*

### Opening Comments

The delegation of Sweden was led by Ms. Pernilla Baralt, State Secretary, Ministry of Health and Social Affairs of Sweden. She was supported by representatives from the Ministry of Health and Social Affairs, the Ministry of Foreign Affairs, the Ministry of Education and the Permanent Mission of Sweden in Geneva.

Ms. Baralt thanked the Committee for the opportunity to discuss issues pertaining to children's rights in Sweden. She stated that it was the State's vision to be one of the best countries for children to grow up in.

Ms. Baralt added that, while a lot of efforts had been made towards the implementation of the CRC, the government of Sweden still needed to do more awareness raising, training and child participation.

Ms. Baralt said that the protection of children at risk was a priority for the government, who intended to enhance the ability and competency of all parts of society in regards to the safety and protection of children. Promotion of inclusive education and that the best interest of the child principle constituted the pillars of education. She stated that the Education Act had been enacted to enhance the rights of pupils to adequate support and that the National Agency for Children had been expected to produce and publish documents related to the right of the child to education.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at

[www.childrightsconnect.org/index.php/publications-resources/crc#countrysum](http://www.childrightsconnect.org/index.php/publications-resources/crc#countrysum)

Ms. Baralt concluded by reminding the Committee that Sweden had been the first State to ban corporal punishment on children.

Mr. Hatem Kotrane and Mr. Peter Guran, the Country rapporteurs for Sweden, thanked the delegation and highlighted that Sweden was one of the few State parties presenting a fifth periodic report. They noted that a huge majority of children and adolescents grew up with guaranteed health, education and respect for their rights and he hoped that these rights would continue to be extended. However, they looked forward to discussing with the delegation about some pending challenges.

## **General Measures of Implementation**

### ***Legislation***

The Committee noted that the CRC did not have primacy over the Constitution and asked whether all Swedish legal texts were in line with the CRC. The delegation responded that a general survey had been conducted which showed that the national legislation was generally in compliance with the provisions of the CRC. The delegation added that the State was operating under the principle of self-governance and that it was ultimately the role of municipalities to ensure that local policies and regulations were in accordance with the provisions of the CRC. The Committee also inquired on the State party's intent to ratify the third Optional Protocol to the CRC on a Communication Procedure. The delegation answered that the decision on the ratification of the third optional protocol was yet to be taken.

### ***Dissemination and training***

The Committee asked whether the previous Concluding Observations had been translated into Swedish and had been made accessible to children and other relevant stakeholders. It also expressed concern about children's limited knowledge of the CRC and the lack of training in child rights for people working in municipalities. The delegation said that the Concluding Observations had not been translated and reassured that they would be translated soon and disseminated among the key actors. This would assist children in understanding them fully. The delegation highlighted the importance of awareness raising and stated the government's commitment towards education and training on child rights, including how children should be treated.

### ***Cooperation with civil society***

The Committee inquired about the participation of non-governmental organisations (NGOs) in the deliberations concerning the direct application of international treaties in domestic legislation. The delegation assured that the government had reviewed all the Concluding Observations with NGOs and had made a priority to further discuss said recommendations with the different civil society organisations

### ***Budget***

The Committee asked how much of the national budget was allocated to the realisation of children's rights. The Committee welcomed the inter-sectorial investments in children's rights but was concerned by the lack of specific budget lines for children's rights. The delegation explained that the municipalities had the responsibility of determining the most appropriate allocation of resources based on the local context.

The Committee asked whether the impact of budgetary decisions on the rights of the child was assessed before their implementation and if this was mandatory, as it was the case for women's rights. The delegation responded that in regards to child impact assessments, it was

not mandatory to assess government budgetary decisions but that it was an increasingly common practice that provided the government with better grounds for decision-making.

The Committee expressed concern about the disparities between municipalities in terms of services and asked clarification on the equalisation system implemented by the Ministry of Finance. The delegation explained that municipalities provided most of the welfare services. However, education was of competency of national legislation and authorities in order to ensure equality throughout the nation.

## **General Principles**

### ***Non – discrimination***

The Committee expressed concern about the increase in racial discrimination against minorities, refugee, migrant, in particular children of African descent, and children with disabilities. The Committee highlighted that the term race had been taken out from the law combating racial discrimination and noted that political parties supporting racial discrimination had recently gained more seats in the Parliament. The delegation reassured the Committee that awareness raising programmes had been implemented in schools and on the Internet. These included issues such as racial discrimination, xenophobia, afrophobia (which would be the priority for the Ombudsman in 2015) and bullying, including cyber-bullying. The delegation also mentioned the national strategy to promote LGBT rights and the national strategy against islamophobia. 56 per cent of teachers asked for and were provided with training on the prevention of cyberbullying. However, 44 per cent of schools still lacked practices against harassment on the Internet, even though materials and tools on online harassment were available online for teachers.

The Committee asked if there was any baseline research on discrimination and racism that would allow understanding the extent of the problem. The delegation responded that research had been conducted, including by the cyber national agency, and that it would provide with more data later on.

### ***Best interests of the child***

The Committee expressed concerns about the principle of the best interest of the child not being well understood by the legislators and the judiciary. It asked what was being done to increase the understanding of the principle. It also asked if the best interest was the prevailing consideration for all legislative and administrative measures related to children. The delegation explained that the interpretation and implementation of the principle of the best interest of the child was challenging and welcomed the Committee's General Comment on this subject. The General Comment had been used to amend the Social Services Act and had been included in the New Patient Act that was enacted in 2015 to strengthen the position and the rights of the child patient. Measures such as coercion of children could only be undertaken if they were in the child's best interest. The principle was also explicitly mentioned in the Alien Act, based on which the Immigration Board had developed a common policy and child impact assessment to determine the best interest of children seeking asylum.

### ***Right to be heard***

The Committee raised children's concerns about student councils not being mandatory in every school as a way to help setting minimum standards for schools. It also asked how the right of the child to be heard was guaranteed in schools and municipalities. The delegation explained that child participation was a big challenge and the government was aware of it. The delegation explained that there were regulations regarding students' participation. However it was not mandatory to have a student council. The delegation added that the

government was working with children, the office of the Ombudsperson for children and various organisations, and was undertaking inquiries and assessments on how to take the process forward and ensure that the voices of children were properly heard.

## **Civil Rights and Freedoms**

### ***Forced Marriage and Honour Violence***

The Committee expressed concerns about honour related violence and oppression from parents and siblings. It also expressed concerns about forced marriage and asked what measures were taken to address these issues. The delegation answered that a National Skill Team had been created to address the issues of honour related violence and forced marriage. It added that a guide for supporting and rehabilitating young people placed in homes or foster care had been produced. Training was also provided to the police to enable them to conduct the best possible investigation and give protection to the victims. Information campaigns were also conducted by the police targeting schools.

## **Family Environment and Alternative Care**

### ***Family Support***

The Committee asked whether specific programmes were put in place to ensure that fathers were more involved in the lives of their children. The delegation explained that researches had been conducted and the information gathered showed that parenting was extremely important to Swedish men and that more of them were using the parental leave granted to them. The delegation added that, in order to improve the equal use of the parental leave by women and men, a number of measures had been undertaken including 90 days of parental leave for both parents.

The Committee asked the delegation for information on the support provided to the children of incarcerated parents. The delegation explained that children of incarcerated parents were able to have a relationship with their parents through visits, home leave, phone calls and letters. The question of whether the use of Internet could be authorized was being studied. The delegation added that prisoners serving longer sentences were provided with parenting training to ensure the establishment of a relationship with their families.

## **Disability, Basic Health and Welfare**

### ***Health services***

The Committee asked about the measures taken to improve the health status of children from disadvantaged groups and to abolish health inequalities in general. The delegation reported that the government aimed to eliminate avoidable health inequalities within one generation and with this in mind it had set up a national strategy and core values statement. The strategy was made up of five main axes: transparency and analysis of disparities and care and treatment, system support, strategies and actions in specific fields, support and stimulation of development of care, and dialogue with care providers.

The Committee also inquired about the children whose parents were ill. The delegation explained that, since 2010 it was made obligatory for healthcare and medical services providers to fulfil the child's need for information and explanation when parents were ill, dependent on a substance or abruptly died.

### ***Breastfeeding***

The Committee asked for more information on the actions taken to improve the rate of exclusive breastfeeding. The delegation reiterated that the State party was very adamant to

support breastfeeding. As a plan of action, the National Breastfeeding Committee had been established in 2009 with the aim to promote and protect breastfeeding. The delegation added that a national strategic plan for breastfeeding had also been put in place.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee inquired about the status of education for children in the State party and also the status of the CRC in the education sector. The delegation explained that every child had an equal right to education and the education system was very inclusive. The municipalities provided education for all children, including children with disabilities. However, the choice of a particular school from the children and their families could not always be satisfied.

The Committee asked how the State party ensured equal access to education to all children. The delegation explained that, to ensure equal access to education, the State party had a system of national legislation and national implementation and also a support system of the local level. It stated that four State authorities existed to conduct the evaluation or inspection of the educational system. The National Agency for Education was responsible for the implementation and support measures for national legislation in regards to education. The National School Inspectorate was responsible for the monitoring of the educational system. The National Agency for Special Needs Education was responsible for ensuring high quality education for children with disabilities. And the Sami School Board was responsible for ensuring access to high quality education to indigenous children.

### ***Children with disabilities***

The Committee asked about the status of education with regard to children with disabilities. The delegation stated that children with disabilities, like any other children, had easy access to education. They had the right to choose school. However, municipalities had the right to refuse acceptance if accepting children with disabilities implied making significant organisational changes. The delegation also added that children with disabilities could attend schools for children with learning disabilities. Those schools were part of compulsory schools and they shared the same infrastructures. The delegation also noted that some policies had been enacted to ensure that the right to an education of children with disabilities was protected. The Swedish Disability Policy had a number of principles such as mainstreaming, equal accommodation, enabling the child to influence decisions that concerned them, and knowledge about their rights such as developing a strategy and allocating resources to raise awareness about disability and the rights of children living with disabilities to an education.

The Committee raised some concerns about the use of violence on children with disabilities in school settings. The delegation stated that children with disabilities were in a more vulnerable situation in regard to violence in school settings. The State party had taken measures to address the issue. In 2013, the government had given the National Board of Health and Welfare the task to set up national centres for combating violence in selected higher education institutions.

### ***Leisure and cultural activities***

The Committee inquired about the status of the right of children to play. The Committee had noted that children often did not have enough time to play or were discriminated against because they could not afford taking part in activities. The delegation explained that the right to play constituted a serious matter. A lot of extracurricular activities were available to children. However, children with disabilities faced discrimination in regard to the right to leisure time, play and participation in sports. The delegation reassured the Committee that

measures had been taken to address the issue: in fact, over 95 per cent of libraries and 63 per cent of sport facilities were made accessible to children with disabilities; 4 out of 5 municipalities had an accessibility plan in place. The delegation added that the Leisure time support program had been put into place for children living under economic restrictions. This program enacted at the municipal level aimed to help children participate in leisure and cultural activities by lessening the costs associated with the participation in said activities.

## **Special Protection Measures**

### ***Juvenile justice***

The Committee inquired about the juvenile justice system in place in the State party. The delegation explained that there was a comprehensive juvenile justice system in place. Children in detention had their rights protected, among which the right to challenge certain restrictions. In 2013, there had been 119 children, of whom 94 had been detained for up to 90 days and most of them less than 60 days. Special measures were implemented to reduce isolation of children in prisons and the number of psychologists had been increased. Procedural safeguards were a high priority for the government. There were instances in which children had been interrogated without the presence of defence council, but it was unknown how many. According to the law, a lawyer must be assigned to all children under the age of 18.

### ***Refugees and asylum seekers***

The Committee expressed concern about the fact that unaccompanied minors were extremely vulnerable to exploitation and trafficking, and that there were dozens of children who had disappeared from reception centres. The delegation explained that in February 2014, the government had adopted a new action for the protection of children against human trafficking, exploitation and sexual assaults, which contained measures to address the cases of unaccompanied children disappearing from reception centres.

### ***Sale of Children, child prostitution and child pornography***

The Committee was concerned about the exposure of children to sexual exploitation and inquired whether the government intended to withdraw its declaration and accept the different forms of child pornography as mentioned in the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). The delegation explained that Swedish legislation fulfilled the requirements of the OPSC with regard to the criminalization of child pornography offences and that the government did not intend to withdraw its declaration on article 2(c).

The Committee also raised some concern about the lack of data on trafficking and on child abuse by Swedish citizens abroad. The delegation reassured the Committee that measures would be taken to address the issue.

### ***Armed conflicts***

The Committee asked whether there was a formal prohibition of children joining armed forces outside of the Swedish territory. The delegation explained that the government had a formal ban on the recruitment of children under the age of 15 in armed forces. The Committee firmly believed that all children should be included in the ban and that it was necessary to raise the age limit to 18 years of age.

## **Concluding Remarks**

Mr. Hatem Kotrane, the Country Rapporteur, thanked the delegation for providing answers to the questions asked by the Committee. He reiterated the fact that the Committee was aware

that the State party under review was a friend of the CRC and he congratulated the delegation for the progress made in regard to legislation and policies. However, he urged the government to revisit the remarks made in 2009 regarding the Optional Protocol on Children in Armed Conflict and in 2012 on the OPSC. He encouraged the government to amend the Constitution to allow for a better inclusion of the provisions of the CRC and its optional protocols. He called for better training on and awareness raising of the CRC and its optional protocols. He encouraged the State party to formally ban the recruiting of children in armed forces.

Ms. Pernilla Baralt, the head of delegation, reiterated the Committee of the intent of the State party to make Sweden the best country for children to grow up in. The delegation reassured the Committee that the concluding observations would be translated and disseminated among the key actors and that the government and different stakeholders would assist children in understanding them. She expressed the intent of the State party to focus on education, training and awareness raising in order to promote and better implement the CRC and its optional protocols.