



Convention on the Rights of the Child

Distr.: General
22 June 2012
English
Original: French

Committee on the Rights of the Child Thirty-eighth session

Summary record of the 1001st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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GE.05-40055 (E) 220612

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (agenda item 5)

Third periodic report of Sweden (CRC/C/125/Add.1; CRC/C/Q/SWE/3; CRC/C/RESP/74)

1. *At the invitation of the Chairperson, Ms. Borsiin Bonnier, Ms. Jahn, Ms. Sundberg, Ms. Berglund, Ms. Björklund, Mr. Stenström, Mr. Stoican and Ms. Wiman took places at the Committee table.*
2. **The Chairperson** expressed the Committee's condolences to the Swedish delegation following the Asian tsunami of 26 December 2004, which had claimed the lives of many Swedish nationals.
3. **Ms. Borsiin Bonnier** (Sweden) said that, since ratifying the Convention on the Rights of the Child 15 years earlier, Sweden had continued to adapt its policies on children to the new social realities, enshrining those policies in a strategy adopted by Parliament in 1999. The strategy focused on the implementation of the Convention, which largely involved raising awareness of the Convention's provisions and principles among individuals working with and for children. For that reason, a number of professional groups had been invited to undergo training in such topics.
4. The Government had set up a special unit responsible for promoting the implementation of the Convention, ensuring that all decisions, policies and measures took into account the provisions of the Convention, and preparing reports for submission to the Committee on the Rights of the Child. The Government also ensured that the various State bodies, such as the National Board of Health and Welfare, the National Police Board and the National Board of Social Security, took children's rights into consideration.
5. In addition, the Government supervised the activities of local and regional authorities, which played a key role in implementing the Convention, since they were responsible for schools, social services, sports centres and public transport. The Government could contribute by adopting legislative measures, allocating budgetary resources and granting financial incentives.
6. The Office of the Children's Ombudsman also played an important role in promoting and supervising the implementation of the Convention. The amendments made in 2002 to the Office of the Children's Ombudsman Act had extended and strengthened the Office's mandate. The Ombudsman had been given the authority to request information from central, regional and local authorities and to call for consultations on the progress achieved in the implementation of the Convention. The Ombudsman also had access to increased resources.
7. Various measures had been taken to enhance the participation of children, particularly in schools. The ministry responsible for the country's policies on children had formed a children's group that met twice a year to debate various issues affecting them.
8. The new strategy submitted to Parliament in January 2004 emphasized the need to make the promotion of the rights of the child an integral part of the national budgetary process and to ensure that the provisions of the Convention were given greater consideration in the work of the public authorities. Lastly, Sweden planned to develop new methods for promoting the participation of children in society.
9. Non-governmental organizations (NGOs) played a vital role, since they monitored the situation of children and drew the Government's attention to any gaps or defects in the system. The Government would welcome a strengthening of dialogue with such organizations.

10. Among the initiatives undertaken by the Swedish Government, it should be noted that, in 2003, a national plan of action against female genital mutilation had been adopted and an international conference organized on the topic. In November 2005, Sweden had also hosted an international conference on the issue of honour killings of women and girls.

11. **Ms. Vuckovic-Sahovic** said that the State party's activities to promote the rights of the child stood as an example to other States and noted in particular that Sweden placed a strong emphasis on child-related activities in its official development assistance, to which it contributed a significant percentage of its gross domestic product. However, Sweden had not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. That was regrettable, and the Committee would welcome any explanation as to why that was the case.

12. The delegation should indicate whether the Government regularly consulted the various NGOs working with children and whether the suggestions made by them and by the Children's Ombudsman had been properly considered. It would also be useful to know whether, in drawing up its policies, Sweden systematically took into account the rights of the child, since that was a requirement it imposed on countries that requested its help.

13. However, children did not appear to be fully aware of their rights or the bodies they could approach in the event that those rights were violated. Despite the fact that Sweden had intensified its efforts to combat racism and xenophobia, particularly in schools, racist attitudes persisted and the delegation should indicate to what extent those attitudes were linked to broader issues of insecurity and terrorism and specify how it planned to eradicate the problem.

14. The Committee had been informed of several cases of excessive use of force by the police against individuals held in custody and also during demonstrations against the European Union Summit in Gothenburg in June 2001, when the police had arrested 141 protestors aged under 18. The delegation should indicate whether investigations had been carried out into those events and whether measures had been taken to prevent their recurrence.

15. **Ms. Khattab** expressed regret at the lack of data relating to disabled children and to victims of sexual exploitation. The delegation should also explain what were the "exceptional circumstances" under which a person aged under 18 could be sentenced to imprisonment.

16. She noted with concern that illegal immigrant children did not have the right to education and that, in the event that the parents separated, non-Swedes appeared to be subject to discrimination with regard to custody rights, given that Swedish parents received unlimited assistance from the Government in such cases and that courts very often favoured the Swedish parent over the foreign parent when granting custody. Lastly, it was worrying to observe that the disparity between rich and poor continued to grow and that foreign children were the principal victims of poverty.

17. **Mr. Citarella** enquired why the Convention had not been incorporated into Swedish law, given that almost all its provisions had equivalents under the country's legislation. It was regrettable that there was an absence of disaggregated data relating to funds allocated to the implementation of the Convention or statistics on demographic composition and youth offending. In view of the fact that Sweden had raised the minimum legal marriageable age to 18, regardless of the nationality of the individuals in question, he asked whether a marriage contracted overseas before the age of 18 was recognized by Sweden.

18. **Mr. Krappmann** commended Sweden's efforts to implement the right of children to freely express their views, in particular in relation to judicial procedures, family-related decisions and social planning, and hoped to receive confirmation that there was no

minimum age limit for exercising that right. In that regard, he wondered whether Sweden planned to organize information campaigns for parents to raise awareness of the need to allow their children a say when such issues were discussed at home. The delegation should also indicate what measures were planned to encourage children to take more interest in social planning and to alleviate the disappointment they might experience when they participated in school-related issues and their views were ignored. Consulting children did not necessarily imply that all their demands should be granted, but it was important to maintain a dialogue based on communication and explanation.

19. **Ms. Al-Thani** asked whether the post of Disability Ombudsman was distinct from that of the Children's Ombudsman and what was being done to benefit disabled children apart from the national plan of action.

20. **Mr. Filali** wondered what kind of follow-up there was to the Committee's concluding observations, and more specifically whether they were the subject of public debate.

21. Despite the expansion of its remit, the Office of the Children's Ombudsman was still not authorized to deal with complaints made by children, which constituted a serious shortcoming. The delegation should indicate whether the Office of the Ombudsman could take up a case on its own initiative and whether its level of independence met the requirements of the Convention.

22. The report mentioned a large number of strategic measures that had been adopted to implement the Convention but provided very little detail regarding the exact mechanisms involved. For example, it had not specified who monitored or coordinated that implementation at county or local level. It would also be useful for the Committee to be informed of any court decisions that might shed light on the way that Swedish judges interpreted the Convention and applied its principles.

23. **Ms. Ouedraogo** praised the efforts made by Sweden to promote the rights of the child in its territory and in other countries through international cooperation but expressed regret that, owing to the country's decentralized system, decisions were not always applied by municipal and county councils. The absence of statistical data in several areas was also regrettable and Sweden should therefore indicate how it intended to resolve the issue.

24. There was an urgent need for measures to be taken to meet the basic needs of deprived children and reduce the pockets of poverty that existed in Sweden.

25. The Office of the Children's Ombudsman certainly had very wide powers but was considered to be an arm of Government and she asked whether the Government might consider having the Ombudsman appointed by Parliament rather than the executive, in order to guarantee the independence of the office. It would also be useful to know to what extent children had participated in developing guidelines on combating violence committed against them.

26. **Mr. Kotrane** said that the laws in force in Sweden were sound but that judges seemed to struggle to implement them at times, particularly in cases of racist crimes. A better knowledge of international instruments would help them in that respect. The issue was all the more important since there had been a resurgence of racist and xenophobic behaviour in schools. The Government had expressed concern regarding the issue but should indicate whether it had planned any specific measures to combat it.

27. Moreover, he wished to emphasize that a country should not implement, in its territory, the laws of another country that contradicted its national public order and, in particular, that it should not recognize an early marriage contracted by a foreign national under a foreign law.

28. **Mr. Liwski** noted with concern that, owing to decentralization, the implementation of the Convention fell mainly to municipal bodies, which resulted in significant inequalities with regard to access to social services. Municipal family counselling services might not even be free of charge, which could potentially limit access for financially disadvantaged families.

29. It was hoped that the delegation could provide more detailed information than that set out in the country's report with regard to measures taken to implement the Committee's previous recommendation that Sweden should amend its nationality law so as to implement in full the provisions of article 7 of the Convention.

30. **Ms. Ortiz** said that NGOs had complained that they had not been consulted enough during the preparation of the periodic report, since the Government had simply asked them for information without engaging in any real dialogue. They also believed that the second periodic report had not been distributed widely enough among municipalities.

31. Sweden had striven to ensure that its development cooperation programmes incorporated the principles of the Convention, but she wondered whether it had any influence in that regard on similar programmes carried out by the European Union, to which Sweden had contributed considerable funds.

32. The delegation should also indicate whether the State party planned to offer assistance to adopted children who wished to discover the identity of their biological parents, in particular in cases where the child had not been adopted according to official regulations or had been adopted in a country that did not sufficiently protect the right to identity.

33. **Ms. Chutikul** asked whether a central body had been tasked with stipulating the quality of social services offered and, if so, how it would monitor such quality and address any disparities.

34. She asked what mechanisms were used by the Ministry of Health and Social Affairs to fulfil its function of coordinating the implementation of the Convention, whether among the various ministries or among ministries, municipalities and county councils.

35. It would also be useful to know to whom the annual report of the Children's Ombudsman was submitted, whether it was the subject of a debate and who responded to the recommendations that it contained.

36. Lastly, the delegation should indicate what had been done to monitor children's access to information on the Internet, which was at times unsuitable.

37. **Ms. Smith** asked whether participation on school boards, which she commended, was simply permitted or compulsory.

38. It was surprising that Sweden did not recognize the right of children to contest a medical decision. The Government should therefore consider applying the fairly widespread principle of fixing a minimum age limit, for example 16, in such cases.

39. All children were supposed to enjoy the same rights, in particular with regard to education and social assistance, but the application of that principle in Sweden for child asylum-seekers was problematic in practice and the delegation should specify how matters currently stood for illegal immigrant children. Even when a right was recognized, it was not always exercised in a satisfactory manner. For example, child asylum-seekers had the right to legal aid but were often assisted by lawyers with insufficient training. The same problem arose with regard to the custodians appointed to represent them. It would not be difficult to make a list of the court decisions in which the Convention had been invoked, and Sweden should therefore endeavour to do so.

40. **Ms. Lee** wished to know whether the economic crisis of the 1990s had led to a reduction in funding for childcare facilities, programmes for children with special needs, mother-tongue literacy programmes or other projects.

The meeting was suspended at 11.25 a.m. and resumed at 11.35 a.m.

41. **Ms. Jahn** (Sweden) said that the Government engaged in a fruitful dialogue with NGOs, which had been consulted during the preparation of the report under review. Unlike the previous report, the third periodic report had been sent to all the libraries and municipal and county councils in the country. Parliament would hold a debate on the concluding observations and recommendations following the Committee's consideration of the current report and a seminar for heads of NGOs working with children would also be held to establish the steps required to implement the recommendations. On 20 November each year, the Child Rights Information Network, which brought together around 50 NGOs working for children's rights, met with the Government to take stock of the situation of children in the country.

42. **Mr. Stoican** (Sweden) said that a vital responsibility of the Children's Ombudsman was to monitor the implementation of the principles enshrined in the Convention at municipal and county council level. The Ombudsman also played an advisory role in the process of drawing up legislation relating to children. The amendments made in 2002 to the Office of the Children's Ombudsman Act gave that body an enhanced degree of independence and importance, allowing it to influence decisions made by local authorities. There was currently no intention, however, to authorize the Children's Ombudsman to receive individual complaints.

43. **Ms. Sundberg** (Sweden) explained that the Office of the Disability Ombudsman had been created in 1994 to promote the general objectives of the country's disability policy, namely to work for full participation and equal opportunities. Under the Office of the Disability Ombudsman Act, the authorities were obliged to provide information to the Office of the Ombudsman and engage in negotiations at its request. The Ombudsman called attention to amendments that should be made in order to rectify shortcomings in disability legislation and took the initiative on action for disabled people when the legal protection they received was insufficient. The Ombudsman was also responsible for raising awareness of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and determining to what extent they were followed and applied by Government bodies, local authorities and other structures. The fact that an Ombudsman was not entitled to deal with individual complaints did not mean that children had no recourse where their rights were violated, since their legal representatives could appeal to the competent bodies on their behalf.

44. **Ms. Jahn** (Sweden) said that Ombudsmen's reports were submitted to the Government and that the proposals, suggestions and recommendations made were implemented by the various ministries according to their areas of competence.

45. **Ms. Lee** asked whether the parents or legal representatives of children whose rights had been flouted knew which body to approach in order to lodge a complaint.

46. **Ms. Sundberg** (Sweden) acknowledged that it would be advisable to increase awareness of the remits of each of the various Ombudsmen, of whom there were many, but in Sweden everyone was aware that any serious violation of fundamental rights had to be reported to the Parliamentary Ombudsman.

47. **Ms. Chutikul** asked whether there was a single Government body that was responsible for monitoring the implementation of recommendations made by the Children's Ombudsman or whether the various relevant ministries dealt with the matter individually.

48. **Ms. Khattab** noted with concern that, in the absence of a mechanism for individual complaints that was accessible to children, only those whose parents or legal representatives agreed to lodge a complaint on their behalf could hope to obtain redress, and she requested the delegation's views on the matter.

49. **Ms. Sundberg** (Sweden) said that the results of the current review of the Ombudsman system were not yet known. She therefore did not yet know what approach the country intended to adopt in that regard, but she assured the Committee that the delegation had taken note of its opinion regarding the need to establish a system for individual complaints that was accessible to children.

50. **Ms. Jahn** (Sweden) said that the various relevant ministries were responsible for following up recommendations and suggestions that the Office of the Children's Ombudsman submitted in its report to the Government by developing policies within their areas of competence that took those recommendations and suggestions into account. It was the responsibility of the Ministry of Health and Social Affairs to monitor their implementation. The report of the Children's Ombudsman did not give rise to a debate in Parliament, but issues affecting children were included in the agenda of parliamentary debates every year.

51. Decisions made by Government bodies were taken jointly, as a matter of course, so that all ministries were involved in drawing up bills, thus avoiding any overlap in their various activities. Specialized working groups set up within the ministries met regularly and a special unit reporting to the Government was responsible for assessing action taken by the various ministries in the area of children's rights and liaising between them in order to avoid the duplication of work. On the other hand, the Government had no authority to prevent a county charging twice as much as another county for the provision of family counselling services, although the National Board of Health and Welfare would be alerted to such shortcomings.

52. **Ms. Björklund** (Sweden) said that much of the work of the social services offered to children and their families consisted in providing free family counselling. A system of family consultations carried out by psychologists, the objective of which was to strengthen ties between parents and children or support parents who were on the point of separation, had been established and such consultations were also free of charge.

53. Municipal councils were responsible for organizing, under the auspices of the social services or as part of the free family consultations, "cooperation talks" for separated parents or parents in the process of separating in order to help them reach an understanding on child custody, their home and visiting rights.

54. In fact, municipal councils were entitled to charge for marital consultations organized under the auspices of local authorities. No price list had been established, but the National Board of Health and Welfare monitored fees in order to minimize variations between one area and the next and could exempt any families who did not have sufficient means to pay those fees.

55. **Ms. Vuckovic-Sahovic** welcomed the fact that the Committee's concluding observations were to be the topic of a parliamentary debate. In Sweden, as in several other developed countries, the evolution of the home environment and changes in the family structure were a cause for concern: long commutes to work, the growing pace of school life, the weakening of family ties and lone parenthood put considerable pressure on families. In that connection, she wondered whether Sweden, a pioneer in many fields, including gay parenting, was in possession of any analytical data on the socio-psychological effects of the changes taking place and the State's level of intervention in family affairs, especially in relation to education or cases of abuse.

56. **Ms. Khattab** asked whether, in the interests of combating racism and xenophobia, especially in schools, the Swedish Government might envisage directly incorporating article 2 of the Convention into the new law on education. She also asked what measures had been taken to include in school curricula and activities the topics of tolerance, respect for others, recognition of the contribution of immigrants to the economic growth of the country and opposition to racist and xenophobic activism among young people.

57. Although a parliamentary investigation into unaccompanied child asylum-seekers had been carried out in 2003, more attention should be paid to their plight, since it was said that the treatment they experienced in childcare centres had led several dozen of them to “disappear”.

58. The delegation should also provide further detail on how adopted children could make contact with and receive visits from their biological parents and on how the best interests of the child were ensured in the event of adoption by a homosexual couple.

59. It would be useful to raise awareness among parents of the risks of paedophilia presented by the Internet, to prevent children from having easy access to pornographic material and to consider improvements that could be made to Swedish legislation, in particular in the context of the revision of the Criminal Code, with a view to punishing perpetrators of sexual offences against children more severely.

60. **Ms. Anderson** wished to know why the proportion of youth offenders placed in custodial care was so high among the non-Swedish population, whether research had been carried out into the issue, whether such children were currently benefiting from specific prevention and protection programmes or policies, whether care institutions could provide a quality of care that could be measured using the relevant indicators and whether the National Board of Institutional Care exercised its regulatory role properly.

61. She requested additional information on the training and awareness-raising programmes directed at judicial personnel to increase their awareness of children’s rights.

62. The State party had decided to prioritize the provision of psychiatric care to children and young people, which could only be welcomed, but the delegation should explain why the level of qualifications required of individuals working in open access services in primary schools had been lowered.

63. **Ms. Al-Thani** said that she welcomed the fact that Sweden had a national action plan for disability policy and an institute catering to special educational needs. She was surprised, however, by the absence of statistics on the numbers of disabled children attending mainstream schools or not enrolled in school at all, and about the facilities available to disabled children in the various municipalities, for example with regard to access to sporting activities.

64. The delegation should indicate why, despite the action taken to prevent suicide — notably the establishment of the Children’s Helpline and the training of social services staff — young people still did not appear to know who they could go to for help, and also why the waiting times for receiving psychiatric care were very long in certain municipalities.

65. In the field of health, she asked what measures had been taken to reduce both the number of unwanted pregnancies and abortions among young immigrant girls and the proportion of children affected by HIV/AIDS, given that there were around 60 HIV-positive children in Sweden. The delegation should also clarify what was being done to combat obesity and weight problems among young people.

66. **Ms. Ortiz** asked what the definition of a child was in existing legislation aimed at suppressing the use of individuals aged under 18 in pornography, given that too many cases continued to evade justice.

67. She wished to know whether the amendments to the Adoption Act of 2002 had come into force on the planned date, 1 January 2005, and whether the State party now intended to authorize intercountry adoptions only in countries that had signed the Hague Convention of 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption, which excluded countries such as the Republic of Korea and Viet Nam, following the intervention of the relevant official services.

68. The delegation should indicate whether the decisions under which some 14,000 children were currently placed with foster families were provisional or final, which authorities were responsible for their implementation and, if necessary, review, and what opportunities there were for such young people when they attained the age of 18.

69. **Mr. Liwski** asked whether the National Institute of Public Health had already evaluated the plan of action against drug addiction that had been developed by the Government and whether drug addiction prevention strategies had recently been put in place to tackle the significant increase in the number of young people using drugs that had been observed over the previous seven years in Sweden.

70. **Mr. Kotrane** wished to know whether the State party intended over the coming years to facilitate family reunification, which was possible in law but difficult in practice, in view of the long waiting times faced by asylum-seekers wishing to obtain residence permits. He also asked whether the State party planned to appoint a custodian for every unaccompanied foreign minor, as recommended by the relevant international organizations, in order to improve living conditions for such children, particularly with regard to housing, and to provide them with the services of professionals during interviews.

71. **Mr. Citarella** wished, in the absence of statistics, to be given some information on the status of national minorities in Sweden. He also asked what percentage of asylum claims made by unaccompanied children were accepted or rejected and what the time frames were for processing those claims, given the significant number of disappearances reported.

72. He noted that the definition of a child according to the criterion of puberty in criminal law did not correspond with that in the Convention. He also asked the delegation to provide further clarification on the organization of the justice system for minors and on the possibility that young people aged between 15 and 17 years of age could be sentenced to imprisonment.

73. **Ms. Chutikul** expressed concern that few judges and prosecutors had been trained in children's rights and said that the State party should improve police and prosecution methods and practices during their investigations of crimes against children.

74. In the field of education, the delegation should indicate what objectives the State party had set for education and what guidelines it used to evaluate the quality of its teaching system.

75. **Mr. Krappmann** requested additional information on school dropout rates, professional training and youth unemployment.

76. **The Chairperson** wished to know the current position of the State party with regard to violence and neglect suffered by children in the home. He asked what the current procedures were for reporting such cases, since previous measures to encourage reporting did not seem to have achieved their aim.

The meeting rose at 1 p.m.