Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Sweden - 8th Session - 2009
7th May, 2.30pm to 5.30pm

National Report
2. The Government has sought an open and transparent process, involving government agencies, civil society and other stakeholders at an early stage. The Government’s human rights website www.manskligarattigheter.se has been used to inform and consult stakeholders. The coordinating ministries have also held open-ended meetings with stakeholders to inform about and collect views on the process and this report. In November 2009, representatives from the coordinating ministries participated in a public seminar about the UPR held at the Swedish Forum for Human Rights.2 The Equality Ombudsman, the Children’s Ombudsman and the Delegation for Human Rights in Sweden have been consulted during the drafting of this report.

22. Persons up to the age of 18 in Sweden have an ombudsman of their own, the Children’s Ombudsman. The main duty of the Children’s Ombudsman is to promote the rights and interests of children and young people as set forth in the Convention on the Rights of the Child (CRC). The agency monitors the implementation of the CRC in Sweden, including by submitting proposals for legislative amendments and promoting the application of the CRC in the work of government agencies, municipalities and county councils. However, the Ombudsman does not supervise other authorities and, by law, may not interfere in individual cases. Sweden was one of the first countries to adopt a national action plan for the

57. implementation of the UN Resolution 1325 on women, peace and security. Sweden’s action plan focuses on enabling the active participation of women in peace processes, and also on ensuring that the special protection needs of women and girls are met. The objectives and focus of Swedish action at national level include ensuring that a considerably larger proportion of women participate in international peace-support and security-building operations; strengthening protection of women and girls in conflict situations; and enabling women in conflict areas to participate fully and on equal terms.

59. In 2008, the Government approved an action plan for combating prostitution and trafficking in human beings for sexual purposes. A total of SEK 213 million will be invested in 36 measures until 2010. The action plan has a clear focus on the need for protection and support for the individual affected, and on this permeating the efforts of the agencies concerned. Particular measures are targeted at children and young people. The action plan includes five areas of measures, each of which is important in itself, but which also supplement and strengthen each other.

64. The Government is concerned about remaining challenges on the implementation of the rights of the child. Children and young persons are among the groups that face the largest challenges in voicing their needs and claiming their right to participation and to self-representation. The concluding observations on the fourth periodic report to the UN Committee on the Rights of the Child from 2009 are an important input for the Government’s future work on implementing the rights of the child. 2009 marked the 30th anniversary of the complete prohibition of corporal

65. punishment in Sweden, including within the home. Nonetheless, some children continue to be victims of violence within the family. Combating all forms of violence against children is a priority in the Government’s child rights policy.

66. Combating bullying in schools remains a challenge. The new Anti-discrimination Act aims to promote equal rights for children and pupils and to combat discrimination on grounds of sex, ethnic origin, religion or other belief, sexual orientation or disability. A
project is to submit its report by November 2010.

67. The Government is pursuing measures with regard to challenges in other areas. In 2009 the Government appointed a committee of inquiry to investigate how access to education can be extended so as to include a wider group of children who are staying in Sweden without a permit. The committee presented its proposals in February 2010. In 1999 the Riksdag adopted a national strategy for the implementation of the UN Convention on the Rights of the Child (CRC). This strategy forms the basis for the Government’s child rights policy. The objective of the strategy is for children’s rights and interests to permeate all decision-making that affects children. Decision-makers and others who work on issues that affect children must take into account the human rights of every girl and boy. The goal of the strategy is also to promote awareness of the CRC within the Government, in state agencies, in municipalities and in county and regional councils. The strategy also points out that municipalities and county councils should establish systems to follow up implementation of the best interests of the child in local government work. Child impact assessments must be carried out in connection with state decisions affecting children. The strategy was updated in 2002, 2004 and 2008. The Children’s Ombudsman has a key role in realising the goals put forward in the strategy. One remaining challenge is to ensure that children themselves are aware of their rights. A survey by the Children’s Ombudsman showed that only one in five Swedish children between the ages 11–14 had knowledge of the CRC.


70. The Government is pursuing efforts to strengthen psychiatric care in general and to improve the situation of persons with psychiatric disabilities in Sweden. Several reforms in this area specially target children and young persons in need of psychiatric care and support services. Current measures for shortening the queues to specialised psychiatric care for children, where the county councils have to show results before they are able to benefit from the Government’s money, have yielded positive results. Six municipalities are involved in a collaborative project with a research institution with the mission to strengthen and develop local multidisciplinary plans for health promotion. The project aims to promote children’s and young persons’ mental and physical health.

117. With regard to the rights of the child, the Government has presented a plan in the latest communication to the Riksdag, entitled ‘Child policy: a policy for the rights of the child’, on monitoring and evaluation of the application of the CRC, including statistics. The purpose of the monitoring and evaluation activities is to increase knowledge about the application of the CRC at local and central government levels and to provide input to the Office of the Children’s Ombudsman and the Government indicating what action in the form of support, education, legislative measures, etc. needs to be taken to better protect and strengthen the rights and interests of the child in society.

UN Compilation

1. The Committee on the Rights of the Child (CRC) in 2009, as well as the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) in 2008 encouraged Sweden to consider ratifying ICRMW. CRC, CEDAW, CAT also encouraged it to consider ratifying CED and OP-ICESCR.

11. CRC recommended that the Convention should always prevail whenever domestic law was in conflict therewith. HR Committee reiterated its concern that there was no apparent modality to give effect to the standards of the Covenant in domestic law. CESCR reiterated a similar concern regarding ICESCR.

12. CRC welcomed the enactment of a law criminalizing any intent to approach children on the Internet under a fictitious identity.

13. CRC regretted that the Swedish legislation did not address the issue of trade on war material with countries where children were involved in an armed conflict.

16. CRC recommended that Sweden consider providing the Children’s Ombudsman with the mandate to investigate individual complaints.

32. CRC was particularly concerned about de facto discrimination and xenophobia and racist attitudes towards children of ethnic minorities, refugee and asylum-seeking children and children belonging to migrant families.

34. HR Committee was concerned that persons with disabilities often faced difficulties in obtaining adequate services and housing. It also regretted that the employment rate for persons with disabilities had decreased in recent years. CESCR expressed similar concerns, as did CEDAW regarding women with disabilities and CRC regarding children with disabilities.

40. CRC expressed its concern that current legislation allows the isolation of children in youth detention centres and that this treatment is also used as punishment.

52. CRC was concerned at the high number of children removed from their families and living in foster homes. It was also concerned at the number of children who ran away or were forced to leave home.
53. CRC expressed its concern at the insufficient supervision and monitoring of alternative care facilities and the lack of effective complaint mechanisms for children without parental care.122

56. CRC was concerned at the high number of adolescents unemployed after finishing school and who would need more targeted assistance.125

61. CRC encouraged Sweden to ensure that adequate mental health care was provided to all children that needed it without undue delay. It urged Sweden to strengthen the health-care resources for people in suicidal crisis and to take measures to prevent suicide among groups at risk.132 CEDAW expressed its concern at the deteriorating mental health situation of young girls, including increased alcohol and drug consumption and an increase in attempted suicides and other forms of self-inflicted harm.135 CRC remained concerned about the high incidence of eating disorders among adolescents.134

62. CRC recommended that Sweden increase its measures to analyse and combat the spread of STIs and to strengthen sexual and reproductive health education for adolescents, with a view to reducing the incidence of unwanted pregnancies and abortions.135

63. CRC was concerned that limited treatment possibilities existed for drug users under 18 years and by the fact that there were no statistics on the matter. It was also concerned about the large number of children who suffered as a result of their parents’ drug abuse.136

65. CRC remained concerned that children without residence permits did not enjoy the right to education.138 as highlighted by UNHCR.139 CESCRI reiterated its recommendation that Sweden take immediate steps to ensure the implementation of the laws which provide for access to education for children in hiding.140

66. CESCRI recommended that Sweden continue to adopt appropriate and effective measures to increase school attendance by Roma children and urged Sweden to take immediate steps to prevent harassment and bullying of Roma children in schools.141

73. CRC noted with concern that Sweden was considering the introduction of a support requirement as a condition for family immigration of foreign citizens and stateless persons.161 It reiterated its recommendation, as highlighted by UNHCR,162 that Sweden continue to strengthen the measures taken to ensure that family reunification procedures for recognized refugees.163 In 2009, CRC expressed concern, as highlighted also by UNHCR,164 that the best interests of asylum-seekers and migrant children were not sufficiently taken into consideration in asylum processes.165 CRC was concerned about the large number of unaccompanied asylum-seeking children who disappeared from reception centres in Sweden. It was particularly concerned that those children were vulnerable to abuse and exploitation. It remained concerned that Sweden had not introduced legislation in respect of appointing a temporary guardian for each unaccompanied child within 24 hours of arrival.166 UNHCR expressed similar views.167 CRC welcomed the new Act on Health Care for Asylum-Seekers. However, it was concerned that undocumented children only had a right to urgent medical care, with no subsidies.168

75. CRC urged the Government to ensure that asylum-seeking children involved in armed conflict receive all appropriate assistance for their physical and psychological recovery and their social reintegration.169 CRC recommended that the State party, as highlighted also by UNHCR, systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who have been recruited or used in hostilities abroad. In this regard, CRC recommended that the State party take note of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.170

**Stakeholder Information**

9. Save the Children-Sweden (SC-Sweden) reported that municipalities and regional councils enjoy a high level of autonomy, which may lead to wide variations in how such entities make decisions on issues concerning children. In that regard, SC-Children provided information on these disparities regarding child poverty and social services’ resources for children at risk. 14 SC-Sweden recommended that Sweden increase the incentives for municipalities and regional councils to implement CRC in both their decision-making and their practical work. 15

12. IRPP reported that various discriminatory incidents have occurred which target the gay community. 19 The Swedish Association for Sexuality Education (RFSU) and the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) (RFSU/RFSL) reported that, despite the fact that recurrent studies show that young LGBT people are at high risk of suffering from mental and/or physical illnesses, very little action has been taken to improve their health situation. 20 RFSU/RFSL recommended that professionals get more LGBT knowledge and understanding and that Sweden ensure that sexuality education in schools responds to the needs of students of all sexual orientations, gender identities and gender expressions. 21

17. The Office of the Children’s Ombudsman (OCO) reported that it is possible to isolate children (solitary confinement) in special approved homes if they display violent behaviour or are affected by drugs to the extent that they jeopardise the public order. Further to recommendations made by the Committee on the Rights of the Child in June 2009, the government commissioned the Swedish Standards Institute (SIS) to evaluate the situation and identify potential deficiencies. 28

18. CoE CPT expressed concerns about the situation of juveniles in police custody, who apparently may be questioned without the presence of their parents or social welfare representatives. 29

33. SC-Sweden recommended that education on human rights and the rights of the child be incorporated into school curricula and that training on the Convention on the Rights of the Child should be required in undergraduate education for all professional groups that
work with and for children. 53

45. SC-Sweden recommended that Sweden appoint an inquiry charged with framing legislation which establishes that child-specific reasons for or forms of persecution may serve as grounds for granting refugee status or other protective status. 81

47. FI reported that homeless migrant children who are in an irregular situation are a particularly vulnerable group. They often live in hiding, they do not go to school nor have access to medical facilities. They are subject to exploitation and deplorable work conditions. 83 UNA-Sweden reported that undocumented children only have a right to receive urgent medical care, for which they must pay the full fee. 84 UNA-Sweden recommended that Sweden enact legislation that ensures the provision of education and the highest attainable standard of health care to all children, including asylum-seeking and undocumented children. 85

48. FI recommended that Sweden identify the specific needs of irregular migrant children, in particular those who are homeless, and take measures to fulfill their human rights, including their right to education, to adequate housing and to the enjoyment of the highest attainable standard of health. 86 UNA-Sweden noted that education is not compulsory for asylum-seeking children, and the number of asylum-seeker children attending compulsory school is decreasing. 87 SC-Sweden reported that a government inquiry has proposed enshrining in law the right to education of children who are avoiding the enforcement of an expulsion or deportation order. However, this initiative neither proposes changes with respect to confidentiality, nor restricts the enforcement agency's power to collect children when they come to school or the other activities, which means that it is difficult for children to enjoy this right. 88

49. SC-Sweden reported that, as for undocumented children, undocumented pregnant women have a right to emergency care only, for which they are required to pay the full cost. 89 Referring to the conclusions of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, following its visit to Sweden in 2006, RFSU/RFSL recommended that Sweden ensure that all asylum-seekers and undocumented people are offered the same health care, on the same basis, as people legally resident in Sweden. 90

Final Report and Recommendations – To Follow