



**Convention on the
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**WRITTEN REPLIES BY THE GOVERNMENT OF SWEDEN TO THE LIST
OF ISSUES (CRC/C/SWE/Q/4) PREPARED BY THE COMMITTEE ON THE
RIGHTS OF THE CHILD IN CONNECTION WITH THE CONSIDERATION
OF THE FOURTH PERIODIC REPORT OF SWEDEN (CRC/C/SWE/4)***

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

PART I

1. Please provide further information on progress made in incorporating the Convention into the national legal system as well as the remaining challenges in this respect.

The Government has a clear, explicitly formulated policy on children's rights - the child rights policy (previously child policy) - aimed at implementing the rights of the child on the basis of the Convention on the Rights of the Child (CRC). The objective of child rights policy is to ensure that children and young people are respected, given the chance to develop and enjoy security, and allowed to participate and have an influence. Child rights policy aims to ensure that a child rights perspective is reflected in all policy areas and services affecting children.

A division under the Minister for Health and Social Affairs, CRC Coordination, is responsible for pursuing child rights policy and thus also for ensuring that attention is given to the norms of the CRC in all proposed legislation, policy documents, programmes or other measures adopted by the Government. Virtually all government decisions are taken by the Government collectively. As the Minister for Health and Social Affairs participates in the Government's collective decision-making procedures, this system guarantees that the CRC is reflected in legislation and in the day-to-day work of the Government and, subsequently, of government agencies and authorities.

The Swedish Agency for Public Management is responsible under the Government for supervising the agency structures for child rights policy. Within the framework of this responsibility, the Swedish Agency for Public Management has also undertaken a general survey of certain legislation affecting children based on article 12 of the CRC, i.e. the right of children to be heard in matters concerning the child (Swedish Agency for Public Management 2007:15). The Agency concludes that in the legislation concerning social services for children and young people, in legislation concerning children as victims of crime or participants in crime, and in legislation on custody, residence and contact processes, the individual child has a right to be heard and the opinion of the child is given due weight in accordance with the age and maturity of the child. Judgements and decisions affecting children, like other rulings, are to contain reasons including an account of how the court or government agency has assessed the investigation put before it. However, there is no requirement that the judgement or decision contain information about how the views of the child have been obtained or about the extent to which the child's views have been accepted and why. To clarify the need for legislation and other measures, the Swedish Agency for Public Management states that legislation and its implementation should be subject to continuous monitoring and evaluation, as should other measures taken in public services and activities that affect the rights of children.

Actors such as UNICEF Sweden and Save the Children Sweden have recently commented on the need to make the CRC law. The Government does not see any need at present to transpose the Convention into Swedish law. No international human rights convention has been transposed into law in Sweden, except for the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Swedish legal and constitutional tradition is such that international agreements are incorporated into Swedish law by means of transformation, i.e. by adapting the national legislation to match the requirements of the conventions.

The latest review of Swedish legislation in relation to the CRC was presented by the 1997 cross-party Committee on the Convention on the Rights of the Child. In its written communication to the Riksdag, *Child policy - a policy for the rights of the child* (Govt. Communication 2007/08:111), the Government announced its intention to consider whether there is a need to review the present legislation and its implementation again in order to strengthen the rights of the child in various contexts. Any future measures, including examining the need to make the CRC law in Sweden, will be based on such an analysis.

2. *According to paragraph 7 of the State party report, the Swedish Agency for Public Management was instructed by the Government to carry out a review of the public authority structure in the area of child policy. Please inform the Committee of the outcome of this review, including proposals and recommendations.*

The Swedish Agency for Public Management has analysed how child policy is managed and organized and presents various alternatives as to how the implementation of the CRC can be developed in these respects. The Agency has presented its thinking and proposals in the report *Child policy: public authority organization and management* (2007:15). The Agency indicates various alternatives - which overlap and can be combined in different ways - for giving the CRC a more effective impact. The Agency points to the need to improve and develop monitoring and evaluation of the implementation of the CRC.

The Swedish Agency for Public Management proposes that the Government draw up a plan for follow-up and evaluation. The purpose of such a plan is to make the Government's monitoring of different sectors of society more systematic, so as to give the Government increased knowledge about how a child rights perspective is put into practice in public sector activities and to specify needs for additional objectives or legislative changes. In the Agency's opinion, the plan should make it clear how monitoring and evaluation measures in different policy areas interact and how the information obtained will be used. In particular, the plan should raise the issue of how to monitor the work of the municipalities in relation to their responsibilities in different areas. The plan should also have a multi-annual perspective so as to increase the scope for targeted monitoring and evaluation measures.

In the light of this, in its latest communication to the Riksdag, entitled *Child policy: a policy for the rights of the child* (Govt. Communication 2007/08:111), the Government presented a plan for monitoring and evaluation of the application of the CRC. 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.

The plan contains the following points:

- The responsibility of the Office of the Children's Ombudsman for monitoring and evaluation is to be clarified
- Monitoring and evaluation activities are to be strengthened

- Systematic monitoring of legislation and its application

The plan is a framework and the Government will continuously review the plan and the need for action. The Office of the Children's Ombudsman has already received clarification of its mandate. (see also point 5 below.)

3. *Please inform the Committee of measures taken by the State party to influence decisions taken by municipalities and regional councils and thus address the large disparities that remain between municipalities, county councils and regions concerning the implementation of the Convention. These include variations in the level of child poverty, resources available to the social services for children at risk, and academic results between different schools and regions.*

One method used by the Government to tackle the problems mentioned in the question is to use systematic comparisons to prepare the ground for improving the quality and effectiveness of municipal and county council activities.

We note that the Government has entered into an agreement with the Swedish Association of Local Authorities and Regions to carry out a national comparison project in 2007-2009. The Government has allocated SEK 4 million per year to this project. On top of this, an additional SEK 1.2 million was provided in 2008 to increase the number of small municipalities participating in the project so as to reach the target of 200 participating municipalities. The main purpose is for the project to result in tangible improvements in the services provided by participating municipalities. The project is also intended to contribute to the development of national quality indicators.

So far, 29 networks have been established within the project, each consisting of 5-10 municipalities (192 municipalities in total). The participants in the networks are involved in work on developing methods for comparing costs and results. To date, 12 areas have been addressed by the project, including preschool and individual and family social services. The Council for Local Government Research and Education (KEFU) in Lund has been given the task of evaluating the project. Its final report is due in March 2010.

The Government has also given the National Board of Health and Welfare a mandate to develop national systems for open comparisons of quality, costs and efficiency in health services between municipalities and county councils. One purpose of open comparisons is to contribute to better monitoring of health and social services at national level. A second intention is that municipalities and county councils should be able to learn about measures and methods that yield good results, by comparing performance. The target groups for open comparisons are decision-makers, health and social care providers and people using such services.

The Government has started work at the Ministry of Health and Social Affairs on drawing up a national strategy for quality development through open comparisons in health and social services. The aim is for the comparisons to become an accepted and effective tool for developing health and social services. The strategy will describe what is required to create a system for open comparisons. It will cover reasons, visions and direction, as well as a description of the measures required for successful development work at municipal and county council level.

With regard to school results, by international comparison the Swedish school system is notable for relatively small differences between the results achieved by different individuals and schools. The Government has taken measures aimed at improving the general quality of schools. A clearer focus on the task of promoting knowledge will be to the particular advantage of pupils starting out from a less favourable position. More pupils will achieve educational objectives if the requirements are made clear, pupils' results are followed up and support is brought in at an early stage. During the 2009/10 school year, new national tests will be introduced as early as year 3, and the optional national tests taken in year 5 will become obligatory. Early identification of pupils who are at risk of not achieving educational objectives also increases the chances of providing adequate support and thereby also reducing differences that such support can remedy.

4. *Please briefly describe measures taken to promote the rights of the child under the national action plan for human rights 2006-2009 and the impact of those measures on the promotion and protection of children's rights. Please indicate whether the Delegation for Human Rights in Sweden promotes the rights of children under the Convention and provide some examples in this respect.*

With regard to the monitoring of the measures concerning the rights of the child included in the national action plan for human rights, we can report the following:

- The proposal to ratify the optional protocol on the sale of children, child prostitution and child pornography was approved by the Riksdag. The Government ratified the protocol on 7 December 2006 and it entered into force in Sweden on 19 February 2007. Sweden submitted its report to the Committee on the Rights of the Child as required under article 12 of the protocol on 19 February 2009.
- A follow-up of the work of higher education institutions in organizing regional conferences to support their CRC work was carried out by the Swedish Academy for the Rights of the Child at Örebro University. Acting on instructions from the Government, the Academy has organized a national conference for higher education institutions aimed at supporting their CRC work and contributing to exchanges of experience between different institutions. The conference has been documented in written form.
- According to the action plan, in 2006 the Government intended to establish a child rights centre that could provide support in efforts to implement the CRC by developing methods and skills, exchanging experiences and other means. Acting on instructions from the Government, Örebro University has established the Swedish Academy for the Rights of the Child, a centre that offers courses on the implementation of the CRC to various groups of professionals.
- A handbook on implementation of the CRC has been commissioned by the Government and produced and published by UNICEF Sweden. It is intended for politicians at various levels and other decision-makers, officials and other interested parties. The texts on articles 3, 4 and 12 of the Convention on the Rights of the Child were published separately in 2008 and distributed to all municipal executive boards, county administrative boards and heads of all Swedish central government agencies.

- The Government has started work to develop indicators to measure the effects of actions taken to implement the CRC. A ministry memorandum has been drawn up in the Government Offices on relevant indicators for work on the CRC. The Memorandum is being dealt with by the Ministry of Health and Social Affairs.
- Cooperation with the municipal partnership and with the county council network on the CRC has continued. In 2008, the Government approved new funds for the municipal partnership on the CRC, which will continue its work for another four years.
- The action plan mentions the Government's Children's Rights Forum, which is a forum for more permanent dialogue and exchange of experiences with non-governmental organizations on the implementation of the CRC. The Government held such a forum in 2008 under the theme "Combating all forms of violence against children". Representatives of several voluntary organizations, government agencies and higher education institutions participated in a dialogue with Government representatives on efforts to stop violence against children. On this occasion, several seminars looked at successful projects on this theme.
- Since 2001 the Government has been conducting a dialogue with children and young people on children's rights through the Minister for Health and Social Affairs' children's reference group. The Government intends to continue this dialogue but in different forms: this is currently being examined.

It is too early to estimate the effects of these measures. Naturally the evaluation of the overall action plan will provide some answers to this question. It is also possible to use the Children's Ombudsman's follow-up work for this action plan as well.

With regard to the Delegation for Human Rights, we note that in 2007 the Delegation ran the anti-discrimination in schools project (ADIS). The aim of the project is to educate school pupils about the new legislation that makes it illegal to discriminate or in any other way degrade children or pupils at school. A comic entitled "Respect" has been used to assist these efforts. The comic gave easily understandable information on the law that protects children and pupils against discrimination, harassment and other forms of degrading treatment.

In 2008 the Delegation produced an interactive exhibition and teaching materials on the theme of the human rights dilemma. The target group is young people aged between 12 and 19. The interactive exhibition is in the form of an arcade game where the visitor faces a number of situations in which different human rights clash. These questions are combined with questions about the visitor's personality and at the end of the test the visitor receives a result that reveals both what they are like as a person and what choices they made in the dilemma situations. The exhibition has so far visited 10 different places and the test has been taken by around 3,000 young people. The interactive content will soon be available on the Government's human rights website. The teaching materials are in electronic form and will be available on the Delegation's website midway through the first half of 2009.

5. *Please elaborate on the modification of the tasks of the Children's Ombudsman in relation to the Convention, as included in Government Communication 2007/08:111 ("Child Policy - a Policy for Children's Rights") and explain if the modified tasks will be accompanied by enhanced budgetary allocation. Is the State party intending to provide the Children's Ombudsman with the mandate to investigate individual complaints from or about children? Furthermore, please inform the Committee of any measures taken by the State party to promote the establishment of local representatives for children and young people.*

With regard to the tasks of the Children's Ombudsman we may note the following: under the terms of the Children's Ombudsman Act (1993:335), the Ombudsman is to monitor compliance with the CRC, i.e. also ensure that laws and other statutes and their application comply with the CRC. The preparatory materials on the current role and tasks of the Children's Ombudsman (Govt. Bill 2001/02:96) show that this is to give the Ombudsman a more active role with regard to government agencies, municipalities and county councils and that this should involve both monitoring legislation and its application and ensuring that government agencies, municipalities and county councils implement the CRC in their activities in all other respects.

The preparatory materials also make it clear that the Children's Ombudsman does not have any supervisory role. However, the Ombudsman is able to review individual matters to gain a view of the extent to which practice in a given area is in line with the CRC and its basic principles. Based on such a review, the Children's Ombudsman can assess whether any lack of compliance is because of the legislation itself or because, for example, government agencies have failed to take sufficient account of the CRC and its principles in their application of the law. The preparatory materials also make it clear that the legal powers of the Ombudsman (pursuant to Section 5 of the Children's Ombudsman Act) are to be seen as a tool to enable the Ombudsman to effectively carry out the monitoring tasks, which means that the Ombudsman can gain an insight into activities that affect children and young people and can initiate discussions and cooperation in various contexts. Furthermore, the Government considers that these legal powers are an important instrument that can contribute to a more in-depth dialogue with municipalities, county councils and government agencies on children's rights in general. In turn, this can also mean that measures are taken that may have a major impact on the situation of individual children.

The tasks of the Children's Ombudsman as formulated in the Children's Ombudsman Act (1993:335) remain firmly in place and the Government currently has no intention of altering the powers of the Children's Ombudsman in any way.

However, the Government has seen the need within the framework of existing regulations to clarify the Children's Ombudsman's task of monitoring compliance with the CRC. The Government has therefore clarified this task in the instructions to the Ombudsman in the following way:

According to legislation, in performing the tasks stipulated the Children's Ombudsman is to systematically and regularly monitor and evaluate the application of the CRC in the relevant activities of government agencies, municipalities and county councils. The Children's Ombudsman is to communicate and conduct a dialogue on conclusions and observations with the

relevant agencies and responsible authorities. Based on such monitoring and evaluations, the Ombudsman is also to implement measures that help develop and spread knowledge of the application of the CRC (Ordinance 2008:961).

According to the 2009 appropriation directions, the Children's Ombudsman is to produce proposals on how the strategic work should be monitored based on the Government communication *Child policy - a policy for children's rights* (Govt. Communication 2007/08:111). The Ombudsman is also to report on how the Office intends to develop its application of its legal powers.

In light of the fact that both the instructions and appropriation directions for 2009 only imply a clarification of the existing legislated mandate, no additional economic resources have been allocated to the Children's Ombudsman.

Efforts to establish local children's representatives, children's strategists or similar functions have been ongoing for more than ten years in municipalities, county councils and regions. This process was initiated and developed entirely by local powers: municipalities, county councils, regions and voluntary organizations. For this reason, the Government has not taken any targeted measures connected with these activities. However, the Government has been involved for several years in the networking between different municipalities, regions and county councils. Within this cooperation the Government and the Children's Ombudsman have encouraged local actors to exchange experiences of successful efforts to establish various forms of participation for children, local children's representatives/strategists etc.

6. ***Further to the Committee's 2005 concluding observations and paragraphs 23-30 of the State party report, please provide an update on measures taken to establish a coordinated approach between all entities which collect data on children, and to introduce a comprehensive system of data collection incorporating all areas covered by the Convention. Please inform the Committee of any measures taken to implement its recommendation to collect and categorise statistics on children with disabilities. Has the State party taken any steps to separate the data in respect of crimes against children aged 15-18 from crimes against adults?***

The working group tasked with developing indicators to measure and monitor initiatives within child rights policy has presented its report, *A follow-up system for child policy* (Ministry Publications Series 2007:9). The report contains a proposal for a follow-up system using a set of objectives based on the CRC. The working group proposes that the statistical and calculation work be carried out by Statistics Sweden and that follow-up and more in-depth analysis be carried out at the Government offices. The memorandum is under consideration.

The Government has also tasked Statistics Sweden with carrying out a national survey of the mental health of children and young people. The results of the survey will provide a national guideline value and be broken down at municipal and district level and provide relevant comparison material for future measurements carried out by the municipalities themselves. Assistance and support should be available for follow-up measurements at municipal level, including access to the current survey form and to a manual for how users at local level can process and compile data in a simple way to give a descriptive report of the results.

In the area of education there is good availability of statistics on children in different activities, i.e. preschool and school-age childcare, pupils' school attendance and results. The statistics enable us to monitor achievement trends among different groups of pupils, e.g. based on their parents' educational background or pupils from a foreign background. Under the Education Act, special support is to be given to pupils who have difficulties with school work. However, no separate statistics are kept concerning children in need of special support or pupils with disabilities and their school results.

To better follow developments in social services for children and young people, the National Board of Health and Welfare has been tasked by the Government with developing a system for the wider collection of data concerning social services for children and young people.

With regard to separate statistics on crimes committed against children aged 15-18, we note the following: Sweden's official crime statistics are governed by the Official Statistics Act (2001:99) and Ordinance (2001:100). Based on the provisions in the Ordinance, crime statistics are divided into crimes reported, crimes cleared up, persons suspected of crimes, persons convicted of crimes, penal care and reoffending. There are, therefore, no general statistics on children aged between 15 and 18 as victims of crime. However, statistics are obviously available on crimes based on the criterion that they were committed against a minor.

- 7. *Please inform the Committee of the status of the inquiry set up by the Government into the introduction of a support requirement as a condition for family immigration of foreign citizens and stateless persons. In particular, please indicate measures already taken and/or foreseen by the State party to ensure that family reunification procedures do not entail a risk of infringement of children's rights.***

In its report *Maintenance requirements for family member immigration* (SOU 2008:114), the maintenance requirement inquiry proposes that a maintenance requirement be introduced as a condition for the immigration of family members. All EU countries except Sweden have introduced some form of maintenance requirement as a condition for family reunification. (Commission report to the Council and European Parliament on the application of Council Directive 2003/86/EC on the right to family reunification, 8 October 2008.)

The maintenance requirement is a condition for granting a residence permit to an alien on grounds of personal ties to someone in Sweden, the "sponsor". The maintenance requirement means that the sponsor must have sufficient income to support himself or herself and cover his or her own housing costs. The sponsor must also have suitable accommodation for himself or herself and the family member.

The examination of the maintenance requirement takes place in connection with the examination of the family member's application for a residence permit. The Swedish Migration Board and diplomatic representations abroad deal with application cases. In the first instance it is therefore the Swedish Migration Board that examines whether the family member fulfils the maintenance requirement. It is proposed that the regulations enter into force on 1 January 2010.

The main purpose of the maintenance requirement is to promote integration, both for the person already in Sweden and for his or her newly arrived family member. The maintenance requirement ensures accommodation has been arranged for newly arrived children before their arrival in the country.

The special needs, vulnerability and rights of children have received special attention. The maintenance requirement will not apply if the sponsor is a child. The inquiry considers that it cannot categorically be stated that it is always in the best interests of a child to grant an exemption from the maintenance requirement in cases where immigration of family members concerns a child. Consequently, in situations where a child applies to join a family member in Sweden exemptions from the maintenance requirement can be granted where exceptional grounds exist. In the case of a child, exemptions can be granted even if the circumstances are not as serious and grave as in the case of adults.

The inquiry submitted its proposals to the Government on 1 December 2008. The proposals have been circulated for comment and several children's rights organizations have had an opportunity to state their position. The proposal is currently being dealt with at the Government offices.

8. ***Further to the new law (Swedish Code of Statutes 2008:344) on health care and medical services for asylum-seekers and former asylum-seekers or "children in hiding", please inform the Committee if the State party is considering an expansion of the groups that have such a right to also include undocumented children and undocumented pregnant women who at present only have a right to urgent medical care, with no subsidies. Please also inform the Committee of measures taken to ensure that all children, including "children in hiding" and undocumented children, have a right to education in Sweden.***

Children who are seeking asylum are currently offered the same health, medical and dental care as children who are resident in Sweden. Children in families that are in hiding to avoid expulsion ("children in hiding") also have the same access to health, medical and dental care as children who are resident in Sweden. Children in families staying in the country without a permit and without having contacted the Swedish authorities (undocumented children) have access to care on the same conditions as other temporary visitors, i.e. they are not denied care but have to pay full price for it. However, it is important to note that nobody can be denied emergency care on the grounds of inability to pay.

In May 2007 a report was presented by the inquiry on schooling for children who are to be refused entry or expelled (SOU 2007:34). The inquiry proposed that legislation be introduced to give these children the right to education in the state school system for children and young people on largely the same terms as children resident in Sweden. The inquiry also proposed that these children should have the right to take part in public preschool and school-age childcare activities. During the spring of 2008 the proposal was circulated for comment to government agencies, municipalities and non-governmental organizations.

It is the opinion of the Government that the mandate given to the committee by the previous government was too limited. This has led to a proposal that excludes a number of

children from the right to education. Primarily, the proposal does not include children who have arrived in Sweden without applying for residence permits here. There are also other issues in the inquiry's proposal that need to be investigated further. To this end, the Government plans to appoint a supplementary inquiry to propose how the right to education can be further extended.

However, schools are already allowed to admit children on a voluntary basis. Additional funding for this has been allocated to the municipalities (SEK 50 million annually). Responsibility for schools in Sweden is highly decentralised. Municipalities are responsible for the running of schools and receive a non-earmarked grant from the Government for this purpose. The municipality is free to allocate these funds to the different tasks appointed by the Government, including schools and social services. The additional funds for the voluntary admission of hidden children into schools have been allocated to this general government grant.

9. *Please describe briefly the results of the measures introduced in Sweden since 2005 to prevent bullying in schools and inform the Committee of any measures to increase the participation of children in efforts to eradicate bullying. What initiatives are being taken to address bullying and harassment outside classrooms or school yards, including by mobile phone and in virtual meeting places?*

In February 2007, the Swedish Ministry of Education announced funding for a major initiative on bullying. Funding amounting to SEK 40 million was earmarked for a two-pronged project. The project is to cover an education component as well as an anti-bullying programme evaluation.

The education component of the project seeks to offer in-service teacher training concerning current scientific knowledge, evidence-based best practice in programme delivery and formal guidelines for equal treatment plans in the schooling sector.

In 2008 the initiative was expanded and now also includes harassment and discrimination. Responsible for the task of implementing the initiative is The Swedish National Agency for Education. The overriding goal of the project is to ensure that anti-bullying programmes used in Swedish schools are based on scientific evaluation and current best practice. A final report is to be submitted to the Minister for Education by October 2010.

In a bill entitled Security, respect and responsibility - the prohibition of discrimination and other degrading treatment of children and pupils (Govt. Bill 2005/06:38), the Government proposed a new act on preschool facilities, school-age childcare, primary and secondary school and municipal adult education. The 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. In 2006 the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67) came into effect.

A new act against discrimination, the Discrimination Act (2008:567), entered into force 1 January 2009. The purpose of the Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. It replaces several other acts against discrimination and covers all levels of education.

In December 2008, the National Agency for Education was tasked by the Government with promoting the development and use of information and communication technologies (ICTs) in preschools, schools and educational facilities and school authorities. This task includes working for the safe use of ICTs, protecting personal integrity and other integrity aspects and conducting a discussion on a critical approach to the information available via Internet-based tools and services. From 2009 onwards, the National Agency for Education is to discuss progress made on this part of the task in its annual report.

A dialogue with Internet providers was initiated in autumn 2008 by the Minister for Health and Social Affairs in consultation with the Minister for Culture. The dialogue will continue during 2009 with the aim of coordinating the existing measures and tools for protecting children on the Internet or when they use new communications platforms.

10. According to paragraph 232 of the State party report, the Parliament (Riksdag) ordered an amendment to the Act on Representation and Custodianship for Unaccompanied Children in 2006 to include appointment of a temporary guardian (or “trustee”) for each unaccompanied asylum-seeking child within 24 hours of arrival. Please inform the Committee if the Government is planning to present a legislative amendment proposal in this respect.

The relevant provision in the Act on Guardians Ad Litem for Unaccompanied Children (2005:429) states that “A guardian ad litem shall be arranged as soon as possible”. Under the Act, a guardian ad litem is to act as a guardian and custodian and be responsible for the child’s personal circumstances and look after the child’s interests. Chapter 11, sections 12 and 13 of the Children and Parents Code is applied with regard to who can be appointed a guardian ad litem. When assessing whether the person appointed is suitable for the task, the chief guardian is to attach particular importance to the vulnerable situation of the child.

Under the Act, the guardian ad litem has a very sensitive task: to be responsible for the child’s personal circumstances and look after the child’s interests as a custodian in a very sensitive situation. It is therefore important that the chief guardian in the municipality finds a suitable person for this complex task; it is not practically possible to do this within a pre-determined number of hours.

By way of an illustration of the reality of the situation, we note the experiences of Sigtuna municipality in this area. Sigtuna is an important municipality with regard to the reception of unaccompanied children - Stockholm Arlanda International Airport is situated within its boundaries. The municipality has received 810 unaccompanied children since January 2006. Most of these have had a guardian ad litem appointed within 24 to 72 hours of their arrival at Arlanda. According to the municipality it would be completely unrealistic to legislate for a deadline of 24 hours for the appointment of a guardian ad litem for unaccompanied children. Other circumstances that arise immediately on the arrival of an unaccompanied child, such as the time to arrange an interpreter, efforts to identify the child and clarify his or her intentions etc., also take time and should be taken into consideration. The Government does not have any intention of initiating an amendment to the legislation with regard to the time frame for appointing a guardian ad litem for unaccompanied children.

11. Please inform the Committee of the status and content of the national action plans to combat sexual exploitation of children and against prostitution and trafficking in people for sexual purposes, as referred to in paragraph 266 of the State party report, as well as the budgetary allocations for their effective implementation.

The following are some of the new measures included in the updated national action plan:

- Drawing attention at EU level to the issue of sexual exploitation of children in connection with tourism and travel, within the framework of participation in the Permanent Intergovernmental Group L'Europe de l'Enfance.
- Updating the Ministry for Foreign Affairs website's advice for people travelling abroad with information about the exploitation of children in connection with tourism and travel.
- Dialogue with relevant actors in the travel industry and agencies responsible for tourism education on the issue of preventive action against sexual exploitation of children in connection with tourism and travel.
- Allocating funds to the Swedish Children's Welfare Foundation for continued knowledge tracking and dissemination in this area.
- Commissioning the Swedish Council on Technology Assessment in Health Care (SBU) to conduct a survey in consultation with the National Board of Health and Welfare of available treatment measures for individuals who have committed sexual offences against children, and to evaluate their effect. The survey and evaluation are also to cover treatment measures for potential offenders.
- Further cooperation in the Council of the Baltic Sea States on protection and support for children at risk.

The Government has allocated SEK 700,000 to the Swedish Children's Welfare Foundation (Allmänna Barnhuset) to carry out its task as above. Around one quarter of a million kronor are paid annually to the Council of the Baltic Sea States activities for vulnerable children, with particular focus on spreading knowledge of sexual abuse of children.

For further information, we refer to Sweden's first report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography that was submitted to the Committee on the Rights of the Child on 19 February this year. You will find detailed information on the national action plan against the sexual exploitation of children and the action plan against prostitution and human trafficking for sexual purposes in points 19-22 of the report and in the two annexes.

12. *Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention.*

In the Government communication *Child policy - a policy for children's rights* (Govt. Communication 2007/08:111) submitted to the Riksdag in spring 2008, the Government cites a number of areas that it is particularly important to prioritize in ongoing efforts to protect and strengthen children's rights and interests over the next few years:

- (a) Strategic efforts to implement the CRC, comprising enhanced monitoring, coordination and skills development with the aim of improving the application of the CRC;
- (b) Support in parenthood, comprising support and education initiatives for parents with children in different age groups and with different situations and needs;
- (c) Efforts to combat violence against children, comprising measures to combat all forms of violence against children;
- (d) Efforts to promote children's mental health, comprising measures to prevent mental health problems in children and young people;
- (e) The ongoing process of renewal in Swedish schools, which also affects the upcoming proposal for a new Education Act.

The Government also stresses the importance of continued work on children's rights in Sweden's international operations, with a view to, for example, the upcoming Presidency of the European Union from 1 July to 31 December 2009.

PART II

1. New bills or enacted legislation

The Act on health care for asylum-seekers (2008:344) was adopted on 22 May 2008, and entered into force on 1 July 2008. The Act replaces the former agreements between the Swedish Government and the Swedish Association of Local Authorities and Regions that governed asylum-seekers' access to health care. The new legislation provides a clearer regulatory framework concerning health care for asylum-seekers.

The Act regulates health and dental care for asylum-seekers beyond immediate treatment. The Act stipulates that all adult asylum-seekers are to have access to health and dental care that cannot be postponed. This also includes subsequent related treatments. In addition, some other types of care are provided under the Act, such as antenatal and post-natal maternity care, contraception advice, abortion and medical care for infectious diseases. Asylum-seekers are also offered voluntary physical check-ups.

Asylum-seekers under the age of 18 have full entitlements concerning health and medical care (including mental care) as well as dental care, i.e. on the same conditions as children domiciled in Sweden.

The Act on investigations regarding children who have died as a consequence of crime (2007:606) entered into force on 1 January 2008. The purpose of the Act is to pave the way for proposed measures to prevent children coming to harm. Under the Act, the Board of Health and Welfare is to conduct a special inquiry when a child dies as a result of a crime being committed and there is special reason to assume that the death is connected to a situation that meant that the child needed protection. The Board of Health and Welfare is also to have received notification from a police authority or prosecutor.

Inquiries are expected to provide answers as to where society's safety net may have failed in relation to the deceased child and show any need for legislative amendments and/or need for other standards to support various activities. Inquiries can also be expected to provide answers as to what other measures may be necessary, for example to improve agencies' readiness to report children coming to harm to social services, or what changes may be needed in inquiry activities, risk assessments, etc.

The results of inquiries are to be compiled in a report to the Government every other year, with the first report due on 31 January 2010.

A new Anti-discrimination Act entered into force on 1 January 2009. The Act will combat discrimination on grounds of gender, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation or age. Two new grounds of discrimination have been added: transgender identity or expression, and age. Everybody is included in the age discrimination ground, including children and young people.

The new Act also increases protection against discrimination in sectors of society where the prohibition of discrimination has not previously applied. The new areas are: all parts of the education system, all public meetings and public events, national military service and civilian service and public employment.

Under the new Act discrimination is prohibited in principle in all sectors of society and on all grounds. The exception to this is age, where the prohibition is limited to all parts of the education system and working life in the broad sense of the term.

The new Act replaces previous anti-discrimination legislation, including the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils (SFS 2006:67). The part of the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and School Students concerning degrading treatment other than discrimination (e.g. bullying that is not related to any particular grounds of discrimination) is to be transferred to the Education Act, where the regulations will be brought together in a special chapter.

Under the Act, a new agency, the Equality Ombudsman, is established (see below under New Institutions for further information).

To clarify the rights of the national minorities, Government Bill 2008/09:158 proposes a new act on national minorities and minority languages. The act contains general provisions concerning all national minorities, the expansion of the administrative areas for the Finnish and Sami languages, the right to use Finnish, Meänkieli and Sami and monitoring of compliance with the act. It is proposed that the new act and legislative amendments enter into force on 1 January 2010.

In the case of children of Finnish or Sami origin, the Government considers that the expansion of the administrative areas will give more Sami- and Finnish-speaking children better opportunities to master their minority language because the expansion implies the expansion of the right to preschool activities conducted wholly or partially in Finnish or Sami. The existing right to a place in a preschool where activities are conducted wholly or partially in Meänkieli within the Meänkieli administrative area should remain.

The methods being used by the Delegation for Roma Issues to improve the situation of the Roma and counter their vulnerability in society need to continue after 1 January 2010. The Delegation is to investigate the situation of the Roma in Sweden by collecting, compiling, analysing and reporting the experience and knowledge available in the area and by presenting proposals on how to improve the living conditions of the Roma in society. The Delegation is also to promote and support municipal projects and activities that aim to improve the situation of the Roma and spread information and knowledge about the Roma and their situation.

In its activities, the Delegation is to pay particular attention to the conditions of Roma children and young people and their need for support as well as the situation of women and girls. The child perspective is to be integrated throughout the Delegation's analyses and proposals. The Delegation is to present a final report no later than 31 December 2009.

The Bill also contains other elements of the Government's comprehensive strategy for minority policy, with measures to:

- Counter discrimination and vulnerability of national minorities
- Ensure better compliance with the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages and follow-up of measures taken
- Strengthen national minorities' empowerment and influence, and
- Promote the preservation of the national minority languages

The Social Services Act (2001:453) and the Care of Young Persons (Special Provisions) Act (1990:52) received new provisions on 1 April 2008 to further strengthen protection of children and young people.

Provisions were introduced to both Acts on children's right to information on the processing of a case and social services' obligation to document what information has been provided and the child's views. The social welfare committee is obliged to draw up an implementation plan for children and young people who are placed in foster homes or

institutions. It must state clearly in what way the child and the parents were involved in drawing up the plan. Homes that frequently receive children for temporary care (emergency foster homes) may not receive a child without prior investigation of the conditions in the home and permission having been granted by a social welfare committee.

Placement in an emergency foster home is limited in time by a provision that states that a child may not remain in the emergency foster home for longer than three months after completion of the investigation of the child's circumstances. The supervisory authority can prohibit activities involving a home for care or residence if the conditions there are so serious that they pose a threat to the life, health or personal development of children. Municipalities and county councils are to register that they run homes for care or residence with the supervisory authority. The National Board of Health and Welfare has been tasked with keeping a register of all homes for care or residence for children and young people and their parents, and updating it annually.

New legislation on adult contact with children for sexual purposes

Government Bill 2008/09:149, which was submitted to the Riksdag on 5 March 2009, proposes a new offence, to be called "contact with children for sexual purposes". The aim is to further strengthen the protection of children under criminal law from exposure to sexual abuse. The offence targets contact with children, for example via the Internet, that aims to pave the way for sexual abuse to take place at a subsequent physical meeting with the child. It is proposed that the offence apply to anyone who, with the aim of committing certain sexual offences against a child under the age of 15, arranges a meeting with a child and subsequently takes any action that will make such a meeting possible. It is proposed that the punishment for the offence be a fine or imprisonment for a maximum of one year. Furthermore, it is proposed that the legislation enter into force on 1 July 2009.

In March 2009, the Government submitted a bill (2008/09:160) to the Riksdag on a reform of the supervision of social services. Essentially, the reform means that the supervision of social services is to be coordinated with the supervision of health services and transferred from the county administrative boards to the National Board of Health and Welfare.

It will be possible to issue orders to rectify irregularities that affect opportunities for individuals to receive the assistance to which they are entitled. For supervision concerning children's circumstances, the National Board of Health and Welfare may give the child a hearing if it may be presumed that the child will not be harmed by the discussion. The child may be given a hearing without the custodian's consent and without the custodian being present.

Supervision of the institutions under the National Board of Institutional Care is also to be transferred to the National Board of Health and Welfare. A child rights perspective is to be integrated into supervision concerning children and young people, and supervisory visits to homes for care or residence for children and young people are to be conducted twice a year, or more frequently if necessary. At least one of the visits is to be unannounced and discussions are to be held with children and young people. These discussions are to be voluntary and respect the integrity of the individual. The National Board of Health and Welfare should be tasked with

producing relevant information targeting children and young people and also their custodians. This should contain information on the rights of children and young people, how the supervisory authority works and how the supervisory authority can be contacted. The bill also proposes a three-year pilot scheme with supervisory representatives for children and young people who are placed in foster homes; this is to be monitored carefully and evaluated.

2. New institutions

A new agency, the Office of the Equality Ombudsman, is to be responsible for compliance with the new anti-discrimination act. The current four offices of the anti-discrimination ombudsmen, the Office of the Equal Opportunities Ombudsman, the Office of the Ombudsman against Ethnic Discrimination, the Office of the Disability Ombudsman and the Office of the Ombudsman against Discrimination because of Sexual Orientation are being phased out and replaced by the new Office of the Equality Ombudsman. However, the Office of the Children's Ombudsman will remain unchanged (see above under question 5).

The Equality Ombudsman is to pay attention to the fact that discrimination may take a number of forms and demand different measures depending on whether it is children or adults that are affected.

One way of creating the conditions to ensure that skills and knowledge concerning different grounds of discrimination and areas of society are harnessed is to attach a special council to the new Office. The council representatives should have expertise that lends knowledge and breadth to the agency on discrimination issues and other issues that are important to its activities. This often involves issues to do with gender equality, children's rights, new grounds of discrimination and new areas of society. It should be stressed that the role of the council should be to provide advice and support to the Ombudsman. However, the council should not have any decisive influence over the Ombudsman's activities or which cases the Ombudsman should bring to court. The agency should also be able to bring in its own consultation, reference or expert groups of various kinds that it considers necessary in order to benefit from outside experience and knowledge.

According to the Bill, the Equality Ombudsman is to pay attention to the fact that discrimination may take a number of forms and demand different measures depending on whether it is children or adults that are affected.

The structure of the agencies in the area of education changed in 2008. There are currently three main school agencies: the National Agency for Education, the Swedish Schools Inspectorate and the National Agency for Special Needs Education and Schools.

The Swedish Schools Inspectorate is a new agency that has taken over all supervision and inspection activities previously carried out by the National Agency for Education. The National Agency for Education took over some of the tasks previously carried out by the Swedish National Agency for School Improvement and the Swedish Agency for Flexible Learning, both of which have been closed down.

Since 1 July 2008, all issues concerning special needs education and support have been dealt with by the National Agency for Special Needs Education and Schools, which has taken over all activities previously carried out by the Swedish Institute for Special Needs Education, the National Agency for Special Educational Support and the National Agency for Special Schools for the Deaf and Hard of Hearing, which have all been closed down.

3. Newly implemented policies

Investment in psychiatry

In 2007 and 2008 the Government took measures to strengthen psychiatry and launched more sweeping investments beginning in 2009. A total of SEK 2.7 billion is being invested in 2009-2011.

The new investments include a special focus on child and adolescent psychiatry via measures for increased access to child and adolescent psychiatry. By way of background, one major problem for children and young people affected by mental health problems is the often unacceptably long waiting times to receive the help and care they need. For this reason resources are now being allocated to pilot schemes in various municipalities and areas to develop models for successful front-line child and adolescent psychiatry. The objective is to deal with children and young people at risk of being affected by mental health problems as successfully as possible.

Furthermore, a more appropriate chain of care is to be established with a clear division of responsibility between primary care, schools, maternity clinics, child health-care centres and specialist child and adolescent psychiatry. The Government and the Swedish Association of Local Authorities and Regions have therefore signed an agreement aimed at creating effective frameworks for front-line care for children with mental health problems and mental illnesses.

The family policy reform

The *gender equality bonus* is to improve the conditions for gender equality in both parental leave and participation in working life. The gender equality bonus is to be an incentive for parents to share parental leave as evenly as possible between themselves. The gender equality bonus will be calculated on the basis of how a child's parents divide parental leave and the days of parental benefit they take. Parents who share parental leave equally by each taking an equal number of days of parental leave will receive the maximum bonus on condition that they work when the other parent takes parental leave. Parents who have joint custody of a child are entitled to the gender equality bonus. Applicable from 1 July 2008.

The *child-raising allowance* is to give parents the opportunity to spend more time with their children. The child-raising allowance makes this possible through a smoother transition between parental leave and work. Application for child-raising allowance can be made for children over the age of 1 but younger than 3 and who are registered in the population register of the appropriate municipality. Custodians who live and are registered in the population register together with the child are eligible for child-raising allowance. Child-raising allowance can be combined with paid employment. Municipalities can choose whether to introduce child-raising allowance. Applicable from 1 July 2008.

To develop diversity within preschool services and school-age childcare, the Government has decided to propose a *childcare voucher* system. A childcare voucher system provides parents with more opportunities to choose the kind of care that suits their children. Municipalities will be obliged to also contribute to privately run educational care, for example family day-care homes, meaning that every family will be given the opportunity to have a greater influence over the choice of services for their children. It is the Government's intention to introduce the childcare voucher system from 1 July 2009.

A national strategy for increased parental support

On 26 March 2009 the Government adopted a national strategy for increased parental support. The aim is that all parents are to be offered parental support throughout their child's childhood and adolescence until he or she turns 18. This is to be accomplished via increased cooperation on parental support among actors (e.g. municipalities, county councils, religious communities, parents' associations, the sports movement, NGOs and study associations) whose activities are directed at children, an increased number of health-promoting arenas and meeting places for parents, and an increased number of parental support actors with training in health-promoting methods and universal evidence-based parental support programmes. This means that all parents are offered the same opportunities for support and help. Parental support is to be voluntary for parents, but the idea is that it should be offered to them all. The strategy is part of the Government's long-term efforts to promote health and prevent ill health among children and young people.

Other initiatives and assignments

The Government has tasked the National Institute of Public Health with allocating SEK 70 million in stimulus grants to selected municipalities to develop parental support, in cooperation with a higher education research institution, in accordance with the definition of parental support, objectives and sub-objectives outlined in the *National strategy for increased parental support - for the benefit of all*. The pilot project will continue until 2011 and the National Institute will be responsible for choosing which municipalities participate. Particular priority will be given to municipalities that intend to promote cooperation on parental support between municipalities. When choosing the municipalities, the National Institute will consult the parental support coordination group.

The county administrative boards received SEK 10 million per year in 2007 and 2008 to supervise all homes for the care of children and for the care of children and families. In 2009 and 2010, SEK 10 million per year is to be used for the continued reinforcement of the supervision of social services for children and young people. The county administrative boards have been tasked in particular with following up shortcomings and irregularities in previous supervision and checking what measures were taken. This applies in particular to social services' efforts to follow up the placement of children in foster homes and the supervision of homes for the care of children that receive children and young people or families. This task is to be carried out in close cooperation with the National Board of Health and Welfare, which will take over the task from 1 January 2010.

The National Board for Youth Affairs has been tasked with carrying out a more in-depth analysis of the health situation for homosexual, bisexual and transgender young people. The analysis is to focus on their perception of their physical and mental health and experience of various forms of discrimination. Moreover, the National Board for Youth Affairs is to investigate the target group's experiences of encounters with health and medical services and other public institutions, exposure to hate crimes and the prevalence of violence and oppression in the name of honour. Based on its analysis, the National Board for Youth Affairs is to submit proposals for promotion measures.

The Government has tasked the National Agency for Education with planning and implementing initiatives aimed at promoting gender equality in compulsory school and upper secondary school. In 2008-2010, a total of SEK 110 million is being spent to increase gender equality in schools. The task includes implementing initiatives to support pupil health efforts by promoting mental health and preventing mental health problems in compulsory and upper secondary school. SEK 4.5 million was allocated for this purpose in 2008. The Government also intends to allocate SEK 12 million for this purpose in 2009 and 2010. A final report is due no later than 31 December 2010.

The Government has approved funds to the Karolinska Institutet to conduct a three-year project to prevent violence against infants. The project focuses primarily on information for prospective parents and new parents, training initiatives for maternity care and child health-care professionals and paving the way for other county councils to be able to copy these and take their own initiatives in this area.

The Government has given financial support to Children's Rights in Society (BRIS) for a three-year project to create an interactive website to give advice and support to parents and professionals working with children. The aim is to use the interactive website to give parents support in crisis situations to prevent children being subjected to violence or other degrading treatment.

PART III

1. In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008, on budget allocations (including trends analysis) regarding the implementation of the Convention throughout Sweden in the areas of education and health.

Around 1.93 million children under the age of 18 currently live in Sweden. In 2005, 1.934 million people were aged under 18, and this number dropped to 1.933 million children in 2006.

The total cost of preschool activities, school-age childcare, schools and adult education for the financial year 2007 was SEK 184.4 billion. Compared to 2006, the cost has increased by SEK 3.8 billion in fixed prices, which is equivalent to a 2.1 per cent increase. Of the total cost, 68 per cent (SEK 126.2 billion) was allocated to schools and 32 per cent (SEK 58.6 billion) to preschool activities and school-age childcare.

The municipalities' report of the previous year's accounts are the basis for the cost calculations for schools published annually by the National Agency for Education. These statistics are only published in the autumn after the end of the financial year due to the administrative routines in the municipalities.

Total public expenditure on children's health care in 2005 was around SEK 19.47 billion. Total public expenditure on children's dental care in 2006 was around SEK 2.311 billion and SEK 2.328 billion in 2007.

2. ***Please provide updated data for 2006, 2007 and 2008 on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of those children who were provided access to covery and social reintegration services.***
3. ***Please provide updated data for 2006, 2007 and 2008 on the number of Swedish citizens involved in sexual exploitation of children abroad and indicate the types of offences. Please also provide information on investigation, prosecution and punishment of the perpetrators.***

The available statistics that answer both of these questions can be found in Sweden's report (chap. I. Statistics) on the implementation of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography that was submitted to the Committee on the Rights of the Child on 19 February this year.
