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**Committee on the Rights of the Child****Concluding observations on the combined sixth and seventh periodic reports of Sweden\*****I. Introduction**

1. The Committee considered the combined sixth and seventh periodic reports of Sweden<sup>1</sup> at its 2670th and 2671st meetings,<sup>2</sup> held on 16 and 17 January 2023, and adopted the present concluding observations at its 2698th meeting, held on 3 February 2023.

2. The Committee welcomes the submission of the combined sixth and seventh periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

**II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the adoption of the United Nations Convention on the Rights of the Child Act in 2020, amendments to the Criminal Code to strengthen protection for children against sexual exploitation in 2022; and the establishment of the Institute for Human Rights in 2022.

**III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: independent monitoring (para. 12), non-discrimination (para. 17), violence against children, including sexual exploitation and abuse (para. 26), education (para. 38), asylum-seeking, refugee and migrant children (para. 43) and child justice (para. 45).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of**

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\* For adoption by the Committee at its ninety-second session (16 January–3 February 2023).

<sup>1</sup> CRC/C/SWE/6-7.

<sup>2</sup> See CRC/C/SR.2670 and CRC/C/SR.2671.

children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

6. Welcoming the incorporation of the Convention into national law and the inquiry on the compatibility of national legislation and practice with the Convention, the Committee recommends that the State party:

(a) Address the incompatibilities identified in the inquiry and ensure that the Convention prevails whenever there is a conflict with domestic legislation or common practice;

(b) Ensure that child-rights impact assessments are an integral part of inquiries in preparation of new legislation and in the provision of child-friendly avenues for child participation in national and subnational legislation and regulations relevant to the fulfilment of children's rights.

### **Comprehensive policy and strategy**

7. Noting with concern that the national strategy on children's rights has not been updated since 2009, the Committee recommends that the State party:

(a) Update the national strategy on children's rights and develop an action plan for its effective implementation that includes a specific strategy for addressing disparities in the implementation of the Convention between municipalities and regions, and has specific, time-bound and measurable goals and sufficient human, technical and financial resources;

(b) Effectively monitor and evaluate progress in the implementation of children's rights in accordance with the strategy and action plan, with the appropriate involvement of children and civil society.

### **Coordination**

8. Recalling its previous recommendations,<sup>3</sup> the Committee recommends that the State party:

(a) Establish or designate a body at the national level responsible for ensuring the effective coordination of the implementation of the Convention at the central, regional and municipal levels and across the different sectors such as education, health and social services and the justice system;

(b) Promote institutionalized collaboration between local authorities in ensuring access and improving quality of service delivery for children and families.

### **Allocation of resources**

9. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party incorporate a child rights-based approach into the State budgeting process to:

(a) Implement a tracking system for the allocation, use and monitoring of resources for children throughout the State party, and assess how investments in all sectors serve the best interests of children;

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<sup>3</sup> CRC/C/SWE/CO/5, para. 12.

(b) Define budget lines for children in disadvantaged or vulnerable situations, including children with disabilities, children belonging to minority groups, children living in poverty and asylum-seeking, refugee and migrant children, and ensure that those budgetary lines are protected even in situations of economic crisis or other emergencies;

(c) Strengthen transparent and participatory budgeting processes at national and municipal levels in which civil society, the public and children can participate effectively.

#### Data collection

10. The Committee is concerned about the lack of data disaggregated by disability, ethnic origin and socioeconomic and migration background, which does not allow for sufficient analysis of the situation of children, and recommends that the State party:

(a) Strengthen its data collection system regarding both qualitative and quantitative indicators that encompass all areas of the Convention, and that the data are disaggregated by age, sex, disability, geographical location, ethnic and national origin, and socioeconomic background, in order to facilitate analysis of the situation of children, in particular those in situations of vulnerability;

(b) Strengthen the collection and analysis of data on discrimination against children, children with disabilities, statelessness and children with “an unknown nationality”, socioeconomic situations of children, and violence against children, including abuse, neglect and sexual exploitation;

(c) Ensure the effective coordination and sharing of the data among relevant ministries and entities, professional groups and civil society, and the use of data for the formulation, monitoring and evaluation of policies and projects on children’s rights.

#### Independent monitoring

11. The Committee welcomes the establishment of the Institute for Human Rights in 2022 but remains deeply concerned that the Ombudsman for Children does not have the mandate to receive complaints from children, despite previous recommendations from the Committee, that procedures for filing complaints under specific mechanisms are complicated, and that the independence of the Ombudsman for Children could be negatively impacted by its reliance on funding linked to specific government assignments.

12. The Committee recommends that the State party:

(a) Allocate sufficient resources to the Ombudsman for Children to monitor the incorporation of the Convention in national legislation;

(b) Ensure, as a matter of priority, that the Ombudsman for Children has the mandate to receive, investigate and competently address complaints from children in a child-friendly manner;

(c) Simplify procedures for filing a complaint under existing mechanisms, and ensure that all children are aware of their right to file a complaint and receive the necessary support;

(d) Continue to take measures to guarantee the independence of the Ombudsman for Children in accordance with the Paris Principles, including by ensuring that all government assignments are agreed through a consultative process.

#### Dissemination, awareness-raising and training

13. The Committee recommends that the State party:

(a) Continue its awareness-raising regarding children’s rights among the public, including by disseminating child-friendly pedagogical material, and promote the active involvement of children in public outreach activities;

- (b) **Ensure systematic training on children’s rights, the Convention and its first two Optional Protocols for all professionals working for and with children.**

**International cooperation**

14. **The Committee commends the State party for its long-term commitment to official development assistance, and encourages the State party to further strengthen a child rights-based approach in respect of its trade agreements and development aid policy and programmes, including through child rights impact assessments of international assistance and cooperation programmes.**

**Children’s rights and the business sector**

15. **The Committee notes with appreciation the action plan on business and human rights but is concerned about the lack of legal accountability for business enterprises that have violated children’s rights. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights, the Committee recommends that the State party:**

- (a) **Establish a clear regulatory framework for business enterprises and their subsidiaries operating in or managed from the State party’s territory to identify, prevent, mitigate and account for activities that negatively affect human rights or endanger children’s rights, including risks posed by fossil fuel production;**
- (b) **Establish monitoring mechanisms for the investigation and redress of violations of children’s rights by the business sector, with a view to improving accountability and transparency;**
- (c) **Require companies to undertake assessments of, and consultations on and full disclosure of the environmental, health-related and other children’s rights impacts of their business activities and their plans to address such impacts.**

**B. General principles (arts. 2–3, 6 and 12)**

**Non-discrimination**

16. **The Committee welcomes the strategy and the adoption of the action plan for equal rights and opportunities for lesbian, gay, bisexual, transgender, intersex and queer people and the inquiry on the Swedish Discrimination Act, but is deeply concerned about:**

- (a) **The absence of data on discrimination against children disaggregated by age, which is included among the grounds for discrimination prohibited under the Act;**
- (b) **Persistent discrimination, including through racist activities and bullying, against children in disadvantaged situations;**
- (c) **Regional disparities, including in access to quality health-care services, social services and education, and in relation to the justice system.**

17. **The Committee urges the State party to:**

- (a) **Collect data on discrimination against children disaggregated by age, including for the purpose of identifying and analysing discrimination based on age as provided under the Act;**
- (b) **Implement targeted policies and programmes to combat racist and xenophobic activities among children, and to eliminate discrimination against children in disadvantaged situations, including children of African and Asian descent, Roma and Sami children, Muslim children, asylum-seeking, refugee and migrant children, children without a regular residence status, children with disabilities, children in alternative care, and lesbian, gay, bisexual, transgender and intersex children;**
- (c) **Ensure that measures include awareness-raising and media campaigns to change social norms and behaviours that contribute to discrimination, in particular on**

the basis of ethnicity, migration status, disability, religion, sexual orientation and gender identity;

(d) Address disparities between municipalities ensuring equal access to services for children, including with regard to quality education, adequate housing and protection from violence and discrimination;

(e) Strengthen the legal framework on discrimination, including the Discrimination Act, simplify and ensure child-friendly complaint procedures and ensure that children know how to report cases of discrimination and that reports are investigated by a competent authority.

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

18. The Committee recommends that the State party:

(a) Ensure that the principle of the best interests of the child is consistently applied in programmes and legislative, administrative and judicial proceedings, including in relation to parental custody and contact, alternative care, child justice, asylum and support for children who are victims or witnesses of crime;

(b) Ensure legislative amendment to clarify the best interests determination of the child in the Alien's Act and the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) in accordance with the Inquiry on children's rights;

(c) Provide guidance and training to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.

#### **Right to life, survival and development**

19. The Committee recommends that the State party strengthen its efforts to prevent suicide among children, including children with disabilities, children who do not identify with the gender given to them at birth, transgender children and unaccompanied asylum-seeking children and set up interagency child death review teams with the aim of strengthening preventive measures.

#### **Respect for the views of the child**

20. While noting that children's views are not systematically taken into account in decisions affecting them and that most municipalities lack structures for ensuring child participation in decision-making, the Committee recommends that the State party:

(a) Ensure that all children can express their opinion and be heard in all decisions affecting them, including in courts and administrative proceedings and on decisions regarding migration and asylum, custody, residence and contact, placement in alternative care, social services and domestic violence, without the requirement for the consent of parents or guardians;

(b) Adopt relevant legislative amendments to ensure that children's views are heard and taken into account in such decisions, including by abolishing the exception of inappropriateness in family legislation and the Aliens Act and with regard to decisions of the Social Welfare Board concerning children with disabilities;

(c) Ensure that all municipalities establish policies and structures, such as youth councils, for ensuring the participation of children in local decision-making;

(d) Continue to strengthen measures to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, within the family, the community, schools and the realm of policymaking at the municipal and national levels;

(e) Ensure that all relevant professionals working with and for children, including the judiciary, systematically receive appropriate training on children's right to be heard and to have their views taken into account.

### **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Nationality**

21. The Committee notes the amendment of the Citizenship Act in 2021 to remove the requirement for certain stateless children to have a permanent residence permit in order to obtain Swedish nationality, but is concerned that the legislative framework remains restrictive, including for children with an irregular residence status, children stateless born abroad and children with “an unknown nationality”. The Committee recommends that the State party:

- (a) Develop a procedure to determine the stateless status of children in order to properly identify and protect stateless children;
- (b) Facilitate the acquisition of nationality for children at birth who would otherwise be stateless;
- (c) Strengthen legal pathways for children with an irregular residence status, children born abroad and children with “an unknown nationality” to acquire a nationality.

#### **Right to privacy and access to appropriate information**

22. Recalling its general comment No. 25 (2021) on children’s rights in relation to the digital environment, the Committee recommends that the State party:

- (a) Strengthen regulations and safeguarding policies to protect the rights and safety of children in the digital environment;
- (b) Ensure that laws on access to information and the digital environment protect children from harmful content and materials and online risks;
- (c) Continue efforts to enhance the digital literacy and skills of children, teachers and families.

### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

23. Noting with deep concern reports of the use of coercive measures in alternative care settings, despite recent legislative changes, the Committee recommends that the State party:

- (a) Take legislative measures to explicitly prohibit the use of solitary confinement, isolation and restraint on children in alternative care settings, and ensure that all staff receive training on non-coercive methods of care;
- (b) Ensure that children have access to confidential, child-friendly and independent complaint mechanisms for reporting cases, particularly in alternative care.

#### **Abuse and neglect**

24. The Committee welcomes the preparation of a new strategy to prevent and combat violence against children but is concerned about the insufficiency of resources allocated to social services and inconsistencies across social services offices in addressing cases of child abuse and domestic violence. The Committee recommends that the State party:

- (a) Ensure that amendments to the Social Services Act include provisions for children under 15 years of age who experience abuse or neglect, including from their parent or caregiver, to seek support from social services without parental consent, and that their views are heard and taken into account in related decisions concerning their care;

(b) **Ensure that mechanisms for supporting child victims of violence, including social services, are adequately resourced.**

**Violence against children, including sexual exploitation and abuse**

25. The Committee welcomes the new national strategy for preventing and combating violence against children, but is deeply concerned about the following:

(a) The high level of violence against children, including sexual exploitation, gender-based violence and online violence;

(b) Low rates of reporting, prosecution and conviction in cases of child sexual exploitation and abuse, and light penalties such as fines or short prison sentences for perpetrators;

(c) The particular vulnerability of girls, children with disabilities, children in alternative care and children in socioeconomically disadvantaged situations;

(d) Reports of violence and sexual abuse of children in compulsory care (closed institutions);

(e) The lack of a legislative framework for ensuring multisectoral coordination and quality standards for comprehensive support services for victims of violence, and the fact that not all children have access to specialized support;

(f) The insufficient capacities of professionals working and for children to recognize and address cases of violence against children.

26. **The Committee urges the State party to:**

(a) **Develop a comprehensive action plan for the implementation of the new strategy for preventing and combating violence against children and ensure that it includes targeted measures for girls, children with disabilities, children in socioeconomically disadvantaged situations, migrant children and children belonging to minority groups, and that it is adequately resourced and comprehensively addresses sexual exploitation and abuse;**

(b) **Ensure that children have access to confidential and child-friendly complaints mechanisms, including helplines, for the reporting of all forms of violence and abuse, and encourage children to make use thereof;**

(c) **Ensure the effective investigation of and intervention in all cases of violence against children, in and outside the home, and that, in cases of sexual exploitation and abuse, perpetrators are prosecuted and punished with penalties commensurate with the gravity of their acts;**

(d) **Adopt legislation aimed at ensuring multisectoral coordination in investigations and comprehensive quality standards of support services of *Barnahus*, including for forensic interviews, medical evaluation and therapeutic support to victims;**

(e) **Strengthen measures for ensuring that all children who are victims or witnesses of violence have prompt access to information about remedies to ensure their recovery and reintegration, and child-friendly and multisectoral remedies and comprehensive support, including in a *Barnahus*, with the aim of preventing the secondary victimization of those children;**

(f) **Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, in order to enhance awareness of gender-based violence and sexual exploitation and abuse among members of the public, teachers, health-care professionals, social workers and other professionals working with and for children and to identify and adequately respond to all cases of violence against children, including neglect and sexual abuse;**

(g) **Incorporate training on violence against children in relevant higher education and training programmes and ensure that professionals working with and**

for children receive mandatory training on violence, including on applying the guidance developed by the National Board of Health and Welfare on supporting children at risk;

(h) Ensure the systematic collection and analysis of data on gender-based violence and sexual exploitation, including on cases that have been reported to the authorities, investigated and prosecuted and on the sanctions that have been imposed on perpetrators, to inform the implementation of the national strategy for preventing and combating violence.

#### Harmful practices

27. The Committee takes notes of the introduction in 2020 of a specific child marriage offence and more severe penalties for so-called honour-related criminal offences, but is concerned about the number of children who have been or are at risk of being subjected to child marriage and female genital mutilation, and the lack of criminal prosecutions in this regard. Recalling joint general recommendation No. 31 of CEDAW/general comment No. 18 of CRC (2019) on harmful practices, the Committee recommends that the State party:

(a) Strengthen measures aimed at eliminating child marriage and preventing female genital mutilation, including through the allocation of sufficient resources for awareness-raising campaigns, support for victims and the training of relevant professional groups to identify potential victims;

(b) Further strengthen reporting of child marriage, female genital mutilation and other harmful practices to relevant authorities and ensure that perpetrators are brought to justice;

(c) Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until children are able to provide their informed consent, and provide adequate social, medical and psychological services, counselling and support to intersex children and their families;

(d) Provide reparations and support for intersex children who received unnecessary medical or surgical treatment, including by ensuring their access to justice is not hindered by any statutes of limitations.

### **E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

#### Family environment

28. Noting with concern the lack of a child rights approach in the Parental Code, the Committee recommends that the State party:

(a) Revise the legislation to ensure sufficient guarantees for the child's perspective to be considered in cases of parental disputes including the right to be heard and consider the provision of separate representation of children;

(b) Ensure that children's views are given due consideration in decisions on residence and contact, including by ensuring that relevant professionals have expertise in interviewing children and assessing children's narratives and that the judiciary have the capacity to undertake assessments on the best interests of the child, including in cases that involve violence or abuse.

#### Children deprived of a family environment

29. Drawing the State party's attention to the Global Study on children deprived of liberty and the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

(a) Ensure that children are heard in alternative care placement decisions and throughout their stay; that accessible and child-friendly channels for reporting and



remediating violence and/or abuse for children in care are available; and that placement decisions are regularly reviewed;

(b) Strengthen the rule of law in all operations of the National Board of Institutional Care (SiS), including by addressing the application of coercive measures and violence, and ensure provision of customised care for all children in alternative care including regular access to psychiatric support;

(c) Increase the number and strengthen the capacity of professionals working with families and children, in particular social workers, to ensure customised support, to enhance their awareness of the specific needs of children in alternative care and to guarantee respect for children's views;

(d) Allocate sufficient financial, technical and human resources to social services and improve their collaboration with education and health authorities;

(e) Ensure that foster care is available, especially for very young children, strengthen its system of foster care, including through regular review of placements, and provide continuous training, support and counselling for foster families and parents of children who return to their families after being placed in alternative care;

(f) Strengthen measures aimed at providing education, skills and opportunities for social reintegration and independent living for children leaving alternative care.

#### Children of incarcerated parents

30. The Committee recommends that the State party strengthen the capacity of municipalities to provide information and assistance to children with incarcerated parents and support to maintain regular personal contact with parents.

### F. Children with disabilities (art. 23)

31. The Committee recommends that the State party:

(a) Ensure the right of children with disabilities to be heard and to receive appropriate communication support in all decision-making that affect them, that all decisions are based on individual assessments and that information on the basis for decisions is accessible;

(b) Reinforce the support for social inclusion and individual development of children with disabilities, including by strengthening their access to personal assistance, rehabilitation and assistive devices;

(c) Increase the number of support teachers and build the capacities of parents, teachers and other professionals to recognize the needs of children with disabilities and in particular the value of inclusive education.

### G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

#### Health and health services

32. The Committee recommends that the State party:

(a) Strengthen measures, including through training for health-care professionals, to ensure prompt and efficient access to high-quality health services for children in disadvantaged or marginalized situations, including children in alternative care, children living in poverty, asylum-seeking and refugee children and children who do not identify with the gender given to them at birth;

(b) Raise awareness of the importance of breastfeeding among families and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes.

### **Mental health**

33. Noting with concern the prevalence of depression, anxiety and self-harm among children, and long waiting lists for children seeking mental health services, the Committee recommends that the State party:

(a) Strengthen mental health services and programmes for children, including by ensuring: (i) the availability of therapeutic mental health services in schools and within communities in all regions; (ii) a sufficient number of qualified professionals, including child psychologists and psychiatrists, to meet children's mental health needs in a timely manner; and (iii) that such services are tailored to address the specific needs of girls, asylum-seeking and refugee children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children;

(b) Invest in preventive measures, address the underlying causes of suicide and poor mental health among children, and ensure that children's perspectives are included in the development of response services available for them;

(c) Ensure that the prescription of drugs for children, including for anxiety, depression, psychosomatic disorders and attention deficit hyperactivity disorder is used only when strictly medically indicated and after an individualized assessment of the best interests of the child, and that medical practitioners, children and their parents are properly informed about non-medical alternatives and possible side effects associated with such drugs;

(d) Provide community-based education and support to parents of children with mental health issues including periodic home visits.

### **Adolescent health**

34. Recalling its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Ensure that all children receive age-appropriate sexual and reproductive health education that includes education on gender equality, sexual diversity, sexual and reproductive health rights and violence prevention;

(b) Strengthen efforts to prevent and address the incidence of drug, alcohol and tobacco use by adolescents especially in schools, and ensure the early identification and adequate referral of adolescents requiring treatment;

(c) Ensure that children and adolescents with gaming disorders, gambling addiction or other forms of online addiction receive the necessary help and support.

### **Impact of climate change on the rights of the child**

35. While commending the State party for reducing greenhouse gas emissions between 1990 and 2020 by 29 per cent and for adopting a Climate Act and climate policy action plans, the Committee recommends that the State party:

(a) Ensure that national policies and programmes on climate change and mitigation and adaptation are implemented in accordance with the rights of the Convention and take into account the urgency of children's needs and views;

(b) Promote, with the active participation of schools, children's awareness of and preparedness for climate change, including by incorporating the subject into school curricula and teacher training programmes;

(c) Undertake legislative and other measures to uphold its extraterritorial obligations concerning impacts on the environment that affect children's rights abroad, including in the context of business operations and international cooperation operating in or managed from the State party's territory.

**Standard of living**

36. Noting with appreciation the measures taken to address child poverty, the Committee recommends that the State party:

(a) Further strengthen its policies to ensure that all children have an adequate standard of living, including by increasing social benefits for single-parent households, asylum-seeking children, children with an irregular residence status and children of foreign parents; by developing measures to prevent homelessness; and by expeditiously providing adequate and long-term social housing and other support measures for families in need;

(b) Ensure that all municipalities have child-friendly temporary or emergency accommodation available for children in need, that no child stays in such accommodation for longer than 14 days and that such children are promptly transferred to long-term accommodation;

(c) Prevent the eviction of children from their homes;

(d) Collect and publish statistics on the number of children in street situations and children living in temporary accommodation and take measures to adequately address their needs.

**H. Education, leisure and cultural activities (arts. 28–31)****Education, including vocational training and guidance**

37. While noting the principle of inclusive education promoted by the State party, the Committee remains concerned about disparities in access to the same quality of education and about discrimination, harassment and bullying in schools.

38. The Committee recommends that the State party:

(a) Ensure the equal access of children in disadvantaged groups, including asylum-seeking, refugee and migrant children, children in alternative care and children from socioeconomically disadvantaged families, to quality education, including by: (i) allocating the resources to ensure the high quality and accessibility of public education and regulating and monitoring private schools with the aim of addressing inequality in the education system; and (ii) making primary and secondary education compulsory for all children, including asylum-seeking children, children with an irregular residence status and children with temporary residence permits;

(b) Reduce and prevent school dropouts and absenteeism, based on an analysis of the root causes, including by adopting a national strategy for preventing school dropouts and absenteeism; developing guidelines for identifying, registering and responding to cases of absenteeism; and regularly collecting data on school dropouts and absenteeism to inform the implementation of related measures;

(c) Strengthen measures for ensuring inclusive education in mainstream schools for all children with disabilities, including by: (i) abolishing the provision of the Education Act which makes the acceptance of a child with disabilities conditional upon certain factors; and (ii) adapting curricula and training and assigning specialized teachers and professionals in integrated classes so that children with disabilities and learning difficulties receive individual support and due attention;

(d) Allocate sufficient human and financial resources for the implementation of the recommendations of the inquiry report on more equal schools, with a view to eliminating segregation and discrimination in schools;

(e) Ensure the availability of quality multilingual and intercultural education for migrant, Roma and Sami children, including through appropriate materials, multilingual teachers and educative tools;

(f) Strengthen measures to combat violence in schools, including sexual harassment, bullying, cyberbullying and online violence, and ensure that they

encompass prevention, early detection mechanisms, intervention protocols, mandatory training for teachers, the empowerment of children, and awareness-raising on the harmful effects of bullying and violence;

(g) Develop guidance and regular training for teachers on addressing violence or other disturbances in schools, as provided under the Education Act, with a view to preventing misuse of the provision allowing for physical interventions by teachers to address disturbances and ensuring that such measures take a child-sensitive approach;

(h) Ensure the active participation of children and adolescents in the formulation of educational policies.

#### **Early childhood education**

39. The Committee recommends that the State party strengthen measures to address disparities in the quality of early childhood education and address the shortage of teachers, including through creative incentives for the early childhood teaching profession.

#### **Human rights education**

40. The Committee recommends that the State party:

(a) Strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education;

(b) Ensure that teachers receive the necessary support to teach children's rights in schools;

(c) Develop human rights education materials that promote intercultural dialogue and foster respect for and appreciation of racial, cultural, gender and other diversities.

#### **Rest, leisure, recreation and cultural and artistic activities**

41. Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:

(a) Ensure that sporting, recreational, leisure, cultural and artistic activities are available, safe and accessible for girls, children with disabilities, asylum-seeking and migrant children, socioeconomically disadvantaged children and children living in rural areas;

(b) Strengthen measures to combat segregation, abuse and harassment in sports, promptly investigating all reports of abuse or harassments, and ensuring that the work of the Swedish Sports Confederation in this regard is adequately resourced and implemented in all districts and municipalities;

(c) Fully involve children in planning, designing and monitoring the implementation of policies and programmes relevant to leisure, play, recreation, cultural life and the arts.

### **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking, refugee and migrant children, including unaccompanied children**

42. The Committee notes with appreciation the work of the Swedish Migration Agency in assessing the best interests of the child, including child-specific grounds for asylum and child-specific forms of persecution, but is deeply concerned about the impact of the amendments in 2021 to the Swedish Aliens Act restricting family reunification and eligibility

for permanent residence permits and social security, and the 33 reforms envisaged in the *Tidö* Agreement to further restrict the rights of asylum-seeking, refugee and migrant children.

43. **Recalling joint general comments No. 3 and No. 4 of CMW/No. 22 and No. 23 of CRC (2017) on the human rights of children in the context of international migration, the Committee urges the State party to ensure full respect for the rights of asylum-seeking, refugee and migrant children and urges the State party to:**

(a) **Strengthen measures for ensuring that the best interests of such children are given primary consideration in all asylum processes and that their views are heard, taken into account and given due weight, including by: (i) ensuring that all asylum claims are individually assessed in a child-sensitive manner; (ii) considering the integration of child-specific forms of persecution and a best interests of the child determination into immigration legislation; and (iii) ensuring that children who are separated and put into care after suffering violence or abuse from their parents are not deported with their abusive parents;**

(b) **Reduce processing times for asylum applications and ensure that all asylum-seeking children, including unaccompanied children, have prompt access to psychosocial and integration support, health, welfare and education services;**

(c) **Prohibit and prevent the detention of children on the basis of their or their parents' migration status, and assess their best interests and right to family life in any decision taken that could result in the detention or deportation of their parents due to their migration status;**

(d) **Conduct age-assessment procedures through multidisciplinary methods, including a comprehensive assessment of the psychological development of the child, in cases of serious doubt only and respecting the legal principle of the benefit of the doubt; and ensure that the outcome of such assessments can be challenged by the affected party;**

(e) **Facilitate reunification of children with their families, including by abolishing the maintenance requirement and time limit of three months for applications submitted by a family member who has been granted a residence permit;**

(f) **Ensure that unaccompanied children are promptly assigned to a qualified guardian and receive regular support that is tailored to their specific needs;**

(g) **Continue to investigate reports of disappearances of unaccompanied children during the asylum procedure, establish their whereabouts, prosecute those responsible for crimes involved in such disappearances, and take measures to prevent such disappearances and to protect them from sexual exploitation and abuse;**

(h) **Ensure the maintenance or reestablishment of contact of Ukrainian unaccompanied children with their families in close collaboration with Ukrainian authorities and the International Committee of the Red Cross.**

#### **Administration of child justice**

44. The Committee is deeply concerned about current moves to lower the minimum age of criminal responsibility, the increasing involvement of children in organised crime, the lack of specialized courts or appropriately trained judges for children, solitary confinement of children and recent legislative amendments introducing stricter sentences and invasive measures by law enforcement authorities.

45. **Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to:**

(a) **Maintain the minimum age of criminal responsibility at 15 years;**

(b) **Provide specialized judges and prosecutors for children with appropriate training on child justice principles and procedures;**

(c) **Develop a strategy for the prevention of child offending, based on research and analysis of the root causes of children's involvement in crime, in particular**

organised crime, and ensure that it includes early intervention directed at children at risk or in vulnerable situations and support for their families;

(d) Actively promote non-judicial measures, such as diversion, mediation and counselling and evidence-based therapeutic services, for children accused of criminal offences, and, wherever possible, the use of non-custodial measures such as probation or community service;

(e) Prevent and limit the use of pretrial detention by ensuring that, in accordance with the law, children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of deprivation of liberty or its continuation;

(f) Ensure that deprivation of liberty is used as a measure of last resort only, and for the shortest period of time possible, and that it is reviewed on a more regular basis than the current 14 days, with a view to its withdrawal and that the practice of solitary confinement of children is immediately discontinued;

(g) Ensure that law enforcement authorities comply with children's right to be promptly and directly informed of their rights and the charges brought against them in a child-friendly manner; to have their privacy fully respected and not be subjected to search, arrest or detention without cause; and to be heard at all stages of the process, starting from the moment of contact with the child justice system;

(h) Broaden the conditions under which a public defence counsel may be appointed for children facing criminal charges, with a view to ensuring that effective legal representation is promptly provided to all children without exception.

## **J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

46. Recalling its 2019 guidelines regarding the implementation of the Optional Protocol,<sup>4</sup> the Committee recalls its previous recommendations<sup>5</sup> and recommends that the State party to:

(a) Criminalize all forms of the sale and sexual exploitation of children, in line with articles 2 and 3 of the Optional Protocol, including with regard to all forms of online sale and sexual exploitation and the acts of producing, distributing, disseminating, selling or possessing child sexual abuse material as a form of sexual exploitation and abuse, regardless of the age difference between the perpetrator and the victim and without an assessment of the victim's pubertal development;

(b) Ensure that all offences described in the Optional Protocol are punishable by appropriate criminal sanctions that take into account their grave nature;

(c) Take measures aimed at preventing and addressing the online sale of children for the purpose of sexual exploitation and abuse, including through the training of relevant professionals and by ensuring that Internet service providers be required by law to promptly block and remove online sexual abuse material, in line with the recommendations of the Swedish National Audit Office;

(d) Establish procedures to ensure and promote mandatory reporting of the sexual exploitation of children in prostitution, and train teachers, health professionals and social workers to identify different forms of violence and refer victims accordingly;

(e) Withdraw its declaration on article 2 (c) of the Optional Protocol, with a view to ensuring that any representation of child sexual abuse is prohibited.

<sup>4</sup> CRC/C/156.

<sup>5</sup> CRC/C/SWE/CO/5, para. 56 and CRC/C/OPSC/SWE/CO/1.

### **Optional Protocol on the involvement of children in armed conflict**

47. Recalling its previous recommendations,<sup>6</sup> the Committee recommends that the State party:

(a) Raise the minimum age of participation in firearms training provided by voluntary defence organizations to 18 years of age and provide such organizations with information and training on the Optional Protocol and other relevant international standards;

(b) Establish a mechanism for the early identification of children who may have been involved in armed conflict abroad, and ensure that they receive support for their physical and psychological recovery and their reintegration into society;

(c) Undertake and prioritise measures to repatriate children who are nationals of the State party from camps in Syria;

(d) Prohibit the export of arms, including small arms and light weapons, to countries where children are known to be, or may potentially be, recruited or used in hostilities.

### **K. Ratification of the Optional Protocol on a communications procedure**

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, accede to the Optional Protocol on a communications procedure.

### **L. Ratification of international human rights instruments**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **M. Cooperation with regional bodies**

50. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council of Europe.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined sixth and seventh periodic reports and the present concluding observations be made widely available.

<sup>6</sup> CRC/C/SWE/CO/5, para. 54 and CRC/C/OPAC/SWE/CO/1.

## **B. Next report**

52. The Committee will establish and communicate the due date of the combined eighth and ninth periodic reports of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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