



## Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

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### WRITTEN REPLIES BY THE GOVERNMENT OF SWEDEN CONCERNING THE LIST OF ISSUES ( CRC/C/OPAC/SWE/Q/1 ) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF SWEDEN UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

( CRC/C/OPAC/SWE/1 )\*

[Replies received on 3 April 2007]

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

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Supplementary information for the UN Committee on the Rights of the Child in preparation of a review of Sweden's First Report regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

#### Question 1:

The report, International Crimes and Swedish Jurisdiction (Official Government Report, SOU 2002:98) is still being prepared within the Ministry of Justice. It is not possible at this time to give any specific date as to when the proposal will be submitted.

As stated in Sweden's report to the Committee, the issue of whether the recruitment of children for armed conflict could be regarded as a serious violation of international law as referred to in the Swedish criminal provisions on crime against international law contained in Chapter 22, Section 6 of the Penal Code has not been considered by a Swedish court. However, there is much to suggest that the selection of children under the age of 15 for armed forces or the use of such children in combat is subject to the Swedish criminal provisions on crime against international law. If a crime against international law according to the provision in the Penal Code has been committed abroad, the matter should be adjudicated upon according to Swedish law and at a Swedish court (Chapter 2, Section 3, item 6 of the Penal Code). There is no requirement for a link to Sweden or dual criminality. Crime against international law is thus, under Swedish law, subject to universal jurisdiction.

It is also indicated from Sweden's report that the recruitment and use of children in hostilities within or outside Sweden are subject to penalties under Swedish law through in the first instance the provisions on kidnapping and human trafficking contained in the Penal Code. As regards the latter, refer to the content of the report.

Under Swedish law (Chapter 2, Section 2 of the Penal Code), offences committed outside Sweden according to Swedish law should be adjudicated on at a Swedish court, including for instance, when the offence has been committed by a Swedish national. However, for a Swedish court to be competent to adjudicate regarding an offence that has been committed abroad, it is normally required that the act is also punishable where it was committed (Chapter 2, Section 2, second paragraph of the Penal Code). Furthermore, a sanction may not be imposed that is more stringent than the most stringent sanction possible according to the law at the place where the act was committed (Chapter 2, Section 2, third paragraph of the Penal Code). There are some exemptions from the latter conditions, among other things as regards offences with a minimum sentence of imprisonment of four years or more (for example kidnapping) and also for certain specified offences such as, for instance, crime against international law (Chapter 2, Section 3 of the Penal Code). Under Swedish law, a Swedish court may also in certain cases adjudicate on offences committed against, among others, Swedish nationals. However, jurisdiction is limited to offences that have been committed within areas that do not belong to any state (Chapter 2, Section 3, item 5 of the Penal Code).

#### Question 2:

Under the Government's terms of references for the Armed Forces, the Armed Forces shall, among other things, conduct education based on UN Resolution 1539 on children in armed conflicts.

All persons who undertake compulsory military service have a mandatory block of training that includes a basic review of, among

other things, international law and international humanitarian law. The three-year officer training includes basic courses on human rights and UN law. There are more advanced courses on these subjects during the senior officer training programme (staff officer course and commander programme), which are taken after a number of years service with the aim of gaining promotion in rank.

The Swedish Armed Forces arrange training for peace-supporting forces that are to be deployed abroad. The training comprises, among other things, information about human rights and on humanitarian law.

As regards the implementation of education and training, the Armed Forces (the Life Guards/International Training Unit) conduct mandatory basic training for the Swedish international forces prior to service abroad. This training to date has dealt with the Convention on the Rights of the Child and with issues of women, peace and security (UN Resolution 1325), amongst other things.

Furthermore, various kinds of international training is being conducted, among other things staff training, at the Life Guards/Swedint/Partnership for Peace (PfP) Training Centre and these international courses include lectures on the above-mentioned UN Resolution 1325 on women, peace and security and human rights as a point of departure. The child perspective is considered within the framework of these areas.

The Armed Forces also participate in liaison work, 'Genderforce', between various Swedish authorities. This work includes a review of existing training (forms, scope and content) for, among others, the international forces. At present, work is in progress regarding, among other things, trafficking and training in human rights. The work concerning trafficking comprises a training package that is currently being produced, which will become a mandatory part of training prior to service abroad. The training package in human rights, which is being produced within Genderforce, will also become an obligatory part of training prior to service abroad.

The Armed Forces have also prepared ethical rules and a code of conduct to be signed by those who are to serve internationally.

In the event that Swedish international forces are despatched to areas where there are child soldiers, special training will be provided. The problems associated with child soldiers were raised for instance at the mission-specific training prior to deployment in Liberia. This training is therefore adapted and tailor made according to the specific area of deployment.

The Government's human rights website ([www.manskligarattigheter.se/](http://www.manskligarattigheter.se/) [www.humanrights.gov.se](http://www.humanrights.gov.se)) was established in 2002. Information posted on the website includes human rights instruments, including the optional protocol on the involvement of children in armed conflicts, translated into Swedish. Information about the protocol as well as Sweden's reports to the treaty-monitoring bodies of the UN can also be found on the website.

The task of the Children's Ombudsman includes monitoring, the implementation of the Convention on the Rights of the Child and the two Optional Protocols to the Convention. The Office of the Children's Ombudsman has published these Protocols on its website, together with information concerning the purpose of drawing up the Optional Protocols. The Office of the Children's Ombudsman has not allocated any additional funds for monitoring and disseminating information about the Optional Protocols.

Question 3:

See appendix

Question 4:

The Swedish Migration Board has implemented several measures aimed at taking greater account of any grounds that a child may have for asylum. Besides the Interview Guide that has been prepared, which will form the basis of interviews with children, the Migration Board has also introduced guidelines in its internal manual, the 'Migration Board's Manual for Migration Cases', for how interviews with children should be carried out. Some of the staff of the Migration Board have also undergone training in conversing with children. Unaccompanied minors are interviewed by Case Officers with special competence regarding children. In those cases where the child has referred to special grounds, the Board reports on these in the decisions, together with its assessment of the grounds. Public counsel are urged to take special account of any grounds that a child may have for asylum/a residence permit.

Question 5:

Regarding the asylum process, the Migration Board implements continuous training for staff in conversing with children. Cases involving children are given priority and it is our goal that a decision regarding an unaccompanied minor should be made within maximum three months. This can be compared with other matters where the goal is set at six months. The Migration Board has implemented several measures aimed at ensuring that any child-specific forms of persecution are taken into account; further details provided under Question 4.

Children seeking asylum are entitled to education, preschool and childcare for school children, and to health and medical services, as well as dental care, on the same terms as children who are resident in Sweden.

Regarding the reception of unaccompanied minors, two important statutory amendments aimed at improving the protection of these children have entered into force recently. On 1 July 2006, a reform was introduced whereby the responsibility for the accommodation of unaccompanied minors was transferred from the Migration Board to the municipal authorities. The municipal authorities, with their experience and competence, are more suited for dealing with these children than the Migration Board. At the same time, the role of the Board was more clearly delimited to primarily be the authority that investigates and assesses applications for residence permits.

The Special Representatives for Unaccompanied Children Act (2005:429) entered into force on 1 July 2005. All unaccompanied minors who apply for asylum in Sweden are now allocated a special representative (*god man*), unless it is manifestly unnecessary. The powers of the special representative were previously limited to mainly protecting the child's financial affairs. As of this statutory amendment, these powers have been extended and can now be compared to those of a custodian. One aim of the amendment is to

impede the disappearance of children. According to the new Act, the special representative can restrict the child's movements away from the child's accommodation. In those cases where a person claims to be relative of the child and wishes to take the child away from the accommodation, the staff can consequently contact the special representative for advice and a decision on the matter.

Special representatives are appointed by the chief guardian in the respective municipality. Under the Act, this appointment should be effected as soon as possible and following an application by the Migration Board or Social Welfare Committee. During the spring of 2006, the Swedish Parliament recommended the Government a statutory amendment whereby a special representative should be appointed within 24 hours of the child having arrived in Sweden. As a result of this announcement, a questionnaire was distributed to several municipal authorities with the aim of surveying current processing times. Responses were received during the summer of 2006 and are currently being processed within the Ministry of Justice.

Question 6:

**The official report was concluded on 31 December 2006 (Official Government Report, SOU 2006:114). This report shows that the number of asylum seeking children with severe withdrawal behaviour has been dramatically reduced. The Government is monitoring developments and is discussing, among other things, this matter within the framework of the Council for child-related migration and asylum policy issues .**

## Asylum-seeking children without custodian

Age at the time of event	(Alla)			
Sex	(Alla)			
<b>Number</b>	<b>Year</b>			
Citizenship	2004	2005	2006	Total
AFGHANISTAN	35	27	98	160
ALBANIA	5	4	3	12
ALGERIA	3	1	2	6
ANGOLA	4		1	5
ARMENIA	6	8	1	15
AZERBAIJAN	9		1	10
BANGLADESH	2	1		3
BOLIVIA		3	4	7
BOSNIA AND HERZEGOVINA	12	4	1	17
BULGARIA	10	12	22	44
BURKINA FASO		5		5
BURUNDI	18	18	13	49
CHILE	1			1
THE DEMOCRATIC REPUBLIC OF THE CONGO	2	3	6	11
EL SALVADOR			2	2
ERITREA	8	15	22	45
ESTONIA		1		1
ETHIOPIA	4	4	7	15
GEORGIA	4	1	3	8
GUINEA	1		4	5
HONDURAS			1	1
INDIA	1	3	26	30
IRAQ	26	69	337	432
IRAN	9	22	10	41
ISRAEL	1	1	2	4
CAMEROON	1			1
KAZAKHSTAN	3	2	1	6
KENYA	2			2
CHINA	27	52	6	85
KYRGYZSTAN	3			3
THE CONGO	1		2	3
CROATIA		1	1	2
KUWAIT	1			1
LEBANON	6	1	8	15
LIBERIA	1		1	2
LIBYA	1	3	3	7
LITHUANIA		1		1
MACEDONIA	8	2	3	13

MALI	1	1	2	
MOROCCO	4	2	4	10
MEXICO			1	1
MOZAMBIQUE	1			1
MOLDOVA	3	2	9	14
MONGOLIA		1	9	10
MYANMAR	1	1	1	3
NICARAGUA			1	1
NIGERIA		3	3	6
UNKNOWN	4	2	4	10
PAKISTAN		5		5
ROMANIA	2	2	5	9
RWANDA	3	2		5
RUSSIA	14	17	15	46
SENEGAL			1	1
SERBIA			1	1
SERBIA AND MONTENEGRO	43	25	20	88
SIERRA LEONE			1	1
SOMALIA	62	33	101	196
STATELESS	12	10	13	35
THE SUDAN		1		1
SYRIA	2	1	4	7
TANZANIA			1	1
THAILAND		1		1
TUNISIA	2	2	2	6
TURKEY	2	7	4	13
TURKMENISTAN	1			1
UGANDA		1	2	3
UKRAINE	2	1		3
UNDER INVESTIGATION	3		7	10
HUNGARY			2	2
UZBEKISTAN	2	3	9	14
VIET NAM	5	2	1	8
BELARUS	4	9	8	21
Grand Total	388	398	820	1606

### Asylum-seeking children without custodian 2004

Age at the time of event

(All)

Year

2004

Number

Sex

**Citizenship**

F M **Grand Total**

AFGHANISTAN

5 30 35

ALBANIA

1 4 5

ALGERIA

ANGOLA

ARMENIA

4 2 6

AZERBAIJAN

5 4 9

BANGLADESH

1 1 2

BOSNIA AND HERZEGOVINA

10 2 12

BULGARIA

5 5 10

BURUNDI

10 8 18

CHILE

THE DEMOCRATIC REPUBLIC OF THE CONGO??

2 2

ERITREA

6 2 8

ETHIOPIA

2 2 4

GEORGIA

GUINEA

1 1

INDIA

IRAQ	7	19	26
IRAN	1	8	9
ISRAEL		1	1
CAMEROON		1	1
KAZAKHSTAN	1	2	3
KENYA	2		2
CHINA	9	18	27
KYRGYZSTAN	1	2	3
THE CONGO		1	1
KUWAIT		1	1
LEBANON	2	4	6
LIBERIA	1		1
LIBYA		1	1
MACEDONIA	8		8
MALI	1		1
MOROCCO	1	3	4
MOZAMBIQUE	1		1
MOLDOVA	1	2	3
MYANMAR		1	1
UNKNOWN	3	1	4
ROMANIA	1	1	2
RWANDA	1	2	3
RUSSIA	4	10	14
SERBIA AND MONTENEGRO	24	19	43
SOMALIA	32	30	62
STATELESS		12	12
SYRIA	2		2
TUNISIA		2	2
TURKEY	1	1	2
TURKMENISTAN		1	1
UKRAINE	1	1	2
UNDER INVESTIGATION		3	3
UZBEKISTAN	1	1	2
VIET NAM	2	3	5
BELARUS	3	1	4
Grand Total	163	225	388

### Asylum-seeking children without custodian 2005

Age at the time of event

(All)

Year

2005

**Number**

**Sex**

**Citizenship**

**F M Grand Total**

AFGHANISTAN	4	23	27
ALBANIA		4	4
ALGERIA		1	1
ARMENIA	2	6	8
BANGLADESH		1	1
BOLIVIA	1	2	3
BOSNIA AND HERZEGOVINA	4		4
BULGARIA	7	5	12
BURKINA FASO		5	5
BURUNDI	8	10	18
THE DEMOCRATIC REPUBLIC OF THE CONGO??	1	2	3
ERITREA	6	9	15
ESTONIA	1		1
ETHIOPIA	2	2	4
GEORGIA		1	1

INDIA		3	3
IRAQ	13	56	69
IRAN	7	15	22
ISRAEL		1	1
KAZAKHSTAN	1	1	2
CHINA	22	30	52
CROATIA	1		1
LEBANON		1	1
LIBYA		3	3
LITHUANIA		1	1
MACEDONIA	1	1	2
MALI	1		1
MOROCCO		2	2
MOLDOVA		2	2
MONGOLIA	1		1
MYANMAR	1		1
NIGERIA		3	3
UNKNOWN	1	1	2
PAKISTAN	2	3	5
ROMANIA	2		2
RWANDA	1	1	2
RUSSIA	4	13	17
SERBIA AND MONTENEGRO	17	8	25
SOMALIA	21	12	33
STATELESS	2	8	10
THE SUDAN	1		1
SYRIA		1	1
THAILAND	1		1
TUNISIA	1	1	2
TURKEY	2	5	7
UGANDA	1		1
UKRAINE		1	1
UZBEKISTAN		3	3
VIET NAM	1	1	2
BELARUS	2	7	9
Grand Total	143	255	398

### Asylum-seeking children without custodian 2006

Age at the time of event

(All)

Year

2006

Number

Sex

Citizenship

F M Grand Total

AFGHANISTAN

3 95 98

ALBANIA

3 3

ALGERIA

2 2

ANGOLA

1 1

ARMENIA

1 1

AZERBAIJAN

1 1

BOLIVIA

2 2 4

BOSNIA AND HERZEGOVINA

1 1

BULGARIA

13 9 22

BURUNDI

8 5 13

THE DEMOCRATIC REPUBLIC OF THE CONGO??

3 3 6

EL SALVADOR

1 1 2

ERITREA

11 11 22

ETHIOPIA

6 1 7

GEORGIA		3	3
GUINEA		4	4
HONDURAS	1		1
INDIA	1	25	26
IRAQ	36	301	337
IRAN		10	10
ISRAEL	1	1	2
KAZAKHSTAN	1		1
CHINA	2	4	6
THE CONGO		2	2
CROATIA	1		1
LEBANON	3	5	8
LIBERIA		1	1
LIBYA		3	3
MACEDONIA	2	1	3
MOROCCO	1	3	4
MEXICO		1	1
MOLDOVA		9	9
MONGOLIA	1	8	9
MYANMAR		1	1
NICARAGUA		1	1
NIGERIA		3	3
UNKNOWN	1	3	4
ROMANIA	3	2	5
RUSSIA	5	10	15
SENEGAL		1	1
SERBIA		1	1
SERBIA AND MONTENEGRO	8	12	20
SIERRA LEONE		1	1
SOMALIA	43	58	101
STATELESS	3	10	13
SYRIA	4		4
TANZANIA	1		1
TUNISIA		2	2
TURKEY	1	3	4
UGANDA		2	2
UNDER INVESTIGATION	1	6	7
HUNGARY	1	1	2
UZBEKISTAN	2	7	9
VIET NAM	1		1
BELARUS		8	8
Grand Total	175	645	820

Age	2004	2005	2006
15	62	53	134
16	93	123	291
17	132	107	260

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