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Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE **Optional Protocol to the Convention on**

the Rights of the Child on the involvement of

children in armed conflict

Concluding observations: Sweden

The Committee considered the initial report of Sweden (CRC/C/OPAC/SWE/1) at its 1238th meeting, held on 25 May 2007, without the presence of a delegation of the State party, which, in accordance with the Committee's decision number 8 adopted during the thirty-ninth session, opted for a technical review of the report. The Committee adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations:

A. Introduction

The Committee welcomes the submission of the State party's initial report, as well as the submission of the written replies to its list of issues (CRC/C/OPAC/SWE/Q/1/Add.1), which provide additional information on the legislative, administrative, judicial and other measures applicable in Sweden in respect of the rights guaranteed by the Optional Protocol.

The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in the State party's third periodic report on 28 January 2005 (CRC/C/15/Add.248).

B. Positive aspects

The Committee welcomes the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the Swedish National Armed Forces is 18 years.

The Committee commends the State party for contributing to projects for the rehabilitation and reintegration of child soldiers in many countries experiencing conflict or in post-conflict situations.

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The Committee notes with appreciation the amended provision of the Penal Code, which entered into force on 1 July 2004, on the trafficking in human beings which extends the criminalization of all forms of trafficking in persons, including trafficking within national borders, to other forms of exploitation, such as war service and forced labour.

The Committee welcomes the State party's National Action Plan for Human Rights 2006–2009 (Government Communication 2005/06:95) which aims at promoting the rights of the child and the establishment of the Delegation on Human Rights to support the long-term task of securing full respect for human rights in Sweden based on the action plan (ToR 2006:27).

The Committee notes with appreciation the State party's active role in advocating a straight-18 ban on the use of children as soldiers in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and subsequently promoting the universal ratification of the Optional Protocol.

The Committee also notes with appreciation that the State party contributes to the implementation of the guidelines on children and armed conflict adopted by the General Affairs and External Relations Council of the European Union in December 2003.

C. Principle areas of concern and recommendations

1. General measures of implementation

Legislation

The Committee notes that the State party is in the process of reforming its Penal Code and the provisions on so-called international crimes in order to introduce as separate criminal offences those crimes which are listed in articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, in particular in article 8, paragraph 2(b)(xxvi), which designates conscripting or enlisting children under the age of fifteen years into the national armed forces, or using them to participate actively in hostilities, as a war crime.

The Committee recommends that the State party expedite its efforts to reform the Penal Code in order to strengthen national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities.

Dissemination and training

The Committee notes with appreciation that the State party's National Action Plan for Human Rights 2006-2009 aims at increasing knowledge and information on human rights, both within the educational system and among the public at large. It also notes with appreciation that the State party's armed forces provide training on the Optional Protocol and related issues in collaboration with Save the Children Sweden. The Committee is, nevertheless, concerned that the State party's dissemination and training activities regarding the Optional Protocol at the national level are generally limited to the armed forces and military training.

The Committee recommends that the State party continue to provide its Armed Forces as well as personnel to be deployed to international operations with training activities on the Optional Protocol. It also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as teachers, authorities working for and with asylum-seeking and migrant children coming from countries affected by armed conflict, lawyers and judges.

2. Recruitment of children

Voluntary military youth activities

The Committee takes note of the State party's assurance that volunteers under the age of 18 taking part in the Total Defence-oriented youth activities of the voluntary defence organizations cannot be considered as recruited into the Swedish armed forces. It also notes that volunteers under the age of 18 enrolling on these courses need the consent of their parents or other custodians. However, the Committee notes that volunteers under the age of 18 taking part in these youth activities undertake firearms training. The Committee is of the view that these kinds of activities with "a military element" for children are not in full conformity with the spirit of the Optional Protocol which emphasizes that conditions of peace and security are indispensable for the full protection of children.

The Committee encourages the State party to raise the minimum age of volunteers participating in firearms training provided by voluntary defence organizations from 16 to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances. It recommends that the State party provide all voluntary defence organizations providing firearms and military-type training to persons under the age of 18 with adequate information and training on the provisions of the Optional Protocol as well as other relevant international standards.

3. International assistance and cooperation

Protection of victims

The Committee notes that the State party, which is one of the major European arms exporting countries, has actively participated in international and regional cooperation related to arms export control, including setting standards and principles to promote their responsible transfer, and has consistently promoted the importance of transparency with regard to military expenditure and international export control commitments on arms production. The Committee also notes that the State party implements developed arms export control at the national level. Taking into account the State party's expanding arms export, the Committee regrets that Swedish laws and guidelines do not explicitly refer to the involvement of children in armed conflict, with a view to abolishing trade in war materiel with countries where persons who have not attained the age of 18 take a direct part in hostilities as members of their armed forces, or armed groups that are distinct from the armed forces of a State.

The Committee recommends that the State party ensure that its domestic laws, guidelines and practice on exports of arms and other military equipment explicitly prohibit the direct and indirect export of arms and military equipment to countries where persons who have not attained the age of 18 may take a direct part in hostilities as members of their armed forces, or armed groups that are distinct from the armed forces of a State.

Financial and other assistance

The Committee commends the State party for its remarkable financial support to multi- and bilateral activities aimed at protecting and supporting children who have been affected by armed conflict and, in particular, it welcomes the clear focus of the Swedish International Development Agency (SIDA) on the rights of the child. The Committee welcomes the State party's annual contributions to numerous United Nations agencies and bodies having programmes for children affected by war, in particular to UNICEF and to the Special Representative of the Secretary-General for children and armed conflict. It also notes with appreciation the financial support provided to various national and international non-governmental organizations.

The Committee recommends that the State party continue and strengthen its financial support as well as other assistance to a full implementation of the Optional Protocol, including its multi- and bilateral activities to address the rights of children involved in armed conflict, with a particular focus on preventive work, as well as on the physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Optional Protocol.

4. Measures adopted with regard to disarmament,

demobilization and social reintegration

Measures of social reintegration

The Committee welcomes the entry into force of the Special Representative for Unaccompanied Children Act (2005:429) on 1 July 2005, which provides all unaccompanied children applying for asylum in Sweden with a representative (*god man*). However, it notes with concern that the appointment of representatives may take long time and that the number of representatives is not sufficient to respond to the actual need.

The Committee recommends that the State party consider amending the Special Representative for Unaccompanied Children Act (2005:429) in order to accelerate the appointment of a representative (*god man*) for unaccompanied children who have been recruited or used in hostilities and are applying for asylum in Sweden within 24 hours of the child having arrived in Sweden. The Committee recommends that the State party provide all representatives on the roster with adequate training, paying particular attention to the psychosocial needs of children who have been recruited or used in hostilities.

The Committee notes that responsibility for the accommodation of unaccompanied asylum-seeking children, including unaccompanied children who have been recruited or used in hostilities, was transferred in July 2006 from the Migration Board to the municipal authorities. It notes with concern that only a few municipalities have agreed to accommodate unaccompanied asylum-seeking children and that while waiting for placement these children are placed in temporary accommodation. Due to the fact that municipalities have extensive powers of self-governance and autonomy, the Committee is concerned that the service provision may not be adequate in all municipalities.

The Committee further notes that the Swedish Migration Board shall inform other Swedish authorities when they encounter asylum-seeking children who have been involved in armed conflict, so that they are able to provide support and care to these children.

The State party should ensure that all unaccompanied asylum-seeking children have access to adequate services, including social and health services and accommodation, irrespective of the municipality in which they are accommodated. The Committee urges the State party to ensure that asylum-seeking children who have been involved in armed conflict receive all appropriate assistance for their physical and psychological recovery and social reintegration.

It also recommends that the State party systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who have been recruited or used in hostilities abroad. In this regard the Committee recommends that the State party take note of the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

5. Follow-up and dissemination

Follow-up

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Government (*Regeringen*), the Parliament (*Riksdag*), and to counties and municipalities, as well as to the Children's Ombudsman, the Swedish armed forces, the Swedish Inspectorate of Strategic Products (ISP), the Home Guard and voluntary defence organizations for appropriate consideration and further action.

Dissemination

The Committee recommends that the initial report submitted by the State Party and these concluding observations adopted by the Committee are made widely available to children and their parents through, inter alia, school curricula and human rights education. It also recommends that the State party make the Optional Protocol widely known to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

6. Next report

In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fourth periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.

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