

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 35th Session

SWEDEN

I. BACKGROUND INFORMATION

Sweden ratified the *1951 Convention relating to the Status of Refugees* in 1954, and acceded to its *1967 Protocol* in 1967 (hereinafter jointly referred to as the *1951 Refugee Convention*). Furthermore, Sweden ratified the *1954 Convention relating to the Status of Stateless Persons* in 1965 and acceded to the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention*, respectively) in 1969. Sweden is also party to all major human rights treaties.

Sweden hosts the largest refugee population in the Northern Europe region. Sweden has received a relatively large number of asylum-seekers since 2012, compared with other European countries. In particular, the reception of 162,877 asylum applicants in 2015, including 35,369 unaccompanied children, placed a very significant strain on the asylum and reception system in Sweden. The number of applicants has dropped by more than 85 per cent since the 2015 peak, with 21,502 asylum applications in 2018, the lowest number of applicants coming to Sweden since 2005.¹ The top five countries of origin of asylum-seekers in Sweden in 2018 were Syria, Iraq, Iran, Georgia and Eritrea. Additionally, Sweden hosts 19,872 stateless persons. There are 12,122 persons with “unknown citizenship” and a smaller number of persons are registered with citizenship status under investigation.²

The unprecedented number of arrivals in 2015 led the Government to introduce a three-year temporary law in July 2016 seeking to align the Swedish asylum legislation to the lowest standards permissible under EU law. The law introduced a number of provisions that limit the protection afforded to asylum-seekers: made temporary permits the general rule; introduced a subsistence requirement for Convention refugee whose family members applied for family reunification more than three months after the sponsor’s recognition; suspended the right of beneficiaries of subsidiary protection (including unaccompanied and separated children) to seek family reunification; and restricted the granting of residence permits on humanitarian grounds to persons in situations that would otherwise give rise to a violation of its international obligations.

Overall, Swedish society is open and tolerant towards accepting refugees and migrants, and the right to seek asylum is respected. However, the relatively large increase in the number of asylum-seekers in Sweden in 2015 influenced negatively the general climate and attitudes towards asylum-seekers, refugees and integration after this period. Measures to improve

¹ See Swedish Migration Agency, statistics on asylum: <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html>.

² See Statistics Sweden: http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START_BE_BE0101_BE0101F/UtlmedbR/sortedtable/tableViewSorted/?loadedQueryId=63104&timeType=from&timeValue=1975

integration, in particular in the labour market and enrolment in education have had an initial positive impact with 50 per cent of refugees being established in the labour market after five years in Sweden. This aspect is, however, largely overlooked by critics who describe integration as a failure.

In September 2018, Sweden held parliamentary elections. Migration and integration were identified as the main focus areas in the elections. The Government Agreement, which is expected to form the basis for the Government's policies, lays out the following key points regarding integration and migration:

- Newly settled persons should get into the labour market quicker. A number enabling of activities, such as integration efforts, expansion of language programs, introduction to the Swedish society training etc. will be put in place (p. 40);
- Introduction of language test and a test of basic knowledge about the Swedish society in order to be eligible for Swedish citizenship (p. 41);
- Rules regarding the expulsion of persons found guilty of having committed "honour related crimes" and hate crimes will be made stricter. The authorities' possibilities of intervening upon suspicion that someone is being brought out of the country in order to be married against his/her will or for genital mutilation will be strengthened (p. 42);
- The system where asylum-seekers choose to arrange their own accommodation (called EBO) will be changed. Local municipalities should be given the possibility to limit EBO in areas with socio-economic challenges. Asylum-seekers who choose to arrange accommodation by themselves in areas with socio-economic challenges lose the financial support otherwise provided to asylum-seekers (p. 43);
- The Temporary Law restricting the possibilities of obtaining residence permits in Sweden will be extended for two additional years (until 2021);
- Beneficiaries of subsidiary protection will again be entitled to the same rights to family reunification as refugees (p. 65);
- Future migration policies should be established by a parliamentary committee who will also be mandated to develop a new humanitarian protection ground provision.³

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 145.27: "Enhance efforts — including within the "Strategy to Strengthen the Rights of the Child in Sweden" — to prevent and eliminate discrimination against children belonging to ethnic minorities, child members of immigrant families and child refugees and asylum seekers." (Croatia)

The Swedish Parliament has adopted a bill incorporating the *Convention on the Rights of the Child* (CRC) into Swedish law as of 1 January 2020. The existing Swedish legislation was well in line with the provisions of the CRC and in many cases it went further. However, surveys and reports from various commissions of inquiry and government agencies have indicated that it has not had sufficient impact in activities carried out at state and municipal

³ Förlängning av lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige [Extension of the law on temporary restrictions on the possibility of obtaining a residence permit in Sweden; entered into force on 20 July 2019] https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/forlangning-av-lagen-om-tillfalliga-begransningar_H601SfU26/html#_Toc11326851; see also: <https://www.regeringen.se/491532/contentassets/ad8bb67e26ea4a58896ef8db13eccd0c/forlangning-av-lagen-om-tillfalligabegransningar-av-mojligheten-att-fauppehallstillstand-i-sverige.pdf>

levels or in the way it had been implemented. Incorporating the CRC into domestic law will enhance children's rights in policy and law-making.⁴

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Family tracing and ensuring all relevant processes are in the child's best interests

Linked to 2nd cycle UPR recommendation no. 145.136: "Prioritize family member tracing when dealing with asylum-seeking unaccompanied children and ensure all relevant processes are in the child's best interests." (United Kingdom)

The *Swedish Aliens Act* (2005:716) Chapter 12 Section 3 (a) specifies that a return decision concerning an unaccompanied child cannot be enforced unless the authority responsible for the return has ensured that the child will be received by a family member, an appointed guardian or a reception unit well-suited for taking care of children. Difficulties in locating family members or other appropriate reception arrangements as well as lack of resources and capacity in conducting such research often result in such considerations being omitted or made only at a very late stage in the asylum process. In many cases, children remain in Sweden until they reach majority age, and are then returned without the requirement of first locating family members. The Government of Sweden has taken positive steps to address shortcomings in family tracing. It authorised the Swedish Migration Agency (hereinafter SMA) to negotiate and sign an agreement with IOM regarding family tracing; it also allocated funds to the SMA to support the work of the Swedish Red Cross on family tracing.⁵

Moreover, UNHCR together with relevant stakeholders conducted a Child Protection project, called Co-Lab 2.0, to assess child protection policies and practices in the initial reception of unaccompanied and separated children in Sweden. The outcomes of this assessment are included in SMA's report "*I want to feel safe – Strengthening child protection in the initial reception of unaccompanied and separated children in Sweden*".⁶ A number of the project's findings are concerning.

First, the child protection system is not accessible to all children. The fact that the reception and child protection systems are coupled with the asylum system implies that municipalities are only reimbursed by the central government for the support they provide to asylum-seeking unaccompanied and separated children. Consequently, support to undocumented or non-asylum seeking children is provided on an ad-hoc and case-by-case basis. As a result, many unaccompanied and separated children apply for asylum, although in some cases asylum may not be in their best interest.

Second, in the absence of an integrated and coordinated system to provide adequate reception and assistance to children, consideration for the child's best interest is not systematically applied through the various procedures children must undergo, such as the provision of living arrangements, the decision to apply for asylum or finding durable solutions. Strict confidentiality and inflexible administrative procedures prevent effective

⁴ See Swedish Parliament, *UN Convention on the Rights of the Child to become law in Sweden*, available at: <https://www.riksdagen.se/en/news/2018/jun/18/un-convention-on-the-rights-of-the-child-to-become-law-in-sweden/>.

⁵ See *Regeringen, Regleringsbrev för budgetåret 2019 avseende Migrationsverket*, available at: <https://www.esv.se/statsliggaren/regleringsbrev/?RBID=19605>.

⁶ UNHCR, *I want to feel safe – Strengthening child protection in the initial reception of unaccompanied and separated children in Sweden*, December 2018, available at: <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2018/12/UNHCR-I-want-to-feel-safe-.pdf>.

cooperation based on a multi-disciplinary approach to the child's best interest, including the child's right to be heard and consulted on matters affecting his or her well-being.

Lastly, the report also pointed out that unaccompanied and separated children are, as a rule, not appointed a legal guardian. Yet, the time spent in a municipality is uncertain and meetings are held and decisions taken without the child having someone who looks after his or her best interests.

Recommendations:

UNHCR recommends that the Government of Sweden:

- (a) Ensure access to the child protection system for all children, including undocumented and non-asylum applicant children;
- (b) Increase coordination among stakeholders involved in the asylum process;
- (c) Ensure that the best interests of the child is assessed in all matters concerning children at all stages of the asylum procedures;
- (d) Ensure compliance with the *Swedish Aliens Act* with regard to the return of unaccompanied children and enhance efforts on family tracing;
- (e) Assess the possibility to systematically appoint an on call legal guardian already in the municipality of arrival; and
- (f) Provide child protection system alternatives to the asylum system for children in situations where applying for asylum is not in the child's best interest.

Additional protection challenges

Issue 2: Children in detention

The *Swedish Aliens Act* allows for detention of children (Chapter 10 Section 2). Chapter 10 Section 3 of the *Aliens Act* states that a child may not be separated from both its custodians by detaining the child or its custodian, and that a child who does not have a custodian in Sweden may only be detained if there are exceptional grounds. According to Chapter 10 Section 5 of the *Swedish Aliens Act*, a child may not be detained for more than 72 hours or, if there are exceptional grounds, for a further 72 hours.

In January 2017, UNHCR published its *Position regarding the detention of refugee and migrant children in the migration context*.⁷ The position includes references to recent studies showing that detention of children can undermine their psychological and physical well-being and compromise their cognitive development. Furthermore, children held in detention are at risk of suffering depression and anxiety, and frequently exhibit symptoms consistent with post-traumatic stress disorder such as insomnia, nightmares and bedwetting.

The position establishes that there is indeed strong evidence that detention has a profound and negative impact on children's health and development, regardless of the conditions in which children are held, and even when detained for short periods of time or with their families. UNHCR's view is that *children should not be detained* for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and *detention is never in their best interests*.

Recommendations:

UNHCR recommends that the Government of Sweden:

⁷ UNHCR, Division of International Protection, *UNHCR's position regarding the detention of refugee and migrant children in the migration context*, January 2017, available at: <https://www.unhcr.org/protection/detention/58a458eb4/unhcrs-position-regarding-detention-refugee-migrant-children-migration.html>.

- (a) Amend the *Swedish Aliens Act* to prohibit the detention of children for immigration related purposes, irrespective of their status or that of their parents, and consider the application of alternative measures to detention.

Issue 3: Prevention of Statelessness

The definition of “a stateless person” as set out in Article 1(1) of the *1954 Convention* is not incorporated into Swedish legislation. Sweden also lacks a dedicated statelessness determination procedure. Instead, stateless persons can be registered by the Tax Administration or the Swedish Migration Agency, but neither of the two institutions have a dedicated procedure with a specific aim to determine statelessness or consistent administrative guidelines. This may lead to inconsistent outcomes in registering stateless persons and contribute to the high number of persons in Sweden registered as having an “unknown” nationality. Moreover, the absence of a definition of a stateless person and of a statelessness determination procedure also implies that statelessness is not considered a legal ground to grant residence permits to stateless persons and to enjoy the rights stipulated in the *1954 Convention* (with the exception of facilitated naturalization). Furthermore, the *2016 Temporary Asylum Law* sets restrictions on granting permanent residence permits to refugees and persons who received subsidiary forms of protection. These restrictions may leave children born and residing in Sweden stateless for an extended period of time.

In addition, Sweden has made reservations to Articles 8; 12(1); 24(1)(b); 24(3) and 25(2) of the *1954 Convention* that it has committed to withdraw.⁸

Article 1 of the *1961 Convention* as well as Articles 3 and 7 of the *CRC* aim to secure that no child is born stateless on the territory of a state party. According to the Swedish Citizenship Act (2001:82), children born stateless in Sweden may acquire Swedish citizenship through notification if they have permanent residence status. While acquisition of Swedish citizenship through the simplified procedure of notification is a good practice, the requirement of permanent lawful residence falls short of Article 1(2) (b) of the *Convention* which prohibits Contracting States to make an application for the acquisition of nationality by stateless persons conditional upon lawful residence.

Recommendations:

UNHCR recommends that the Government of Sweden:

- a) Incorporate the definition of a stateless person pursuant to Article 1 of the *1954 Convention* in all relevant legislation to ensure a consistent identification, determination and registration, by the responsible authorities of a person as stateless;
- b) Establish a dedicated statelessness determination procedure;
- c) Amend the *Citizenship Act* so that stateless children born in Swedish territory acquire citizenship automatically, through operation of law, regardless of their residence status, or giving due consideration to the place of habitual residence in accordance with the *1961 Convention*; and
- d) Consider to remove the remaining reservations to the *1954 Convention*.

**UNHCR
July 2019**

⁸ On the pledge to review the reservations, see; UNHCR, Ministerial Intergovernmental Event on Refugees and Stateless Persons – Pledges 2011, October 2012, available at: <http://www.refworld.org/docid/50aca6112.html>.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

SWEDEN

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations with regards to SWEDEN.

I. Universal Periodic Review (Second Cycle – 2015)

Recommendation ⁹	Recommending State/s	Position ¹⁰
Refugees, asylum-seekers, internally displaced and stateless persons		
145.27. Enhance efforts — including within the “Strategy to Strengthen the Rights of the Child in Sweden” — to prevent and eliminate discrimination against children belonging to ethnic minorities, child members of immigrant families and child refugees and asylum seekers;	Croatia	Supported
145.53. Continue ensuring the implementation of measures in order to fully eliminate discrimination, racism and xenophobia against minorities, refugees, asylum seekers and migrants;	Macedonia	Supported
146.44. Take concrete measures to ensure that the guarantees of non-refoulement can be given to any person under the control of the Swedish authorities while considered a refugee by a third country, including for this purpose and if necessary, the adoption of legislative measures;	Argentina	Noted
145.136. Prioritize family member tracing when dealing with asylum-seeking unaccompanied children and ensure all relevant processes are in the child’s best interests;	UK	Supported
147.21. Speed up the international legal cooperation mechanisms in the judicial bodies and the Prosecutor Office, to ensure due process, specifically in cases where the person concerned is protected by an asylum decision or refugee status;	Ecuador	Noted
Prevention of torture and ill-treatment		
146.10. Define and criminalize torture in its domestic law, consistent with article 1 and article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;	Australia	Noted

⁹ All recommendations made to Spain during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review of Spain” (13 April 2015), A/HRC/29/8, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/076/61/PDF/G1507661.pdf?OpenElement>.

¹⁰ Spain’s views and replies, in English, can be found in: *Addendum* (17 April 2015), A/HRC/29/8/Add.1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/079/67/PDF/G1507967.pdf?OpenElement>.

Children`s Rights		
145.135. Ensure that, in practice, undocumented children can benefit from health care and education;	Togo	Supported
146.37. Abolish the use of solitary confinement for minors in the juvenile justice system;	Slovakia	Noted
146.43. Take all appropriate measures in order to prevent the transfer of unaccompanied minors to Sweden and provide those who are already in the country with the necessary humanitarian support;	Senegal	Noted
Discrimination, racism and xenophobia		
145.42. Adopt special measures to promote equal opportunities, address structural discrimination and enhance strategies against inequality and discrimination faced by migrants, foreign-born citizens, indigenous peoples as well as minority groups, including Afro-Swedes and Muslims;	South Africa	Supported
145.51. Take immediate steps to adopt and implement policies and measures to combat racism, racial discrimination, xenophobia, Islamophobia and related intolerances;	Pakistan	Supported
145.60. Effectively investigate, prosecute and punish all hate crimes and take effective measures to combat hate speech in the media and on the internet, including by prosecuting the perpetrators regardless of their official status;	Turkey	Supported
145.89. Take steps to prevent and respond to incidents of violence and intimidation against members of minority religious groups, including through education and awareness campaigns and effective interventions by law enforcement officials;	Canada	Supported
146.33. Remove all ethnic profiling in the working methods of the police and other officials responsible for law enforcement;	Mexico	Noted

II. Treaty Bodies

Committee on the Elimination of Racial Discrimination

Concluding Observations, 2018, [CERD/C/SWE/CO/22-23](#)

Racist hate speech and violence

10. The Committee is concerned about reports that racist hate speech against AfroSwedes, Jews, Muslims and Roma continues in the State party, particularly during election campaigns, as well as in the media and on the Internet. While welcoming the establishment of national contact points and special hate crime groups in the three metropolitan areas, the Committee regrets that these do not exist throughout the country. The Committee commends the State party's efforts to ameliorate its data-collection methods and address underreporting; however, it remains concerned about the high number of reported hate crimes and the continuation of racist violence in the State party. The Committee is particularly concerned about reports of arson attacks against mosques and reception centres for asylum seekers. The Committee is further concerned about the gap between the number

of reported cases of hate speech and hate crimes, on the one hand, and the number of investigations, prosecutions and convictions of perpetrators, on the other. The Committee is concerned about the lack of information on persons affected by hate crimes on the grounds of multiple and intersecting forms of discrimination, such as gender, ethnicity, colour, religious belief, disability, gender identity or sexual orientation (art. 4).

11. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party step up its efforts to:

- (a) Effectively implement and enforce existing legislation and continue taking the necessary measures to protect vulnerable groups from racist hate speech, racist violence and other hate crimes;**
- (b) Effectively identify, register and investigate cases of racist hate speech or incitement to racial hatred and racially motivated violence and hate crimes, and prosecute and sanction those responsible;**
- (c) Provide mandatory and continuous training on preventing racist hate speech, racist violence and hate crimes to law enforcement officials at all levels, and continue addressing the issue of underreporting;**
- (d) Publicly condemn and distance itself, including in online media, from racist hate speech and xenophobic statements made by public officials and politicians, and fully apply the relevant legislation;**
- (e) Provide in its next report detailed information on the number and nature of racist hate crimes, including hate speech and racist violence, such as the number of cases reported, the number of prosecutions initiated as well as the number of convictions, the sentences imposed on perpetrators and the compensation awarded to victims. Also provide information, taking into account victimization surveys, on hate crimes on the basis of intersecting forms of discrimination.**

Committee on Economic, Social and Cultural Rights

Concluding Observations, 2016, [E/C.12/SWE/CO/6](#)

Refugees and asylum seekers

31. While welcoming the State party's generosity in receiving a substantial number of asylum seekers and migrants, as well as the many measures taken to accommodate the rights of unaccompanied children, the Committee notes with concern the act on asylum seekers and refugees, newly adopted in 2016, which in some respects contains restrictive features. It is particularly concerned that the new act will restrict the right to family reunification for asylum seekers and refugees. The Committee is also concerned that adult asylum seekers receive restricted access to health-care services (arts. 2, 10 and 12).

32. The Committee recommends that the State party revise the new act in question. It urges the State party to apply a definition of "family members" and of "economic dependency" that is sufficiently broad to protect the family reunification of refugees, asylum seekers, and beneficiaries of subsidiary protection. The Committee also recommends that the State party take steps to ensure that all asylum seekers have access to adequate health-care services, and reminds the State party that health facilities, goods and services should be accessible to everyone without discrimination, in line with articles 2 and 12 of the Covenant. The Committee draws the State party's attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Poverty

35. The Committee is concerned about the increased number of children living in poverty in the State party, and that refugees, asylum seekers, Roma and Afro-Swedes are particularly affected by poverty (art. 11).

36. The Committee recommends that the State party step up its efforts in addressing poverty, including through the effective implementation of the relevant employment and social protection policies and programmes referred to during the dialogue, while paying particular attention to groups exposed to continuing poverty.

Human Rights Committee

Concluding Observations, 2016, [CCPR/C/SWE/CO/7](#)

Rights of aliens, including migrants, refugees and asylum seekers

32. The Committee acknowledges the large number of migrants arriving in the territory of the State party, the challenges that such a situation presents and the great efforts made to accommodate their needs, including through the adoption of the new Act on Reception of Migrants, which entered into force on 1 March 2016, and the measures designed to facilitate their integration in the labour market. However, it is concerned about the limited use of alternatives to the detention of migrants and asylum seekers. The Committee is also concerned about the practical implications of designating asylum applications as “security cases” under the Aliens Act (2005:716) or “qualified security cases” under the Aliens Controls (Special Provisions) Act (1991:572) (arts. 2, 6, 7, 9, 13 and 26).

33. The State party should:

- (a) Ensure that its policies and practices related to the return and expulsion of migrants and asylum seekers afford sufficient guarantees of respect for the principle of non-refoulement, in particular for those migrants and asylum seekers covered by the new temporary adjustments to the asylum legislation that are currently being drafted within the government offices, and for those designated as “security cases” or “qualified security cases”;**
- (b) Ensure that the detention of migrants and asylum seekers is a measure of last resort and for the shortest period of time, is necessary and proportionate in the light of the circumstances, and that alternatives to detention are resorted to in practice.**

Unaccompanied minors

34. The Committee notes the large number of unaccompanied minors seeking asylum in the State party and is concerned about the failure of the State party to account for a large number of unaccompanied minors who entered the State party and went missing in recent years, and about the possible trafficking in such minors (arts. 7, 13, 17, 23 and 24).

35. The State party should ensure that the principle of the best interests of the child is given primary consideration in all decisions concerning unaccompanied minors, including their reception, integration and return to the country of origin or elsewhere. It should take all measures necessary to guarantee the safety and well-being of unaccompanied minors, ensure their adequate placement and provide them with care and support on the basis of an individual assessment of their circumstances. The State party should strengthen the safeguards in place against refoulement, should take robust measures to investigate the phenomenon of missing unaccompanied minors, should address its underlying causes and should make concerted efforts to prevent such future occurrences.

Committee on the Elimination of Discrimination against Women

Asylum-seeking and refugee women

10. The Committee notes with appreciation the previous open reception policy of the State party during the mass influx of asylum-seekers in Europe in 2015, its acceptance of approximately 162,877 persons, including 35,369 unaccompanied children, and its efforts to ensure their protection and to provide assistance. However, the Committee is concerned at the recent reversal of the State party's asylum policy and at policies restricting the granting of residence permits and family reunification, which may have particularly negative consequences for women and children asylum seekers.

11. In line with its general recommendations No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness of women and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee calls on the State party:

- (a) To implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement;**
- (b) To take a gender-sensitive approach in receiving the current refugee inflows and in considering asylum claims, thereby ensuring that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern;**
- (c) To maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000) in countries affected by conflict.**

Access to justice

16. The Committee welcomes the allocation of increased resources to the Equality Ombudsman and to local anti-discrimination offices. It also welcomes the fact that the State party is carrying out an inquiry to analyse access to justice in discrimination cases and propose corrective action, if necessary, including with regard to the work and mandate of the Equality Ombudsman. Nevertheless, the Committee is concerned at the complexity of the legal proceedings foreseen under the Discrimination Act, which may hamper access to justice for women victims of rights violations, in particular for victims belonging to disadvantaged groups.

17. In line with general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party, based on the findings of the inquiry reviewing its work on discrimination, take all necessary measures to remove barriers for women victims of discrimination and enable them to effectively use the Discrimination Act to claim their rights, including by allocating adequate human, technical and financial resources. The State party should pay particular attention to the needs of disadvantaged groups of women, such as Sami women, Roma women, migrant women, women living in remote areas, asylum-seeking and refugee women and women with disabilities. The Committee further recommends that the State party ensure that the Equality Ombudsman is provided with adequate resources to effectively fulfil its broad mandate.

Committee on the Rights of the Child

Concluding observations, 2015, [CRC/C/SWE/CO/5](#)

Best interests of the child

17. While noting with appreciation that the right of the child to have his or her best interests taken into consideration is covered by certain laws, the Committee remains concerned that

inadequate weight is given to that right, especially in asylum procedures where children are involved. The Committee is also concerned about:

- (a) The lack of a mandatory child rights impact assessment regarding all measures that concern children;
- (b) Insufficient training for relevant professionals on best interests determination.

18. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous recommendations (CRC/C/SWE/CO/4, para. 28) that the State party strengthen its measures to raise awareness of the meaning and practical application of the principle of the best interests of the child, and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures. The Committee also recommends that the State party:

- (a) Undertake mandatory child rights impact assessments to determine the impact of any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision which affects children and their enjoyment of their rights;**
- (b) Ensure that the principle of the best interests of the child the basis of, and guides the process of, all decisions, especially in asylum cases involving children, including by the provision of regular training to staff of the Migration Board and the social welfare authorities; and increase training on best interests determination.**

Health and health services

41. While welcoming the provision of equitable health care for asylum-seeking children, the Committee is concerned that there continue to be considerable disparities in the physical and mental health of children from different economic backgrounds.

42. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party step up its efforts to improve the health status of children from disadvantaged and marginalized groups, and allocate sufficient financial, human and technical resources to guarantee their right to health, without discrimination.

Standard of living

47. The Committee notes with concern that:

- (a) A relatively large number of children are living in poverty;
- (b) While children in situations of migration are subject to economic difficulties to a greater extent than children resident in the State party, the daily allowance for asylumseekers remains low and has remained unchanged since 1994;
- (c) Unlike the general child allowance, the child allowance for asylum-seeking families decreases for the third child and subsequent children;
- (d) In 2013, hundreds of children were reportedly affected by eviction, particularly as a consequence of back rent being owed.

48. The Committee recommends that the State party increase the allocation of human, technical and financial resources, and examine the root causes of poverty, with a view to strengthening the strategies and measures to:

- (a) Strengthen and increase programmes to support families in need, in particular single-parent families and those in difficult socioeconomic or other circumstances;**
- (b) Increase the daily allowance for asylum-seekers and take prompt legal measures to ensure that the allowance is not reduced for families with more than two children;**

- (c) Ensure that families are not forcibly relocated or evicted, and that the right of the child to adequate housing is always respected.**

Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)–(d), 38– 39 and 40)

Asylum-seeking and refugee children

49. The Committee is concerned at reported cases of asylum-seeking children sent back to their country of origin in violation of the principle of non-refoulement. The Committee also notes with concern that:

- (a) Unaccompanied and asylum-seeking children are at particular risk of sexual exploitation and/or abuse, and there are many cases of unaccompanied children disappearing every year, most of which are insufficiently investigated;
- (b) Child-specific forms of persecution such as the risk of being subjected to forced labour, child marriage, trafficking, female genital mutilation or recruitment as child soldiers, are not explicitly mentioned in the Aliens Act as grounds for obtaining asylum;
- (c) Children who have been placed in out-of-home care owing to neglect and/or domestic violence, may be deported together with their parents, in accordance with the Aliens Act;
- (d) No time frame is set out in the Act on Guardians for Unaccompanied Children, section 3, which provides for the appointment of a guardian for the child “as soon as possible”, leading in some cases to children waiting for several weeks before a guardian is appointed;
- (e) Guardians are not always properly trained and not always accompanied by an interpreter when meeting the child;
- (f) Reported cases of lengthy waiting periods being imposed on children until the determination of their asylum claim;
- (g) Reports according to which many unaccompanied and asylum-seeking children are not provided with winter clothes, personal hygiene articles or school materials.

50. The Committee urges the State party to take prompt measures to ensure that if children are to be returned to their country of origin, the principle of non-refoulement is always respected. Furthermore, the Committee recommends that the State party:

- (a) Investigate all cases of disappearance of unaccompanied children and take all the necessary measures to increase their protection;**
- (b) Amend the Aliens Act to explicitly include child-specific forms of persecution, such as the risk of becoming a victim of forced labour, child marriage, trafficking, female genital mutilation or being recruited as a child soldier, as grounds for obtaining asylum;**
- (c) Ensure that no child is deported with parents or guardians from whom he or she was taken away because he or she had suffered violence and/or abuse while in their care, and undertake a best interests determination for any decision concerning such a child;**
- (d) Require by law that each unaccompanied child is immediately appointed a guardian who is adequately trained and receives regular ongoing training, that the child has regular meetings with his or her guardian and that in the event of language problems an interpreter is appointed to enable effective communication between them;**
- (e) Expedite the processing of asylum applications and ensure that all asylum-seeking children are fully provided with basic necessities, in particular adequate clothing and personal hygiene articles, as well as all the necessary school materials.**

Children in migration situations

51. The Committee notes with concern that children who are considered as being “in transit” face difficulties in accessing education and that the rate of school dropout is higher for children with a migration background.

52. The Committee recommends that the State party amend its legislation to ensure that children considered as being “in transit” are provided with full access to education, take all the necessary measures to effectively reduce the dropout rates among such children and provide opportunities for those who have dropped out of school to re-access schooling.