

SWEDEN REVIEW

I. Justice System

B. Quality of justice

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

In its 2023 Concluding Observation, the UN Committee on the Rights of the Child recommended that Sweden 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. In addition, the Committee recommended 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 ([CRC/C/SWE/CO/6-7](#) paras. 18, 20).

Other

Children's rights and the business sector - In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child noted with appreciation the action plan for businesses and human rights but raised concern about the lack of legal accountability for business enterprises that have violated children's rights. Among other things, the Committee recommended that Sweden establish a clear regulatory framework for business enterprises and their subsidiaries operating in or managed from Sweden's territory and to establish monitoring mechanisms for the investigation and redress of violations by the business sector of children's rights, with a view to improving accountability and transparency ([CRC/C/SWE/CO/6-7](#) para. 15).

Non-discrimination - Raising concern about regional disparities in access to quality health-care services, social services and education, and in relation to the justice system, the Committee on the Rights of the Child recommended that Sweden strengthen the legal framework on discrimination, including the Discrimination Act, simplify and guarantee the provision of child-friendly complaint procedures and ensure that children know how to report cases of discrimination and that reports are investigated by a competent authority ([CRC/C/SWE/CO/6-7](#) paras. 16, 17).

Violence against children and harmful practices – In its 2023 concluding observations, the Committee on the Rights of the Child noted with deep concern reports of the use of coercive measures in alternative care settings and recommended that legislative measures to explicitly prohibit the use of solitary confinement, isolation and restraint in alternative care settings are taken, that all staff receive training on non-coercive methods of care and that children have access to confidential, child-friendly and independent complaint mechanisms for reporting cases, in particular in alternative care settings. The Committee also urged Sweden to ensure

the effective investigation of and intervention in all cases of violence against children, in and outside of the home, and ensure that, in cases of sexual exploitation and abuse, perpetrators are prosecuted and punished with penalties commensurate with the gravity of their acts. The Committee further raised concern 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. It was recommended that Sweden strengthen the reporting of child marriage, female genital mutilation and other harmful practices to relevant authorities and ensure that perpetrators are brought to justice ([CRC/C/SWE/CO/6-7](#) paras 23, 26, 27).

Asylum-seeking, refugee and migrant children, including unaccompanied children – In its 2023 concluding observations, the Committee on the Rights of the Child expressed deep concern about the impact of the amendments in 2021 to the Aliens Act (2005) 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. Among other things, the Committee urged Sweden to ensure that all asylum claims are individually assessed in a child-sensitive manner; that unaccompanied children are promptly assigned to a qualified guardian and to 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 those children from sexual exploitation and abuse ([CRC/C/SWE/CO/6-7](#) paras. 42, 43).

C. Efficiency of the justice system

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child expressed deep concern at the current moves to lower the minimum age of criminal responsibility, the increasing involvement of children in organized crime, the lack of specialized courts or appropriately trained judges for children, the solitary confinement of children and recent legislative amendments introducing more severe sentences and invasive measures by law enforcement authorities. Among other things, the Committee urged Sweden to maintain the minimum age of criminal responsibility at 15 years of age; to provide specialized judges and prosecutors for children who have completed appropriate training on child justice principles and procedures; to 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; to 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; to ensure that deprivation of liberty is used only as a measure of last resort; to 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 broaden the conditions under which a public defense 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 ([CRC/C/SWE/CO/6-7](#) paras. 44-45).

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

In its 2023 concluding observations , the UN Committee on the Rights of the Child recommended that Sweden 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 and ensure legislative amendments are made to clarify the procedures and criteria for assessing and determining the best interests of the child in the Aliens Act (2005) and the Act concerning Support and Service for Persons with Certain Functional Impairments (1993), in accordance with the inquiry on children's rights ([CRC/C/SWE/CO/6-7](#) para. 18).

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture

Following her country visit to Sweden in 2023, the UN Special Rapporteur on freedom of religion or belief urged the country to strengthen its engagement and dialogue with faith communities to combat religious or belief intolerance in the light of numerous challenges both nationally and globally, and in the context of the concerning and repeated instances of the burning of the Holy Qur'an. She also recommended that both freedom of religion or belief, and its manifestation, be understood and protected more broadly in the Swedish legal order. The incorporation of the International Covenant on Civil and Political Rights into domestic law would lend support to a more robust protection of freedom of religion or belief ([End of mission statement](#); Report will be presented at the 55th session of the Human Rights Council).

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child welcomed the incorporation of the Convention on the Rights of the Child into national law and the inquiry on the compatibility of national legislation and practice with the Convention. The Committee recommended Sweden to address the incompatibilities identified in the inquiry and ensure that the Convention prevails whenever there is a conflict with domestic legislation or common practice; and to ensure that child-rights impact assessments are an integral part of

inquiries conducted in preparation for new legislation and provide child-friendly avenues for the participation of children in the development of national and subnational legislation and regulations relevant to the fulfilment of children's rights. The Committee also recommended that Sweden ensure that all children can express their opinion and be heard in all decisions affecting them, including in courts and administrative proceedings and in 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 a parent or guardian ([CRC/C/SWE/CO/6-7](#) paras. 6, 20, 31).

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 concluding observations on Sweden, the UN Committee on the Rights of the Child welcomed the establishment of the Institute for Human Rights in 2022 but expressed deep concern that the Ombudsman for Children in Sweden 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 complex, and that the independence of the role of the Ombudsman for Children in Sweden could be brought into question owing to its reliance on funding linked to specific government assignments.

To this end, the Committee recommended that Sweden allocate sufficient resources to the Ombudsman for Children in Sweden to allow for the monitoring of the incorporation of the Convention in national legislation; ensure, as a matter of priority, that the Ombudsman for Children in Sweden has the mandate to receive, investigate and competently address complaints from children in a child-friendly manner; 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 to do so; continue to take measures to guarantee the independence of the Ombudsman for Children in Sweden in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including by ensuring that all government assignments are agreed through a consultative process ([CRC/C/SWE/CO/6-7](#) paras. 11, 12).