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Report by Radda Barnen submitted on 27 February 1998

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## Introduction and summary

As a popular movement for the rights of the child, Radda Barnen [Swedish Save the Children] has an obvious task to fight to ensure that the rights of the child are realised, thereby requiring political will on the part of the Swedish Government, Members of the Riksdag [Swedish Parliament] and other decision-makers. (A presentation of Radda Barnen, its history, current programmes and collaborating partners is presented in Appendix I.)

This is Radda Barnen's Report (adopted by the Executive Board of Radda Barnen on 23 January 1998) to the UN Committee on the Rights of the Child - Geneva in response to a review of the Second Periodical Report of the Swedish Government to the UN Committee's 19th UN session in September/October 1998. Radda Barnen is providing this supplementary report on how the UN Convention on the Rights of the Child has been applied in Sweden. Radda Barnen is solely responsible for this report, but also supports the report from the NGO Network for the Convention on the Rights of the Child, which consists of some 60 voluntary organisations. The report has also been submitted to the UN Committee (Article 45a).

### Working methods

The Stockholm headquarters of Radda Barnen has gathered experiences and knowledge on compliance with the Rights of the Convention. These experiences, together with criticism and praise of the Swedish Government, are presented in Section I.

During 1996-1997 Radda Barnen also invited, within the framework of the project "From Flen to the UN", local branches and county federations throughout Sweden to contribute "snapshots of

on the conditions prevailing for children in their districts". In total, 25 reports from 19 associations and county federations were received. A summary of these is included in Section II. Methods and approaches to the work in the municipalities are reported in Appendix II.

A common trend indicated by the reports is that the best interests of the child as a primary consideration (Article 3) is interpreted differently in the municipalities and that respect for the opinions of the child (Article 12) is often forgotten. Members of Radda Barnen who participated in the project "From Flen to the UN" question whether Sweden really meets up to its international obligations "to the maximum extent of its available resources" (Article 4).

### **General comments on the second periodical report of the Government to the UN**

Sweden is a rich country which has, however, endured serious economic difficulties during the 1990s. Among other things, these economic problems have resulted in the development of a substantial national debt. Restructuring affecting the basic needs of children has been implemented, state resources have diminished, and the State, municipalities and public authorities have implemented cut-backs in their expenditure. Radda Barnen considers that the consequences of this economic policy harm children, particularly children-at-risk, and our impression is that the spirit embodied within Article 4 is not always understood and respected by the municipalities or reflected in their budgets. Their decisions often lack a perspective on the child.

Radda Barnen closely monitors how the Swedish Government satisfies its public international law obligations arising from its ratification of the Convention and also presented comments to the UN Committee on the Rights of Child in connection with the Report by Sweden in 1992/93.

Radda Barnen has read the report of the Swedish Government with great interest and is appreciative of the fact that the Swedish Government fulfils its duty to report to the UN in time and that Sweden was the first state to be examined by the UN Committee in 1993. The organisations within the NGO Network for the Convention on the Rights of the Child - Radda Barnen is one of the founders and members of the steering group - were also grateful for the opportunity to conduct a hearing with the Government, and especially with the Prime Minister, attending for the first time, on 1 September 1997 with the Swedish Government's Report as a basis. The voluntary organisations presented questions and shared their knowledge concerning non-compliance in application of the Convention.

The view of Radda Barnen is that the 1997 report from Sweden provides a rather good comprehensive description of how the Convention is applied there. However, we had no dialogue with the Government before the report was written. In March 1997, the Swedish Ministry of Health and Social Affairs invited a few voluntary organisations to an informal meeting. Radda Barnen subsequently invited the Ministry of Health and Social Affairs for a meeting at its headquarters on 17 April 1997.

The Swedish Government's report is still not available in print, nor is it possible to read it via the Internet. Radda Barnen has therefore been obliged to use a preliminary report from the Ministry of Health and Social Affairs. This is not in accordance with Article 44.6 of the Convention.

Many children in Sweden still do not have information and knowledge about the Convention and further efforts to make the Convention accessible are necessary.

In the opinion of Radda Barnen, the report from Sweden lacks an analysis, for example of the best interests of the child being a primary consideration, and a discussion about the difficulties in applying the Convention which even a rich and democratic country may experience. A public debate concerning conflicting objectives, selection of different ways forward and priorities in society could have contributed to an open discussion with other countries and yielded an opportunity for exchanging experiences.

Nor was there an analysis of which consequences result from political decisions concerning children, both in the short and long term, and whether the municipal savings were really

implemented with respect for the principle of the best interests of the child, particularly as regards children in especially difficult situations. Furthermore, there was no future vision on which child policy should prevail in the future in accordance with the norms, principles and regulations of the Convention.

However, Radda Barnen is appreciative of the 600 page main report of the Parliamentary Committee "The Best Interests of the Child a Primary Consideration", Swedish Public Commission Report SOU 1997:116, which was presented on 20 August 1997. Every section of the report consists of three parts: an analysis of the Convention, the Swedish situation and the deliberations of the Committee. (A description of the Parliamentary Committee is included in Appendix I.)

### **Follow-up of previous report**

In the report to the UN Committee on the Rights of the Child 1992, Radda Barnen presented its views under the following headings:

- General principles; Children taken into detention, Article 37b; Exploitation of children in pornography, Article 34c; The rights of the child to knowledge and information, Article 42; Refugee children, Articles 10, 22, 38 and 40;
- Children exposed to physical and psychological abuse, Articles 3, 24.3, 34, 36 and 39;
- Children with disabilities, Article 23;

Some issues are still relevant topics today and Radda Barnen reverts to this in its report under the respective Article.

### **Guidelines for reporting**

Radda Barnen adopts the UN Committee's guidelines for reporting and provides comments under the following headings:

- Development 1992-1997; general measures; international development co-operation.
- General principles: Articles 2, 3 and 12,
- Civil and political rights: Articles 7 and 17,
- Family environment and alternative care: Articles 10 and 19,
- Basic health and welfare: Articles 23 and 24,
- Education, leisure and cultural activity: Articles 28, 29 and 31,
- Special protective measures: Articles 22, 34, 37, 38 and 39

### **To the UN Committee**

Radda Barnen has, under the heading To the UN Committee, expressed an Interest in obtaining guidance from the Committee as regards interpretation in some concrete examples, and provides comments concerning a number of proposals to reinforce the application of the Convention.

Section II

## **Part I: Development 1992-1997**

It was shown clearly by the Swedish Statistics (*Statistiska Centralbyrån 5CR*) Report 91 "Welfare and inequality in a 20-year perspective 1975-1995", published in October 1997, that a trend was halted in the early 1990s in the development and distribution of welfare in Sweden. Increases in household income were great before 1990. Subsequently, material standard have manifestly deteriorated. Greatly increased unemployment reduced the disposable income of households, up to 1995, by 8 per cent. Since then, the decline has continued. When compared with European countries Sweden - together with the Nordic Countries - nevertheless stands in a class by itself for example, as regards class-related differences in the standard of living. This still applies notwithstanding the employment crisis, budget restrictions, reduction of standards and increased inequality.

However, the changes during the 1990s must be taken very seriously as they have such an unequal impact on different groups. Improvements in income have been considerably worse for young people, single people and younger middle-aged people with children than for other groups, for example pensioners and couples without children. This means that children and young people have been disadvantaged by the development. This is linked to lengthy education for the young, increasing youth unemployment and declining and insecure income for young people. The increase in the gap between generations must be taken seriously. SCB concluded in its report that, as regards material inequality, the difference between the generations is now larger than the difference between classes. SCB also concluded that the financial security of children has deteriorated. In the beginning of the 1980s, 17 per cent of all children in the age range 0-15 years lived in families with financial difficulties. Today the figure is 28 per cent. Families with children have been adversely affected financially by the changes, particularly single parents, families with several children and young families with small children. They are also over-represented among the so-called poverty groups, that is, those groups with a disposable income below the social welfare allowance norm set by the National Board of Health and Welfare. The likelihood of unemployment for single parents has also increased which aggravates the problems of that risk group. It is important that the Swedish Government is aware of the difficulties in complying with the deeper meaning of Article 2 of the Convention (non-discrimination) if this development is allowed to continue.

Even if there is less money available for public consumption, it is important that there is continuous discussion about how available resources are used. The study of four municipalities conducted by Radda Barnen during 1993-1996 indicates that the resources actually available for programmes with children and young people could probably be used more efficiently by improved co-ordination and collaboration. This would both save resources and improve quality. For example, improved co-ordination is required within the tier of management directly under the municipal management board in respect of operations for children and young people. Such efforts must be taken with the section on the best interests of the child in the new Swedish Social Services Act as the starting point. Co-operation should be rewarded more effectively. There do not, however, appear to be any incentives for collaboration. Various occupational perspectives characterise how management and staff within schools and child care services, schools and leisure services, social services and others perceive the situation of children and what they require. There is no common view of the problems and how they should be rectified. Consequently, a common platform for increased co-operation is required. The knowledge and experience which the voluntary organisations represent should, to a greater extent than hitherto, be utilised in this connection.

According to a study by Radda Barnen, parents seem to have insufficient information about what the municipalities can and wish to do for their children and also for the parents themselves when they need extra support in their role as parents. They must be aware of whom they can turn to if they feel that they require help with their problems. Today they sometimes do not always know this and the services available from the municipalities do not always appear to correspond with the support that parents require.

In the early 1970s, Radda Barnen established a fund to provide financial support for children who were marginalised by society and children living under extremely difficult financial, physical or psychological circumstances. Today applications from many unemployed family breadwinners and single mothers are received.

During the 1990s the exposure and vulnerability of families with children have generally become

increasingly manifest. Changes in the Swedish social security system have resulted in new groups of applicants appearing. These are linked to the effects of long-term unemployment, long-term sickness, alcohol and drug abuse by parents, violence, social isolation and exclusion, credit card debt, etc.

Consequently, the number of applications to the fund has dramatically increased:

Year - Number of applications

1990 - 193  
1991 - 262  
1992 - 280  
1993 - 626  
1994 - 816  
1995 - 805  
1996 - 1,189  
1997 - 1,125

During the 1990s, families with children have experienced a great deterioration in financial conditions. About 526,000 children live within families that have difficulties in meeting basic expenses and 580,000 children live within families without any cash reserves.

During 1994, just over 220,000 children lived within families with incomes under the social welfare norms and about 60,000 children lived within families with very low incomes. Single women with children comprise the greatest proportion of social welfare recipients. One in three single mothers receives social welfare contributions.

In 1995, about 100,000 children lived within families where neither the father nor the mother was employed. Five years previously, the corresponding number of children was 18,000. In 1995, at least one parent was unemployed in 12 per cent of families with children. This means that 230,000 children - 160,000 more than in 1990 - live within families that are adversely affected by unemployment.

(Sources: Radda Barnen's municipal project, Radda Barnen's report "Disintegrating Welfare during the 1990s", Report of the National Board of Health and Welfare 1997:14)

## **Part II: Information concerning the articles of the Convention**

### **General measures**

Dissemination of the Convention

Article 42

Radda Barnen considers that the rights of children to have knowledge and information about the Convention have not yet been met and that special measures are necessary. We also propose that the Convention is made available in a language that children understand and in various immigrant languages. The Convention should also be available to all children on the basis of each child's ability to understand its meaning and also to children with limited ability. (This question was raised as early as 1992 in Radda Barnen's report to the UN.)

Radda Barnen considers that education concerning the Convention is of central importance in Sweden:

- All decision-makers must be educated in and obtain information about the Convention in order thereby to obtain an understanding of and insight into the purpose and principles of the Convention. It is not merely a question of learning which rights are laid down by the Convention, but understanding the spirit and meaning of the Convention.

- The Government should take the initiative for educating politicians at national and municipal level.
- It is very important that there is a central review of the curriculum within various areas of education with the aim of integrating the Convention in education.
- The Government should assume responsibility for the continuing education of all professional staff within the legal system, courts, police and prosecution authorities on what the Convention stands for and the requirements of the Convention as regards decisions on matters concerning children.
- The Convention should be mandatory in all school education.

Radda Barnen is positive towards the Government's decision of 19 December 1996 to apply over a two-year period resources to increase knowledge about the Convention by, utilising SEK 20 million (approx. USD 3 million) from the State Inheritance Fund. The project is co-ordinated by the Children's Ombudsman in collaboration with a group of voluntary organisations. However, Radda Barnen considers that these resources are insufficient. Radda Barnen also envisages a risk that the Government may consider itself able to delegate responsibility for information to others in society. (see Section II)

### **Implementation requires political will**

By ratifying the Convention, Sweden has acceded to an international obligation, which means that the State is responsible for taking such measures as are necessary to ensure that the rights are actually implemented and applicable to all children in Sweden. However, it is not sufficient that the Convention is reflected in its legislation. In order to ensure the rights of the child, a combination of measures is required, of which legislation is one. The provisions of the Convention must be reflected in Swedish legislation. The Convention is not law in Sweden and Radda Barnen suggests that Swedish legislation on the Convention should be enacted by the method of transformation rather than by incorporation of the Convention.

The principal report of the Parliamentary Committee~ has been circulated, for comments to Radda Barnen's popular movement. Consequently, Radda Barnen would like to transmit the following:

- Sweden's report contains a description of how the State delegates much of the responsibility to municipalities and county councils, which are considered to have close connections with children through, for example, child care, health care, school, etc. There are often insufficient mechanisms to follow-up this delegation.
- Radda Barnen considers that the State should assume even greater responsibility for compliance with the Convention and should formulate plans of action in collaboration with the municipalities for its implementation in the short and long term. The municipalities often have different priorities. Consequently, children are at risk of being discriminated against in some municipalities.
- Radda Barnen also proposes that a separate annex should be incorporated in the State Budget indicating what resources are allocated for children. By a decision in the Swedish Parliament/Riksdag of 9 February 1995, it was promised by the former Cabinet Ministers that there would be such a "Child Budget" annexed to the State Budget. Radda Barnen, the NGO Network for the Convention on the Rights of the Child and the Children's Ombudsman are still awaiting such an annex. This "Child Budget" could also be a guide for the municipalities, which should also prepare "Child Budgets".

Radda Barnen also proposes the following:

- A co-ordination function on issues concerning children should be established within the Government Offices and at cabinet level in order to more firmly establish follow-up mechanisms on how the Convention is applied throughout Sweden. The co-ordination function should also include an examination, from the perspective of the child, of all proposals for legislation and other proposals by the Government.
- A general "Convention on the Rights of the Child Directive" to those commissions appointed by the Government, similar to the Equal Opportunity Directive already in place.

- A follow-up on the significance of the budget cut-backs for children and young people and an analysis of how the decisions affect children - particularly the vulnerable groups - and also an analysis of how the child perspective influenced political decisions. Many decisions concerning cut-backs are short-term and have consequences for children in the long term. During 1997, Radda Barnen assigned an economist (Dr Stefan de Vylder) the task of analysing the impact on children of macroeconomic policies, with the best interests of the child as a guiding principle. His report is rather depressing but also thought-provoking. Two examples:

"A low birth rate the lowest for 160 years is a reality in Sweden (with the exception of one year during the 1930s). The uncertainty in the labour market together with the continual deterioration and alteration of the social security laws results in many people not daring to have more children.. Women, who have scarce resources, are forced to refrain from having children. Jolts in family policy, the social insurance system and labour market policies influence the choice of adults about having children."

"Fiscal policy, finance policy, the EMU and the rate of exchange policy influence the economies of national states and, for example, levels of social welfare insurance."

Radda Barnen wishes to see a child perspective in macroeconomic policies. Preventive investment of resources in child care and school would reduce public expenditure within the social welfare service, police, courts and prisons. The criminal career of a single young person may cost society around 10-15 million kronor (USD 1.5-2 million).

At the Annual General Meeting of Radda Barnen in May 1997, the following statement was unanimously approved:

"Radda Barnen strongly opposes continued social cut-backs that, in various ways, adversely affect children. There must be a definite end to the short-sighted economic thinking that ultimately leads to a clearly segregated society.

In those areas where Sweden previously exhibited itself as a model for other countries -child care, school, health and hospital care and not least with cultural and leisure activities - there has now been a great deterioration.

Radda Barnen is convinced that this development creates a breeding-ground for discrimination, racism and ultimately increased social exclusion. In this way, it is children who have to pay the Swedish national debt. The Government of Sweden has undertaken to comply with the UN Convention on the Rights of the Child to the maximum extent of its available resources. It is clearly laid down there that the child should be given priority, without discrimination, and that the best interests of the child should be the guiding principle.

The Annual General Meeting of Radda Barnen considers that decision-makers, at national and municipal level, through their economic policy betray children".

## International development co-operation

The report of the Swedish Government emphasised that Sweden, to an increased extent, works to ensure that the perspective of the child is afforded attention in international development co-operation. As a step towards this objective, that part of the Swedish assistance that may be considered to go directly to children (termed 'child assistance') is emphasised and described. The greater part of this assistance is found within the social sector and described in the report, above all else, in quantitative terms.

Radda Barnen desires a deeper analysis of the problem, where the opportunities for and difficulties in giving assistance to children are discussed on the basis of qualitative aspects.

Radda Barnen considers that promotion of a child perspective means the adoption of a more comprehensive position than that described in the report. Besides supporting direct application



of resources for children, Sweden must ensure that other international development co-operation benefits children and that their specific needs are always taken into account. In due course, a child perspective should be included in an analysis, discussions and efforts within the entire international development co-operation operated and supported by Sweden. Radda Barnen recommends that the Swedish Ministry for Foreign Affairs and Sida (Swedish International Development Authority) develop special guidelines on how the perspective of the child can be realised. These should, among other things, contain guidance on how important management instruments within the bilateral system of assistance, for instance county and regional strategies, may consistently and systematically apply a child perspective.

Analyses are regularly implemented within the Swedish assistance system to determine the impact of the programme on the environment, equality between the sexes and poverty alleviation. In the same manner, analyses should be conducted as regards the consequences for the situations and conditions of boys and girls. In order that this may be attained, education and discussion concerning the rights of the child should be implemented with personnel in the responsible authorities and organisations in Sweden and in the co-operating countries. Furthermore, the objective must be to promote an enhancement of the rights of the child and to more clearly link these to the overall assistance policy objectives. Today, the objectives to promote the rights of the child occupy a far too subordinate place in the assistance policy objective hierarchy.

A further and very important step in the child impact analyses is to increase knowledge about how the situation and circumstances of the child are influenced by, among other things, economic and political decisions at local, national and global level. Sweden should to an increased extent work to ensure that this kind of research and analysis is implemented and that it is effected in a manner ensuring that the rights of the child to participate are promoted. Sweden must within the framework of the multilateral development co-operation, together with others providing assistance, examine what effects the programmes of international financial institutions have on the situations of children. One important ambition should be to identify and counteract programmes and efforts that are considered to violate the Convention.

The work of Sweden to influence various international initiatives surrounding the rights of the child - such as, for example, commercial sexual exploitation and trafficking, children in armed conflicts and harmful child work - should to an increased extent be followed up within bilateral development co-operation. When relevant, these questions should be included in the dialogue and reflected in the co-operation agreements prepared between Sweden and the co-operating countries. It is indicated in the Government's report that Sweden gives some support in connection with the reports from states to the UN Committee on the Rights of the Child. Radda Barnen desires that Sweden should play a more active role, not least in Sida's programme-countries. In collaboration with UNICEF and others providing assistance, Sweden can encourage and support governments with the compilation and analysis of information for government reports. In this connection Sweden should, like others providing assistance, emphasise the importance of non-governmental organisations being allowed to contribute freely and without reprisal information to the UN Committee and their governments.

The extent of child assistance:

Radda Barnen wishes to improve transparency: Under the heading "democracy and human rights" approximately 5 per cent is reported as child assistance. What is this part used for?

Returning of unaccompanied refugee children:

The Swedish Government's report does not deal with questions concerning voluntary return for refugee families. However, Radda Barnen wishes to point out that few initiatives have been taken to prepare the return of the unaccompanied African refugee children who came to Sweden. In order to rectify this kind of inadequacy, improved co-operation and collaboration between assistance, and refugee and integration policies is required.

## General principles

## **Non-discrimination (Article 2)**

Some examples of discrimination against children in Sweden: (see also Section II)

### 1. Children of parents who are unemployed

Children of unemployed parents cannot demand a day nursery place. This is the effect of a judgment by the Administrative Court of Appeal in Gothenburg on 11 September 1997. The judgment was confirmed by the Supreme Administrative Court in a Notification of 22 October 1997, which refused leave to appeal thus preventing any further consideration of the matter.

Three political parties took the issue up with the Government during parliamentary question time on 30 October 1997, but the ministers promised nothing.

### 2. Children of unemployed refugees

There are approximately 13,000 refugees from Somalia in Sweden, including 6,000 children. Over 90 per cent of Somali refugees in Sweden are unemployed. Children of a Somali who grow up in Sweden do not receive support from the community for integration. Radda Barnen considers that special resources should be applied; for example, tailor-made education in schools is necessary.

### 3. Children with refugee backgrounds living in hiding

Radda Barnen considers that there are about 2,000 children in Sweden under the age of 18 years living in hiding. For obvious reasons it is difficult to obtain information about how many children are kept in hiding. Information which may serve as a guideline is the National Police Board's statistics on wanted persons without residence permits, that is to say, persons who cannot be found to carry out expulsion decisions that have entered into force. Many children have been kept in hiding for several years and are in poor conditions mentally and physically. These children often have no opportunity to attend school and, in principle, only receive emergency medical care.

At the NGO hearing with the voluntary organisations on 1 September 1997, Radda Barnen asked the Government whether the Convention applies to all children staying in Sweden. The question Radda Barnen particularly wished to have answered was whether the Government considered that the Convention covers children kept in hiding.

The Government responded that persons living in hiding have themselves chosen to avoid the applicable rules and laws. This means that they cannot expect to have access to the same rights as, for example, Swedish children.

It would be of interest to obtain the opinion of the UN Committee concerning Article 2 in this connection. We also refer to the section on Children in conflict with the law, Article 37 (b, c and d).

## **The best interests of the child (Article 3) (See Section II)**

### Introduction

That the best interests of the child should be the primary consideration in all measures concerning children is new, pioneering and difficult and, furthermore, is not uncontroversial. At present, intensive internal discussions are taking place within Radda Barnen concerning the meaning of this and how Radda Barnen interprets it in its programme work, both in Sweden and abroad.

Radda Barnen has difficulty with the interpretation of the Convention when contrasting the universality principle expressed by the Convention with knowledge about how regard for cultural views on children and young people varies between cultures.

Radda Barnen would be appreciative if the UN Committee, as the highest international interpreter of the Convention, could provide guidance and possibly report its observations from the approximately 90 reports examined so far.

Some examples:

1. The principle of the best interests of the child is included as an introductory paragraph in the

Swedish Aliens Act of 1 January 1997. The Act prescribes "in cases that concern a child, special regard shall be taken into account of that required for the health and development of the child together with the best interests of the child generally". Radda Barnen considers it to be a major advance that this principle is now included in the Aliens Act, but also desires that a continuous discussion on the best interests of the child takes place within the Government and the Riksdag.

In several decisions of the Aliens Appeals Board a standard formulation is found stating that the requirements of Article 3 in the Convention - to take into consideration the best interests of the child - are not absolute. Regard for other important interests may result in measures that, although not compatible with the best interests of the child, must nevertheless be taken. An example of such an important overall interest that may be weighed against the best interests of the child to stay in Sweden is stated to be the interests of society in controlling immigration.

Radda Barnen wishes to have the Committee's interpretation of Article 3 in this context.

2. Long periods of waiting for children and families with children applying for residence permits in Sweden:

Waiting times of up to three or even five years are common in Sweden today. To live in uncertainty for such a long period influences the child negatively and makes both integration and return more difficult.

Radda Barnen proposes that the period of waiting for children with families should be at most one year, before they obtain notification concerning residence permits.

3. Temporary residence permits:

There are thousands of children in Sweden waiting to receive notification of decisions concerning their applications for a residence permit. A number of these have been granted temporary residence permits (two years). Decisions on the extension of residence permits or whether families with children must return to their home countries drag out, which means that children and families live in uncertainty and fear. This structural violence which contravenes Article 3 of the Convention is particularly harmful for children.

### **Respect for the views of the child (Article 12) (see Section II)**

Emphasis on the need of the child to have both its parents has, despite good intentions, not always resulted in the legal position of the child being reinforced. In practice, the current formulation of the rules on access and custody in many cases results in a weakening of the rights of the child.

This sometimes leads to children, by reason of judicial decisions, being forced to have access with a parent who have abused them or molested them sexually, etc. Radda Barnen considers that this amounts to treatment infringing children and we consider that such decisions contravene the intention of the best interests of the child. All children should therefore have a right of representation in cases concerning themselves and be entitled to representation by counsel (See Radda Barnen's report 1992).

## **Civil and political rights**

### **Name and nationality (Article 7)**

There are approximately 5,000 children in Sweden today who are stateless. These children have either been born in Sweden by stateless parents or have come to Sweden without citizenship. There are also children whose parents have citizenship in a country where the law provides that only those who are born or who are resident in the country may acquire citizenship there.

Under the Swedish Nationality Act an alien may, according to the main rule, apply for Swedish citizenship following five years' residence in Sweden. The period of residence is normally

computed from the date when the person was registered as resident in Sweden, that is to say, when a residence permit is granted. Children may acquire Swedish citizenship in conjunction with the parents applying for citizenship. According to the main rule, an alien must have attained the age of 18 before an independent application for Swedish citizenship can be presented.

Radda Barnen considers that the Swedish rules concerning acquisition of citizenship cannot be regarded as satisfying the provisions of Article 7 of the Convention.

Radda Barnen desires an amendment to the Nationality Act with the aim of enabling stateless children to apply for Swedish citizenship following a certain period of residence in Sweden.

#### **4 Role of the mass media (Article 17)**

(17b) As a tribute to the internationally renowned children's book author Mrs Astrid Lindgren on her 90th birthday (13 November 1997), Radda Barnen and Sida decided to devote 2 million kronor (approx. USD 300,000) for a children's library service for children living in exceptionally difficult circumstances. At present, Radda Barnen supports programmes for children in approximately 15 countries. The funds for children's libraries will be included in this work. The project will be initiated during 1998 in three or four places, including Eastern Europe and Africa, and will be evaluated in two years' time.

(17c) Radda Barnen is worried both about the sales and borrowing of children's books having greatly reduced in Sweden and proposes that the Government follow-up and evaluate a new national support for the purchase of literature for libraries (the new Libraries Act).

(17e) Radda Barnen proposes that the Government prepares guidelines for the protection of the child from information and material injurious to his or her well-being. This is proposed to increase awareness about the effects of violence in mass media on children.

## **Family environment and alternative care**

#### **Family reunification (Article 10)**

Radda Barnen considers that the Swedish authorities' processing of applications for family reunification cannot be regarded as satisfying the criteria of Article 10 of the Convention. The applications are made by children abroad with parents or other relatives in Sweden or by parents abroad with children in Sweden. Processing takes a long time and it is very often practically difficult to effect a family reunification. The formal requirements and paperwork required by the National Immigration Board are in the majority of cases very difficult to satisfy. Furthermore, the reasons given for decisions by the National Immigration Board in these cases are inadequate.

Radda Barnen does not share the view of the National Immigration Board that the authority is flexible as regards the requirement of proof of relationship.

Radda Barnen wishes to see the position of the Swedish Government on matters concerning the rights of the child to reunification clarified (see Radda Barnen's Report 1992).

#### **Protection against abuse (Article 19)**

Radda Barnen was invited to the UN Committee on the Rights of the Child on 10 October 1994 for a general discussion about "The role of the family in promoting the rights of the child". On that occasion several experiences were presented and Radda Barnen described the Swedish anti-corporal punishment legislation, its history and development in Sweden together with changes of attitudes on the use of corporal punishment in bringing up children. The Swedish legislation was passed on 1 July 1979 Code on Parents, Children and Guardians, Chapter 6,

Custody and Access, Section 1: Children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be exposed to physical punishment or other infringement" (1983:47).

At that time, Radda Barnen proposed that the UN Committee on the Rights of the Child should, by interpretation, incorporate into Articles 3, 5 and 19 the philosophy expressed by the Swedish anti-corporal punishment legislation. The Committee has subsequently started to do this when examining the reports of other countries, which Radda Barnen welcomes.

#### **Male circumcision (Article 19)**

As a result of the Supreme Court on 29 September 1997 rejecting the prosecution of a man for assault - in the form of the circumcision without anaesthetic of six Muslim boys of the ages 1,5 to 7 years Radda Barnen would care to have an Interpretation of the decision of the Court by the UN Committee.

Radda Barnen wishes to emphasise the issue whether the circumcision of boys may constitute child abuse if it takes place without anaesthetic and even without the necessary hygiene. Radda Barnen considers that little children feel pain. Radda Barnen does not have any evidence that male circumcision is harmful and therefore has no reason to question that tradition, but wishes the judicial decisions and practice to be reviewed on the basis of a child's perspective.

## **Basic health and welfare**

#### **Children with disabilities (Article 23)**

Radda Barnen agrees with and supports the efforts on which the Swedish Government's report provides information.

(see Section II)

#### **Health care and medical assistance (Article 24)**

Radda Barnen is anxious about the restructuring under way within child health care; through the child clinics being integrated into the other health and hospital care services. We also envisage a danger in a school doctor today being responsible for anything between 1,500 and 47,900 pupils, which can hardly ensure similarly effective school health care. Radda Barnen is anxious about school pupil-care teams (school psychologist, school welfare officer, school nurse, etc) disappearing at a time when there is an increasing number of children with even more difficult problems seeking help from the child and youth psychological care service, and because there are long waiting times to receive such assistance.

#### **Female genital mutilation (Article 24.3)**

Radda Barnen supports the Parliamentary Committee's proposal to reinforce Swedish legislation as regards the genital mutilation of girls. If mutilation is performed on girls residing in Sweden it should be penalised, even if it is performed in another country where the act is not legally punishable. (see Section II)

## **Education, leisure and cultural activity**

#### **Leisure, recreation and cultural activity (Article 31)**

(See also Section II)

From a rights perspective, the Convention emphasises childhood's intrinsic value and cultural expressions and not merely preventive measures against criminality or drug abuse, even though these aspects are indeed important. In order to satisfy the rights of children to freely participate in cultural and artistic life, the Government should earmark a certain proportion of the budget appropriation for culture for children and young people and have special regard to children living in sparsely populated areas, immigrant children and children who for social and economic

reasons have less access to culture.

Municipal cultural activities, which were previously subsidised so that they would be available to all children and young people, are being dismantled in many quarters - by, among other things, increased charges resulting in a reduced number of places. This means that not all children in society are afforded an opportunity to participate. In several of Sweden's municipalities, municipal cultural activities have been completely discontinued. At the same time, shrinking resources within the nine-year compulsory school mean that, for example, theatre, music and museum visits are cancelled. Nor, similarly, can professional artists be used as before as a resource in the aesthetic work at schools. In the countries of our Nordic neighbours Norway, Denmark and Finland, there are various legislative provisions guaranteeing children and young people the right to culture. Sweden does not have such laws (see Section II).

## Special protective measures

### **Children with a refugee background (Article 22)**

(see The best interests of the child, Article 3 and Section II)

Children in armed conflicts (Article 38) including physical and mental rehabilitation and social reintegration (Article 39) Radda Barnen actively participates, together with other NGOs, in the UN Working Group that is preparing the optional protocol to the Convention on the Rights of the Child involving children in armed conflicts. Radda Barnen is pursuing, in particular, the question of the recruitment of child soldiers under 18 years of age and is dissatisfied with the present standard of the Article 38. Despite very active advocacy work during the 1980s - in cooperation with the Quaker UN Office, International Red Cross Committee and other NGOs and some visionary governments - we did not succeed in attaining a consensus wording on an 18-year limit for the recruitment of child soldiers, but we anticipate greater support in the UN Working Group in February 1998.

### **Rehabilitation (Article 39)**

Insufficient measures have been taken to support and rehabilitate refugee children who have undergone traumatic experiences of armed conflicts and as refugees.

### **Children in conflict with the law (Article 37b, c and d)**

It is a positive government step that the rules previously applicable to children in detention under 16 years of age are now extended to apply to everyone under 18 years of age. This has happened as a result of the amendment of 1 January 1997 to the Aliens Act. However, the power to deprive a refugee child of his or her liberty by taking the child into detention remains. Radda Barnen considers that this is incompatible with the spirit and intentions of the Convention. Radda Barnen furthermore questions whether the taking into detention of children under 18 years of age really takes place "as a measure of last resort and for the shortest appropriate period of time".

Radda Barnen considers it is discriminatory that children under 18 years of age can be deprived of their liberty as if they were criminals. Alternative and more humane measures should be used (Radda Barnen's Report 1992).

Radda Barnen also considers that the statistics relating to children in detention are inadequate. It is not stated, for example, how many children are taken into detention each year, but only per month. Nor are the statistics divided into groups according to age or sex.

### **Children in situations of exploitation, including physical and psychological recovery and social reintegration (Article 39)**

#### **Sexual exploitation and sexual abuse (Article 34)**

Radda Barnen considers that several measures should be taken to protect children against all forms of sexual exploitation and sexual abuse. In Radda Barnen's Report 1992, demands were

presented to improve support, education, continued education and guidance as regards sexual abuse for all professionals working with and for children and young people. For example, this applies to staff in schools, child-care, social welfare services, health and medical care services together with staff within the police and judicial systems. (see Implementation requires political will)

Radda Barnen wishes to point out that a child perspective should be included in the review of the legal application of the chapter of the Swedish Penal Code on sexual offences (Chapter 6, Section 10) which the Minister of Justice has announced. Radda Barnen also supports the Parliamentary Committee's proposal that the offence description *seduction of youth* is altered to, for example, *sexual exploitation of youth*

Young girls are exploited for striptease and similar activities in so-called sex clubs. The law permits young persons between 15 to 18 years of age to "voluntarily" take part. Radda Barnen considers that the provisions in Chapter 6, Section 7 of the Penal Code should be altered so that 15- to 18-year-olds obtain the same protection as younger children against being exploited in presentations of pornographic material and for sexual posing.

## To the UN Committee

### Request for guidance of interpretation

Articles 3, 9, 12 and 19

Example: Parents divorce and the mother obtains sole custody of the child. The father is entitled to access with the child every Sunday but only in the presence of a contact person as a result of his having issued threats and acted aggressively towards the mother and child. Furthermore, the father has convictions on assault and unlawful threats to the mother. A contact person is considered necessary having regard of the child's fear of the father, and the safety of the child.

How shall the child's right to access with the parent with whom he or she does not live be respected without jeopardising the safety of the child? How should the fear and threat experienced by the child be taken into account?

Article 9

Example 2: A Swedish woman has a child in Sweden with a foreign man who is sentenced for a crime and is to be expelled from Sweden. If the man disappears to another country (for example to an African country) the opportunities for the child to maintain any form of contact with the father are extremely limited. To what extent can one refer to the right of the child to both parents?

Should the rights of the child to a parent, in this case the father, weigh heavier than the expulsion decision?

Article 3

Code on Parents, Children and Guardians, Chapter 6:7, Section 8

"If a child has been permanently cared for and brought up in a private home other than the parental home and if it is manifestly in the best interests of the child that the pre-vailing situation continues and that custody is transferred to the person or persons who have received the child or to one of them, the court shall appoint that or those persons as a specially appointed custodian to exercise custody of the child. Questions concerning transfer of custody under the first paragraph are considered on the application of the Social Welfare Board. Act 1994:1433".

Radda Barnen wants a clarification of the Interpretation of "manifestly in the best interests of the child" in the Swedish legislation to be clearly interpreted in relation to "the best interests of the child should be the primary consideration" (Convention, Article 3)

There are several examples given already in the section on Articles 2 and 3.

### Proposals to reinforce implementation of the Convention

Following pressure from NGOs, the Swedish Government appointed a Parliamentary Committee in 1996 to interpret the principles of the Convention concerning the "best interests of the child shall be a primary consideration". Radda Barnen welcomed this initiative. The concept

"best interests of the child shall be a primary consideration is so central that clarity and a common view, together with analysis of any conflicting goals, is necessary. The Parliamentary Committee's assignment thus involved a broad review of how Swedish legislation and its practice stands in relation to the provisions and principles of the UN Convention on the Rights of the Child. It should be possible to disseminate knowledge on the Swedish initiative to the Governments of other countries in order to encourage discussion on how the Convention is applied. Radda Barnen believes that the Swedish initiative of a Parliamentary Committee may provide guidance to other countries in the future. A translation into English of the summary of the report should be made available by the Swedish government.

Since 1992 there has been an informal network of parliamentarians in the Riksdag; Network of Parliamentarians for the Rights of the Child. The possibility of initiating similar networks to put the rights of the child onto the political agenda in other countries should be encouraged. However, in order to reinforce knowledge and obtain the most recent information about current child issues in the community a regular dialogue is needed with the non-governmental organisations, whilst respect for the integrity of these organisations is at the same time required. They do not replace the State.

The Swedish NGO Network for the Convention on the Rights of the Child is a model that could be utilised in other countries, for example, to demand political will by annual hearings of and constructive dialogue with politicians.

Finally, Radda Barnen urges the UN Committee on the Rights of the Child to monitor regional agreements/treaties so that they contain a view of the child that corresponds with the Convention. The Amsterdam Treaty, previously the Maastricht Treaty, does not for example mention the concept "child". Nor is there any reference to the Convention in the Treaty, despite the fact that national and European parliamentarians sought such a child perspective.

See the section 'The best interests of the child (art. 3) and Radda Barnen's proposal for a report from the UN Committee on its observations so far.

## Section II

# "From Flen to the UN..."

Radda Barnen is a popular movement in Sweden fighting for the rights of the child, and has approximately 250,000 people supporting its programmes of which 93,000 persons are members. The members are active within 309 local societies and 29 county associations.

There is great potential, as regards monitoring compliance with the Convention, through the strong links of the members in the local community and municipality, which comprise the primary environment of children and which, in recent years, have assumed an increasing share of the responsibility for the conditions of children. The members of Radda Barnen to a great extent work, in their professional life, every day with and close to children, and so they comprise an excellent interface with the reality of children in different parts of the country.

The idea behind involving members in the work to comprise the organisation's comments is based partly on a conviction that they can contribute to an understanding of compliance with the Convention but also on the belief that citizens themselves, in their respective local communities, are those who can most efficiently monitor, follow-up and influence compliance with the Convention. The local societies' contribution is an expression of civil involvement in the rights of the child, which has meant that the people behind the reports have not only read the Convention but have also thought about its meaning. With these resources available the question may be asked: How is the Convention complied with in our municipalities?

The result is a number of on-the-spot images of the conditions of children, based on observations and studies made by people close to children. Situations have been interpreted and compared with an impression of what the Convention actually means. This comparison has



in several cases indicated such inadequacies that the authors of the reports have expressed the view that the intentions of the Convention cannot be regarded as having been achieved. In other cases the reports have not adopted such a clear position and in certain cases the reports also indicate the positive observations that were made.

The guiding principle for all these studies has been not to draw any general conclusion from that observed, but only to express views on the particular item observed. A fundamental starting-point has been the UN Convention on the Rights of the Child - that is to say, inadequacies in compliance relating to the single child's rights must deserve comment and result in changes. 60 per cent of the studies are entirely or partially based on the views of children and young people themselves on the conditions prevailing.

Several working groups have, in conjunction with their studies, encountered difficulties in obtaining information. Unfamiliarity, suspicion and sometimes even unwillingness on the part of municipal authorities and institutions in providing information is serious. Several organisations have found schools to be sluggish institutions that were difficult to access. Extensive openness must be regarded as an important precondition in order to implement monitoring and to follow-up compliance with the Convention and thereby to allow any inadequacies to be rectified. It should also be mentioned that many encountered positive responses and received the help and service that might be expected.

The individual local society/working group is itself responsible for its studies and the allegations presented in its reports.

### **Short summary of 25 local reports on the situation of children in Sweden**

A number of observations and examples of the situation of children in Sweden are presented below. This is a short summary of 25 reports which together amounted to approximately 325 pages written by active RAdda Barnen members from 19 local societies and county associations. It should be mentioned immediately that the general impression is that most children and young people in Sweden live in a very good situation. But a number of very disturbing patterns can be discerned, such as:

- knowledge of the Convention could be significantly better, not least among those for whom it exists in the first place - children and young people themselves
- bullying is an widespread problem that is not always the subject of action plans or corrective measures
- in several municipalities doubtful priorities are established that are not in harmony with the wording "to the maximum extent of their available resources"; a far too short-sighted view also appears to govern priorities in certain quarters
- investigation times concerning children with special needs are in several areas increasingly long; in the meantime the situation of children and young people deteriorates
- co-operation and collaboration between different municipal departments and institutions is desirable in certain areas the participation of children and young people is not particularly extensive in several areas
- the health of children and young people appears in many cases to be deteriorating with an increase of, among other things, psychosomatic illnesses and drug abuse
- children and young people in a "grey-zone" appear in many areas to be the most neglected groups

Appendix II indicates how local societies and county associations have proceeded with their local investigations.

### **Dissemination of the Convention**

Four local societies - *Häbo*, *Karlstad*, *Västra Frölunda-Åsken* and *Alvkarleby-Skutskär* - each independently observe that knowledge about the Convention is very poor, not least amongst students in the nine-year compulsory schools and upper secondary schools. *Västra Frölunda-Åsken* also noted poor knowledge among parents and school staff, while certain child care staff

had better knowledge of the Convention. Furthermore, the public and some chairpersons of municipal district boards left a lot to be desired concerning awareness and knowledge of the Convention.

*Alvkarleby-Skutskiir:*

*"In our view this questionnaire illustrates how unknown or rather how poorly anchored the UN Convention on the Rights of the Child is and what low status it has in daily life."*

*Lomma-Bjarred:*

*12 year old girl: "there are swastikas and racist sentences on the wall. I feel little , although I know that some only write these things to appear tough.... The dangerous thing is that it can progress and become stronger. Then we have to stop it. We must do so, because they are different or disabled or have another religion"*

### **Non-discrimination (Article 2)**

In *Habo* and *Alvkarleby-Skutskar*, many, both pupils and parents, feel that bullying exists. There are cor-rective measures, but these are not always known to the pupils. In *Lund*, one out of three schools has no action plan against bullying and racism, and many among the school staff who were interviewed con-sider that they do not have any training and gui-dance to cope with bullying situations. In *Kungsbacka* greater sensitivity is sought as regards the problem of bullying in relation to people with disabilities.

### **Best interests of the child (Article 3)**

#### **The resources exist, but how should priorities be set?**

It is thought in *Flen* that the reducing resources for children with special needs "is not a question of the municipality not having resources but how the municipality sets priorities and allocates the resources". In *Halmstad*, people at the decision-making level believe the same. And the same assessment is made by the association in *Lidingo*: the resources exist, but the allocation is incorrect. It is also questioned in *Lund* whether the priorities are correct. In *Söderti\*lje*, one out of four pupils in the senior level of the nine-year compulsory school together with one out of four parents believe that the municipality in no way works for the best interests of the child "to the maximum extent of their available resources". Nor in *Umed* was "any evidence found that the Articles of the Convention are observed that the community ensured to the maximum extent of its available resources that the best interests of the child are a primary consideration. On the contrary, we consider that children have fared badly in the budget cutbacks."

#### **Longer investigation times**

It was observed in *Botkyrka* that "the pupil-care work of the schools is heavy and the investigation work proceeds slowly", while *Flen* maintain that "it can take an extremely long time before help is available for children with. special. psychological problems". It also appeared in *Linköping* that "the savings within the child care service have resulted in longer waiting times as regards investigations for children with special needs." And in *Lund* school psychologists who were interviewed confirm that there are long processing times, and'also that it is extremely important to "discover these children as soon as possible so that they may have as good opportunities as all other children."

#### **Co-operation, collaboration**

"There is no co-operation of any great significance [as regards reception of refugee children in the municipality]", is the view held in *Flen*. In *Halmstad* it is noted that a number of people working with children and young people in schools, the social services, child health care, refugee reception, etc., together with children and parents themselves, feel that collaboration between various departments must be improved. Some also express the view that there are obstacles to collaboration with the social services; pri-marly concerning secrecy. It was found

in *Strangnas* that "the child care and school plan, adopted by the council assembly, does not contain any guidelines on how the administration should collaborate for the best interests of the child." In their report they wish to see a common action programme for schools and social services as regards pre-ventive work for children in the age range 6-11 years, a review of secrecy provisions with the "best interests of the child" as an objective and, similarly, the establishment within the social services of a contact person for the schools.

### **Inadequate regard to the individual needs of refugee children**

Inadequate regard for the individual needs of refugee children has been observed in both Flen and Lund. Flen: "all pre-school children must enter the child care service via the refugee daycare centre The Panda. This is a rule set without individual assessment (and] it is therefore difficult to see that the municipality by its decision has had the best interests of any child as a primary consideration." This, and a system with mandatory pre-paratory classes separate from ordinary education, is considered to be an indication that "segregation between Swedish school children and refugee children is manifest." Lund:

"The refugee pre-school is another example of a segregated pre-school. This pre-school is definitely the best in Lund. The problem is that it is a mandatory place for refugee children to stay. Overall and general rules govern, and regard for the needs of the individual child is forgotten. There are parents who consider themselves deeply insulted by the fact that no one listens to their concern for the vulnerability of their own children."

## **Respect for the views of the child (Article 12)**

### **Participation**

*Hdbo, Lidingo* and *Vastra Frolunda-Askim* describe in various ways the inadequate participation of pupils in the schools. In the latter case, nearly all those pupils interviewed considered that they have the opportunity to influence things, but no one can cite a concrete situation where this has happened. In *Lund* it is observed, as regards immigrant children, that as a result of language difficulties they have "difficulty in expressing their feelings and thoughts and consequently difficulties in influencing their situation."

*Lomma-Bjarred:*

*12 year old boy: "We should be able to decide more on the optional course. The teachers decide for us.....It's always a completed document"*

*Karsted:*

*Upper secondary school boy : "It is actually in a very few subjects that we have an opportunity to influence our education.... The role of the teachers must be altered. It actually worked better in the nine - year compulsory school"*

In *Karlstad* the clearest impression gained from the investigation was "that the school displayed difficulties as regards the opportunity to attain an active pupil democracy". The investigation also showed that "within the school one appears to have difficulty with affording any value to the views of pupils in relation to their age and maturity with Article 12 as a starting-point. The upper secondary school furthermore indicated inadequacies in their ability to offer pupils active joint decision-making."

### **The different views of parents and children on the school situation**

Two questionnaire investigations indicate manifest differences between the views of pupils and parents on the situation at school, which emphasise the importance of children and young people themselves being allowed to give *their* impression of *their* life and environment. Pupils in *Sodertalje* indicated that they were "more critical towards the ordinary day at school than parents, except as regards the best interests of the child, personal development and anti-discrimination." And in *Alvkarleby-Skutskar* "54 per cent of children consider [that] it is rowdy in the class for the most part, while 70 per cent of the parents think that it is calm for the most part."

# Basic health and welfare

## Children with disabilities

In *Kungsbacka* It is considered that the municipality "closely follows the spirit of the Convention as regards the rights of children with disabilities". However, parents of the children have "consistently stated that as a parent of a child with a disability one must be very active in order to succeed in implementing the various changes necessary." There is also "great uncertainty concerning resources and habilitation on the transfer between the nine-year compulsory school and the upper secondary school. There appears to be an information gap between authorities and the families affected."

## Health, development, drugs

Many and large parts of the 25 reports express great anxiety about the health of young people and the opportunity to develop.

*Botkyrka* writes of "disturbing social development" and of a school which "calls attention to difficulties in providing pupils with severe allergies a tolerable school day. The budget does not allow daily cleaning."

*Flen* observes, following a visit to a pre-school, that "the outdoor environment was very poor. There was basically no equipment outdoors."

Staff and officers responsible within the Child and Youth Care Administration in *Halmstad* were unanimous that cases of neglect of children occur within the municipality. However, there are various views on whether there is an action plan in the event of neglect and whether it is observed. As regards "the fundamental basic requirements of children", the Director of the Child and Youth Care Administration considers that "it is important to safeguard the current content of school dinners having regard to the increasing number of hungry children coming to school on Mondays" and, when questioned, nurses indicate primarily the "poor breakfast habits that many pupils have". A nurse with sole responsibility for children and adults (289 people) at a refugee centre says that "the work burden is very great, the work heavy and there are too few resources". She describes the future for asylum-seeking children as follows: "they are damaged for their whole life, irrespective of age, and their development is affected."

*Lund* notes that the municipality has "a significantly greater alcohol consumption compared to Sweden in general. It is primarily the consumption of liquor and not, for example, beer that comprises the main difference" but also there are "twice as many young people in the 9th grade who have on some occasion used narcotics as compared with young people nationally". One chief school doctor has shown by an investigation "that the family situation, nationality, sporting habits, general well-being and relationship with friends influences drug use to a relatively small extent." However, "there is a manifest increased risk of drug abuse existing, above all else, among those who did not get on at school".

## *Lomma Bjarred*

*12 year old girl "our school was annoyed with the municipality because it didn't build a ramp but we talked about it, nagged and eventually got it! IN that case the municipality listened to us. But it took a long time"*

*Lund*: "The ordinary pre-schools have little experience of undernutrition or inappetence immigrant children; a more usual phenomena is instead mal-nourished Swedish children The pre-schools must sometimes receive neglected and maltreated children: the children of single fathers, dirty and in ragged clothes, siblings handed over with their hair full of fleas, the tired girl who cannot sleep as a result of her single, alcoholic mother's nightly parties Among the fragile children at the refugee pre-school, inappetence and eating disorders are not unusual and there are cases of malnutrition."

A group of school nurses in *Malmö* state that "the attitude of pupils to each other has become harder with cruder language [ and that] in certain schools the children fare worse than previously." Both drug abuse and its acceptance are also claimed to have increased. It also appears that "a limited number of pupils do not receive health care within a reasonable time or prescribed medicines, usually for economic reasons. The nurses also consider that the number of children with psychosomatic symptoms such as stomach-aches, headaches and difficulties in sleeping have increased. The reports from *Botkyrka* and *Södertälje* confirm the latter.

In *Skövde* it was concluded that: "The majority of children and young people have, despite everything, a good situation". But also that " a number of young children feel lost, worthless, superfluous; that abuse stretches further down within age groups; that eating disorders for both sexes are on the increase; that a number of children's medicine is not bought from the pharmacy; that children have difficulties in concentrating; that there are too few adults around children, contributing to making many children anxious; that alcohol and drug abuse by young people is affecting increasingly younger people.

## Education, leisure, and cultural activity

### Children in the "grey-zone", children-at-risk, children with special needs.

These and closely related concepts are afforded attention, in some way or another, in virtually every report. We have selected some sections from them:

*Botkyrka*: "Many pupils are extrovert, lacking concentration and have problems in learning, reading, writing and mobility difficulties and social disturbances. The need for special teacher skills is said to be great as regards pupils with special needs within the framework of the class."

*Halmstad*: "Too few resources for those who need them most, constitute risks for the future with the financial cutbacks. Particularly children-at-risk, children in need of extra support and resources, placed under pressure following cutbacks at various levels in society."

*Häbo*: As regards the development of pupils at school, the pupils question the issue itself, while teachers and school managers desire more resources and the opportunity to devote more time to this. This, not least, relates to the support for children with special needs. *Karlstad*: "Cutbacks in schools continue, in four years we have been forced to reduce our budget by 25 per cent which has, among other things, resulted in a reduction of staff resources. This has in particular adversely affected those children who in some way are in need of support, but nevertheless cannot be classified as children with pronounced disabilities."

*Kungsbacka*: "For children with emotional disturbances; the quiet, shy and withdrawn, the extrovert and aggressive, the uncontrolled with concentration difficulties, children with relational problems and children with psycho-social difficulties, there are few resources in the form of a greater proportion of adults in the classroom or smaller groups with more adults. In the 'grey-zone' we found unmotivated pupils, anxious pupils and teachers and parents who have given up."

*Lidingsjö*: "The teachers at Högåsa School could not help all pupils with reading and writing difficulties. Several of the pupils do not achieve pass levels in the basic subjects." This is the result of "a reduction of resources for the individual pupil" which means "larger pupil groups, poor and often outdated material and library cutbacks to half-time". Not least special teaching and the group-diagnosed pupils have been adversely affected.

*Lund*: "school resources have deteriorated [so] that classes have become larger, there are no substitute teachers and there is less money for teaching aids, culture and the continuing education of teachers. Children with special needs are worse off today."

*Malmo*: Children with neuro-psychiatric problems such as DAMP, APHD, Aspergers syn-drome and similarly children with dyslexia are examples of children in a "grey-zone" who, on many occasions, do not receive the assistance and the support required.

*Skovde*: "Resources are reducing, but the number of children and young people with special needs are increasing." Furthermore: "Someone sees that the level of knowledge of children has reduced significantly in recent years. Another emphasises that when children with difficulties in learning and special needs lose their support teaching, there is a risk that these children will become isolated and excluded."

*Umed* : A school manager: "it is more and more difficult for them to get by in society. If we do not continue to provide all children with basic knowledge in reading and writing, we are creating an enormous debt for the future

**Karlstad**: A boy in the senior level of the nine-year compulsory school: 'I don't actually know who I should go to at the school'

A pupil in the senior level of the nine-year compulsory school on co-operation with adults at the school: 'I don't think we can ever have that~, the teachers are placed at a higher level in some way.'

*Umed*: "A summary conclusion of our examination concerning whether the problems of children with reading and writing difficulties are also rectified in compliance with the UN Convention on the Rights of the Child, indicates that this is not the case. Nor are the laws and ordinances decided by the Riksdag on the rights of the child observed. Special teachers are exasperated about not having the resources to take care of all children in need of their support. School managers we have spoken with are trapped between increased needs and reduced resources... Special pedagogics are not sufficient, but they see how their operations are nevertheless questioned financially... Special schools receive individual pupils who should not be there, as diagnosis of problems is careless or not made. Here, every wrongly placed child is a scandal and a defeat.

*Umed*: school manager: "It is more and more difficult for them to get by in Society. If we do not continue to provide all children with basic knowledge in reading and writing, we are creating an enormous debt for the future."

### **Adults in school**

Interviews and questionnaires in both *Karlstad* and *Alvkarleby*. *Skutskar* indicate that many pupils that have inadequate opportunities for contact with adults at school. In *Alvkarleby-Skutskar*, three quarters of the parents answered that they did not know "if there were enough adults in the school play-ground during the breaks and 41 per cent of the children consider that there are not sufficient numbers of adults out during the breaks; 43 per cent of the children do not know whether there are any adults to speak with at school when they are required." In *Karlstad* every pupil questioned confirmed an unwillingness to refer to an adult if there was something important in school that he or she needed to speak about.

### **Equal rights to education and development**

At least three associations take up the matter of equal rights to education and development. *Lidingö* is of the opinion that *Högsåtra* School does not "meet the requirements of equivalent education; pupils with concentration difficulties take resources from the pupils with problems diagnosed, which results in a reduction of the latter's opportunity to study further after the nine-year compulsory school." The question asked in *Linköping* is whether "it [is] at all acceptable to permit 17-children in the age range 3-5 years, representing five different languages besides Swedish to form a pre-school group? In order that both the cultural rights of the child and parents should be satisfied, it is necessary to use an interpreter in certain situations. In our opinion it is not advisable to cutback these rights for reasons of economy. In general, we wonder whether all children at *Lyan* have inferior opportunities for development than children at *Sparvsångens*'

pre-school as a result of this language confusion?"

The municipality in *Marlestad* has closed all of its four open pre-schools to save money. "We consider that this is a violation of Article 3 of the Convention", writes the association and furthermore, "many parents today have poor incomes and cannot afford to provide their children with suitable play material. They may also find it difficult to manage to provide the children with sufficient stimulus. The open pre-school has thus been a great asset for the well-being of the children. It was also able to even out the gaps between children with well-to-do capable parents and children living with less advantageous circumstances."

### **Refugee children and children with language difficulties**

When comparing two daycare centres in *Linköping*, it was found that one centre had 17 children representing five different languages besides Swedish. Furthermore, contact and cooperation between parents was made manifestly more difficult by reason of the parents' poor knowledge of Swedish. One may ask "whether the situation is such that, with the present staff resources, it is possible to give every child an opportunity for reasonable development". A school psychologist interviewed in *Lund* claims that "many teachers do not consider that the children's Swedish is adequate for them to be able to gain benefit from the education." And in another investigation in *Lund*, a manager of a pre-school emphasises that "a large insecurity factor for numerous immigrant children [is] their inadequate knowledge of both languages, that is to say, the respective language of origin and Swedish".

## **Appendix I**

# **Presentation of Radda Barnen's programmes in Sweden**

### **History**

Swedish Radda Barnen [Swedish Save the Children] was formed in November 1919, following the founding of English Save the Children in May 1919, which was inspired by its founder Eglantyne Jebb (1886-1928): "*The world's children stand in urgent need of better protection, because it is they who pay the heaviest price for our shortsighted economic policies, our political blunders, our wars*". For Eglantyne Jebb the issue was politics. Children were victims of the incompetence of politicians and, in that respect, had no rights. They should therefore be afforded human rights, which could only occur if politics were changed so that they had regard for the interests of the child. She in collaboration with others drafted a proposal for a declaration on the rights of the child. This was later called the Geneva Declaration and was adopted on 23 February 1923 at the International Save the Children Union's General Assembly in Geneva.

The Geneva Declaration on the Rights of the Child, with its five principles, was later adopted by the League of Nations in 1924. Save the Children organisations subsequently participated in the formulation of the Declaration on the Rights of the Child that was affirmed with ten principles and adopted by the UN General Assembly in 1959.

Swedish Save the Children had consultative status with the UN Economic and Social Council. Together with some 20 other international NGOs, it influenced the content of the Convention on the Rights of the Child through the open-ended UN working group that drafted the UN Convention on the Rights of the Child between 1979 and 1989.

### **Radda Barnen today**

Radda Barnen is a popular movement in Sweden comprising approximately 250,000 persons who support its activities, of which 93,000 are members. The members are active within 309 local societies and 29 county associations. At the annual general meeting the members determine, through elected delegates, the direction of the programmes. Radda Barnen's headquarters in Stockholm consists of 127 employees- Radda Barnen is a voluntary,

democratic organisation, with no party-political or religious affiliations, based on voluntary individual membership. It is financed by voluntary contributions, sponsors, funds and foundations, and also by the Swedish Government's development cooperation budget. **State** contributions must not exceed 50 per cent of the total programme budget. Members of Radda Barnen have full insight into the operation and its financing. Total income during 1997 amounted to 350 million Swedish kronor (USD 50 million). The programmes in Sweden

The UN Convention on the Rights of the Child is fundamental and an important and integral part of Radda Barnen's by-laws. The principles of the Convention should be a graded element in all programmes and advocacy work in Sweden and international Radda Barnen also endeavours to ensure that all children themselves have opportunity to demand that their rights are realised.

The work is directed at children in particularly difficult situations, that is to say, children with refugee backgrounds and experiences from war-ravaged countries and armed conflict, children-at-risk of physical, psychological and sexual molestation, children with disabilities, and towards other situations where the rights of the child are not respected. Radda Barnen has reinforced its operation through the making of the Convention which legitimises the basic rule that all children, without discrimination, should be treated with respect. The Convention conveys a vision of children as fellow human beings, for the first time in history, human rights as individuals.

The Convention also provides for respect for the integrity of the child, the right to development, the right to resources, the right to be heard, the right to be treated as human beings and should be protected against all forms of abuse and exploitation. Fundamental principles of the Convention establish that the best interests of the child should be a primary consideration in all decisions. This requires a clear child perspective and the entire Convention provides for a holistic perspective based on the child as an individual. The by-laws are in complete agreement with this basic view of the child.

### **Radda Barnen and the political will.**

Since the spring of 1992, there has been a cross-party network of parliamentarians in the Swedish Parliament. Seven political parties (Centre Party, Christian Democrat Moderate Party, Social Democratic Party, Green Party, Liberal Party, Left Party) are included in this multi-party group. Radda Barnen has regular information meetings with parliamentarians to keep them aware of various child issues. Through dialogue and constructive co-operation have succeeded in putting child issues onto the political agenda to a much greater extent than before the Convention was adopted and in force. Several joint seminars with parliamentarians and Radda Barnen have taken place in the Riksdag concerning "the situation of refugee children", "children in especially difficult situations", "the rights of children in Europe" and "the best interests of the child in Europe and the political and legal status of the UN Convention on the Rights of the Child within the EU". Radda Barnen views positively the development whereby joint motions, across party boundaries, indicate that political will can afford weight to children's issues in the work of the Riksdag, irrespective of party politics.

Bills, question time and interpellations in the Riksdag relate to the rights of the child in Sweden and within the EU, children with disabilities, bullying and violence among children and young people, violence in the media, the child in families abusing drugs and alcohol, sexual molestation of children, child pornography, female genital mutilation, displaced children and children in war/armed conflict, the child perspective in development cooperation, child labour and anti-personnel mines. These issues are afforded priority within the programmes of Radda Barnen.

Radda Barnen is an important frame of reference in all child issues in Sweden and actively participates in work to improve the conditions of children by advocacy and directly influencing government and politicians in the network of Parliamentarians for the Rights of the Child.

### **The Parliamentary Committee for the Rights of the Child**

Following strong pressure from NGOs, the Swedish Government on 1 February 1996 appointed,



a Parliamentary Committee comprising parliamentarians from seven political parties, experts and a reference group from NGOs.

The assignment of the Parliamentary Committee was:

- to conduct a broad review of how Swedish legislation and practice stands in relation to the provisions of the UN Convention on the Rights of the Child.
- to create greater clarity and an increased measure of agreement as regards the meaning of the concept "the best interests of the child" in the Convention and Swedish law and, in that connection also, to analyse any particular conflicts of objectives
- as a matter of priority, to deal with the issue of the status of the child in matters under the Miens Act as regards, *inter alia*, expulsion or extradition affecting children.

The main report of the Committee was presented on 20 August 1997, following which 115 organisations were invited to respond before 20 January 1998.

### **Radda Barnen's collaboration with NGO partners**

In 1985 the NGO Network for the Convention on the Rights of the Child was formed in Sweden. The objective of the Network is to examine, primarily by an annual hearing of Government representatives, how the Convention is complied with in Sweden. Before every hearing, the voluntary organisations compile the most important questions and send them to the Government. Since 1992, four or five ministers, cabinet ministers and other representatives of the Government Offices have participated. The Prime Minister also attended the hearing in 1997. However, the Minister of Finance has never participated. The documentation from these meetings is distributed for the possible follow-up of questions that were not sufficiently answered.

The NGQ Network for the Convention on the Rights of the Child prepares a joint report to the UN Committee on the Rights of the Child.

The Network Consists of some 60 organisations and a steering committee is responsible for the Network.

Radda Barnen is one of the founders and is still a member of the steering committee. The chairmanship rotates every year and organisations are selected for the working group at an annual forum of the member organisations.

#### **Euronet**

Euronet is a group of NGOs within the EU working together to strengthen the rights the child by, among other things, trying to influence the Amsterdam Treaty (the revised Maastricht Treaty). This Treaty still does not contain any reference to children. Radda Barnen is one of the founders of Euronet.

#### **International Save the Children Alliance**

25 national Save the Children organisations comprise the International Save Children Alliance. The basis for their work is the UN Convention on the Rights of Child. Together they are operational in approximately 70 countries throughout world. The Alliance has the consultative status with the UN Economic and Social Council, Category I. Radda Barnen has been elected chairman of the International Save the Children Alliance for the period 1997-1999.

## **Working methods for the reports ("From Flen to the UN...")**

Botkyra saw schools' annual reports relating to pupils with special needs and the principals' conclusions. The municipal school plan 1996-1999 has also been studied and comparisons made with the Articles of the Convention.

Flen visited a pre-school and there both interviewed 11 children and inspected the out-door

environment of the children.

Flen studied the situation of refugee children in the municipality of Flen. Staff at the child care centres have been interviewed together with the municipality's refugee co-ordinator and staff at the refugee daycare centre while questionnaires have been answered by teachers, school managers, school nurses and staff within the six-year's old activity.

Halmstad turned to students training as district nurses within the child and school health care service, who interviewed a number of people working with children and young people within schools, the social services, the child health care service, refugee reception, etc. Furthermore, children and parents have themselves also had an opportunity of expressing their views as decision-makers in various positions.

Habo in order to find out the position in some schools concerning Articles 12 and 29 of the Convention, discussed with and interviewed administrative directors, school managers, teachers, pupils, parents and school politicians.

Karlstad examined the capacity of the schools to achieve pupil democracy, within the limited aspects of comprehensive development, participation and joint decision-making, and also how the views of the pupils are afforded significance in relation to age and maturity; all on the basis of Article 12 of the Convention. 40 interviews have been conducted with pupils from junior level of the nine-year compulsory schools (6-year-olds), senior level of the nine-year compulsory school (14-year-olds) and upper secondary school (16-year-olds).

Kungsbacka read, among other things, the municipal disability policy programme, with officers and interviewed representatives of the organisation for disabled RBU, together with children with disabilities and their families. The principals of four schools have also been interviewed. All this was done in order to establish whether children with disabilities receive the support to which they are entitled under Articles 2, 4 and 23 of the Convention.

Kungsbacka interviewed pupils, parents, school staff and school managers at two schools in the municipality of Kungsbacka with the purpose of examining whether the restrictions in the schools had an effect on their ability to satisfy the objectives of the Convention.

Lidingö interviewed pupils, class teachers, special teachers, curates together with the acting principal. Furthermore, the reports of the National Agency for Education, literature in the field, municipal budget and also a TEMO-investigation were studied. The purpose to focus on Articles 2, 3, 4, 12 and 28, to study whether the Convention was complied with in the senior levels in a selection of nine-year compulsory schools.

Linköping conducted study visits at two daycare centre departments and interviewed daycare centre staff. They also received certain written information from the respective sector managers. The purpose of the study was to describe and compare the operations at two of the area's daycare centres with different socio-economic characters and also changes between the years 1993 and 1996.

Lomma-Bjarred allowed pupils from three intermediate levels of the nine-year compulsory school classes to describe their own experiences of matters concerning Articles 2 and 12 of the Convention. The children have produced drawings and written short essays describing their own experiences.

Lund conducted an interview with a school psychologist focusing on the school situation of refugee children.

Lund The report is partially based on previously conducted investigations of the drug habits of young people in the municipality of Lund together with interviews of representatives of the municipal district board among others.

Lund relates to the situation of immigrant children in pre-school and school and is based on interviews with three teachers and a school nurse together with a question-naire to 30 immigrant families.

Lund The report relates to bullying and is based on study-visits to senior levels of five nine-year compulsory schools in Lund as well as interviews with children and Komrevs investigation of any action plans of schools against bullying.

Lund The report focuses on the situation in pre-schools and is based on a long series of conversations with managers at municipal pre-schools, development leaders with responsibility, children and young people together with parents and children in immi-grant families. Individual experiences, the local press and municipal budgets have com-prise-d other sources.

Mariestad The report describes what happened as a result of a municipal decision to close the open pre-school in the municipality and also the association's view concerning this, rather than the result of a study.

Malmö The report is based on a meeting between Radda Barnen's branch association and 28 school nurses in Malmö and their points of view on, among other things, the indoor climate of the schools and the health of pupils.

In Skovde reference was made to the association's own members. and points of view were obtained on the situation of children and young people from school nurses, chil-dren's nurses, pre-school teachers and teachers at all school levels, paediatricians and paediatric nurses, and ear specialists, children's and young persons' psychiatric person-nel, parents, politicians, a curate and a priest.

Strängnäs examined co-operation between schools and social services in the municipa-lity with Articles 3 and 19 of the Contention as a starting-point, which the association interprets as "that *everyone* must co-operate in the *best interests of the child*". A number of persons employed in various categories within the school and social services have been interviewed. They also reviewed, among other things, the child care and school plans of the municipality together with the action plans of individual schools.

Södertälje implemented an extensive questionnaire investigation among school chil-dren and their parents whereby, on the basis of certain aspects of the Convention, the respective categories were asked how they felt the situation was. Just over 260 parents and almost 460 pupils answered the questionnaire.

Umeå The report focuses on the question of how Umeå municipality complies with the UN Convention on the Rights of the Child as regards children in need of support resour-ces on account of reading and writing difficulties with school-work. The report is based on discussions with pupils receiving special teaching, questionnaires to special teachers and pre-school teachers as well as discussions with all school managers at junior and intermediate level of the nine-year compulsory school together with visits to Umeå Special Pedagogic Centre and Child and Youth Psychiatric Clinic.

Vastra Forlunda-Askim asked themselves how well known the Convention is and to what extent it is complied with as regards. Articles 3, 4, 12-15 and 42. They interviewed politicians, school pupils and child care staff and also conducted a snap questionnaire among the public. The report emphasises that the material is limited and that it possi-bly "may give some indication about 'where it's going'".

Almhult. The report is written by two pupils on the child and leisure programme (upper secondary school), who posed questions concerning the support that refugees receive when they come to the municipality. They interviewed staff within the social welfare administration, the child-care centre and the psychiatric clinic in Vaxjö as well as a refugee child care centre. They also conducted a questionnaire among the public and held a discussion about the issues with a group of 13 young people.

Alvkarleby-Skutskar The report is based on questionnaires issued to a selection of pupils, in junior, intermediate and senior levels of nine-year compulsory schools and their parents. The purpose was to try to "provide a picture of how children were dealt with in school in elvkarleby [ and to] see whether there were particularly serious inadequacies regarding certain items which the municipal politicians would benefit from knowing before they make decisions concerning further restrictions in resources for children in the municipality."

## [Home](#)

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