

Save the Children Sweden's
Third Report
to the UN Committee on the Rights of the Child



Save the Children
Sweden



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The vision

Save the Children works for:

- a world which respects and values each child*
- a world which listens to children and learns*
- a world where all children have hope and opportunity*

The mission

Save the Children fights for children's rights.

We deliver immediate and lasting improvements to children's lives worldwide.

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I Introduction

This is Save the Children Sweden's Third Report to the United Nations Committee on the Rights of the Child. It was approved by Save the Children Sweden's board on 13 June 2003. The report aims to highlight violations of children's rights in Sweden and should, therefore, be viewed as a complement to *Sweden's Third Report to the UN Committee on the Rights of the Child*, published by the Swedish government. This report follows the general format of the government report to facilitate comparison between the two.

Save the Children Sweden is a democratic non-governmental organisation with active members, a large number of supporters, and strong roots in Swedish society. We have 82,000 members and 280 local associations distributed among Sweden's 290 municipalities. Every year about 250,000 people support the work of Save the Children Sweden in lending direct support to vulnerable children. So as to attain our goal of achieving permanent improvements in children's living conditions, we seek to influence decision-makers to work in the best interests of the child. We do this through campaigns, books, reports, seminars, and in meetings with politicians at all levels – from municipalities to the UN. We are a consultative body and participate actively in several UN agencies. Save the Children Sweden operates both in Sweden and internationally, either directly or through other organisations. We contribute ideas, experience and funding to 330 projects in more than 70 countries, and are part of a national Network for the UN Convention on the Rights of the Child, which organises annual hearings with Swedish government ministers. At recent hearings, the questions have been put to the ministers by the children and young people themselves. This material is compiled in a separate report to the UN Committee on the Rights of the Child.

Sweden is a country with an extensive welfare state and where many children have relatively good lives. Prior to the UN's special session on children on 8–10 May 2002, Save the Children Sweden questioned almost 4,000 boys and girls about their lives. Generally, most were content and considered conditions for children in Sweden to be good.¹ Notwithstanding these findings, there are a number of deficiencies in the implementation of the UN Convention on the Rights of the Child in Sweden. The bulk of these originate from the following areas in which children's rights are not respected:

- Effects of decentralisation
- Effects of financial prioritisation
- Effects of integration policies

1. Fyrk, Karin and Linnér, Arvid, "Man har för lite att säga till om tycker jag" 4 000 barns synpunkter till den svenska regeringen att ta med sig till FN, Save the Children Sweden, 2001, p. 4.

The government has ratified the UN Convention on the Rights of the Child, which means it is legally binding on the Swedish state. Countries that have ratified the convention are legally bound to ensure that the rights of the child are observed, irrespective of the form of governance. (Sweden has a system based on municipal governance.) Save the Children Sweden reports on instances in which municipalities or county councils do not observe the rights of the child and where government follow-up is inadequate. State Parties are not entitled to cite devolution of powers to local government as an excuse; the central government is responsible for implementing the UN Convention on the Rights of the Child throughout the entire country.

It is indefensible in a welfare-providing state such as Sweden that children's rights are not observed because funding is allocated to other areas instead. In our opinion, a lack of political will and long-term financial planning contributes to increased social exclusion, discrimination and racism.

Swedish integration policy contains many inadequacies that together have led to increased residential segregation and an education policy that has failed to give boys and girls with a foreign background² the basic tools to succeed in Swedish society. We are strongly critical of the fact that more is not being done to combat recruitment of youngsters by racist organisations and increasing everyday racism.

A need exists for improved knowledge of children's rights and needs among those who work with children. This is particularly evident when it comes to opportunities for children with a foreign background and those with disabilities to exercise their rights. More effective methods for listening to children and attaching importance to their views need to be developed. All boys and girls, regardless of age, should receive greater encouragement to participate actively in all areas and levels of society.

1.1 General comments on the government's Third Report

Save the Children Sweden welcomes the fact that the government in its Third Report to the UN Committee on the Rights of the Child highlights a number of difficulties relating to compliance with the convention. However, we would like to see an in-depth discussion of what measures need to be taken. We demand that the government's next report to the committee is even more self-critical and forward-looking. Save the Children Sweden also feels there is lack of concrete descriptions of how children are affected by various measures. In order to be able to describe conditions for boys and girls it is important to listen to and observe children. In this context, Save the Children Sweden continues to maintain that there are deficiencies in the Swedish government's implementation of the UN Convention on the Rights of the Child – despite criticism voiced by the UN Committee on the Rights of the Child in relation to the previous report.

Save the Children Sweden questions whether the government is aware of the dif-

2. Children with a foreign background are defined as those with at least one parent born outside Sweden. This definition today encompasses close to 25 per cent (500,000) of all children in Sweden.

ference between the terms “child rights perspective” and “child perspective”. The report refers to a child rights perspective only in connection with international development assistance. Elsewhere, it employs only the term child perspective. For Save the Children Sweden, the difference is significant. In our opinion, the Swedish government should apply to domestic policy the same rights perspective that it demands from other countries in connection with Swedish development assistance.

1.2 Developments from 1997 to 2002

For several years, Save the Children Sweden has expressed concern over the extent to which spending cutbacks in the 1990s affected children, and continue to do so. We are therefore developing an annual child index to reflect changes in children’s welfare. The first index indicator has been devised and it measures children’s living standards (see Ch. 6.3, Article 27). Other indicators will address the right to health and the right to education.

The 1990s were marked by financial cutbacks and growing welfare differentials between municipalities. Increasing numbers of people relocated from rural areas to urban centres, creating a depopulation problem in certain parts of the country. In urban areas, meanwhile, an alarming picture of residential segregation developed. The crisis in public finances widened the gap between rich and poor municipalities in terms of complying with Article 27:1.

Save the Children Sweden’s examination of children’s economic vulnerability in Sweden³ shows that families with children have generally recovered economically following the recession of the mid-1990s but that the gap between children in the richest and poorest families has widened. The richest 10 per cent of families with children experienced a financial improvement of just over 7 per cent from 1991–2000, while the poorest 10 per cent saw an improvement of just over 6 per cent. At municipal level, the proportion of children in economically vulnerable families varies widely. In some municipalities, close to 35 per cent of children live in poverty, while the figure may be as low as 5 per cent in others. The difference in living standards between children from Swedish and foreign backgrounds has also increased. In 1991, children with a foreign background were 2.6 times more likely than a child with a Swedish background to live in a poor household. By 2000, this figure had increased to 4 times. The trend towards wider economic differentials between households intensified from 1997 to 2000⁴ (see Ch. 6.3, Article 27).

1.3 Work methods

Save the Children Sweden’s local associations have been invited to contribute to this report via a number of projects held in 2001 and 2002. Ninety-eight local associations took a questionnaire on racism and xenophobia to upper-secondary schools around Sweden (see Ch. 7.2, Article 29). Together with local Save the Children Swe-

3. Salonen, Tapio, *Barns ekonomiska utsatthet – 2000*, 2002, Save the Children Sweden.

4. Salonen, Tapio, *Barns ekonomiska utsatthet – 2000*, 2002, Save the Children Sweden, pp. 5-6.

den associations, a group of 60 young people examined how they were treated and the extent to which they were allowed access to certain leisure activities, including 13 theme parks and zoos (see Ch. 7.3, Article 31). Twelve local associations compiled reports on an aspect of compliance with the UN Convention on the Rights of the Child in their respective municipalities. The reports should be seen as illustrations of specific realities rather than a representative cross-section of Sweden's 290 municipalities. They address bullying, after-school centres, integration, children involved in custody battles, and children with special needs. A recurring theme is the need for adults to be better at listening to and asking questions of children. The authors feel that much remains to be done before Sweden can be considered to be in full compliance with the UN Convention on the Rights of the Child.⁵

1.4 Main problem areas and recommendations of the committee

Save the Children Sweden passes comment only on areas in which it has expertise and experience. We use the same system of numerals as in the Concluding Observations by the UN Committee on the Rights of the Child relating to the report by Sweden in order to facilitate reading.

C.7 Decentralisation as a cause of inconsistency in policies and services relating to children

Save the Children Sweden wishes to alert the UN Committee on the Rights of the Child to the fact that regional differences in the handling of children's rights still persist in Sweden (see Ch. 2.1, Article 4).

C.8 Role and independence of the Children's Ombudsman

The Children's Ombudsman has a dual role, being both an ombudsman for children and young people, and a government agency. Save the Children Sweden is positive to measures to strengthen the ombudsman's role,⁶ but urges the committee to oppose the government remaining as the responsible authority. We would point out that the new change in legislation does not accord with the Paris Principles⁷ and we recommend that the Children's Ombudsman has independent status and is appointed by parliament.

5. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

6. *A Strengthened Children's Ombudsman*, Prop. 2001/02:96. The change in legislation took effect on 1 July 2002.

7. According to the Paris Principles, adopted in October 1991 in Paris following collaboration with the UN Human Rights Committee, the ombudsman and the funding of the ombudsman's activities should be fully independent of the state.

C. 9 Effects of cutbacks during the 1990s

We would like to draw the committee's attention to the continued need for the State Party to do its utmost to ensure the economic, social and cultural rights of the child to the maximum extent of available resources (see Ch. 2.1, Article 4). Save the Children Sweden's study of children's economic vulnerability reveals large divergences in children's living standards between different municipalities (see Ch. 6.3, Article 27).

C. 11 Access to health care for children "in hiding"

Save the Children Sweden maintains that there is inadequate implementation of the reform strengthening the right of every child to health and medical care. A study by the Swedish National Board of Health and Welfare shows that patient talks, an integral part of statutory health care provision, have not been implemented as expected for child asylum seekers, children seeking to join relatives in Sweden, and quota refugees. The reason given for this includes a lack of routines and follow-up systems within the health care system.⁸ Save the Children Sweden recommends that the State Party works to guarantee the right of every child in Sweden to health and medical care.

C. 12 Increased racism and xenophobia – protecting the child against all forms of discrimination

Save the Children Sweden wishes to inform the committee that racism has become more mainstream in Sweden in recent years. Racist organisations recruit prospective members from the age of 13–14. Visible racism occurred in more than one fifth of all upper-secondary schools examined in a Save the Children Sweden survey. Swedish legislation does not preclude discrimination in all the areas of society in which children move (see Ch. 3.1 and 7.2, Articles 2 and 29).

C. 17 Obligation to report child abuse

Save the Children Sweden believes concrete measures need to be developed to improve expertise in the rights of the child and special protection needs in activities involving children in order to protect children from abuse. Moreover, collaboration within and between social services, health care institutions, schools, and the police should be improved to protect children and provide them with support in coming to terms with their experiences (see Ch. 5.3, Articles 19 and 39).

8. *Förutsättningar för riktlinjer för hur asylsökande barn skall få tillgång till hälsosamtal och hur dessa barns hälsotillstånd skall kartläggas*, National Board of Health and Welfare, reg. no.: 33-7410/2001, 2001.

C. 18 Securing general access to social allowances

Save the Children Sweden wishes to inform the committee that 127 out of 233 municipalities reduce social allowance payments to families in which a young person obtains an extra source of income (see Ch. 6.3, Article 27).

C. 19 Prevention of bullying in schools

Save the Children Sweden is concerned by increased bullying and maltreatment of Swedish school pupils. We would like to draw the committee's attention to the weakness of legal sanctions against such behaviour (see Ch. 7.2, Article 29).

2 General measures

2.1 Implementation of rights (Art. 4)

Legislative review

The UN Convention on the Rights of the Child is not part of Swedish law. Rather, existing Swedish statutes are reformulated in order to comply with the convention. The Social Services Act is among those to have been adjusted, and as of 1 January 1998 contains an ordinance stating that all actions concerning children must observe the child's best interests (see Ch. 3.2, Article 3).

The UN Convention on the Rights of the Child is not part of Swedish law and Save the Children Sweden recommends that the legal system be adapted to reflect the Convention rather than the document being incorporated in its entirety. Save the Children Sweden is pleased the government's report raises inadequacies in social child care work, but would like to have seen in-depth analysis of the Social Services Act and Child Care Act. A study by two child rights experts in 2000 found that the concept of children as bearers of rights was absent in these two statutes. The perception of children does not fully comply with the UN Convention on the Rights of the Child.⁹

Save the Children Sweden recommends:

- **That the State Party ensures that the Social Services Act and the Child Care Act are in harmony with the UN Convention on the Rights of the Child.**

Effects of decentralisation

Municipal governance is an important component of Swedish democracy. In the past ten years the State Party has delegated many political decisions relating to the rights of the child to municipalities and county councils. Since Swedish legislation consists largely of framework legislation, the decentralisation of political decision-making has imposed new demands on local politicians and officials when it comes to knowledge and awareness of children's rights. Save the Children Sweden gives a number of examples of discriminatory outcomes arising from wide variance in the implementation of the convention by municipalities as a direct consequence of decentralisation (see Chs. 6.1, 6.3, 7.1 and 7.3, and articles 23, 27, 28 and 31).

In a joint study with the Swedish National Association for Disabled Children and Young People, Save the Children Sweden found that municipalities and county councils do not always implement all decisions pertaining to their obligation under

9. Holmberg, Barbro and Håkansson, Göran, *Hur barnkonventionens barnsyn återfinns i föräldrabal-ken, socialtjänstlagen och LVU*, in the Care of Young Persons Act report, *Omhändertagen – samhällets ansvar för utsatta barn och unga*, (SOU 2000:77), p. 338.

Swedish law to provide support to children with disabilities. This support exists to enable the children to exercise their rights under the UN Convention on the Rights of the Child. Even though the county administrative courts have ruled that children are entitled to this support, not all allocations of support are carried through. Moreover, a decision to allocate support that is subsequently not provided cannot be appealed to the courts (see Ch. 6.1, Article 23).¹⁰

Save the Children Sweden maintains that the State Party cannot cite municipal governance as a reason for its failure to fulfil its duty to ensure the observance of the rights of the child across the entire country. The government must take responsibility for implementing the UN Convention on the Rights of the Child. The government's report neglects to show that municipalities and county councils fail to implement all decisions pertaining to provision of support to children with disabilities. Nor does it mention that certain decisions cannot be appealed.

Save the Children Sweden recommends:

- **That the government develops mechanisms to follow up the duties it delegates to municipalities and county councils.**
- **That the principle of the best interests of the child, under Article 3 of the UN Convention on the Rights of the Child, is incorporated into municipal law.**
- **That Article 12 of the UN Convention on the Rights of the Child is incorporated into municipal law.**

Effects of financial prioritisation

For much of the 1990s, Save the Children Sweden voiced concern that spending cut-backs were hitting children harder than other groups in society. The Swedish economy has since recovered, but improvements have not always fed through to children. A Save the Children Sweden study notes large differences between municipalities in the extent of economic vulnerability among families¹¹ (see Ch. 6.3, Article 27). Some parents are forced to choose between allowing a child to attend a state school that for financial reasons cannot provide special support, or to send the child to a special school¹² (see Ch. 7.1, Article 28). After-school centres have also suffered deep spending cuts because centre staff are often required to stand in for absent school teachers (see Ch. 7.1, Article 28).

Save the Children Sweden wishes to inform the committee that financial prioritisation results in children continuing to be denied their rights. We emphasise that excessive economic short-termism can spawn increased social exclusion, discrimination and racism.

10. Paulsson, Karin, "Det ser så fint ut på papperet" – om barn med funktionsbinder och Barnkonventionen, Save the Children Sweden and the National Association for Disabled Children and Young People, 2000, p. 39.

11. Salonen, Tapio, *Barnfattigdom*, Save the Children Sweden, 2002.

12. Tideman, Magnus, *Normalisering och kategorisering*, 2000, dissertation at Göteborg University.

A number of tools, including child impact analyses and correct and relevant statistics, can be used to monitor the effects of financial prioritisation on children.

Save the Children Sweden recommends:

- **That actions are taken to ensure that financial prioritisation leads to the fulfillment of children's rights.**
- **That child impact analyses are included in all decisions affecting children, irrespective of whether they are taken by a government department or at county or municipal level.**
- **That a child appendix is included in the government budget, in line with the resolution adopted by parliament on 9 February 1995.**
- **That data are collected and collated on crimes committed by children aged under 15, crimes of violence against children aged 15 to 17, and on the academic grades attained by children with a foreign background according to their period of residence in Sweden.**
- **That health care statistics-keeping is better coordinated. A higher proportion of statistics should be based on first-hand information from children.**

Effects of integration policy

Sweden today has one of the highest immigrant densities of any European country. Almost one of four children has at least one parent with a foreign background. Save the Children Sweden's research into children's economic vulnerability shows that four of ten children with a foreign background live in poverty, compared to one in ten children with a Swedish background. Fifty-one per cent of children with two parents born outside Sweden live in poverty, a figure that also applies to families who have spent between six and nine years in Sweden.¹³ Immigrant densities are increasing in areas with already high immigrant populations and are decreasing in areas where few immigrants live, thereby fuelling residential segregation. This increases the funding requirements for language training and imposes a heavy burden on schools. Native language training programmes and grants for studying native languages, Swedish, and other languages ought to work more effectively. Research by the Centre for Business and Policy Studies shows that education policies have failed to deliver good standards of Swedish and mathematics to second-generation immigrants of non-European origin.¹⁴ A number of studies have revealed that many immigrants find it harder to obtain work than people with a Swedish background.¹⁵

A report by the National Council for Crime Prevention, the National Board of Health and Welfare and the National Board for Institutional Care found that 62 per cent of young people sentenced to care in secure accommodation came from fami-

13. Salonen, Tapio, *Child Poverty in Sweden – 2000*, Save the Children Sweden, 2002, p. 24.

14. *Arbete? Var god dröj! Invandrare i välfärdssambället*, (Welfare Policy Council report 2002), Centre for Business and Policy Studies, 2002, p. 3.

15. Arai, M, Schröder, L & Vilhelmsson, R, *En svartvit arbetsmarknad – En ESO-rapport om vägen från skolan till arbete*, (Ds 2000:47), Stockholm, 2000; *Arbete? Var god dröj! Invandrare i välfärdssambället*, (Welfare Policy Council report 2002), Centre for Business and Policy Studies, 2002, p. 4.

lies where both parents were born outside Sweden. Youngsters from segregated suburbs with prevalent social problems were the largest group.¹⁶ In addition, a disproportionately large number of children with a foreign background suffer bullying (see Ch. 7.2, Article 29). Some girls who live in strict patriarchal families¹⁷ are entitled to support and help because they are subjected to threats and coercion (see Ch. 5.3, Articles 19 and 39) at home.

Save the Children Sweden sees big deficiencies in Swedish integration policy that impact negatively on the ability of children to exercise their rights, with both a short-term and long-term effect on Swedish society. This deficient integration between immigrants and native Swedes may also impede democratic development.

Save the Children Sweden recommends:

- **That the State Party expands access to native language training and provides grants for native language studies as well as Swedish and other languages so that no one is excluded from such programmes due to practical problems or inadequate information.**
- **That the State Party ensures that teachers from minority groups receive training and employment.**
- **That the State Party pursues integration policies that narrow the gap between families with foreign and Swedish backgrounds.**

Swedish international development assistance

The Swedish government has pursued the issue of children's rights in the context of the European Union's joint development assistance programmes. One result of this was a joint statement by the European Commission and Council of Ministers¹⁸ that stressed the importance of integrating children's rights into EU development assistance work.

Save the Children Sweden wishes to draw the committee's attention to the fact that this joint statement has yet to lead to concrete changes in programme operations or individual initiatives. There is a lack of management tools to ensure that joint development assistance work is conducted in a way that accords with the UN Convention on the Rights of the Child.

16. *Unga lagöverträdare – Uppföljning av överlämnande till vård inom socialtjänsten samt slutna ungdomsvård*, National Council for Crime Prevention, the National Board of Health and Welfare and the National Board for Institutional Care, 2002, pps. 13, 18.

17. Save the Children Sweden is aware that the vast majority of girls in Sweden live in patriarchal families. The group of girls we refer to here are those subjected to threats by male relations determined to control their lives.

18. *The European Community's Development Policy – Statement by the Council and the Commission*, 10 November 2000.

Save the Children Sweden recommends:

- That the government continues to work for the incorporation of a child rights perspective across the EU's joint development assistance operations.

2.2 Obligation to publicise the Convention's principles and provisions (Article 42)

Save the Children Sweden can testify that municipalities and county councils continue to request support and information about the UN Convention on the Rights of the Child. Many local Save the Children Sweden organisations provide training to local politicians and officials. In a local study, our association in Halmstad highlighted the absence of information on the convention in several languages within the local municipality. In Karlstad, our local association conducted a study that revealed low awareness of the convention among children and adults.¹⁹ As part of the national strategy, the Children's Ombudsman²⁰ has had the task of promoting the convention among municipalities, county councils and government authorities. In a report, the ombudsman drew attention to problems concerning implementation of the convention by municipalities. These difficulties related to terminology confusion in methodology, lack of self-criticism, and the exclusion of children and young people from the implementation process. Moreover, clear links were often lacking between ongoing processes, e.g. the municipal budget process and the policies and methods used to realise children's rights.²¹

Research shows that head teachers and their teaching staff have insufficient knowledge about school governance documents, which make reference to the UN Convention on the Rights of the Child.²² The National Agency for Higher Education has been commissioned by the government to define which education programmes should contain a section on the convention. The agency has also been asked to stimulate educational institutions to develop methods for incorporating the convention in teaching.²³

In Save the Children Sweden's opinion, the State Party must assume responsibility for guaranteeing that groups which work with children are adequately informed about the convention's provisions and principles. A lack of awareness in this area hampers practical implementation of the convention and other legislation, rules and ordinances. In

19. See Appendix 1: Compilation of local reports for Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

20. *Nationell strategi för att förverkliga FN:s konvention om barnets rättigheter*, (prop. 1997/98:182).

21. *BO:s uppdrag inom ramen för den nationella strategin*, Final report, Children's Ombudsman, 2002, pps. 10-11, 18-19.

22. Rapp, Stephan, *Rektor – garant för elevernas rättsäkerhet*, Doctoral thesis, Örebro University, 2001, pp. 196-197; *Tillsyn av den obligatoriska särskolan En analys av resultat från Skolverkets tillsyn 1999–2000*, National Agency for Education, 2001, p. 4; *Kvalitet i särskola – en fråga om värderingar*, National Agency for Education, reg. no. 2000:2037, 2000.

23. Government decision re incorporation of the UN Convention on the Rights of the Child in the occupational training of those who will work with children, Ministry of Health and Social Affairs, S2001/11119/ST, 2001-12-13.

addition to politicians, officials, head teachers and teachers, we highlight in this report a number of other occupations in which knowledge of children's rights and needs must be improved. These include staff at Sida, social workers, health service personnel, police officers, prosecutors, lawyers, judges, and other courts personnel (see Chs. 3.2, 5.3, 6.1, 7.1 and 8.5, and Articles 3, 19, 23, 28 and 34).

Save the Children Sweden recommends:

- **That the State Party discharges its obligation to publicise the UN Convention on the Rights of the Child's provisions and principles among adults, and particularly among groups that work with children.**
- **That the National Agency for Higher Education receives greater leeway to ensure that all persons who directly or indirectly make decisions that affect children are fully apprised of the UN Convention on the Rights of the Child's provisions and principles.**

2.3 Implementation reports (Art. 44:6)

In order to ascertain whether Sweden's Second Periodic Report had been distributed among municipalities, some of Save the Children Sweden's local associations made inquiries of a random selection of 8 per cent of the country's municipalities. Though not a full cross-section, the municipalities were relatively representative geographically. Out of 23 contacted, only two municipalities possessed the report.²⁴

Save the Children Sweden underlines the importance of the State Party's report being disseminated in accordance with Article 44:6 and appreciates the pledge contained in the government's Third Periodic Report to send two copies to each municipality. That said, Save the Children Sweden is critical of the government for not having solicited dialogue with non-governmental organisations over the content of the Third Periodic Report. One contact opportunity was offered, but this did not involve dialogue and only gave non-governmental organisations the opportunity to report on issues we consider important.

Save the Children Sweden recommends:

- **That Sweden's Third Periodic Report is distributed to all municipalities, county councils and regions and public libraries in an efficient manner along with the concluding observations from the UN Committee on the Rights of the Child.**
- **That the government invites non-governmental organisations to participate in dialogue ahead of the writing of the fourth periodic report.**
- **That children and young people participate more closely in the writing of the fourth report.**

24. See Appendix 3: Compilation of survey by local associations on whether Sweden's Second Report to the UN Committee on the Rights of the Child has reached Sweden's municipalities.

3 General principles

3.1 Non-discrimination (Art. 2)

Legal review

Legislation is one of the tools used to secure children's rights. Sweden, however, offers children no legal protection against discrimination in public areas, such as schools. As a result, a school child can legally be denied a traineeship for wearing a veil. However, including a discriminatory stipulation of this nature in a job advert is illegal under the Measures to Counteract Ethnic Discrimination in Working Life Act (1999:130). As well as children with a foreign background, those with disabilities also suffer from the absence of legal protection against discrimination (see Ch. 6.1 and 7.3, Articles 23 and 31).

In December 2002 a parliamentary committee presented a review of the Education Act. It proposed the retention of the non-discrimination principle in relation to the use of gender, geographic origin and social and economic circumstances to deny equal access to education.²⁵ In a special opinion submitted to the committee, the Children's Ombudsman and the Disability Ombudsman stated that the review did not adequately strengthen the right to education of children with disabilities. Such children are far more restricted in their choice of school than other pupils.²⁶ Save the Children Sweden has examined one case concerning the relocation of a pupil with disability in which the father used Article 2 to argue that the son should have the right to choose his school. In its decision to move the child to another school, the local authority stated that it was in the child's best interests to attend another school due to organisational or financial difficulties. In the opinion of the National Agency for Education, the municipality was not in breach of national education statutes.

Save the Children Sweden maintains that in order to adhere to the non-discrimination principle every child should be covered by legal protection from discrimination. Sweden's decentralised system of municipal governance makes this doubly important. Save the Children Sweden welcomes the proposal of clearer protection from harassment and other discrimination in schools.²⁷ However, in our opinion the Education Act's preamble on the right to non-discrimination should be based on Article 2 in its entirety. We know several cases in which pupils with disabilities have been denied school places because the premises were not specially adapted for people with disabilities. Pupils have also been

25. *Skollag för kvalitet och likvärdighet*, (SOU 2002:121), Government bill – Education Act, Ch. 1, 7 §.

26. Nyström Karlsson, Annika and Lenman, Charlotte, *Särskilt yttrande av sakkunniga, Skollag för kvalitet och likvärdighet*, (SOU 2002:121).

27. *Ett utvidgat skydd mot diskriminering*, (SOU 2002:43).

denied the opportunity to participate in certain courses, for example sport, crafts and home economics. There is also a lack of protection against discrimination for children who participate in cultural and after-school activities.

Save the Children Sweden recommends:

- **That Article 2 is incorporated in full as a preamble in the new Education Act.**
- **That Article 2 is applied in full across all cultural and after-school activities.**

Racism and xenophobia

National Council for Crime Prevention data show that in 1997 a total of 12 persons aged under 18 were placed under suspicion of the crime of incitement to racial hatred. In 2001, this number had increased to 22.²⁸ Exit, an organisation that helps young people to withdraw from neo-Nazi and racist groups, says that recruitment of new members by these organisations often starts at an early age, when the prospective recruit is aged as young as 13 or 14. A sense of exclusion is one factor that attracts young people to racist and neo-Nazi organisations. According to Exit, white-power music is one of the key entry points into neo-Nazism today on account of its ability to unite and rouse a group.²⁹ A survey by the National Agency for Education shows that about one of ten school pupils say white-power music is played at their school.³⁰

According to Exit, neo-Nazism and racism in Sweden has become more mainstream in recent years, and this is clearly visible in election results. Sverigedemokraterna, Sweden's largest xenophobic/racist party, gained 19,624 votes in the 1998 general election, a figure that rose to 76,300 in the general election four years later.³¹ A study by the National Agency for Education revealed that xenophobic parties were among the most popular in 40 out of 900 schools.³²

The government's report states that racially and ethnically motivated crimes have been accorded high priority for a number of years. Nevertheless, racism and xenophobia continue to become more prevalent in society and schools (see Ch. 7.2, Article 29). Save the Children Sweden wishes to draw the committee's attention to the fact that racist organisations start recruiting children from the age of 13 or 14.

28. National Council for Crime Prevention official statistics, figure 200, *Personer misstänkta för brott efter brottstyp, ålder vid brottet och kön*, 1998, 1999, 2001, 2002, http://www.bra.se/extra/statistics/extra_index?lang=se, [2003-02-17].

29. Wahlström, Katja, *Exit en väg ut – Att möta nazism och rasism bland ungdomar*, Information from Exit in Sweden, 2002, pp. 5-7.

30. *Rapportering av regeringsuppdrag Relationer i skolan – en utvecklande eller destruktiv kraft*, National Agency for Education, reg. no. 01-2001:2136, 2002, p. 19. More than 900 schools were examined.

31. Election result from the Elections Authority in 1998 and 2002, other parties in the Riksdag.

32. *Rapportering av regeringsuppdrag Relationer i skolan – en utvecklande eller destruktiv kraft*, National Agency for Education, reg. no. 01-2001:2136, 2002, p. 20.

Save the Children Sweden recommends:

- That the State Party intensifies the fight against racism and xenophobia.
- That the government pursues integration policies that result in a narrower gap between families with a foreign and Swedish background.

3.2 The best interests of the child (Art. 3)

Legal review

From 1997 to 2002 three laws were changed to accord with the requirement to prioritise the best interests of the child.³³ In addition, a parliamentary committee in December 2002 published a review of the Education Act in which it proposed a strengthening of the general principles of the UN Convention on the Rights of the Child in ways that included a reference to the best interests of the child.³⁴

In their current form, the Care of Young Persons Act and the Education Act both lack any reference to the need to prioritise the best interests of the child in all actions concerning children.

Save the Children Sweden recommends:

- That the best interests of the child, as formulated in Article 3, are incorporated as a preamble in both the Care of Young Persons Act and the Education Act.

The family

The term “best interests of the child” is given a concrete meaning when invoked in agreements, decisions and judgements on custody of and living arrangements for or access to a child. A custody report is a basis used by a court to decide what constitutes the child’s best interests. A dissertation currently in preparation examined a number of custody reports and found that a mere 6 per cent focused on the child and his or her life and situation.³⁵ Awareness and understanding among social workers, lawyers and judges of what the best interests of the child entail is highly important to its interpretation as a concept. A questionnaire shows that 79 per cent of all social workers, 60 per cent of lawyers, and 50 per cent of judges are unsure what

33. “In measures pertaining to children, special consideration shall be taken of the best interests of the child.” (Social Services Act (1980:620) Ch. 1, 2 §).

“The best interests of the child shall be paramount in decisions under this chapter relating to custody, living accommodation and access.” (Code Relating to Parents and Guardians, Ch. 6, 2 a §).

“In implementation the best interests of the child shall be paramount.” (Code Relating to Parents and Guardians, Ch. 21, 1 §).

“In cases involving a child particular consideration shall be paid to the child’s health and development and its best interests in other respects.” (Aliens Act (1996:1379) Ch. 1, 1 §).

34. *Skollag för kvalitet och likvärdighet*, (SOU 2002:121), Government bill – Education Act, Ch 1, 6 §.

35. Rejmer, Annika, *Barnperspektiv och barnets bästa i tingsrätts handläggning av vårdnadstvister*, Svensk Jurist Tidning, Special edition 1987, 2002, pp. 143-148, doctoral dissertation in preparation.

importance should be attached to the concept.³⁶ Research by the Children's Ombudsman into enforcement cases³⁷ found that 18 per cent of County Administrative Court judgements contained an autonomous and individual assessment of the child's best interests. A somewhat higher proportion (24 per cent) refer to the preamble.³⁸

Save the Children Sweden wishes to inform the committee that social services and the courts do not attach sufficiently high priority to the best interests of the child in cases of custody, living arrangements and access. The government notes this in its report but unfortunately omits to propose any remedial action.

Save the Children Sweden recommends:

- **That social workers, lawyers and judges receive greater training and information about the term “best interests of the child” so that the child's best interests are indeed put first in cases of custody, living arrangements and access.**

3.3 Freedom of opinion and the right to be heard (Art. 12)

Save the Children Sweden asked about 4,000 children to describe their situation in Sweden in 2001. In response to a question about what they thought was bad about being a child, 60 per cent said not being understood and listened to.³⁹

Save the Children Sweden wishes to inform the committee that it still is not automatically accepted in Sweden that children have the right to express their opinions in issues that affect them – and that they exercise this right.

Family

Disputes between parents over custody, living arrangements or access are addressed primarily through co-operation talks, which each municipality is legally obliged to offer parents. A study by the National Board of Health and Welfare found that 12 out of 154 children had contact with the family law unit in conjunction with co-operation talks.⁴⁰ If the parents cannot agree after these talks the dispute may then

36. Rejmer, Annika, *Barnperspektiv och barnets bästa i tingsrätts handläggning av vårdnadstvister*, Svensk Jurist Tidning, Special edition 1987, 2002, pp. 143–148, doctoral dissertation in preparation.

37. In an enforcement case the County Administrative Court implements judgements, decisions or agreements on custody or access.

38. *Tå hänsyn till barnets bästa i verkställighetsmål – En studie av länsrättsdomar avseende verkställighet av domar, beslut eller avtal om vårdnad, boende eller umgänge*, Children's Ombudsman, 2000/2001, pp. 1-8.

39. Fyrk, Karin and Linnér, Arvid, *Man har för lite att säga till om tycker jag*, Save the Children Sweden, 2001, p. 9.

40. *Samarbetsamtal – socialt arbete med föräldrar*, (SoS-rapport 2000:7), National Board of Health and Welfare, 2000, pp. 30–32.

be referred to the courts, for instance as a custody case. A study in 1997 of 121 custody cases found that “children’s views on custody and living arrangements are apparent in the summons application, parties’ answers, care reports, etc. in a total of 48 cases”.⁴¹ The child’s wishes were observed and followed in just 10 of the 121 cases, while they had a substantial impact in only two.⁴² Current research⁴³ and the Children’s Ombudsman’s 2002 report to the government⁴⁴ show that competencies relating to children and their needs could be better among those professionals who handle custody disputes (social workers, lawyers and judges). Save the Children Sweden’s local association in Håbo has interviewed those in charge of family counselling and co-operation talks in Håbo municipality and found that more training is needed in order to ensure children’s rights are realised during co-operation talks under Article 12.⁴⁵

Save the Children Sweden is critical of the fact that children’s views are seldom obtained for the purpose of co-operation agreements, decisions or judgements relating to custody, living arrangements or access. Save the Children Sweden stresses the importance of focusing on the child’s description of his/her own situation but notes that the child should not be forced to choose where he/she wishes to live or which parent should have custody.

Save the Children Sweden recommends:

- **That the government ensures extra training for social workers, lawyers and judges in how to listen to children and attach weight to their opinions.**

Schools

A National Agency for Education study in 2001 found that pupils want more influence than they perceive they have. This desire is greatest with regard to the way they work and what they learn in their various subjects. The greatest differences between desired and real influence relate to school lunches, where only 25 per cent of those who wish to exert influence actually feel they can, and to textbooks and teaching materials, where only 29 per cent feel they have a say. Pupils’ interest in having a say in these areas has fallen since 1997.⁴⁶ A questionnaire from the Children’s Ombudsman in 1999 revealed that pupils from grades 4 to 9 believe their influence over the school diminishes as they get older.⁴⁷

41. Dahlstrand, Lotta, Betydelsen av barns vilja i vårdnadstvister, i *Perspektiv på forskning om barn, familj och folkhälsa*, Swedish Council for Working Life and Social Research, 2001, p. 30.

42. Dahlstrand, Lotta, Betydelsen av barns vilja i vårdnadstvister, i *Perspektiv på forskning om barn, familj och folkhälsa*, Swedish Council for Working Life and Social Research, 2001, pp. 26-32.

43. Rejmer, Annika, *Barnperspektiv och barnets bästa i tingsrätts handläggning av vårdnadstvister*, Svensk Jurist Tidning, special edition 1987, 2002, parts of a doctoral dissertation in preparation.

44. *Många syns inte men finns ändå*, Children’s Ombudsman’s report to the government 2002, p. 79.

45. See Appendix 1: Compilation of local reports for Save the Children Sweden’s Third Report to the UN Committee on the Rights of the Child.

46. *Attityder till skolan 2000*, (The National Agency for Education’s report 197), National Agency for Education, 2001, pp. 132-133.

47. *Å sen så tycker jag...*, Report from the children’s authority, the Children’s Ombudsman, 1999, p. 30.

Save the Children Sweden wishes to inform the committee that pupils' participation and influence is still neglected in schools. We are concerned this may have negative effects on pupils' interest in exerting influence, on their self-esteem and, in the long run, on their faith in democracy. Save the Children Sweden regards as regrettable the fact that the government omits to state in its report the difference between how much influence school-children wish to have and how much they actually believe they have.

Save the Children Sweden recommends:

- **That the State Party improves opportunities for pupils to participate in and exert influence over their school environment.**

Asylum and migration

Save the Children Sweden examined 87 child asylum cases from two regions handled by the Swedish Migration Board and the Swedish Aliens Appeals Board in the second quarter of 2002. In only 13 out of 66 cases handled by the Migration Board was the child questioned about his/her reasons for seeking asylum. In only nine of the remaining cases was a parent consulted over whether the child should be questioned. The Migration Board and Aliens Appeals Board rejected all of the asylum applications⁴⁸ (see Ch. 8.1, Article 22). Research by the Children's Ombudsman into Migration Board procedures found that in four out of 88 cases the board had consulted at least one of the applicant's siblings. All the six case officers interviewed expressed the opinion that consulting children was in practice meaningless since children from families seldom have their own reasons for asylum.⁴⁹

Save the Children Sweden supports the amendment to the Aliens Law entitling children to be heard in cases affecting them where this is not deemed unsuitable. Nevertheless, Save the Children Sweden believes the general presumption should be that all children are heard, based on their individual circumstances. We believe it is important that children's reasons for claiming asylum are investigated, and hearing the child is a precondition for this.

Save the Children Sweden recommends:

- **That the presumption should be that every child who claims asylum should be heard, based on his or her individual circumstances.**

48. Juhlén, Karin, *Barns egna asylskäl*, Save the Children Sweden, 2003, p. 43.

49. *Barnets bästa i asylärenden – En studie av Migrationsverkets praxis i asylärenden med barnfamiljer*, Children's Ombudsman, 2000, pp. 16–17.

4 Public and political rights

4.1 Freedom of association and peaceful assembly (Art. 15)

A number of demonstrations and other activities were staged in places such as Malmö and Göteborg in conjunction with the summit of European leaders held during the Swedish EU presidency in 2001. The protests, largely a reaction against the effects of globalisation on society, followed the much-publicised and in part violent protests at the World Trade Organisation meeting in Seattle in November 1999. After Seattle, protests took place in Prague, Nice, Göteborg and Genoa.

At the EU summit in Malmö on 21 April 2001, some 269 people were arrested, 122 of whom had their details logged in a special register⁵⁰ for the purposes of an inquiry set up to probe the disturbances. Thirty-one of these people were aged under 18, and the youngest was 14.⁵¹ The aim of the register was to acquire intelligence about planned breaches of the peace and to help prevent serious crime at ministerial meetings in Lund and Malmö.⁵² According to the Göteborg Committee's investigation into the events in Malmö and Göteborg, the police district of Västra Götaland lodged a request with the police in Malmö for access to information on persons processed by the police during the EU summit. Those in charge of the inquiry into the disturbances in Malmö were well aware that the information provided by the police in Malmö primarily concerned persons not under suspicion of committing a crime. This inquiry was to have been completed a few months after the Göteborg summit but has been extended several times. The most recent extension was until 28 March 2003. The information from the police was not sifted⁵³ and the Göteborg Committee questions whether the inquiry and its register was handled in the way the law intended, even though the procedures followed did not actually contravene the law.⁵⁴

Save the Children Sweden notes the absence in the government's report to the committee of any reference to events at the EU summits in Malmö and Göteborg. We believe these events are relevant to the UN Convention on the Rights of the Child because children were involved. Moreover, the events have affected the confidence of many children and young persons in the justice system. In Save the Children Sweden's eyes, it is extremely

50. Göteborg Committee, Göteborg 2001, (SOU 2002:122), p. 246.

51. Förvarstagan enligt polislagen 13 § : Förenklad blankett vid större insatser, Malmö police district, Cj/Arrest unit, 21 April 2001, serial nos. 44/01, 47/01, 56/01, 58/01, 61/01, 73/01, 75/01, 80/01, 81/01, 82/01, 86/01, 92/01, 109/01, 122/01, 125/01, 130/01, 134/01, 135/01, 136/01, 140/01, 143/01, 147/01, 148/01, 149/01, 153/01, 154/01, 159/01, 162/01, 163/01, 164/01, 169/01.

52. Göteborg Committee, Göteborg 2001, (SOU 2002:122), pp. 258–259.

53. Göteborg Committee, Göteborg 2001, (SOU 2002:122), pp. 246, 259–260.

54. Göteborg Committee, Göteborg 2001, (SOU 2002:122), p. 268.

serious that young people who have not committed a crime have been logged in a police register and that their details have not been deleted. In our view, these records are a form of registration of political expression.

Save the Children Sweden recommends:

- **That those children not suspected of criminal acts are deleted from the inquiry register.**

During the Göteborg summit on 12–16 June, 141 young people aged under 18 were detained by police. Of these, 64 were taken into confinement and 77 arrested.⁵⁵ On the morning of 12 June, the police surrounded Hvitfeldtska upper-secondary school in Göteborg using containers with the intention of searching the premises. Those still in the school building that evening (459 people) were arrested for violent disorder and were taken to a police station in buses. Many of them were under 18. Shortly after midnight, the school was vacated and the police began their search of the premises. Those arrested were kept on buses for the whole night (see Ch. 8.4, Article 37b-d).

The Swedish Helsinki Committee for Human Rights⁵⁶ regards the use of a cordon of containers as a form of deprivation of liberty. The cordon prevented people inside from taking part in legal demonstrations – an infringement of their constitutional right to participate in demonstrations.⁵⁷ In the committee's opinion, the 13-hour detention contravened Article 9 (1) of the *UN International Covenant on Civil and Political Rights*.⁵⁸ The committee said it “cannot accept that a safety regulation contained in police legislation was interpreted in such a preordained manner as to infringe the individual liberties of a large number of demonstrators – many of them doubtless with only peaceful intentions – who had been offered shelter for the night in a school by the Municipality of Göteborg”.⁵⁹ The committee noted that the mass arrests at Hvitfeldtska upper-secondary school prevented the demonstrators from pursuing their right to assembly because conferences and other meetings could not then be held as planned.⁶⁰ Furthermore, the committee said the events in Göteborg should be seen not only as issues of police organisation but also as political questions touching on democracy and the exercise of influence.⁶¹

55. Hammar, Åsa, Interview with Elisabeth Sanell, police officer in Göteborg, for the magazine *Barn* issue no. 6/2002.

56. The Swedish Helsinki Committee for Human Rights was formed in 1982 and is an independent non-governmental organisation with no political or religious affiliation and about 150 members. It monitors compliance with human rights under the Helsinki Agreement and other international norms relating to human rights.

57. Östberg, Eric and Göransson, Karl, *Göteborgskravallerna och rätten Några iakttagelser ur mänskörättsperspektiv*, Swedish Helsinki Committee for Human Rights 2002, p. 9.

58. Östberg, Eric and Göransson, Karl, *Göteborgskravallerna och rätten Några iakttagelser ur mänskörättsperspektiv*, Swedish Helsinki Committee for Human Rights 2002, pp. 13, 15.

59. Östberg, Eric and Göransson, Karl, *Göteborgskravallerna och rätten Några iakttagelser ur mänskörättsperspektiv*, Swedish Helsinki Committee for Human Rights, 2002, p. 13.

60. Göteborg Committee, Göteborg 2001, (SOU 2002:122), pp. 692-693.

61. Göteborg Committee, Göteborg 2001, (SOU 2002:122), p. 17.

Save the Children Sweden is critical of the long deprivations of liberty and mass arrests at Hvitfeldtska upper-secondary school and believes they violated the right to assembly and to demonstrate of the young people involved. We would emphasise the importance of political dialogue that does not violate the right of children and young people to freedom of expression and assembly.

Save the Children Sweden recommends:

- **That the State Party promotes children’s freedom of assembly and expression by continuing to encourage NGO conferences to be staged alongside large regional and international summit meetings.**

5 Family environment and alternative care

5.1 Alternative care (Art. 20)

Taking children into care

Children may be taken into care outside the home under the Social Services Act or the Care of Young Persons Act. Data from the National Board of Health and Welfare show an increase in the proportion of children taken into care, from 5.25 per 1,000 in 1992 to 6 per 1,000 in 2001.⁶² A study by the Swedish National Audit Office shows that an increasing number of children taken into care are placed in institutions rather than foster homes,⁶³ while research compiled by the Swedish Welfare Report Committee shows that children with a foreign background are taken into care 2–3.5 times more often than children whose parents are both born in Sweden.⁶⁴ A government report in 2000 revealed an increase in the proportion of young people with a foreign background who are subject to measures under the Social Services Act. There is a lack of methods and knowledge within social services to help families from different cultures before a problem develops to such an extent that it necessitates a child being taken into care.⁶⁵

Save the Children Sweden wishes to draw the committee's attention to the increase in the proportion of children with a foreign background who are taken into care since this information is absent from the government report. The State Party must work preventively to ensure that children at risk of being taken into care do not end up in circumstances that necessitate implementation of a care order.

Save the Children Sweden recommends:

- **The development of improved methods and the raising of awareness within social services of the relevance of cultural background and immigrant status so that help can be given before a situation develops that necessitates the taking of a child into care.**
- **That care methods used are well documented, appraised in advance, and are effective.**

62. *Barn och unga – insatser år 2001*, National Board of Health and Welfare, (Statistik Socialtjänst 2002:7), p. 22.

63. *Tillsyn av behandlingshem för barn och ungdomar*, Effectiveness audit by the National Audit Office 2002:6, Riksrevisionsverket, 2002, p. 97.

64. Lundström, Tommy and Vinnerljung, Bo, *Omhändertagande av barn under 1990-talet*, i *Välfärdstjänster i omvandling*, anthology by the Welfare Report Committee, (SOU 2001:52), pp. 289, 290, 305-306.

65. Report on the Care of Young Persons Act, *Omhändertagen – samhällets ansvar för utsatta barn and unga*, (SOU 2000:77), pp. 182-189.

Supervision of those in care against their will

Parliamentary auditors have highlighted deficiencies in the follow-up of cases involving children taken into care against their will. They have noted that the government does not require the National Board of Institutional Care to publish results and outcomes in care cases and have also highlighted the board's self-regulatory role. The auditors have also stated that knowledge of successful care methods has not been fully exploited.⁶⁶

Save the Children Sweden sees it as remarkable that the government in its report omits to mention that the National Board of Institutional Care is self-regulating. In our view, regulation of the board's activities should be organisationally and financially separate from its operations. This absence of independent regulation is extremely serious in the context of children being ordered to be held in care. Save the Children Sweden also criticises the absence of an evident between treatment methods and outcomes in case follow-up.

Save the Children Sweden recommends:

- **That the government acts to ensure that regulation of cases where children are taken into care against their will by the state takes place under a separate financial and organisational umbrella, and that such regulation is capable of assessing the quality of care.**

Foster homes for separated child refugees

In its work on behalf of separated child refugees, Save the Children Sweden has highlighted the fact that the Migration Board is in charge of assigning such children to foster homes. Social services have the task of evaluating foster homes but are often only informed of placements retrospectively. This is despite the stipulation of the Social Services Act that foster homes should be appraised prior to placement.⁶⁷

Save the Children Sweden believes that separated child refugees risk harm if foster homes are not evaluated under the same routines as apply in cases of placements of children with Swedish citizenship. The government's report makes no mention of the placement of separated child refugees in foster homes.

Save the Children Sweden recommends:

- **That social services assume responsibility for assigning separated child refugees to foster homes that social services have approved in advance.**

66. *Med tång och god vilja – vad gör Statens institutionsstyrelse?*, Parliamentary auditors, Report 2002/03:1, 2002, p. 17.

67. Social Services Act (1980:620) 6 Ch. 6 §.

5.2 Adoption (Art. 21)

In Save the Children Sweden's opinion, the reform of the adoption law⁶⁸ to allow homosexual couples⁶⁹ to be considered as prospective adoptive parents does not accord with the principle of the child's best interests as stated in Article 21 of the UN Convention on the Rights of the Child.

When a child is put up for adoption, responsibility falls on society to ensure the child grows up in the best possible environment. Adopted children have been abandoned by their biological parents, while children adopted internationally have also been deprived of their ethnic origin. They have no ties to their new adoptive family or new country of residence and therefore are already vulnerable at the time of their adoption. Society should therefore not abet the creation of conditions that might lead to a further burden on these children.

Growing up in a homosexual family involves belonging to a minority group, which means the child has different conditions compared to most others. Knowledge about adopted children who have grown up in homosexual families is very limited today. Nonetheless, we have sufficient information to indicate that children who grow up in a homosexual family, or who are adopted, carry an extra burden.⁷⁰ It is possible that the combined burden may constitute a greater risk of mental ill-health. Nobody knows what the margins are. Thus, Save the Children Sweden believes it is not in a child's best interests to be adopted by a homosexual couple. Now that the reform has been enacted it is important to monitor its impact on those children involved.

Save the Children Sweden recommends:

- **That the reform of the adoption law entitling registered partners to be considered as prospective adoptive parents is closely monitored to ensure that the best interests of the child are observed in adoptions.**

5.3 Protection from violence and abuse (Art. 19), and physical and psychological recovery and social reintegration (Art. 39)

Violence against children and children living in families where violence occurs

According to the National Council for Crime Prevention, more than 2,000 reports of violent crimes against children aged six and 6,200 similar reports concerning chil-

68. The reform came into effect on 1 February 2003.

69. The law states that the couple must be registered partners, i.e. two persons of the same sex who have registered their partnership. Registration of two persons in a homosexual relationship confers on them a legal status that is approximate to marriage.

70. See research presented in the report by the Committee on Children in Homosexual Families (SOU 2001:10).

dren aged seven to 14 were recorded in 2000. Reported violence against young children was up by 10 per cent from the year before.⁷¹ Figures from the National Board of Health and Welfare show only a very few children (3–6 per year) died as a result of injuries inflicted in such attacks in the late 1990s. The majority of victims were of nursery age and the largest group was infants.⁷²

Save the Children Sweden has carried out a wide-ranging review of various forms of vulnerability and compiled information on society's resources for helping children and parents. The review shows that many children receive no help in coming to terms with their experiences of violence and living in families where violence occurs. One reason is that, in cases of joint custody, both parents must assent to a child receiving psychiatric help. This means that a parent who assaults his or her child must consent to the child receiving help. The review also reveals deficient routines in social services and poorly developed co-operation between schools, social services and the police when it comes to locating children at risk.⁷³ Save the Children Sweden's research into how child victims of sexual abuse are treated during the judicial process reveals that the police, prosecutors, judges, lawyers and others who represent the child have inadequate expertise in children and in listening to them.⁷⁴ A government report in 2001 found that health service personnel, police officers and prosecutors all need greater child expertise to enable them to deal with children who have suffered violence or live in families where violence occurs.⁷⁵

A number of cases have come to light in recent years of girls from strict patriarchal families who have been subjected to violence or threats from their relatives for seeking greater equality. The county administrative boards of Göteborg, Malmö and Stockholm have monitored the number of girls who have contacted social services because they are subjected to some kind of threat or coercion in their private lives. Some girls in this situation are taken into care under the Care of Young Persons Act.

About 500 girls sought help in 2001, according to these three reports, though the number of unreported cases is estimated to be high.⁷⁶ A report by the National Board of Health and Welfare in 2002 found that social services sometimes do not inform the police when girls from patriarchal families contact them after suffering psycho-

71. National Board for Crime Prevention official statistics Table P1 Reported crime, in total and per 100,000 citizens, according to type and date of crime, December 2002 and on cumulative yearly basis, http://www.bra.se/extra/statistics/extra_index?lang=se, [2003-02-24].

72. Jansson, Staffan, *Barn och misshandel – en rapport om kroppslig bestraffning och annan misshandel i Sverige vid slutet av 1900-talet*, report commissioned by the Committee Against Child Abuse, Stockholm, 2001, p. 31.

73. Hindberg, Barbro, *När omsorgen sviktar Om barns utsatthet och samhällets ansvar*, Save the Children Sweden, 1999, p. 117.

74. Westlund, Helen, *Barn som utsatts för sexuella övergrepp och den rättsliga hanteringen svensk nationell rapport*, Save the Children Sweden, 2002, p. 12.

75. Committee Against Child Abuse, *Barnmisshandel Att förebygga och åtgärda*, (SOU 2001:72), p. 271.

76. *Ett eget liv?*, Västra Götaland County Administrative Board, 2002:40, 2002, p. 4; *Utsatta flickor i patriarkala familjer – om behov av skyddat boende och andra insatser*, Skåne County Administrative Board, 2002, p. 14; *Rätten till sitt eget liv Behovet av skyddat boende för flickor i patriarkala familjer*, Stockholm County Administrative Board, report 2002:13, 2002, p. 4.

logical or physical violence or threats. This is because social workers sometimes feel the family is in a difficult position which they do not wish to compound.⁷⁷

A research review demonstrates that the long tradition in Sweden of preventive maternity and child health care should be expanded to provide general basic support to families with children and combined with special programmes for families in a psychosocial risk zone.⁷⁸ The government bill *Greater Protection for Children in Vulnerable Situations* etc. raises the need for more research into children who suffer abuse or who are at risk.⁷⁹

Save the Children Sweden views as extremely serious the high numbers of children who are abused every year. Child health and welfare clinics, kindergartens, schools, medical establishments and the police have a special responsibility to act where there are suspicions that a child is being abused. The State Party must also invest more in preventive measures because a country aiming to be the best in the world at implementing the UN Convention on the Rights of the Child cannot accept the fact that thousands of children are subjected to violence every year. Generally speaking, a child's right to care should take precedence over the guardian's right to take decisions concerning the child. The State Party must therefore ensure that no child is deprived of its right to health care and rehabilitation. Save the Children Sweden highlights in particular the plight of girls living in strict patriarchal families and at risk of psychological or physical violence. Poor integration between families with foreign and Swedish backgrounds may help entrench or even accentuate the risks for these girls. Save the Children Sweden appreciates that the government has begun to work to ensure that girls who have already suffered violence receive support, but we demand more action, as well as preventive measures.

Save the Children Sweden recommends:

- **That the State Party does its utmost to prevent children from being subjected to violence.**
- **That the State Party invests more in research into violence against infants.**
- **That general support within the health care system is always combined with special measures for families where children are at risk.**
- **That the State Party ensures good collaboration within and between social services, the health care sector, schools, and the police in order to protect children against violence and also to provide treatment and rehabilitation.**
- **That concrete proposals are developed and implemented to improve expertise in children's rights and special protection needs among social workers, police officers, prosecutors, lawyers and judges.**

77. National Board of Health and Welfare newsletter no. 6/2002, *Socialtjänstens insatser för flickor som lever under hot och tvång i familjer med stränga patriarkala värderingar*, Appendix 1, National Board of Health and Welfare, 2002, p. 9.

78. Lagerberg, Dagmar and Sundelin, Claes, *Risk och prognos i socialt arbete med barn Forskningsmetoder och resultat*, Centre for Social Work Assessment, Göteborg, 2000, p. 331.

79. Government bill 2002/03:53, *Greater Protection for Children in Vulnerable Situations etc.*, 2003, p. 55.

- That social services develop adequate expertise in the possible threats facing girls who live in patriarchal families and how the law should be applied to enable prompt and decisive action when a child is under threat.
- That the State Party ensures the right of every child to medical care and rehabilitation and that it therefore reviews the ability of one guardian to decide alone over a child's care and treatment in instances when parents have joint custody.

6 Basic health and welfare

6.1 Children with disabilities (Art. 23)

National action plan for disability policies

A research review carried out by Save the Children Sweden and the Swedish National Association for Disabled Children and Young People found that disabled children have been negatively impacted by decentralisation owing to new demands on municipal politicians and officials and local social insurance office staff for greater expertise in the rights of disabled children and awareness of their needs.⁸⁰ Several studies⁸¹ have brought to Save the Children Sweden's attention a lack of awareness of disabilities within the above occupations. This may lead to inferior decision-making and the taking of inappropriate measures. The report also shows that children's disabilities are not the main obstacle to the realisation of children's rights. Attitudes and outlooks vis-à-vis disabilities have an impact both on resource prioritisation and the organisation and running of public services.⁸²

Municipalities and county councils do not always implement decisions to allocate support and services to disabled children. These allocations include provision of a personal assistant, helper, stand-in contact person, home help, short-term stays outside the home, short-term supervision of school children aged over 12 outside the home as part of the school day and during holidays, and placement in a foster home or accommodation with special services for children or young people who need to live outside the parental home.⁸³ All these are support services to which disabled children are entitled under Swedish law in order to exercise their rights under the UN Convention on the Rights of the Child. Where a municipality refuses to provide a certain type of support the decision may be appealed to the County Administrative Court. Even though the court may rule in the child's favour, municipalities and county councils do not always follow such rulings.⁸⁴ However, not all decisions may

80. Paulsson, Karin, "Det ser så fint ut på papperet" – om barn med funktionshinder och Barnkonventionen, Save the Children Sweden and the Swedish National Association for Disabled Children and Young People, 2000.

81. Includes the Conditions for Life project of the Swedish National Association for Disabled Children and Young People, *Man måste alltid slås på byråkraternas planhalva*, 1999; Lindqvist, Bengt, Betänkande av Utredning om bemötande av personer med funktionshinder, *Kontrollerad och ifrågasatt? – intervjuer med personer med funktionshinder*, (SOU 1998:48), 1998.

82. Paulsson, Karin, "Det ser så fint ut på papperet" – om barn med funktionshinder och Barnkonventionen, Save the Children Sweden and the Swedish National Association for Disabled Children and Young People, 2000. pp. 85-87.

83. Act (1993:387) Concerning Support and Service for Persons with Certain Functional Impairments, 9§.

84. Research shows that one in three positive county administrative court judgements re the Act Concerning Support and Service for Persons with Certain Functional Impairments are not followed (Holander, Anna, Renström, Inger and Stening, Anders, *Individen och lagen, Om domar och verklighet*, 1997, National Board of Health and Welfare.)

be appealed against. It is, for instance, not possible to appeal in cases where a child is refused technical aids. Nor is it possible to appeal in cases where a municipality or county council refuses to follow a court ruling obliging them to provide support to a child.⁸⁵ The National Board of Health and Welfare oversees rulings or decisions that are not enforced, but does not provide data on how great a proportion of these involve children.⁸⁶ A Ministry of Justice report found that inadequate information among officials and insufficient funding are the reasons why court rulings are not enforced.⁸⁷

Save the Children Sweden believes children's ability to exercise their rights should not depend on which part of the country they live in. We wish to underline to the committee that the government's report omits to mention that municipalities and county councils do not implement all rulings relating to support for children with disabilities, and that it is not possible to appeal against some decisions.

Save the Children Sweden recommends:

- **That the government develops mechanisms to monitor the devolved and shared responsibility of municipalities and county councils to ensure that children with disabilities may exercise their rights without discrimination.**
- **That measures are taken to ensure that financial prioritisation leads to children with disabilities being able to exercise their rights, irrespective of where they live.**
- **That measures are taken to increase know-how among politicians and officials regarding what rights disabled children have.**
- **That the regulation of child-related activities throws light on how children with disabilities are affected.**

The support and technical aids provided to a child with disabilities are assessed under several statutes⁸⁸ and are decided upon and funded either by the municipality, county council or social insurance office. Overlap exists between these institutions and in the interpretations of assistance requested. Thus, a ceiling hoist may be defined as a personal aid, in which case it should be funded by the county council. Or it may be defined as an occupational aid for the child's assistant/carer, in which case it should be funded by the municipality.⁸⁹ Studies show that the social services

85. Paulsson, Karin, *“Det ser så fint ut på papperet” – om barn med funktionshinder och Barnkonventionen*, Save the Children Sweden and the Swedish National Association for Disabled Children and Young People, 2000, p. 39.

86. *Icke verkställda beslut och domar enligt LSS and SoL*, National Board of Health and Welfare, general regulatory feedback, 2002, pp. 16-21.

87. *Kommunalt domstolstrots*, (Ds 2000:53).

88. Act (1993:387) Concerning Support and Service for Persons with Certain Functional Impairments, Disability Allowance and Care Allowance Act (1998:703), Special Transport Service Act (1997:736), Assistance Benefit Act (1993:389) and the Social Services Act (1980:620).

89. Paulsson, Karin, *“Det ser så fint ut på papperet” – om barn med funktionshinder och Barnkonventionen*, Save the Children Sweden and the Swedish National Association for Disabled Children and Young People, 2000, p. 43.

provided to children differ between municipalities, e.g. the assessment and handling of care allowances and reimbursements to parents for the cost of personal assistants. In 1998, a parent or guardian had to wait up to 11 months for a decision on care allowances and 11–16 months for reimbursement of personal assistant costs. These periods represent half the life of a two-year-old. Even where support is granted it may take a long time before the decision is implemented.⁹⁰

Children may be negatively affected by lengthy case processing times, jeopardising the child's right to development and maximum possible integration in society.

Save the Children Sweden recommends:

- **That the State Party ensures co-operation between municipalities, county councils and social insurance offices so that the child's right to support is not impeded by organisational hurdles.**
- **That a maximum period of three months is introduced for processing social services applications for children with disabilities.**

6.2 Health care (Art. 24)

Primary care – psychological illness

According to the National Agency for Education, the proportion of children who experience stress in secondary school and upper-secondary school rose from 25 per cent in 1997 to 35 per cent in 2000. The agency's data indicate that this stress is related to excessive demands in school and that pupils are unable to work at a pace that suits them individually.⁹¹ A national standard of living survey in 2000 found that one in four children aged between ten and 18 suffered from weekly headaches. Eighteen per cent reported stomach aches and 42 per cent experienced stress on a weekly basis.⁹²

A survey by the Children's Ombudsman found that queues for psychological help for children and young people vary across the country and can be up to two years. Moreover, different queuing systems apply depending on the health care district to which the child belongs.⁹³

Save the Children Sweden is critical of the fact that children's psychological health has received insufficient priority in the government's work to implement the UN Convention on the Rights of the Child.

90. *Handläggningstider för barn med funktionsnedsättning*, Interim report, 1998, Disability Ombudsman.

91. *Attityder till skolan 2000*, The National Agency for Education, 2001, pp. 94-95.

92. Östberg, Vivecka, Hälsa och välbefinnande, in *Barn och ungdomars välfärd*, (SOU 2001:55), p. 248.

93. Nyberg, Lena, Children's Ombudsman, Två års kö till barnpsykiatri, *Dagens Nyheter*, 2002-06-27.

Save the Children Sweden recommends:

- **That the State Party ensures that children with psychological or psychosocial problems receive psychiatric help within the health care system for children and young people.**

Pupil health

A National Board of Health and Welfare study of school health care in ten municipalities found that one third of school nurses and less than half of school doctors believe current resources offer a sufficient basis to provide a guaranteed standard of health care to school pupils.⁹⁴ Reports from Save the Children Sweden's local associations in Karlshamn and Malmö contain personal accounts from pupils who talk of anonymous school nurses and school doctors and the fact they go home rather than visit the school nurse.⁹⁵ A survey by the Children's Ombudsman revealed that "...six out of ten girls and four out of ten boys feel the school nurse is not present when they need her". Close to half of pupils in upper-secondary school say their classes have not received an information visit from a counsellor or psychologist.⁹⁶

Save the Children Sweden's remains concerned over cutbacks in school health care, as expressed in our Second Report to the UN Committee on the Rights of the Child. We wish to notify the committee that school health care staff feel they cannot provide pupils with a guaranteed standard of care, while the pupils feel that school health care staff are not accessible enough.

Save the Children Sweden recommends:

- **That the State Party ensures that children with physical, psychological or psychosocial problems receive prompt assistance within the school health care system.**

6.3 Standards of living (Art. 27:1-3)

Standards of living and child poverty

Save the Children Sweden's report on child poverty in Sweden found that 296,000 children (15 per cent of the total) lived in families with sparse financial means in 2000.⁹⁷ Save the Children Sweden would highlight three trends relating to children's standards of living. First, from 1997 to 2000, long-lasting and major differences were visible among Swedish municipalities in terms of the proportion of children living in poor families. The divide between richest and poorest has widened because the

94. *Skolhälsovården i tio kommuner i Sverige*, National Board of Health and Welfare, 2002, p. 13.

95. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

96. *Å sen så tycker jag...*, Report from the Children's Ombudsman, 1999, pp. 25-26.

97. Salonen, Tapio, *Barnfattigdomen i Sverige – 2000*, 2002, Save the Children Sweden, p. 23.

poorest 10 per cent of families saw their incomes fall 3 per cent compared to average income between 1997 and 2000. At the same time, the richest tenth saw their incomes rise by 6 per cent.

Second, the difference in living standards between children with a Swedish background contra those with a foreign background has grown. A deeper analysis of children with a foreign background and their standards of living shows that even those who have spent a long time in Sweden have a lower standard of living than those with a Swedish background. Close to 30 per cent of children who have spent ten or more years in Sweden live in poverty.⁹⁸

Third, a research overview from the National Institute of Public Health in 2002 draws a link between the socioeconomic background and health of children and young people. Physical complaints are 60 per cent more common among less socially advantaged children, and psychological problems are 70 per cent more common.⁹⁹ A government survey of standards of living in 2000 also noted that a family's economic situation negatively affects the physical and mental health of children and young people. Stronger finances give children and parents greater opportunity to solve problems and meet the demands made of them.¹⁰⁰

Save the Children Sweden believes the government does not fully discuss in its report the problems associated with the right of children to an adequate standard of living. The report uses a definition of children living in economically vulnerable families that does not encompass all children in families with low incomes. Moreover, the situation of children with a foreign background and their particular living standards are not highlighted. Save the Children Sweden questions whether Sweden lives up to the non-discrimination principle in Article 2 considering that a child with a foreign background is four times more likely than a child with a Swedish background to live in a family that cannot guarantee him/her an adequate standard of living. Finally, the report states that it is unclear how a child's health is affected by living in a family with very limited economic means. Save the Children Sweden wishes to inform the committee that research exists which establishes links between economic vulnerability and health problems.

Save the Children Sweden recommends:

- **The adoption of measures to halve child poverty by 2006.**
- **That the government develops an action plan for eliminating child poverty in Sweden.**
- **That the State Party ensures that all municipalities analyse and reduce poverty among children in their areas, and support children living in such conditions.**

98. Salonen, Tapio, *Barnfattigdomen i Sverige – 2000*, 2002, Save the Children Sweden, p. 23.

99. Bremberg, Sven, *Sociala skillnader i ohälsa bland barn och unga i Sverige*, National Institute of Public Health, report 2002:13, p. 26.

100. Östberg, Vivecka, Hälsa och välbefinnande, in *Barns och ungdomars välfärd*, (SOU 2001:55), p. 253.

Social insurance

In 2000, 9.4 per cent of all children – a total of 181,000 – lived in households receiving social allowances.¹⁰¹ For children with a foreign background this figure was 60 per cent. A survey by Save the Children Sweden in the summer of 2002 highlighted the existence of different rules between municipalities on how extra income earned by children and young people doing extra work affects the size of social allowances.¹⁰²

Save the Children Sweden's research shows that the poorest families in certain municipalities are affected by rules stipulating that social allowances are reduced if young people earn extra income. In these municipalities, children are assumed to contribute to the family finances. Save the Children Sweden maintains that denial of a child's right to earn extra income like other children because his/her parents are receiving social benefits is in contravention of Article 2. Save the Children Sweden views it as serious that children with a foreign background are the prime victims of this policy since 60 per cent of such families are dependent on social benefits.

Save the Children Sweden recommends:

- **That the Social Services Act is amended to enable young people to earn extra income from summer jobs without their family's social allowance being cut as a result.**

101. Salonen, Tapio, *Barns ekonomiska utsatthet – 2000*, Save the Children Sweden, p. 21.

102. Elofsson, Kalle, *Sommarjobb och socialbidrag – en kartläggning av kommunernas regler*, Save the

7 Education, leisure and cultural activities

7.1 Education, including vocational training and guidance (Art. 28)

Primary and secondary education – variations in target attainment

Statistics from the National Agency for Education show that 10.5 per cent of all pupils, a total of 11,184 children, did not meet the requisite standard in those subjects needed for basic qualification for national programmes in upper-secondary school for the 2001/02 school year.¹⁰³ For pupils with a foreign background the proportion was 21.1 per cent, equivalent to a total of 3,258 children.¹⁰⁴ In addition, a report by the Centre for Business and Policy Studies in 2002 revealed that the proportion of pupils who failed mathematics and Swedish in the final year of secondary school was four times higher among second-generation immigrants from outside Europe than among native Swedish pupils.¹⁰⁵

Save the Children Sweden would have liked the government's report to have included a discussion of the problems associated with grades attained by pupils with a foreign background. We are concerned that as many as 21 per cent of such pupils leave school with incomplete grades, and view this as a sign of inadequate integration policies (see Ch. 2.1, Article 4).

Save the Children Sweden recommends:

- **That the State Party ensures that pupils with a foreign background receive the support they require in order to exercise their right to education.**

Individual development plans and special support

On several occasions, for example when responding to consultation papers, Save the Children Sweden¹⁰⁶ has highlighted the absence of the right to appeal against decisions relating to provision of support. Furthermore, there is no definition of what such support entails.

Children Sweden, 2002, pp. 8-11.

103. This means that they failed one or more of the core subjects – Swedish, mathematics and English.

104. *Barnomsorg och skola i siffror 2003: Del 1*, (National Agency for Education report 212), 2002, Table 1.2 Pupils who failed to reach minimum standard for basic qualification to national programmes at upper-secondary school level, school years 1998/99-2001/02.

105. *Arbete? Var god dröj! Invandrare i välfärdssambället, Slutsatser och sammanfattning*, (Welfare Policy Council report 2002), Centre for Business and Policy Studies, 2002, p. 6.

106. Elevvårdsutredningen, *Från dubbla spår till Elevhälsa i en skola som främjar lust att lära, hälsa och*

In the absence of a definition of support, the financial priorities set by a municipality may affect the level of support, and regional differences can then create discriminatory impacts on children seeking to exercise their right to education. Save the Children Sweden believes current conditions make it difficult for parents to demand relevant support, which means that children with special needs are less able to exercise their right to education than other children. The report by Save the Children Sweden's local association in Kungälv emphasises the need for strong parents and committed teachers in order to assess a pupil's situation so that support is provided.¹⁰⁷

Save the Children Sweden recommends:

- **The introduction of clear criteria for what the right to support should include.**
- **That the pupil should be entitled to appeal against decisions relating to support to an independent authority.**

Special schools

According to National Agency for Education figures, the number of pupils attending primary and secondary special schools rose 64 per cent between 1992 and 2001.¹⁰⁸ Research shows that cutbacks in primary and secondary education have created a greater need for special programmes for children. More children have been classed as disabled in order to obtain access to special support via the special schools system.¹⁰⁹ The National Agency for Education notes that the decentralisation of special schools education has resulted in the assessment of whether a child should be placed in a special school becoming the responsibility of officials who lack experience of special needs or training in issues relating to special schools.¹¹⁰ Save the Children Sweden's local associations in Strängnäs and Södertälje concluded in their reports that the challenge that lies ahead within the special schools sector is the balance between care on the one hand and a challenging education on the other.¹¹¹

Save the Children Sweden maintains children should not be placed in special schools because of inadequate resources in the primary and secondary sector, nor should such placements be made because of different criteria between municipalities. The best interests of the child, not financial resources, should be the paramount consideration with regard to children's education.

utveckling. (SOU 2000:19).

107. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

108. *Barnomsorg, skola och vuxenutbildning Jämförelsetal för huvudmän, Del 1, 2001, Organisation – Personal – Resultat*, National Agency for Education report no. 196, 2001, p. 21.

109. Tideman, Magnus, *Normalisering och kategorisering*, academic thesis, Göteborg University, 2000, pp. 284-285; *I särskola eller i grundskola?*, Regeringsuppdrag Särskola, National Agency for Education, 2002, reg. no. 103404, pp. 5-6.

110. *Tillsyn av den obligatoriska särskolan En analys av resultat från Skolverkets tillsyn 1999–2000*, National Agency for Education, 2001, p. 4; *Kvalitet i särskola – en fråga om värderingar*, National Agency for Education, reg. no. 2000:2037, 2000.

111. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the

Save the Children Sweden recommends:

- **That the State Party ensures that children are not placed in special schools due to insufficient funding in primary and secondary schools.**
- **That the government develops mechanisms to monitor the responsibilities delegated to municipalities in order to ensure that children can exercise their right to education without discrimination.**

Qualified teachers

The number of children attending after-school centres tripled between 1990 and 2000, at the same time as the number of staff per pupil halved. The number of children attending after-school centres thus rose by almost 50 per cent per full-time equivalent employee from 1997 to 2000.¹¹² A National Agency for Education appraisal of after-school centre quality standards found that the integration of after-school centres within the school system had, on a number of occasions, been used as a way to cut spending. Savings have been made by using after-school staff as supply and stand-in teachers, and in some cases as full teachers. After-school staff lack the skills and training of a full teacher or supply teacher. The appraisal concluded that spending cutbacks had triumphed over educational ideals.¹¹³

Save the Children Sweden is concerned at the consequences of cutbacks on the realisation of the right to education when staff-child ratios at after-school centres are falling and while school positions are being filled by staff who lack requisite training.

Save the Children Sweden recommends:

- **That the State Party ensures that after-school staff and school teachers possess suitable qualifications for their work.**

Accessibility

A study by the Disability Ombudsman in 1999 revealed that almost half of Sweden's primary and secondary schools lacked basic adaptation for children with disabilities, despite a legal requirement dating back to the 1960s that all new buildings must be adapted for people with disabilities.¹¹⁴ This legislation was recently extended to all buildings to which the public have access.

Save the Children Sweden maintains that physical obstacles can discriminate against children with physical impairments and their ability to exercise their right to education. We note that the government's report lacks a presentation of accessibility with regard to education of children with disabilities and ways to improve the status quo.

UN Committee on the Rights of the Child.

112. *Barnomsorg, skola och vuxenutbildning Jämförelsetal för huvudmän, Del 1, 2001, Organisation – Personal – Resultat*, National Agency for Education report no. 196, 2001.

113. *Finns fritids? En utvärdering av kvaliteten i fritidshem*, National Agency for Education report no. 186, 2000, pp. 54-56.

114. *Undersökning om delaktighet och jämlikhet för personer med funktionsnedsättning*, 1999, Disability

Save the Children Sweden recommends:

- That physical barriers in schools are removed so all children may exercise their right to education.

Study drop-out and irregular attendance

Through its work with Roma families, Save the Children Sweden has been aware that many Roma children and young people do not complete their secondary educations. Drop-out incidence increases with age and is especially high among Roma girls.¹¹⁵ A study by the City of Stockholm in 1998 found that Roma children in grades seven to nine were absent from school for 28 per cent of the time on average, and that more than one third of these pupils were away for more than 40 per cent of the time.¹¹⁶

Save the Children Sweden is concerned over the disproportionately high share of study drop-out and irregular attendance among Roma children.

Save the Children Sweden recommends:

- That the State Party ensures regular attendance and a reduced drop-out rate among Roma children.

7.2 Aims of education (Art. 29)

The UN Convention on the Rights of the Child in education and training

Save the Children Sweden has financed and organised a Child Rights Week every year since 1997. The event, held in November, involves children and school staff learning about the UN Convention on the Rights of the Child. In 2002, some 396 schools in 84 municipalities took part, which meant 90,000 pupils (or 8 per cent of all primary and secondary school pupils in Sweden) and 10,000 school staff receiving information about the convention and its provisions and principles. The vast majority of participants appreciated the project and found the information beneficial.¹¹⁷

One of the objectives of the national curriculum for schools, kindergartens and after-school centres is that every pupil should “be aware of his or her rights and duties in school and in society...”.¹¹⁸ Commenting on Sweden’s report in 2002 on its com-

Ombudsman.

115. Rodell Olgaç, Christina, *Vi är rädda att förlora våra barn Romska barn i Norden och Barnkonventionen*, Save the Children Sweden, 1998, pp. 23–25; Popoola, Maria, *En grundskola för alla – en pilotstudie om attityder till utbildning hos en grupp romska barn och föräldrar i Malmö*, Save the Children Sweden, 2000, pp. 6 and 15.

116. *Romska elever – hur går det för dem i skolan?*, City of Stockholm, 1998 (from *Romer och den svenska skolan*, National Agency for Education report reg. no. 98:2652, 1999, p. 5).

117. Thaug-Lindén, Lena, *Barnrättsveckan 2001 – Dokumentation och utvärdering*, Save the Children Sweden, 2002.

118. Curriculum for the compulsory school system, the pre-school class and the leisure-time centre,

pliance with the International Covenant on Civil and Political Rights, the Committee on Human Rights stressed the importance of children learning to be tolerant towards other cultures as part of the fight against racism and xenophobia.¹¹⁹

Save the Children Sweden wishes to draw the committee's attention to the fact that not all children in Sweden know their rights or encounter understanding for their rights.

Save the Children Sweden recommends:

- **That the national curriculum and other key documents are strengthened so that teaching about the UN Convention on the Rights of the Child becomes mandatory in primary, secondary and upper-secondary schools.**
- **That the State Party discharges its obligation to ensure the UN Convention on the Rights of the Child's provisions and principles are widely known among school staff.**

Racism and xenophobia

Ninety-eight Save the Children Sweden local associations conducted a survey in 2002 to assess the extent of racism and xenophobia in secondary schools. The survey found evident racism in more than one fifth of the schools examined. Pupils are sharper at perceiving racist elements in their school environment than head teachers. Of the 22 per cent who replied that their schools were “absolutely not” or “not really” racism-free, only 8 per cent regarded the racism as a problem for the school. Close to two thirds of head teachers said their action plans against bullying or offensive behaviour and treatment contained no specific aspects relating to racism or xenophobia.¹²⁰ Research by the National Agency for Education found that about a third of pupils say neo-Nazi graffiti is common in their school, while one in ten pupils say neo-Nazi emblems are worn at their school, that Nazi salutes occur and that white-power music is played. Sixteen per cent of head teachers acknowledge the presence of racism in their schools but state that the only major problem is the violence of the language used.¹²¹

Save the Children Sweden questions whether children's education, under Article 29:1 (b), can lead to the development of respect for human rights and fundamental freedoms in an environment where racism and xenophobia are not fully opposed.

Save the Children Sweden recommends:

- **That the government places greater demands on the follow-up of action plans against offensive behaviour and treatment that all schools are obliged to draw up. Such follow-up should look particularly at preventive work and**

Lp 94, Ministry of Education, 1998, p. 12.

119. *Concluding observations: Sweden*. 24/04/2002. CCPR/CO/74/SWE, Human Rights Committee, C.13.

120. *Några håkors bakom gymnasalen*, 2002, Save the Children Sweden, pp. 8-9. Survey of at least 305 secondary schools.

121. *Rapportering av regeringsuppdrag Relationer i skolan – en utvecklande eller destruktiv kraft*, Natio-

measures against racism and xenophobia, and pay special attention to attitudes among school personnel.

Bullying

Save the Children Sweden's analysis of pupils' legal protection against offensive behaviour and treatment shows that the Work Environment Act is not formulated from a child rights perspective and does not address children's special situation in school. For example, children are obliged to attend school and their opportunities to change school cannot be compared to adults' ability to change jobs.¹²²

A National Agency for Education study found that 14 per cent of pupils say that school staff use ethnically derogatory language at school. Pupils with a foreign background feel less supported and say they are not judged equally compared to other pupils. They are also less happy at school.¹²³ A quality assessment carried out by the National Agency for Education in 1999 found that many of the 83 schools covered lacked a conscious and clear strategy for preventing bullying. Instead, bullying is discussed from an individual perspective with little consideration of broader responsibility. Where preventive work is undertaken, pupils are not involved.¹²⁴ In their reports, Save the Children Sweden's local associations in Gamleby and the Stockholm district of Norrmalm/Gamla stan note that more could be done to involve pupils in preventive work.¹²⁵ A total of 350 children aged from 11 to 16 voiced their own concern over the presence of bullying in statements presented to the then deputy prime minister, Lena Hjelm-Wallén, at a children's summit held by Save the Children Sweden in Göteborg during the EU summit in June 2001.¹²⁶

Interviews conducted by Save the Children Sweden show that children and young people use increasingly sexualised language, in which swear words are replaced by sexual insults – a trend most pronounced for children in grades six and seven. This, in turn, has prompted an increase in the numbers of children targeted by sexual insults.¹²⁷ A National Agency for Education study revealed that more than 7 per cent of pupils in grade eight and in the second year of upper-secondary school have been promised preferential treatment in return for sexual services. In 17 per cent of cases, such offers were made by teachers.¹²⁸ A national report on language and sexual behaviour among upper-

national Agency for Education, reg. no. 01-2001:2136, 2002, pp. 19-20.

122. *Gör det lätt att få rätt! Om mobbade elevers möjlighet att kräva skadestånd*, Save the Children Sweden, 2002, p. 9.

123. *Rapportering av regeringsuppdrag Relationer i skolan – en utvecklande eller destruktiv kraft*, National Agency for Education, reg. no. 01-2001:2136, 2002, p. 19.

124. *Nationella kvalitetsgranskningar 1999*, (National Agency for Education report no. 180), National Agency for Education, 2000, pp. 47-48.

125. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

126. *Build Children's Europe! – make children's rights real*, Save the Children Sweden's children's summit, Göteborg, Conclusions.

127. Tengborn, Camilla, *Något har hänt – om ökat sexualiserat språkbruk bland barn*, Save the Children Sweden, 1999. The study comprises interviews with 60 adults employed in schools and after-school centres, six school classes, and 25 interviews with children aged 7-16.

128. *Rapportering av regeringsuppdrag Relationer i skolan – en utvecklande eller destruktiv kraft*, Natio-

secondary school pupils carried out by the National Institute for Working Life found that 14 per cent of girls and 9 per cent of boys had been physically molested by a teacher or other member of school staff. Twelve per cent of girls and seven per cent of boys have heard a teacher or other school staff member make sexually derogatory comments.¹²⁹

Save the Children Sweden wishes to emphasise to the committee that schoolchildren have only weak legal protection from offensive or hurtful treatment. We criticise the fact that the Work Environment Law was not drafted from a child rights perspective, and we are concerned over the existence of bullying – particularly the bullying perpetrated by adults and the fact that children with a foreign background suffer more bullying than other groups of children. On top of this, language, bullying and other forms of offensive behaviour have become more sexualised.

Save the Children Sweden recommends:

- **That the government extends the legal liability to pay damages for harm caused by bullying so children are able to claim financial redress when a municipality has been unable to prevent bullying.**
- **That statistics-keeping and research are improved to allow proper monitoring of the effects of applied measures and so that effective preventive methods can be identified that combat bullying and offensive behaviour.**
- **That pupils themselves are involved in efforts to counteract bullying and offensive behaviour.**
- **That sex education in schools draws parallels with issues of gender and attitudes. Such discussions should be based both on expert knowledge and the experiences of the young people involved.**

7.3 Leisure, recreation and culture (Art. 31)

Leisure for children and young people

A Save the Children Sweden study in 2001 focusing on children with disabilities found that these children had a diminished social life compared to their peers and that this was partly due to physical impairments. When a child with physical disability cannot go by him/herself to the park, he/she is deprived of social interaction with his/her peer. This can lead to the child failing to learn the social skills necessary for his/her development.¹³⁰ During spring and summer 2002 Save the Children Sweden visited 13 amusement parks and zoos with children with various types of disability. Besides this, around 60 children and young people with disabilities described access and the environment at places they like to spend their leisure time. Half of them could not get in to the playground at their after-school centre and two thirds found access difficult at fast food outlets. More than half said going to the cinema was problematic. The children attributed the obstacles they faced primarily to a lack

nal Agency for Education, reg. no. 01-2001:2136, 2002, p. 18.

129. Menckel, Ewa and Witkowska, Eva, *Allvar eller på skämt? En nationell undersökning av språkbruk och sexuella beteenden bland gymnasieelever*, National Institute for Working Life, 2002, p. 24.

130. Tamm, Maare, *Barn och ungdomar med rörelsehinder – En projektbeskrivning*, Save the Children

of awareness or thoughtlessness on the part of those in charge and suggested that politicians should listen to them.¹³¹

Save the Children Sweden is critical towards limitations on the right of children with physical disabilities to enjoy their leisure and play time.

Save the Children Sweden recommends:

- **That children with disabilities are given the opportunity to participate and express opinions when decisions affecting them are made.**
- **That the government develops mechanisms for following up the responsibilities delegated to municipalities to ensure that every child can exercise his/her right to free time, play, and recreation without discrimination.**

Cultural policy

In autumn 2002 Save the Children Sweden analysed the fees for municipal music classes and found they varied from zero to 1,300 kronor between different municipalities. The number of municipalities providing free music tuition has fallen from 57 in 1997 to just five in 2002. Costs for borrowing musical instruments mean that the differential between municipalities can be even wider.¹³² According to the Swedish National Council for Cultural Affairs and the Swedish National Board for Youth Affairs, access to cultural and after-school activities has become more socially differentiated, and this is a growing tendency.¹³³ A report by the National Board for Youth Affairs indicates that municipal cultural and after-school activities, such as music classes and after-school centres, have been hit hard by cutbacks since the early 1990s.¹³⁴

Save the Children Sweden raised the issue of children's right to leisure time and equal opportunity to participate in cultural activities in its last report to the Committee on the Rights of the Child. Sadly, we remain concerned that financial considerations are depriving children of their right to leisure and cultural activities. Children from poor families are thereby denied their right to culture and recreation, which has a major effect on their development. The reduction in the numbers of those participating in music lessons that the government mentions in its report may be due to the decline in free music classes and the cost burden in some municipalities.

Save the Children Sweden recommends:

- **That the State Party takes measures to ensure that financial prioritisation does not lead to a failure to meet children's right to recreation and culture, or to the creation of regional differentials.**

Sweden, 2001, p. 82.

131. *Trappor, trösklar och tanklöshet Barn och unga med funktionshinder om rätten till lek och fritid*, Save the Children Sweden, 2002, p. 19; See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

132. Elofsson, Kalle, *Musik om du är rik?*, Save the Children Sweden, 2002, p. 4.

133. *Barns och ungdomars kultur*, Swedish National Council for Cultural Affairs, 1998; *Växa i rocken – ungdomar, musik och upplevelseindustrin*, Swedish National Board for Youth Affairs, reg. no. 65-127/00, 2001.

134. *Växa i rocken – ungdomar, musik och upplevelseindustrin*, Swedish National Board for Youth Affairs,

8 Special protection measures

8.1 Refugee children (Art. 22)

Processing times

Figures from the Swedish Migration Board for the third quarter of 2002 show that separated children have to wait an average of 231 days, or almost eight months, before obtaining a decision on their asylum application. The processing time has increased since last year, when the average wait was 186 days, or slightly more than six months.¹³⁵ Parliamentary auditors have investigated waiting times in asylum cases, both for adults and children, and found there is a long way to go before the government's target of six months per case is reached. In 1999, 25 per cent of asylum-seekers had to wait more than 12 months before the Migration Board made its decision.¹³⁶ Official appropriations documentation for the 2003 budget year states that decisions on whether to grant a residence permit or expulsion should take no longer than three months for separated child refugees.¹³⁷

Save the Children Sweden notes the omission in the government report of information on the length of waiting times in asylum cases. In our opinion, waiting times of eight months are not compatible with the best interests of the child. Long processing times damage and weigh heavily in the child, which can impede his or her psychosocial development.

Save the Children Sweden recommends:

- **That a three-month deadline for asylum applications by separated children is laid down in legislation.**
- **That a six-month deadline for asylum applications by children in families is laid down in legislation.**

Children's own reasons for asylum

The 1951 Refugee Convention stipulates no age criteria in respect of whether a person has refugee status or not. According to the UNHCR, children may have personal grounds for asylum.¹³⁸ The Migration Board's statistics department says residence permits were granted in 2002 to 143 children deemed convention refugees, to 198

reg. no. 65-127/00, 2001.

135. *Genomsnittliga handläggningstider BUV asyl*, Statistics from the Migration Board's press service, from the first quarter of 2001 to the third quarter of 2002.

136. *Upphållstillstånd för asylsökande – tidsåtgång, kostnader, reformarbete*, Parliamentary auditors, Report 2001/02:6, pp. 78, 123.

137. Ministry of Foreign Affairs, *Regleringsbrev för budgetåret 2003 avseende Migrationsverket*, Government decision no. II:11, UD2002/2034/MAP, 2002-12-19.

138. UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*, UNHCR, 1996,

children deemed to be in need of protection, and to 1,975 children on humanitarian grounds. Sweden also admitted 468 children as quota refugees in 2002.¹³⁹

Save the Children Sweden has examined the handling of 87 child asylum cases from two regions by the Migration Board and the Aliens Appeals Board in the second quarter of 2002. In 28 of the cases, the children cited personal, independent grounds for asylum or humanitarian treatment. Only nine of these cases were assessed in detail. Many of the grounds cited by the children related to schooling. Some had been bullied by other children on account of their religion or ethnic origin. One boy explained how he was unable to get medical help after being assaulted and that the police refused to log his complaint. In only 35 of the 66 cases handled by the Migration Board was a parent asked whether the child had independent reasons for seeking asylum. In none of the cases in the study was a residence permit granted.¹⁴⁰ A legal study of 382 Aliens Appeals Board rulings in 1997 and 1998 in which the best interests of the child were raised found that not once did grounds for asylum cited by a child result in the child and his or her parents being accorded refugee status.¹⁴¹

Save the Children Sweden agrees with the government that children have the same right as adults to seek asylum. We have reason to believe that there are indeed children with independent grounds for asylum since our Centre for Children and Young People in Crisis in recent years has noted increasing numbers of children with eyewitness accounts of torture, imprisonment and other violations in their home countries. We also note the absence of statistics on how many children have actually been granted asylum on personal grounds. In order that every child who seeks asylum is assured treatment that accords with the UN Convention on the Rights of the Child, we believe each case should be handled by staff with special expertise in dealing with children.

Save the Children Sweden recommends:

- **That the child's personal grounds for asylum are highlighted and considered in an asylum investigation, including when the child is part of a family seeking asylum.**
- **That asylum cases involving children should be handled by staff with special expertise in dealing with children.**

8.2 Rehabilitation and protection from armed conflicts (Art. 38 and 39)

In 2002 a National Audit Office examination of introduction procedures for refugees concluded that introduction plans were overly general in character and often lacked monitorable goals. The ordinance regarding national transfers to municipalities for receiving immigrants (1990:927) contains no stipulations on the content of such

213, pp. 60.

139. Figures from the Migration Board's statistics department, 2002.

140. Juhlén, Karin; *Barns egna asylskäl*, Save the Children Sweden, 2003.

141. Schiratzki, Johanna, *Barnets bästa i ett mångkulturellt Sverige – en rättsvetenskaplig undersökning*,

plans, and for this reason the Migration Board has limited ability to monitor their quality and performance.¹⁴² Save the Children Sweden's local association in Göteborg has examined the individual introduction plans drawn up for children who received residence permits in July–September 2001 and suspects that the needs of the child emerge primarily through conversations with his or her parents.¹⁴³

Save the Children Sweden sees it as important that individual introduction plans are drawn up for children as well as adults and notes the absence in the government's report of information on how this is carried out. The National Audit Office's examination of introduction procedures for refugees takes only fleeting account of children's circumstances, and for this reason we are concerned that children are often treated as mere appendages of their parents.

Save the Children Sweden recommends:

- **That individual introduction plans are set up for children.**
- **That the State Party undertakes special measures to provide physical and mental rehabilitation for refugee children who have experienced difficult and traumatic events.**
- **That rehabilitation and support is offered at an early stage.**

8.3 Penal treatment of young people (Art. 40)

Placement of young people in secure accommodation

Figures from the National Board of Institutional Care show that 61 per cent of those sentenced to be held in a secure unit have had previous contact with the board. This means they either come from homes in which their parents cannot provide the support they need or that they lead a destructive life.¹⁴⁴ The board's research shows that co-operation between institutions that care for young people and social services could be better with regard to treatment planning, target setting and the release of young people from institutions. For instance, treatment plans are rarely drawn up with input from social services.¹⁴⁵ The board says it has difficulty in securing the participation of social services in planning the release of young people from care. A survey by the National Council for Crime Prevention, the National Board of Health and Welfare and the National Board of Institutional Care reveals that schooling offered to young people in care varies between different units and institutions.¹⁴⁶

Faculty of Law, Series of Papers No. 63, Stockholm University, 2000, p. 83.

142. *Att etablera sig i Sverige. En granskning av introduktionsverksamheten för flyktingar och deras anhöriga*, National Audit Board, Efficiency report, RRV 2002:15, 2002, pp. 6–7.

143. See Appendix 1: Compilation of local reports to Save the Children Sweden's Third Report to the UN Committee on the Rights of the Child.

144. *Sluten ungdomsvård 2001*, National Board of Institutional Care, reg. no. 120-206-02, pp. 3–7.

145. Tärnfalk, Mikael, *Sluten ungdomsvård 2000, Redovisning av intervjuundersökning*, National Board of Institutional Care, reg. no. 120-161-01, p. 32.

146. *Unga lagöverträdare, Uppföljning av överlämnande till vård inom socialtjänsten samt sluten ungdomsvård*, National Council for Crime Prevention, National Board of Health and Welfare, National

Save the Children Sweden notes the omission in the government's report of an account of the care, education and post-release care provided to young people sentenced to be held in secure accommodation. We would inform the committee that there are no central guidelines for post-release care of young people. In our formal response to a government consultation paper in 2000 we noted that the only municipalities which offer adequate rehabilitation of such children are those in which there is a will to co-operate between the care institution and social services.¹⁴⁷ Save the Children Sweden therefore questions whether care of young people complies with the requirements of Article 40:1.

Save the Children Sweden recommends:

- **That treatment methods are employed which are well documented, evaluated and effective.**
- **That children sentenced to be held in secure accommodation are able to exercise their right to education.**
- **That central guidelines are introduced for post-release care and rehabilitation of offenders.**

Young sexual offenders

Save the Children Sweden's Centre for Children and Young People in Crisis has for many years treated boys who have been subjected to sexual abuse. A survey of 101 sexually abused boys treated by Save the Children Sweden revealed that 24 per cent of the perpetrators were under 18 and, of these, the average age was 14.¹⁴⁸ Other studies confirm that cases of children under 18 sexually assaulting other children are commoner than previously believed.¹⁴⁹ International research shows that 50 per cent of all adult sex offenders committed their first offences when teenagers.¹⁵⁰ A study of 199 young people aged 12–17 and suspected of sexual offences in 2000 found that 43 per cent were already known to social services due to inadequate care and/or their own behaviour. In 17 per cent of these cases, social services had deemed no action to be necessary.¹⁵¹

Save the Children Sweden wishes to draw the committee's attention to the fact that children sexually assault other children but that data in this area is lacking, partly because no statistics are kept on children aged under 15 who commit criminal offences. The fact that a large proportion of these offenders are already known to social services means, in our opinion, that social services have failed to undertake successful preventive measures. We are also concerned that 17 per cent receive no support or help.

Board of Institutional Care, 2002, pp. 13, 15.

147. Save the Children Sweden's formal response to the consultative document *Handläggning av ungdomsmål – en utvärdering av 1995 års ungdomsmålsreform* (SOU 1999:108), 2000-02-04.

148. Svensson, Börje, *Boys – sexual abuse and treatment*, Save the Children Sweden, 1998.

149. Långström, Niklas, *Unga som begår sexbrott. En forskningsöversikt*, Karolinska Institutet, National Board of Health and Welfare, 2000.

150. Glasgow, D. (et al.), Evidence, Incidence, Gender and Age in Sexual Abuse of Children Perpetrated by Children, 1994, in *Child Abuse Review*, vol. 3 no. 3: pp. 196-210.

151. *Unga förövare och unga offer – en kartläggning av sexuella övergrepp*, National Board of Health and

Save the Children Sweden recommends:

- That those children who have sexually assaulted other children receive the support and help to which they are entitled under Article 40:1 and 40:4.

8.4 Children deprived of their liberty, including all forms of detention, imprisonment or being taken into care against their will (Art. 37 b–d)

Deprivation of liberty

A child may be deprived of his or her liberty through being taken into care or arrested. A child may be taken into care without being suspected of having committed a criminal offence. In the case of arrest, the child must be suspected of having committed a crime. During the EU summit in Göteborg on 12–16 June 2001 a total of 385 people were taken into care and 530 were arrested.¹⁵² Sixty-four of those taken into care were aged under 18, and 77 of those arrested were aged under 18. Thus, a total of 141 persons aged under 18 were deprived of their liberty in connection with the summit.¹⁵³

Some 459 people were arrested at Hvitfeldtska upper-secondary school and were deprived of their liberty for more than 13 hours.¹⁵⁴ The inquiry into events at the summit by the Göteborg Committee found that a number of laws were infringed in connection with the arrests. For example, the police had no overview of the fact that those arrested included persons aged under 18. Those arrested were given inadequate opportunity for personal hygiene, and the committee also noted that those detained were prevented from exercising their right to demonstrate (see Ch. 4.I, Article 15).¹⁵⁵

The Göteborg Committee concluded that the police on a number of occasions used degrading language towards demonstrators and other individuals, and the committee demanded that the police force do all in its power to counteract such attitudes.¹⁵⁶ In its conclusions on Sweden's report on its compliance with the International Covenant on Civil and Political Rights, the Human Rights Committee voiced concern over the use of excessive force in conjunction with the arrests and detentions in Göteborg. The commission urged Sweden to investigate the situation thoroughly and to ensure the police received better training in human rights.¹⁵⁷

Eleven persons aged under 18 received court sentences for crimes including violent disorder in connection with the Göteborg summit.¹⁵⁸ Two of these persons (one

Welfare, 2002, pp. 14-19.

152. Göteborg Committee, *Göteborg 2001*, (SOU 2002:122), pp. 665-666.

153. Hammar, Åsa, Interview with Elisabeth Sanell of the Göteborg police for the newspaper Barn issue no. 6/2002.

154. Östberg, Erik and Göransson, Karl, *Göteborgskravallerna och rätten Några iakttagelser ur människorättsperspektiv*, Swedish Helsinki Committee for Human Rights, 2002, p. 13.

155. Göteborg Committee, *Göteborg 2001*, (SOU 2002:122), pp. 692-693.

156. Göteborg Committee, *Göteborg 2001*, (SOU 2002:122), p. 717.

157. *Consideration of reports submitted by States parties under Article 40 of the Covenant*, concluding observations of the Human Rights Committee, Sweden, CCPR/CO/74/SWE, Seventy-fourth session.

158. Judgements of Göteborg District Court, Dpt/division 7, Case no. B 6687-01, dpt. 72, Case no. B 12835-01, dpt. 84, Case no. B10993-01, dpt. 75, Case no. B11042-01, Case no. B 11982-01 (4

of whom was 16 and the other 17 at the time) received three-month prison terms. The former received a reduced sentence of being taken into the care of social services and 100 hours' community service on appeal,¹⁵⁹ while the latter's appeal had not been determined at the time of writing.¹⁶⁰ The Swedish Helsinki Committee for Human Rights has examined how the authorities and courts handled the events in Göteborg and concluded that the courts took less account than usual of the ages of the accused.¹⁶¹

Save the Children Sweden questions whether the deprivation of liberty for 13 hours of persons aged under 18 really was the police's tactic of last resort and questions whether the detention was for no longer than necessary according to Article 37b. Save the Children Sweden sees it as important to investigate how children and young people were treated in Göteborg, for instance with regard to detentions and the help made available afterwards to them to come to terms with their experiences and how they were affected. We are critical of the use by some police officers of degrading language and rough treatment, and we agree with the Swedish Helsinki Committee for Human Rights that the courts took less account of the ages of the accused than would usually be the case. Moreover, it is our position that no child and young people should be sentenced to prison; children and young people who commit criminal acts should receive care.

Save the Children Sweden recommends:

- **That children and young people are never sentenced to prison but receive care that facilitates their return to society.**
- **That children and young people are only deprived of their liberty as a last resort and for the shortest period of time necessary.**
- **That children and young people deprived of their liberty receive psychosocial support during and after their detention, and are allowed to contact their parents.**
- **That police officers are given better training in the rights of the child and in how children and young people react in different situations.**

8.5 Sexual exploitation and sexual abuse (Art. 34)

In 2001, the police received 2,913 complaints of sexual abuse of children. The majority of these were not pursued and only one in ten led to charges being brought.¹⁶² Save the Children Sweden has compared the treatment by the judicial system of child victims of sexual abuse in ten European countries. In Sweden, we found large regional differences in how children are treated, in the quality of interview rooms

sentenced), dpt. 72, Case no. B11089-01, dpt. 95, Case no. B 3326-02, dpt. 95, Case no. B 1955-02.

159. Göteborg District Court, Section 95, dpt. 9, Case no B 3326-02, 2002-06-03; Western Sweden Court of Appeal, dpt. 3, Division 34, Case no. B 3104-02, 2002-07-10.

160. Göteborg District Court, Division 75, dpt. 7, Case no. B 11042-01, 2002-05-21.

161. Östberg, Erik and Göransson, Karl, *Göteborgskravallerna och rätten Några iakttagelser ur människorättsperspektiv*, Swedish Helsinki Committee for Human Rights, 2002, p. 15.

162. National Council for Crime Prevention official statistics, Table 10 Anmälda brott efter brottstyp

and in the technology and equipment used to conduct interviews. The study also showed that police officers, prosecutors, judges, lawyers and others representing the child had insufficient knowledge of children and in how to listen to them. Notwithstanding this fact, it remains unusual for child psychological expertise to be called upon in such cases. The study also found large regional differences in the treatment of children in the judicial process.¹⁶³ A government report in 2000 also found that the police and prosecutors lack sufficient skills to deal with child victims of sexual exploitation or abuse.¹⁶⁴

Save the Children Sweden is strongly critical of the fact that only 10 per cent of reported cases of sexual abuse result in charges being brought. We wish to inform the committee that large regional differences exist relating to how children are treated during the judicial process, in the quality of interview rooms, and in the technical equipment used to conduct interviews. Moreover, police officers, prosecutors, judges and lawyers have insufficient expertise in children's rights and in how to listen to children. Save the Children Sweden fears that these deficiencies may devalue evidence presented in court.

Save the Children Sweden recommends:

- **That the government ensures that the police, prosecutors, lawyers and judicial staff improve their knowledge of child abuse and how children react to and describe their experiences of such offences.**

åren 1992-2001, Table 170, 2002, http://www.bra.se/extra/statistics/extra_index?lang=se, [2003-02-17].

163. Westlund, Helen, *Barn som utsatts för sexuella övergrepp och den rättsliga hanteringen svensk nationell rapport*, Save the Children Sweden, 2002, p. 12.

164. Committee against Child Abuse, *Barnmisshandel: polisens och åklagarnas handläggningstider och*

Appendix I

Compilation of local reports to Save the Children's Third Report to the UN Committee on the Rights of the Child

Summary of the local reports

During the winter of 2002, 12 local associations compiled local reports that took a closer look at a particular aspect of children's rights within their respective municipality. The resulting reports are not scientific documents, but describe day-to-day realities for children.

The local associations examined issues such as bullying, after-school activities, integration, children involved in custody disputes and children with special needs. A recurrent theme in many of the reports, and particularly in the one on custody disputes, was the need for adults to become better at listening to children. Children are not a homogeneous group but are individuals with rights and who must be respected.

The local associations' other demands are:

- Review children's work environment.
- Involve children and young people in work against all forms of degrading and hurtful behaviour in schools.
- Involve children and young people in work to combat mental ill-health in schools.
- Support children with special needs, regardless of whether they have been formally diagnosed.
- Co-ordinate with care providers the needs of refugee children for rehabilitation.
- Provide meaningful, capacity-building after-school activities for children with disabilities.

The summarised reports follow the format of the Alternative Report.

General measures for implementation

Art. 42 – Dissemination of the UN Convention on the Rights of the Child

Halmstad: The government has a responsibility to ensure everyone is aware of the UN Convention on the Rights of the Child. The local association in Halmstad used a questionnaire to examine the way the local municipality informs newly arrived immigrant parents about the convention. It found that knowledge of the convention was very limited. It also conducted 25 interviews with representatives of different players, and group interviews with 28 immigrant parents. The association noted that while information on society's view of parenthood and on parents' rights and obligations was provided

on several occasions, there was no fully developed information policy. There was also a lack of printed information in different languages. This requires children in some cases to act as interpreters for their parents, which can give them a psychological advantage. Such reversed roles may contribute to changing family structures, with devastating consequences. The association sees a need for improved co-ordination in the provision of information to immigrant parents and that such improvements should be conducted with – and not simply for – immigrants. This is necessary to strengthen participation, a necessary aspect of integration founded on collaboration between Swedes and immigrants.

General principles

Art. 12 – Respect for the views of children

Håbo: The local association in Håbo examined children's rights in connection with custody disputes, place of abode or access. It put a number of questions to municipal officials in charge of family advisory services and so-called co-operation discussions. Parents inform their children about the content of such discussions, though where there is agreement with the parents the family law counsellor may also meet the children. In fewer than 10 per cent of these co-operation discussions is the contract between the parents referred to the courts for a ruling. The association is optimistic over current trends and notes that children's views are increasingly listened to and acted upon. Nevertheless, it calls for more investment in training for all professional groups that work with children.

Education, leisure and cultural activities

Art. 28 – Right to support; Art. 31 – Right to leisure

Kungsbacka: The Kungsbacka association followed up its reports from 1997 and 1998 on children with special needs and those with disabilities. With regard to the former, the association noted that strong parents and committed teachers are needed so that pupils' problems are addressed. The child's right to support regardless of whether it has been diagnosed or not is not always met. The association maintains that schools acquiesce too easily when a child does not want to study Swedish as a foreign language. It also highlights the fact that temporary replacements are not recruited for teachers who teach Swedish as a first language or foreign language or for special teachers and assistants. Parents of children with disabilities want to see more after-school activities. No organised cultural activities at school are organised for children with disabilities, and those activities that take place under a municipal umbrella have been started by committed staff members, not at the municipality's behest. The association notes that parents do not receive clear guidance on whether the municipality or county council is the responsible authority for issues relating to children with disabilities, while information on the rights of the child and parents is not automatically communicated to parents. Finally, the association notes that the amount of time a child spends in nursery school has risen by an average of two hours a day and asks to what extent children are protected against a noisy and stressful work environment.

Art. 28 – Right to support

Strängnäs: The Strängnäs association looked at the development and outlook for special schools in its local municipality. Its analysis was based on the criticism and issues raised by the National Agency for Education in its appraisal of the special schools system, and the aim was to see how these compared to the local situation. The association feels special schools in Strängnäs have, generally speaking, been relatively unscathed by the cutbacks of the 1990s. It identifies as a key future consideration the balance between care on the one hand and challenging education on the other. With the exception of a curriculum for special schools, the municipality of Strängnäs lacks an educational strategy for special schools, despite the fact that this has been proven to be important in other municipalities. The association maintains that special schools lack sufficient prominence in the municipality's education policy and that special school premises need better adaptation in order to serve their proper purpose.

Södertälje: The Södertälje association distributed a questionnaire at a meeting it arranged for a group of about 40 local politicians, school personnel and parents on 23 May 2002. From the 73 responses received it was clear that there is a greater belief among parents and pupils than among school staff perception that special school teaching is insufficiently challenging and that attainment demands are set too low. That said, a higher proportion of school staff feel that some children do not belong in the special school environment. Opinion also differs on the question on whether utilisation of resources, such as assistants, is well thought through and planned. Some 76 per cent of school staff members feel resources are used in a considered manner, while only 48 per cent of parents and pupils agree. Generally, one can say that parents and pupils are more critical of the education provided, while school personnel are more critical of which groups of children are placed in special schools. All agree, however, that conditions have deteriorated since responsibility for special schools was incorporated under the school health care system and the municipality ceased to have a co-ordinating role.

Art. 28 – Native language education

Mönsterås: The Mönsterås association took a closer look at communication between schools and immigrant families and concluded that dialogue between the two does not function well. Immigrant families regard the placement of their children in classes for Swedish as a foreign language as a form of penalty, while teachers and head teachers see it as a part of the integration process. Any significant extra teaching is provided only to pupils diagnosed with conditions such as ADHD and DAMP. The association is therefore concerned that "immigrantism" may become the next diagnosis required for access to extra teaching. The association also highlights the absence of a formal plan for the teaching of Swedish as a foreign language, which can lead to misunderstandings between school and parents. Also, the association takes up a report from the University of Kalmar on resources for children who are not native Swedish speakers that shows there are no procedures for noting down the

mother tongue that each child speaks when it starts attending nursery school. The two teachers interviewed in the report were not aware whether the child was entitled to native language tuition and for this reason passed no information on to the parents.

Art. 28 and 29 – Native language education, bullying and pupil health care

Gamleby: The Gamleby association spoke to teachers to assess the status of bullying, native language education, after-school centres and pupil health care in three schools in the municipality as well as in municipal music classes. The teachers stated that anti-bullying measures were effective but more needed to be done – in one of the schools in particular. Attitudes to native language education differed between the schools and ranged from an understanding of the need for children to have good mastery of their native language to a view that pupils' difficulties in school were entirely connected to their knowledge of Swedish and totally unrelated to their abilities in their native language.

Art. 29 – Pupil health

Karlshamn: The youth group in Karlshamn studied pupil health by seeking responses to a questionnaire. Boys and girls both report that they rarely come into contact with the school nurse. One third of boys are unaware that there is a school doctor and two thirds of girls do not know who the school doctor is. The association finds it a matter of concern that many pupils go home instead of visiting the school nurse, which results in them missing lessons. During a six-month period, two of six school nurses were on sick leave and no temporary replacement was employed. The school doctor is responsible for 1,000 pupils and visits each school approximately twice a month. Pupils must wait for about three weeks before being able to visit the doctor. Pupils and the school nurse agreed in interviews that more school nurses are needed in Karlshamn.

Malmö: Save the Children Sweden's Malmö association stages a School Health Day every term for school nurses. On this occasion, school nurses were asked for their opinion on school children's health. The most common ailments for which pupils seek help are psychosomatic complaints such as headache, stomach ache and the need to talk to a grown-up. It also emerged that co-operation between district councils is ineffective, which results in uneven and often deficient provision of support to schools by way of information and training. The number of pupils for whom the school nurse is responsible on an hourly basis varies from 10 to 22.5.

Art. 29 – Bullying

Norrmalm/Gamla stan: The Norrmalm/Gamla stan association assessed bullying at three schools in the Norrmalm district of Stockholm by interviewing staff, children and parents. All the schools have action plans against bullying, but there are no indications that the pupils were involved in developing these. However, pupils do participate in efforts to combat bullying via the "friend support" scheme. Never-

theless, the association believes schools can do more to involve children and young people in efforts to counteract bullying and mental ill-health within the system. The playground duty system does not work properly in the largest of the schools and pupils prefer to refer problems to after-school centre staff rather than to the school nurse. For this reason, the association notes with regret that after-school centre staff are not part of the anti-bullying group. Moreover, staff need to co-operate better so they are alert to any problems. The association notes that all adults at the school are responsible for the children's welfare.

Art. 31 – Right to recreation

Karlstad: The Karlstad association highlighted after-school and cultural activities in the municipality of Karlstad and in the district of Kronoparken. Key municipal personnel were interviewed and the association also drew up a questionnaire for the after-school centre at Kronoparken. The association notes that children's and youth programmes in Karlstad have been hit by spending cutbacks, for instance in the form of a 10 per cent reduction in after-school centre staff in the past two years. Libraries have borne the brunt of these cutbacks, but the municipality nevertheless believes it can meet its goals. Results from the questionnaire reveal that one third of youngsters have heard of the Convention on the Rights of the Child, though the association notes that their level of knowledge is sub-standard. In conversations with after-school centre staff and through eyewitness observations at the centres the association notes that it is mainly boys who are attracted to after-school centres and that the bulk of resources are targeted at boys. The association urges municipal politicians and officials to listen more closely to children.

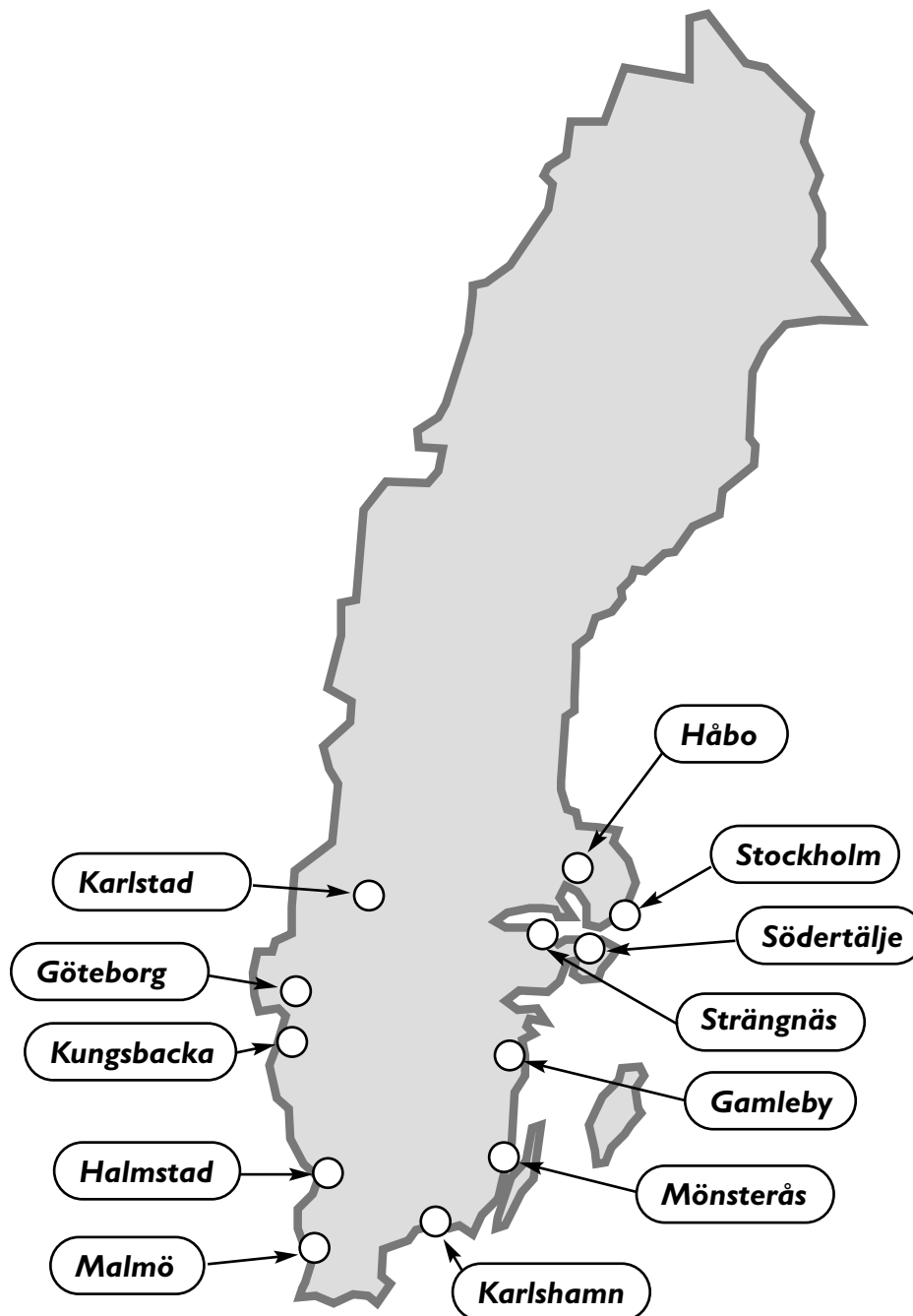
Special protection measures

Art. 39 – Rehabilitation and return to the community

Göteborg: The Göteborg association examined the extent to which children with residence permits can exercise their right to physical and psychological rehabilitation under Article 39 within the municipality. It focused on the period from July to December 2001 and on the three refugee units situated in Göteborg. During this time, there were no comprehensive introduction plans for children, and children's needs emerged mainly during contact with their parents. In February 2002, a child and youth group was set up at the largest unit. Here, every child gets to meet a child advisory officer who asks systematic questions about the child's experiences. Nevertheless, the association is critical of the fact that the assessments of what should be contained in a child's introduction plan differed between officials and between units. The association states: "Since the officials do not always speak to individual children about specific problems there may be a risk that the effect on the individual child is not fully appreciated. Instead, the approach used is based on general assumptions about how children in refugee situations usually react." Queues for child psychiatric treatment are long and Save the Children Sweden points out that a child is entitled to physical and psychological rehabilitation.

Appendix 2

Map of the local associations that have compiled local reports



Appendix 3

Compilation of survey by local associations on whether Sweden's Second Report to the UN Committee on the Rights of the Child has reached Sweden's municipalities

<i>Local association</i>	<i>Municipality</i>	<i>Yes</i>	<i>No</i>	<i>Date of report</i>
Arvidsjaur	Arvidsjaur		x	11 October
Edsbyn	Ovanåker		x	25 September
Eslöv	Eslöv		x	21 October
Gamleby	Västervik	x		4 September
Gotland	Gotland		x	30 September
Gällivare	Gällivare		x	30 October
Helsingborg	Helsingborg		x	17 October
Karlskrona	Karlskrona		x	30 September
Karlstad	Karlstad		x	17 December
Kristianstad	Kristianstad		x	6 October
Ljungby	Ljungby		x	14 October
Ljusdal	Ljusdal		x	25 November
Lund	Lund		x	25 October
Nybro	Nybro		x	
Piteå	Piteå		x	25 October
Ronneby	Ronneby		x	19 September
Sollentuna	Sollentuna		x	30 September
Södermalm	Stockholm		x	4 October
Umeå	Umeå		x	4 September
Uppsala	Uppsala		x	16 October
Uppsala	Tierp		x	16 October
Uppsala	Enköping	x		16 October
Uppsala	Håbo		x	
Total		2	21	



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