

SUPPLEMENTARY REPORT

TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD
IN RESPONSE TO SWEDEN'S FIFTH PERIODIC REPORT



Save the Children
Sweden

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Introduction

Save the Children Sweden (*Rädda Barnen* – SCS) is a movement for the rights of the child that has almost 80,000 individual members organized into around 200 local branches. All of our work is based on the UN Convention on the Rights of the Child (CRC). The work relating to this report has involved gathering information from both national and local operations, from children, local and district branches, and from projects and local activities throughout Sweden. Our membership movement is highly committed to monitoring the implementation of the rights of the child locally, which is crucial for our advocacy work at the municipal level throughout Sweden.

One of the main conclusions of this report is that the prospects of children having their rights respected vary greatly across Sweden. Sweden has an extensively decentralized system of governance with significant local government autonomy. However, this democratic ambition appears to reduce equivalence in the realization of rights. The effects of this on access to support and services can be observed in all sections of this report where SCS focuses on the most vulnerable children in Sweden – asylum seekers, undocumented migrants, children with disabilities, children exposed to violence and/or mental health problems, children in social care and children living in economically vulnerable situations. SCS also observes that equivalence in education, which historically has been strong in Sweden, is now reducing between both schools and students. SCS sees across the board unacceptably large disparities in the support available to children in vulnerable situations depending on where they live.

Our ambition has always been to meet and listen to children and base our conclusions on children's experiences. Children with whom SCS has contact in the course of our operations and who are involved in our activities confirm that there is great potential to improve children's opportunities to influence their own life situations and the decisions affecting them, both at school and in their contacts with public authorities and policy makers.

I. General Measures of Implementation (arts. 4, 42 and 44, para. 6)

National Strategy and Plan of Action

The Committee recommends that the State party adopt a comprehensive national plan of action on children and ensure that it covers all areas of the CRC and takes due account of the outcome document of the 2002 Special Session of the General Assembly of the United Nations 'A World Fit for Children' and the 'A World Fit for Children Plus 5 Declaration'. (Committee's concluding observations, 2009 para. 14)

The Riksdag (Swedish Parliament) approved in December 2010 a new *Strategi för att stärka barnets rättigheter i Sverige* [Strategy to Strengthen the Rights of the Child in Sweden], comprising nine principles expressing the fundamental requirements for strengthening the rights of the child in Sweden (para. 2).¹ The Swedish Government states in its report to the UN Committee that its objective in relation to this strategy is to present the Government's measures in an integrated plan of action at a later stage (para. 18) and also that it intended to make a decision confirming the Government's third Human Rights Strategy in the autumn of 2012 (para. 12).

Save the Children Sweden welcomes the new strategy to strengthen the rights of the child but, as was the case with the previous Government strategy from 1999, there is still no plan of action for implementation, which impedes transparency and the follow-up of the Swedish child rights policy. The Swedish National Audit Office² and the Swedish Agency for Public Management³ raised this lack of follow-up opportunities in respect of child rights policy in their reviews of the implementation of the previous strategy.

A concrete plan of action – with clear goals and activities coupled with time constraints – is required to realize the objectives of the strategy; this plan of action should be allocated sufficient financial and human resources and have a clear monitoring system.

Sweden has not had a national strategy or a plan of action for human rights work in general since 2009, at which time the last National Plan of Action for Human Rights ceased to apply. A proposed new structure for human rights in Sweden was presented in 2010⁴, but no decision has yet been made. It is regrettable from a child rights perspective that the strategy and associated plan of action were postponed, as strong, stable systems for human rights in general represent a prerequisite for the development of child rights work in Sweden.

¹ In Sweden's Fifth Report to the UN Committee for Children's Rights

² Swedish National Audit Office 2004:30, *Barnkonventionen i praktiken* [The Convention on the Rights of the Child in practice]

³ Swedish Agency for Public Management 2007:15, *Barnpolitikens myndighetsstruktur och styrning* [Child policy: official structure and governance]

⁴ SOU 2010:70 *Ny struktur för skydd av mänskliga rättigheter* [New structure for the protection of human rights] Swedish Government Official Reports

Save the Children Sweden recommends:

- that the Government prepare a plan of action encompassing all of the measures to implement the strategy for the rights of the child as soon as possible
- that the Government complete and present the new Strategy for Human Rights as soon as possible

Allocation of resources

The Committee recommends that the State party continue and strengthen the provision of specific information in terms of figures and percentage of the national budget regarding the implementation of the CRC in order to allow proper assessment of the degree to which the State party is meeting its obligations under article 4 of the CRC. The State party should also strengthen its measures to ensure equal access and availability of services for all children, irrespective of where they live. In that regard, the Committee recommends that the State party take into account its recommendations following its 2007 Day of General Discussion on 'Resources for the Rights of the Child - Responsibility of States'. (2007) (Committee's concluding observations, 2009 para. 18).

"We cannot of course go too deeply into the entire budget, but it would be nice to know more about what the money is used for." - Pajil, Sundsvall⁵

Save the Children Sweden has observed in its work relating to the general measures of implementation that identifying the scope of the resources utilized for the realization of the rights of the child is not a priority in Sweden. A Government representative stated the following in a study conducted by us in 2010, entitled Governance fit for Children⁶: "Presenting a separate children's budget gives a distorted view because so many of the things involving children take place within the municipalities". It was also impossible to establish a picture of the distribution of resources in the municipalities examined – often with the excuse that most of the municipal budget is spent on children.

SCS welcomes the fact that the Swedish Government has provided some clarification of the distribution of resources in its latest report by presenting an extract from the National Budget. Despite an increase in the budget presented in the autumn of 2013 in respect of appropriations for general work relating to the implementation of children's rights, it is difficult to get a completely coherent picture of the scope of the resources utilized for the realization of children's rights. Activities to protect children's rights should be included in several budget items, as is currently the case, but be accompanied by appropriate information, such as a dedicated annex to the budget. How much of the National Budget and municipal budgets that is utilized for work relating to children's rights should be clearly stated. This would help Sweden to comply with the second part of the recommendation, which involves equal access to services for all children, regardless of where they live, and would thus comprise a useful tool for examining and more easily overcoming the prevailing and unacceptably large disparities between municipalities (see also page 7 and in each reporting area).

Save the Children Sweden recommends:

- that the Government use the instruments available to enable better monitoring of resource allocation and consumption within the National Budget, municipal budgets and annual accounts in areas related to children and the rights of the child
- that the Government more actively utilize the information that a more detailed budget would generate to overcome municipal differences by relevant resource allocation

⁵ *Barnets rättigheter lokalt - genom barns egna ögon, Rätts Barnens lokalföreningar, distrikt och nationella projekt*, [Rights of the child locally – through the eyes of the child, Save the Children Sweden's local branches, district branches and national project], Save the Children Sweden (2013), p.32

⁶ *Governance fit for Children*, Save the Children Sweden and A. Gunnarsson (2010)

Legislative measures, including legal status of the CRC

The Committee invites the State party to take all necessary measures to ensure that national legislation is brought into full conformity with the CRC and recommends that the State party continue and strengthen its efforts towards formal recognition of the CRC as Swedish law. It further recommends that the CRC should always prevail whenever domestic law provisions are in conflict with the law enshrined in the CRC. (Committee's concluding observations, 2009 para. 10)

The Government conducted an inquiry in 2011 concerning whether Swedish legislation conforms to the CRC (para. 23). The inquiry concluded that Sweden's laws generally comply well with the requirements of the CRC (para. 24). However, it is worth noting that this study did not include the Discrimination Act, which clearly fails to conform to the CRC. The Swedish Act does not include all of the grounds for discrimination contained in article 2 (see also pages 10-11). However, Save the Children Sweden agrees with the inquiry commissioners, who conclude that the greatest inadequacies can primarily be found within the application of Swedish law (para. 25).

A pivotal element of the 'legislative measures' is to ensure that the CRC is *used* by the courts, public authorities, municipalities, etc., involved in the interpretation of the legislation – referred to as 'treaty-conform interpretation' and which was sought by the Committee in its recommendation. SCS considers that this is currently not done adequately, among other things because the professional groups expected to interpret Swedish laws in accordance with the CRC lack sufficient knowledge about how such interpretations are to be made. Comments are often seen in reasons for judgment suggesting that the CRC is not formally part of Swedish law and that consequently there is no reason to consider whether other legislation conflicts with it.^{7,8} Officials who have been in contact with us have said that: "There are some who refer to the CRC in their cases and matters, but we comply with the legislation". SCS is firmly convinced that inadequacies could be remedied to a much greater extent by incorporating the entire text of the CRC into legislation – a legislative method that Sweden has already applied for the European Convention for the Protection of Human Rights and Fundamental Freedoms. Incorporation would probably lead, among other things, to the CRC being afforded greater scope in the basic training and education for professionals who come into contact with children.

The Government appointed another inquiry in 2013, tasked with conducting a survey within certain key areas concerning whether the application of statutes and other regulations complies with the CRC and the Optional Protocols to which Sweden has acceded. The inquiry must also analyse the pros and cons of incorporating the CRC into Swedish law. SCS is participating in an Inquiry Reference Group and carefully monitoring this work. The Inquiry does not have any mandate to investigate how any incorporation might be effected, which SCS considers regrettable.

The fact that the CRC does not currently have the status in Sweden that would make it possible for the best interests of the child to actually become a primary consideration is particularly apparent within the area of migration. Examples include the Swedish Care of Young Persons (Special Provisions) Act (LVU) and the Aliens Act. Through LVU a child can be placed into social care if there are inadequacies in the capacity of their parents. If the family subsequently receives a refusal of entry decision, the very same child may be deported together with parents who were considered unable to take care of the child. The Aliens Act has precedence over measures that the social authorities concluded to be in the best interests of the child.⁹

In Swedish law, the child pornography offence has been included in Chapter 16 of the Penal Code. This chapter governs offences against public order, and the offences listed here are not deemed to be offences against the person. This means that children documented in images and films of abuse, and who have been identified, are not deemed to be the victims of crime when a ruling is made on the offence of child pornography, which means that such children are not entitled to aggrieved party counsel and the protection and support otherwise received by the victims of crime. The placing of this offence also communicates to the courts that this offence is not to be viewed as a sex offence as it has not been placed in Chapter 6 where other sexual offences are found. This in its turn is likely to lead to the offence being viewed as less serious, that no consideration has been taken of the fact that real children are the victims and may be a contributory reason for the low penalties currently being imposed for child pornography offences. SCS therefore considers that the child pornography offence should be transferred from Chapter 16 to Chapter 6 of the Penal Code.

⁷ See, for example, Supreme Administrative Court 2828-05 (judgment issued 5 February 2007) and Supreme Court 430-07 (judgment issued 22 March 2007)

⁸ It was mentioned in a judgment made by the Supreme Court on 27 December 2013, (case Ö 2656-13) regarding the eviction of a family with children that when a decision is being made, regard should be taken of the best interests of the child according to the UN Convention on the Rights of the Child. The effect that this judgment will have on the application of law is not yet clear.

⁹ See LVU, Section 21 (a). Decisions on care pursuant to this Act do not impede a decision concerning 1. refusal of entry or deportation under the Aliens Act (2005:716)

Save the Children Sweden recommends:

- that the CRC be incorporated into Swedish law as soon as possible
- that the principle of ‘the best interests of the child’ should predominate when different laws conflict with each other
- that the legislation be amended so that the Aliens Act no longer outweighs Swedish Care of Young Persons (Special Provisions) Act (LVU), thereby ensuring that no child can be deported with parents whose capacity to care for them is inadequate
- that the child pornography offence be moved from Chapter 16 of the Penal Code (Offences against Public Order) to signify that this is an ‘offence against the person’, enabling children to be considered victims of crime and aggrieved parties

Independent monitoring

The Committee recommends that:

- (a) The State party consider providing the Children’s Ombudsman with the mandate to investigate individual complaints; The annual report of the Children’s Ombudsman be presented to the Riksdag (Parliament), together with suggestions for measures that the Government can take to implement the recommendations of the Children’s Ombudsman;*
- (b) The State party continue to take the necessary measures to ensure that the Children’s Ombudsman has adequate human and financial resources to exercise his or her mandate effectively and independently; and*
- (c) The State party provide the Children’s Ombudsman with the necessary support to set up local offices with the aim of ensuring accessibility of all children to the Ombudsman, especially taking into account disparities in resources between counties and regions.*

(Committee’s concluding observations, 2009 para. 16)

Save the Children Sweden considers that there is great potential within this area to significantly improve the opportunities for children to submit complaints where their rights have been violated. The Paris Principles are clear about the importance of human rights institutions being independent. Independent monitoring is impeded due to the fact that the Ombudsman for Children is appointed by the Government and also reports to the Government instead of the Riksdag. The Ombudsman for Children cannot entertain individual complaints – nor is there any system delegating this responsibility to a local mechanism. Children’s rights could be significantly strengthened by an expanded mandate for a more autonomous Ombudsman for Children, including local points of contact to which children may refer if their rights are violated. In addition to this, it is also important to ratify the Optional Protocol on a Communication Procedure as soon as possible. A national independent institution for human rights – with solid expertise in children’s rights – should be established to help to strengthen the application of children’s rights. The UN Human Rights Council has also stated in its recommendations to Sweden that Sweden should establish an independent human rights institution.

Save the Children Sweden recommends:

- that the Ombudsman for Children be made independent so that the Ombudsman is appointed by the Riksdag and the institution reports to the Riksdag
- that the Ombudsman for Children be given powers to receive individual complaints directly from children and be granted a mandate to pursue matters of importance in principle at court
- that the Government provide the support and guidelines necessary to enable each municipality to establish a function with the mandate to strategically pursue the implementation of children’s rights and also provide an easily accessible contact point to which children can refer when their rights are violated
- that the Riksdag make the decision to establish a human rights institution in accordance with the proposal previously presented by the *Utredningen för utvärdering av nationella handlingsplanen för mänskliga rättigheter 2006-2009* [Inquiry into the evaluation of the National Plan of Action for Human Rights]¹⁰ and ensure that this institution has expertise within children’s rights

¹⁰ SOU 2011:29, *Utredningen för utvärdering av nationella handlingsplanen för mänskliga rättigheter 2006-2009* [Inquiry into the evaluation of the National Plan of Action for Human Rights, 2006- 2009], Swedish Government Official Reports

Coordination

The Committee recommends that the State party continue and strengthen its efforts to improve the coherence and coordination of efforts on behalf of children so as to ensure adequate cooperation among central and local authorities as well as cooperation with children, parents and non-governmental organizations. The Committee also recommends that the State party strengthen its measures to monitor and follow up on decisions taken at the municipal and regional level to address the remaining disparities and to ensure implementation of the CRC at all levels, including through the county administrative boards. (Committee's concluding observations, 2009 para. 12)

The rights of the child should be respected and fulfilled equally for all children in Sweden, irrespective of where they live. The decentralized system of governance in Sweden, with extensive municipal autonomy, may be seen as a general means of achieving decentralization in all public activities – including education, health and medical services. However, criticism has been expressed that municipal autonomy permits local variation, which weakens national equivalence. It is a primary function of the State to protect national equivalence, yet it has failed with the current national regulatory framework to address the prevailing challenges in respect of the right of everyone to have access to public services on equal terms. The effects of inequitable access to support and services can be observed in all sections of this report where SCS focuses on the most vulnerable children in Sweden – asylum seekers, undocumented migrants, children with disabilities, children exposed to violence and/or mental health problems, children in social care and children living in economically vulnerable situations. SCS sees across the board unacceptably large disparities in the support available to children in vulnerable situations depending on the municipality in which they live or where they arrived.

Based on experience from our activities, particularly through our many local branches in Sweden, SCS can conclude that significantly more could be done to generally increase the influence of children in decision-making processes within all municipalities (see pages 13-14). Some municipalities have positive initiatives, while others have none. Civil society is often a strong driver playing an active role in these initiatives, which consequently means that sustainability often becomes increasingly dependent on the resilience of civil society.

Save the Children Sweden considers that qualitative coordination is based on a clear assignment of responsibilities and accountability. SCS would like to see increased accountability of the Government in the form of clear guidelines (including associated systems for resource allocation) to assure equal access to welfare services for all children irrespective of their place of residence. There are currently inadequacies in the assignment of responsibilities and accountability, entailing a risk that the work to ensure the realization of children's rights in practice – at all levels of Swedish society – will be fragmented and short term as opposed to strategic and long term. There is no holistic approach or clear national guidelines to coordinate the implementation of the strategy to strengthen the rights of the child at all levels in Sweden. This also has an impact on cooperation opportunities for various instances and actors. Significant responsibility has been placed on the Swedish Association of Local Authorities and Regions (SALAR), which through an agreement with the Government has assumed responsibility for disseminating the strategy and strengthening the work relating to the rights of the child at municipalities. This work is structured on voluntary lines, for which reason securing systematic implementation in the future remains a challenge.

The idea of further involving civil society through 'Thematic Dialogues' (*para. 38*) was good, although opportunities have been few (four during the past five years) and the format used has not facilitated the dialogue sought. Achieving tangible results through these thematic dialogues would also require the clarification of fundamental issues relating to ownership and the assignment of responsibilities. Cooperation with civil society is taking place at all levels in Sweden, not least at the municipal level, where non-governmental organizations often act as providers of public services to support vulnerable groups. SCS approach is that this is acceptable in pilot operations that are then put under public management.

Save the Children Sweden recommends:

- that the Government – by paying particular attention to the recommendations in each area of this report – take determined action to eliminate the unacceptable disparities that prevail between municipal public services and children's access to these services
- that the Government utilize the potential offered by the decentralized system of governance to increase citizen empowerment in decision-making processes in real terms, so that this will also benefit children and young people through permanent, child-friendly structures
- that the Government ensure, at the national and municipal level, regular dialogue with actors in civil society

Data collection

The Committee recommends that the State party strengthen its efforts to establish coordinated approach between all entities collecting data on children and to improve the systematic collection of disaggregated data concerning the situation of all children, in particular concerning children with disabilities, child victims of abuse aged 15 to 18 years, and child victims of sexual exploitation. (Committee's concluding observations, 2009 para. 20)

Previously in Sweden there has not been any overall picture of the statistics available. At least 25 different authorities have been producing different kinds of statistics about children.¹¹ In particular there have often been no comparable statistics at the municipal and regional level. As has already been pointed out in this report, the decentralized system of governance means that there is a constant risk of major disparities in conditions in respect of children's rights depending on place of residence. It is therefore particularly important to utilize statistics to monitor the living conditions of children throughout Sweden with the aim of being able to implement properly adapted improvement measures. Save the Children Sweden welcomes the initiatives taken on the part of the Government to remedy the inadequate statistical information base, both as regards content and coordination. The Ombudsman for Children's statistics portal (*Max18*) is a good example – but the collection of statistics requires development and more permanent efforts.

Save the Children Sweden recommends:

- that the Ombudsman for Children be given the resources to pursue and develop *Max 18* in the long-term so that it includes all available statistics on children, including young children, asylum seekers and children with disabilities

Knowledge about the rights of the child

The Committee encourages the State party to strengthen its measures to ensure that all children are aware of the CRC and its two Optional Protocols and can use such instruments to defend their rights. The Committee further recommends that the State party ensure systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and especially children themselves). (Committee's concluding observations, 2009 para. 22)

"We do not actually know what the Convention on the Rights of the Child is; we do not have it at school." - Homework Group¹²

Approximately half of the respondents in a survey conducted by Save the Children Sweden (*Ung Röst 2014* [Young Voice 2014]¹³) stated that they had never heard of the CRC,¹⁴ and 28% stated that no one at school had spoken to their class about the rights of the child during the past year.

SCS takes the view that a child's own awareness of their rights represents a fundamental precondition for actually being able to demand that they are also covered by these rights in practice. All education about the rights of the child that is targeted solely at children and young people should therefore aim to link these rights to what they should mean in everyday life and the opportunities for different forms of support when these rights are violated. The new Education Act clarifies the role of schools in teaching pupils about the rights of the child. SCS hopes that this will have an effect, but teachers will need to know about the CRC and its consequences in practical terms to enable this to happen.

Professional groups that come into contact with children and/or apply the CRC in their work (e.g. social workers, lawyers, health and medical staff, teachers, psychologists and law enforcement officials) need to have greater knowledge of what it involves and how it should be interpreted in Sweden. Unfortunately, SCS can conclude that the professional training and education for these individuals rarely provides them with the knowledge required, as children's rights are seldom a mandatory component.

¹¹ Governance fit for Children, Save the Children and A. Gunnarsson Sweden (2010), p. 7

¹² Barnets rättigheter lokalt – genom barns egna ögon, Rädda Barnens lokalföreningar, distrikt och nationella projekt. [Rights of the child locally – through the eyes of the child, Save the Children's local branches, district branches and national projects], Save the Children Sweden (2013), p.7

¹³ *Ung Röst* [Young Voice] is a questionnaire survey conducted by Save the Children Sweden for children in School Years 6, 8 and Year 1 at upper secondary school. The questions in the questionnaire are based on the recommendations of the Committee on the Rights of the Child. 24,386 pupils throughout Sweden responded to the questionnaire in 2014.

¹⁴ Save the Children Sweden, *Ung Röst 2014* [Young Voice 2014]. When asked whether pupils had heard about the CRC, 44.8% said 'Yes', 31.5% said 'No' and 23.6% did not know.

The efforts made by the Swedish Government, SALAR and the Ombudsman for Children for training in municipalities and county councils have had a positive effect. However, this training was based on voluntary efforts by the municipalities and county councils, which meant that many municipalities and county councils did not get involved. A decision has currently been made to continue the cooperation up to and including June 2014.¹⁵ SCS emphasizes that there is still a need for capacity building at municipalities and county councils in spite of the three years of training efforts. Those who have undertaken 'basic training' and are now starting to take measures to strengthen children's rights at a local and regional level need continued support in their practical work.

SCS is also pleased that the Ombudsman for Children has been tasked with translating all of the General Comments made by the Committee on the Rights of the Child into Swedish. However, SCS has not seen any sign of these important interpretative instruments being actively disseminated and used by decision-makers.

Save the Children Sweden recommends:

- that the rights of the child become a mandatory component of school education, from pre-school to upper secondary level
- that all training and education for people who may come into contact with children in their professional life and/or will interpret the CRC includes courses about the rights of the child and its practical application as an mandatory component of the basic training and education
- that all professionals who come into contact with children in their work and/or interpret the CRC be regularly offered ongoing capacity building in the rights of the child, development in practice and also how to talk to children in vulnerable situations

International cooperation

The Committee encourages the State party continue and strengthen its activities in the area of international cooperation, including conducting child impact assessments and paying particular attention, in its bilateral cooperation with other State parties, to the CRC and the Optional Protocols and the concluding observations and recommendations made by the Committee in respect of those countries. The Committee invites the State party to take into account its recommendations issued in 2007 after the Day of General Discussion on 'Resources for the Rights of the Child – Responsibility of States'. (Committee's concluding observations, 2009 para. 24)

Save the Children Sweden considers that the child rights evaluation (*para. 90*) highlighted several important aspects of the support provided by the Swedish International Development Cooperation Agency (Sida) and its own development of child rights work. As concluded by the Government itself, more resources are required, both within Sida and at embassies throughout the world. However, SCS does not believe that Sida has made a start on this work, despite its intentions. Nor has a start been made on the work to introduce child impact assessments into the assessment documentation for projects or the broader child rights work (*paras. 90 and 97*).

Sweden has had a unique opportunity to influence the international community's long-term work on poverty reduction and sustainable development by taking part in the UN's High Level Panel on the Post-2015 Development Agenda. It is good that Sweden is actively participating in these negotiations – although there is some ambiguity regarding which issues that Sweden intends to pursue and whether Sweden is prompting the child rights perspective in a consistent way. Sida's intention to sort out the policies and steering documents, and accept help from several actors for development cooperation, has neither been completed nor realized the promises made regarding the transparency of the process and participative efforts. OECD/DAC has repeatedly pointed out the need for clarity and focus in respect of Sida's priorities to enable Sweden to be even better at utilizing the resources available for development cooperation. The Rights of the Child Communication from 2002¹⁶ needs to be updated and children's rights in development cooperation clarified. It is currently unclear how children's rights work will be affected by the new platform for development cooperation policy and whether the requirements for focus will be at the expense of children's rights. SCS hopes that Sweden and Sida will continue to view children's and human rights as one of the pillars of development cooperation.

¹⁵ Government Decision (12 December 2013)

¹⁶ *Ett barnrättsperspektiv i internationellt utvecklingssamarbete* [The Rights of the Child as a Perspective in Development Cooperation] (2002)

Save the Children Sweden recommends:

- that the Swedish Government give Sida the mandate to update the Rights of the Child Communication with a view to clarifying children's rights in development cooperation work
- that Sida fulfil its obligation to fully implement child impact analyses in its preparatory assessment documentation for projects and ensure their long-term follow-up
- that the Swedish Government and Sida demonstrate greater clarity in their development cooperation priorities and consistently apply the rights-based perspective, including the child rights perspective
- that Sida deliver on its commitments concerning active involvement in civil society – in Sweden and especially in those countries covered by Swedish development cooperation

Ratification of international human rights instruments

The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. (Committee's concluding observations, 2009 para. 73)

Sweden has not yet signed nor ratified the Third Optional Protocol to the CRC. According to the National Budget for 2014, the issue of signing and ratification is in preparation at the Government Offices. Save the Children Sweden regrets that Sweden remains passive concerning this critical instrument for children's rights and would like this to be dealt with expeditiously. There is also a clear aspect of solidarity for children in other countries that should carry significant weight in terms of acceding to the instruments developed at an international level, within the UN and the Council of Europe, to strengthen protection for children and the rights of the child. Sweden has ratified several of the Council of Europe's key children's rights instruments, the latest being the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS no 201). However, Sweden has not ratified the European Convention on the Exercise of Children's Rights (CETS no 160). This convention includes children's rights in custody disputes and, among other things, gives the child a right to their own representative – a right currently unavailable to children in Sweden (see also page 14).

Save the Children Sweden recommends:

- that Sweden immediately ratify the Third Optional Protocol to the CRC
- that Sweden ratify the European Convention on the Exercise of Children's Rights

2. General Principles (arts. 2, 3, 6, 12)

Non-discrimination

The Committee recommends that the State party monitor and ensure full compliance with article 2 of the CRC and ensure the implementation of existing laws guaranteeing the principle of non-discrimination with respect to all children within its jurisdiction. (Committee's concluding observations, 2009 para. 26)

Save the Children Sweden welcomes the fact that the new Swedish discrimination legislation (2008:567), which entered into force on 1 January 2009, covers people of all ages and consequently discrimination against children including discrimination of children ensuing from the discrimination of their parents (*para. 111*). On the other hand, SCS considers it to be a major inadequacy that the Act does not explicitly cover all of the grounds for discrimination contained in article 2 of the CRC. The Discrimination Act includes the grounds of 'sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age'. Those missing are thus race and colour, language and national origin (which is considered to be probably covered by 'ethnicity'), political or other opinion, social origin, birth or other status. This means, for example, that a child who cannot participate in a chargeable activity arranged by the school because he/she cannot afford to do so is not deemed to be discriminated against under Swedish law, yet is according to the CRC (see also page 26). SCS considers it to be a problem that Swedish legislation does not conform to the fundamental principles of the CRC in this situation and regrets that this was not dealt with by the Inquiry into how Swedish law complies with the provisions of the CRC conducted in 2011.

As described in the government report, approximately 20% of Sweden's school children have intolerant attitudes towards vulnerable groups (*para. 116*). Swedish minorities, particularly the Roma, still experience regular discrimination. For instance, it was acknowledged in the autumn of 2013 that one of Sweden's police districts kept a register of 4,000 Roma from all over Sweden, including children as young as two.¹⁷ This generated very strong reactions.

SCS receives many signals from its local branches and activities about increasing segregation and racism, primarily in vulnerable socio-economic areas, which is perceived to be very limiting in the everyday lives of children and young people. Our representatives meet young people who have unconsciously adapted their expectations to those of people around them. They have stopped dreaming about high-status occupations and have lowered their ambitions because they do not believe that there is any point. Young people feel that they are not listened to and do not believe that their voices can make any difference. Many feel that they are continuously discriminated against and that they have limited opportunities for influence and participation in Swedish society. They also see both public authorities and local business withdrawing in the form of public services being discontinued/moved and the reduction of ranges of goods and services available in their own local community.¹⁸

“One of the main reasons for doing the project is that when you ask a young person ‘What do you want to be?’ they have no answer. They do not feel that there are any opportunities.” - Project manager for the Big Brother/On Equal Terms Project, Malmö¹⁹

Save the Children Sweden recommends:

- that the Government address the widespread racism and discrimination with the utmost seriousness and strengthen the supervision of public authorities that are at risk of failing in the equivalence of their treatment of children and young people
- that the Discrimination Act be amended to include all grounds for discrimination under article 2 of the CRC

Best interests of the child

The Committee recommends that the State party strengthen measures to raise awareness about the meaning and practical application of the principle of the best interests of the child and ensure that article 3 of the CRC is duly reflected in its legislation and administrative measures. It also recommends that the State party take appropriate and effective measures to ensure that the principle of the best interests of the child form the basis and guide the process and all decisions, especially in asylum cases involving children, including by providing regular training to staff at the Migration Board and the social welfare authorities. (Committee's concluding observations, 2009 para. 28)

The Government points out in its report that the principle of the best interests of the child has been incorporated into a number of pieces of legislation. Save the Children Sweden shares the opinion of the Ombudsman for Children that despite the best interests of the child having been inserted into several portal paragraphs of Swedish legislation, this has not proven sufficient to ensure that the principle has an impact in practice (*para. 119*). Furthermore, the portal paragraphs of the legislation are not always consistent with article 3 of the CRC. For example, it is stated in Chapter 1, Section 10 of the Aliens Act that: “In cases involving a child, particular attention must be given to what is required with regard to the child's health and development and the best interests of the child in general”, which is significantly weaker wording than article 3.

SCS has also observed gaps in decision-makers' knowledge about how to investigate the best interests of the child, and particularly how to document these investigations. SCS often sees this in matters concerning, for example, the custody of children, within social services and in the interpretation of the ‘best interests of the child’ in the course of the asylum process.

Save the Children Sweden recommends:

- that General Comment no. 14 made by the Committee on the Rights of the Child on the best interests of the child be promptly translated into Swedish and disseminated to all who make decisions concerning children
- that decision-makers are given capacity building in what is meant by ‘the best interests of the child’ and how this is to be interpreted and investigated

¹⁷ See <http://www.dn.se/nyheter/sverige/over-tusen-barn-med-i-olaglig-kartlaggning/> (21 February 2014)

¹⁸ *Barnets rättigheter lokalt* [Rights of the child locally] Save the Children Sweden (2013), pp. 8-9

¹⁹ *Barnets rättigheter lokalt* [Rights of the child locally] Save the Children Sweden, page 9

The best interests of the child within social services

The Child Protection Inquiry (Swedish Government Official Reports – SOU 2009:68) presented a number of proposals with a view to strengthening support and protection for children and young people. The Government followed this up with Government Bill 2012/13:10 *Stärkt stöd och skydd för barn och unga* [Improved support and protection for children and young people], which was subsequently adopted by the Riksdag. Unfortunately, a number of important proposals from the original inquiry were omitted in the Government Bill. The inquiry committee had proposed a new act entitled the Children and Young Persons (Care and Protection) Act (LBU). The new Act was intended to be more easily accessible and user-friendly and would combine the provisions on support and protection for children and young people currently found in the Social Services Act (SoL) and Swedish Care of Young Persons (Special Provisions) Act (LVU). Separating and combining all of the provisions relating to the support and protection of children into one act would entail major changes for the better for many vulnerable children. SCS is of the opinion that this would lead to a better child perspective, strengthening the status of the child as an actor and subject.

The Child Protection Inquiry also proposed a provision that what is in the best interests of the child must be the decisive factor for all decisions under the proposed act (LBU). The provision that the Government chose to introduce instead was that the best interests of the child must always be the decisive factor when making decisions or determining other measures concerning care and treatment strategies for children, which is a weaker wording.

The Child Protection Inquiry also presented several proposals to raise quality and competence within the social care of children and young persons, among other things by introducing a requirement for accreditation and induction in conjunction with the exercise of official powers. The Inquiry also proposed that at least one year's specialist training be introduced for employees within social services. SCS regrets that, by omitting the above-mentioned and other proposals, the Government did not fully prioritize improved societal protection and support for vulnerable children in Sweden.

Save the Children Sweden recommends:

- that the Government prioritize the proposals presented in the Child Protection Inquiry in order to better preserve the interests of the child and strengthen the principle of the best interests of the child in practice

Best interests of the child in asylum cases

Save the Children Sweden welcomes the efforts made by the Swedish Migration Board to ensure that consideration is given to the best interests of the child in all parts of the process, among other things, by producing steering documents, routines and templates as support for conducting child impact analyses. SCS also welcomes staff being trained in meeting children. However, these measures are insufficient. There continue to be manifest inadequacies in the assessments made by public authorities and courts regarding a child's reasons for asylum.

In 2013, SCS commenced a survey of asylum matters involving children and families. What SCS can see thus far is that 'protection' and/or 'exceptionally distressing circumstances' were the reasons referred to in most cases. The grounds of 'being a refugee' were very rarely asserted. The inquiry commissioners show that children are often heard in asylum cases, but that they are rarely asked forward-looking questions relating to the fear of return. SCS is of the opinion that, as the child's own reasons for asylum are not investigated to the same extent as those for adults, it is important to stipulate that child-specific reasons may comprise grounds for the grant of a residence permit as a refugee and declaration of refugee status.

According to the Child and Adolescent Psychiatry Service, unaccompanied minors with a decision for transfer pursuant to the Dublin Regulation represent a vulnerable group with extensive mental health problems.²⁰ A judgment issued by the Court of Justice of the European Union (CJEU) in June 2013 states that unaccompanied minors who have not received an asylum decision from another Member State should have their application considered in the last country of asylum (the country in which they are located at the time). Not all unaccompanied minors are subject to this change in practice, but some²¹ will also subsequently be transferred from Sweden to another Member State. SCS therefore considers that the Government and Migration Board should consider a general exemption for unaccompanied minors based on the principle of the best interests of the child. A person is not entitled to public counsel in matters relating to the Dublin Regulation; this also applies to unaccompanied minors. A decision under the Dublin Regulation has a considerable impact on a child's future, and there is a right of appeal against a transfer decision. As there is no public counsel, it becomes the duty of a temporary guardian (*god man*, sometimes referred to as 'trustee' or in conjunction with proceedings as 'guardian *ad litem*') to

²⁰ See, for example, http://www.svd.se/opinion/brannpunkt/kan-flyktbarns-rattssakerhet-garanteras_7486150.svd (21 February 2014)

²¹ Unaccompanied minors who have managed to get an asylum decision or alternatively have been assessed to be an adult in another country or who have attained the age of 1

appeal against the decision. SCS considers that this constitutes a risk to legal security as there are no formal requirements for a temporary guardian to possess such legal competence.²²

SCS considers that unaccompanied minors should only be returned when this is in the best interests of the child and when there is an organized reception to ensure a long-term solution for the individual child. All possible alternatives must be taken into consideration and a thorough child impact analysis conducted. Sweden is currently conducting a project financed by the EU²³ to investigate the opportunities to return unaccompanied minors who have been turned down, primarily to Afghanistan. SCS doubts that the reception institutions planned within the project will be able to meet these requirements. It is an obligation of the Government also within this project to ensure that thorough child impact analyses are carried out and to provide guidance for the decisions being made.

The principle of the best interests of the child should also be attributed greater weight in cases concerning family reunification and the preservation of the family unit to ensure that families and siblings are not split up, either while awaiting a residence permit or in the case of deportation (see also page 30).

SCS welcomes the progress made to protect the rights of undocumented children. On the other hand, SCS is concerned about the border police having been tasked with improving efficiency and increasing the level of enforcement in refusal of entry matters.²⁴ These initiatives may jeopardize any real opportunities for undocumented children to exercise their rights in respect of, for instance, health and medical care services, education and leisure time. Guidelines are required concerning how coercive deportation for children should proceed so that this is not done in a way that violates the rights of the individual child.

Save the Children Sweden recommends:

- that the Government and Migration Board consider a general exemption from the Dublin Regulation's first country of asylum rule for unaccompanied minors
- that all decisions concerning the return of unaccompanied minors be preceded by a thorough child impact analysis that reports on considerations relating to the child's reasons for asylum and the best interests of the child, and where guidance is provided by the best interests of the child that the Government ensure that undocumented children are not searched for via schools or health care/medical service establishments
- that the Migration Board, migration courts and public counsel increase their level of competence in children's rights

Respect for the views of the child

In light of article 12 of the CRC, and drawing the State party's attention to the Committee's recommendations adopted on its day of general discussion on the right of the child to be heard held on 15 September 2006, the Committee recommends that the State party:

- (a)** *Continue to promote and facilitate, including through legislation, within the family, schools, institutions, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the CRC;*
- (b)** *Ensure that adults who work with children are trained to effectively ensure that children capable of expressing their views are provided with adequate opportunities to do so and that their views are given due weight; and*
- (c)** *Ensure that all municipalities meet the requirements for active participation by children and regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.*

(Committee's concluding observations, 2009 para. 30)

²² See http://ensamkommandebarn.ski.se/kommunensansvarensamkommande/god_man (21 February 2014)

²³ The project is called the European Platform for Unaccompanied Minors (ERPUM) and is conducted together with Norway, the UK and the Netherlands.

²⁴ According to the Police Operation Plan for 2013, police authorities should "work to improve the efficiency of the work on enforcing refusal of entry and deportation decisions and take the measures required to increase the proportion of decisions executed",

“Those making decisions in the municipality should engage more with children and tell that they can have an influence and explain how” - young person²⁵

In its report (*para. 137*), the Government highlights the conclusions drawn by the Ombudsman for Children about the preparatory work for the legislation, as well as the legislation itself, being characterized by a distrust of the child’s ability to have his or her own opinions. Save the Children Sweden shares the view of the Ombudsman for Children concerning the lack of institutions, mechanisms and individuals actually available for children to enable their opinions to be heard, considered and attributed due weight considering the child’s age and maturity. This inadequacy includes the opportunity to make one’s voice heard in general about issues relating – and of interest – to children and young people, but also opportunities to access effective and child-friendly complaint procedures when the situation so requires.

SCS has recently completed a project to enhance the opportunities for children to be heard and have influence at the municipal level.²⁶ This project has been welcomed by the municipalities, although it has not had the effect desired by us. Children feel that even after the project they still have no influence on decisions made in their municipality. Some municipalities have established structures to facilitate the opportunities to gather the views of children and young people, but several municipalities still lack a child rights perspective in their work. It is clear that there is much yet to be done at the municipal level to respect the child’s right to influence and participation.²⁷ 61% of respondents in *Ung Röst 2014* [Young Voice 2014] stated that they have few or no opportunities to make their voices heard by those making decisions at municipalities.

SCS regrets that the Ombudsman for Children cannot receive individual complaints, as already mentioned on page 6. If a child has been subject to bullying or other degrading treatment at school and the school has not taken the measures necessary to bring this to an end, the child can refer to the Child and School Student Representative (BEO). If the reasons for bullying constitute grounds for discrimination under the Discrimination Act, the child can refer to the Equality Ombudsman (DO). If a child considers that a public authority, court or municipal authority has not complied with the law in an individual case, they may refer to the Parliamentary Ombudsman (JO). However, these three instances do not cover all of the rights in the CRC. Nor do the DO and the JO have any special routines for processing matters relating to children or any special information resources to communicate their work to children. The fact that the Ombudsman for Children cannot receive individual complaints consequently limits the right of the child to be heard.

SCS has noted that in decisions relating to children, documentation is often missing concerning the way in which children have been heard, the weight of their opinions in the decision and the way in which it is intended to communicate the decision back to the child. SCS sees this especially in matters relating to the custody of children and within social services.

The right of the child to be heard in asylum cases

Recent studies have highlighted the lack of influence that unaccompanied minors have in their daily lives.²⁸ According to law, for instance, the chief guardian for the district should give the child an opportunity to express their views when appointing a temporary guardian (*god man*). According to a report produced by Save the Children Sweden (*Oklart uppdrag - om rollen som god man för ensamkommande flyktingbarn* [Unclear mandate – the role of the temporary guardian for unaccompanied minors]),²⁹ only five out of the 21 children interviewed were allowed to choose or were asked about who they wanted as their temporary guardian.

SCS has since 2010 arranged ‘meeting places’ for unaccompanied minors and young people who have been living in Sweden for some time. Experience from these meetings consistently shows that many young people feel that they have no influence on their own lives. For example, the young people point out that there are inadequacies in terms of being able to influence their choice of residence, interpreter and teaching group at school.

The child’s right to be heard in custody disputes

One problem area is the child’s right to be heard in custody disputes. A child is not a party to a custody dispute under Swedish law and therefore has no right of action (*locus standi*) or right to their own counsel. The social services must conduct investigations into the issue of custody before the court hearing, and the child will be heard as part of this according to their age and maturity. However, there are inadequacies in the documenting of this, and the child is seldom heard directly by judges and lay judges at court. It is consequently absolutely vital for the child to be able to have their own counsel.

²⁵ Ung Röst [Young Voice] 2011

²⁶ *Inflytande på riktigt* [Real influence] in *Barns rättigheter lokalt* [Children’s rights locally], page 7f

²⁷ *Inflytande – på riktigt* [Real Influence]. A study conducted at five municipalities. Save the Children Sweden and Å. Wahlström Smith, (2012)

²⁸ “*I transit – ensamkommande barn berättar*” [In transit – unaccompanied minors relate their stories], J. Malmsten. 2012:1 *Ensam och flyktingbarn - barnet och socialtjänsten om den första tiden i Sverige* [Unaccompanied minors and child refugees – children and social services during the early days in Sweden], Å. Backlund, R. Eriksson, K. von Greiff, E. Åkerlund. Research report 2012:1

²⁹ *Oklart uppdrag: om rollen som god man för ensamkommande flyktingbarn* [Unclear mandate – the role of the temporary guardian (*god man*) for unaccompanied minors], Save the Children Sweden and S. Svård, (2010)

Save the Children Sweden recommends:

- that the Government impose concrete requirements upon all relevant public authorities, municipalities and county councils to apply methods to ascertain and consider the opinions of the child
- that guidelines be produced on how the child's opinions in a matter relating to the child are documented, including the way in which the child has been heard, what the child has said, the weight attributed to the child's opinions in the decision and the way in which the child is to be informed about the decision
- that the JO and the DO produce information material about their child-targeted activities and actively work to reach out to children to inform them that they can refer to these bodies if their rights are violated
- that unaccompanied minors and asylum-seeking children in families be afforded greater influence for particularly important decisions, such as choice of residence, temporary guardian, education and leisure time
- that children involved in custody disputes be afforded a right to their own legal counsel who will have a right of action on behalf of the child in the matter

3. Civil Rights and Freedoms (arts. 7, 8, 13-17, 19 and 37 a)

Combat violence and abuse

With reference to the United Nations Secretary-General's Study on violence against children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia (held in Ljubiana [sic Ljubljana] from 5 to 7 July 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) To prioritize prevention;
- (ii) To promote non-violent values and awareness-raising;
- (iii) To provide recovery and social reintegration services;
- (iv) To ensure the participation of children; and
- (v) To create accessible and child-friendly reporting systems and services.

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse.

(c) Cooperate with and support the United Nations Special Representative to the Secretary General on Violence against Children.

(d) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report.

(Committee's concluding observations, 2009 para. 33 a-d)

It was stated in a national survey from 2011 that approximately 14% of Sweden's pupils at secondary level had been hit by a parent or other adult at home at some time (3% of these had been hit several times). 5% had been subjected to serious forms of assault, such as kicks hitting with an object.³⁰

A survey conducted by Save the Children Sweden in 2012³¹ shows that significant disparities persist between the municipalities in terms of the range of early, preventive and easily accessible support for children in vulnerable situations. Similar surveys have been conducted on two previous occasions. An increasing number of municipalities said that they offered crisis support and discussion groups, but the number of children who are reported to have participated in such initiatives has reduced since SCS previous survey in 2009. There are no outreach social services at a third of the municipalities that responded. Outreach programmes have become statutory since this investigation was conducted. However, the law only prescribes that outreach programmes should be 'available'; it does not specify the training and education that should be undertaken by those working with these programmes. Half of Sweden's municipalities do not

³⁰ Kroppslig bestraffning av och annan kränkande behandling av barn i Sverige – en nationell kartläggning 2011 [Corporal punishment and other humiliating behaviour towards children in Sweden – a national survey, 2011] S. Jansson, C. Jernbro, B. Långberg, Children's Welfare Foundation Sweden and Karlstad University (2011)

³¹ Garantinivå för stöd till barn i utsatta situationer – en nationell enkätundersökning [Guarantee level for support for children in vulnerable situations – a national survey], Save the Children Sweden and A.Gunnarsson (2013)

have a family centre.³² There are in practice significant disparities between municipalities in the access to student health services prescribed by the Act – including doctors, school nurses, psychologists and social welfare officers. The number of pupils for each full-time³³ psychologist runs into five figures in some municipalities. These figures are slightly better in respect of social welfare officers, but are still far from satisfactory. Psychologists and doctors are only found on a rather small scale (19 and 17% respectively) at schools in the municipalities questioned, and it is reasonable to assume that this impedes accessibility.

There is also a great variation in a child's access to rehabilitation services after having been the victim of violence or abuse. It is unfortunately a feature of the Swedish health and medical care services that staff have insufficient knowledge of violence and abuse, far too few reports made to the social services and inadequate access to mental health care.³⁴ There is no clear care chain in large parts of Sweden.

SCS has pushed for a long time for the introduction of a *guarantee level* for preventive work and early intervention for children in vulnerable situations as a step towards establishing a social safety net to catch, at an early stage, children at risk of ending up in escalating situations and/or being affected by mental health problems. Although improvements have been made to the legislation, the guidance provided is still inadequate in terms of the range of preventive social work and early support one can expect to be available at municipalities. Resources allocated for this purpose and knowledge development relating to preventive work and early support are insufficient.

According to Save the Children Sweden's *guarantee level*, it is proposed that there should be preventive social services and easily accessible early support for children in all age groups and in all municipalities. This means that, as a minimum, there should be:

- family centres and youth clinics in all municipalities and all districts of metropolitan areas
- easy access to functioning student health care services, including doctors, school nurses, school social welfare officers, at all schools
- outreach social services linked to a unit within the municipality or county council, providing crisis discussions for children who have experienced violence, support groups/therapy groups for children in vulnerable situations such as, for example, children who have experienced violence within the family, children of parents who are substance misusers, children of parents with mental health problems, or children who have experienced the death of a close relative

A report from Save the Children Sweden about the duty of notification (duty to report) shows that staff at child health centres (BVC), pre-schools and schools working in close partnership with social services, and having established personal contacts with them, often through integrated cooperation such as at family centres, report concerns about children who are suffering neglect or abuse more often than others and that they also feel more secure about how such reports will be dealt with. It also transpires that those with fresh knowledge from their professional training and education, which included the duty of notification, find it significantly easier to deal with issues relating to the duty of notification.³⁵ Besides being informed about the statutory duty of notification, members of staff need to be aware of the best way within their profession to support and make it easier for children living in vulnerable situations – before, during and after the report.

Health care services also have an important role in terms of preventing and identifying violence and also providing care and treatment for children affected. However, it transpires that there are few child and adolescent psychiatry clinics that ask children about their experiences of violence and keep records of responses.³⁶ The same applies to other health and medical services when children have been in contact with the service as a result of problems that may be related to the violence to which they have been subjected but where they have not been asked whether they have been subjected to violence.³⁷ This may mean that the violence remains undetected and also that the child is offered the wrong treatment.

³² Swedish Association for the Promotion of Family Centres: www.familjecentraler.se. A family centre is an open resource for pre-school children and their parents, where child health centres, open preschools and social services work together under the same roof.

³³ Recalculated as full-time

³⁴ *Våldsutsatta barn inom hälso- och sjukvården. Kritik och förslag från Rädda Barnen 2012* [Child victims of violence within health and medical services. Criticism and proposals from Save the Children Sweden, 2012]. Save the Children Sweden and Å. Landberg (2012)

³⁵ *När man misstänker att barn far illa* [When you suspect that a child is suffering from neglect or abuse] Save the Children Sweden and Å. Backlund.S. Wiklund. F. Östlund (2012)

³⁶ *Våldsutsatta barn inom hälso- och sjukvården. Kritik och förslag från Rädda Barnen 2012* [Child victims of violence within health and medical services. Criticism and proposals from Save the Children Sweden, 2012] Save the Children Sweden (2012).

³⁷ *Signaler, Våld i nära relationer, Barn och ungdomar berättar* [Signals, Violence in close relationships, Children and young people tell their stories] Ombudsman for Children (2012).

Save the Children Sweden recommends:

- that the Government take the initiative to produce legislation concerning a *guarantee level* for preventive social services and early, easily accessible support for children in vulnerable situations (in accordance with the definition above)
- that written, coordinated, well-established routines are put in place within all child-related activities to prevent children at risk from slipping through the net and having no support or protection
- that knowledge about children living in vulnerable situations and the duty of notification ought to be introduced as a mandatory part of all basic training and education for professions within child-oriented activities
- that routines be introduced to ask new patients within the child and adolescent psychiatry service and also within health and medical services about any experience of violence and abuse, and also that statistics be kept to map the proportion of patients within the county council who have been victims of sexual abuse, physical assault or who have witnessed violence against a close relative

4. Family Environment and Alternative Care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)

The Committee recommends that the State party:

- take measures to address the causes of the high number of children who are removed from their families as well as children who run away from home or are forced to leave home and ensure that the children who run away or are forced to leave home have access to services and get the necessary advice and support;*
- further develop and implement programmes and policies to prevent the placement of children in institutions, inter alia by providing support and guidance to the most vulnerable families, developing, funding and providing parent-training programmes for parents from vulnerable families, and conducting awareness-raising campaigns; and*
- give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only when in the best interests of the child.*

(Committee's concluding observations 2009 para. 35)

Children in custody disputes

There has been a pronounced increase in custody conflicts in Sweden³⁸, and Save the Children Sweden receives reports from social services and the child psychiatry service about children in custody disputes who are suffering distress, who are feeling bad and are not getting the help they need. One of the reasons for this is that the help offered often presumes that the parents can cooperate – which is rarely the case for parents in difficult disputes. Another difficulty is that there is insufficient research and knowledge relating to effective interventions.

Save the Children Sweden recommends:

- that the Government take the initiative to ensure that children get an opportunity to express their views and receive support and treatment on their own terms with a view to better meeting the needs of children in custody disputes

³⁸ *Barnets rättigheter i vårdnadstvister* [Children's Rights in Custody Cases], Allmänna Barnhuset (2013) s.9

Children who run away from home

“You do not actually feel safe going to sleep; I hardly dared to close my eyes...” - Calle³⁹

It is stated in the government report (*para. 222*) that “The National Board of Health and Welfare, as mandated by the Government, has made an attempt to map homelessness among children and young people in the grey area between family and social care”. Approximately 400 children were in that situation during one week in May 2011. SCS wishes to point out that there is a documented method to produce information about how many children run away from or are thrown out of their home. The report issued by Save the Children Sweden *Tillfälligt uppbrott – om ungdomar som rymmer och kastas ut hemifrån* [Temporary breakup from home – young people who run away from or are thrown out of their home]⁴⁰ describes a national survey that SCS conducted according to scientific criteria. This indicated that 11% of children and young people under the age of 18 have experienced running away or being thrown out of their home for at least 24 hours. The survey provides a good snapshot of the scope and situation of these young people. They describe, among other things, meetings with social services. They consistently explain that the social welfare officers who they encountered did not listen sufficiently and did not take their stories seriously, despite having described situations that involved a lot of physical and psychological violence.

Save the Children Sweden recommends:

- that the Government, by means of scientific methodology, regularly survey children who run away from or are thrown out of their home⁴¹
- that improvements are made to society’s support targeted at children and young people who are forced to leave home by investigating how the child rights perspective can be strengthened in the work of social services
- that an analysis is conducted of the consequences for children of the prevailing ‘family perspective’ among social services, which entails a strong focus on keeping families together with a view to finding solutions that better fulfil the wishes of the child/young person
- that the municipalities be directed to offer both more alternatives for housing solutions and quantitatively more accommodation for those young people affected than is currently offered

Abuse and neglect

The Committee recommends that the State Party continue and strengthen its efforts to provide adequate assistance to children who are victims of child abuse, including through:

- (a) *early detection and treatment of cases involving child abuse;*
- (b) *specific parenting programmes for families at risk of abusing children;*
- (c) *ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;*
- (d) *providing adequate protection to child victims of abuse in their homes;*
- (e) *supporting the Swedish Children’s helpline so it can provide a 24-hour helpline service for children; and*
- (f) *public awareness-raising and education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline.*

(Committee’s concluding observations, 2009 para. 39)

Save the Children Sweden is pleased that the Government also emphasizes cooperation and security when children are suspected of having been the victims of crime. Cooperation at the Swedish *Barnabus* (children’s houses) is one way of being more responsive to the special needs of children when it is suspected that they are the victims of crime. The social services, police, prosecutor, forensic medical experts, paediatric medicine and paediatric psychiatry services are brought together at these children’s houses. There has been a rapid increase in the number of *Barnabus* in Sweden: from six in 2005 to 28 in 2013. Our membership movement has made major contributions to this growth through lobbying, advocacy and the dissemination of knowledge – locally and regionally.

³⁹ *Tillfälligt uppbrott – om ungdomar som rymmer och kastas ut hemifrån* [Temporary breakup from home – young people who run away from or are thrown out of the home], Save the Children Sweden and Y. Sjöblom (2009)

⁴⁰ *Tillfälligt uppbrott – om ungdomar som rymmer och kastas ut hemifrån* [Temporary breakup from home – young people who run away from or are thrown out of the home], Save the Children Sweden and Y. Sjöblom (2009)

⁴¹ Methods used in the report are questionnaires for a representative sample of the ‘normal population’ (school pupils in this case), supplemented by supplementary questions for staff involved in student care, for a continuous follow up of the situation of those children and young people who run away from home

Evidence suggests that the situation for child victims of violence has improved with the emergence of *Barnabus* in Sweden.⁴² The cooperation guidelines relating to children who are suspected of being the victims of crime and the criteria for Sweden's *Barnabus* produced on the initiative of the Government represent a major step forward.⁴³ However, more resources need to be invested in *Barnabus* to advance the qualitative, child-centred work and enhance opportunities to fulfil the guidelines set. SCS is of the opinion that, in addition to the Government's focus, on increased supervision, investments are also needed in working methods and adequate resources (human and financial). Inadequacies have already been pointed out by, among other things, the Children's House Inquiry (*Barnabusutredningen*), which demonstrated that only a few of the *Barnabus* started in recent years fulfil the criteria.⁴⁴ A new survey by Save the Children Sweden and Linköping University shows that this situation persists in 2012.⁴⁵ This survey also discusses the possibility of *Barnabus* functioning as a base for national knowledge-building. SCS has proposed a national knowledge centre for child victims of violence for many years. *Barnabus* could potentially function as a base for such a knowledge centre by gathering knowledge from individual *Barnabus* at regional competence centres that, in their turn, exchange experience and knowledge with a national coordinating knowledge centre that coordinates and is also responsible for capacity building, certification and quality assurance/research.

Save the Children Sweden recommends:

- that further resources (human, financial, competence-related) be allocated to *Barnabus* to meet the quality requirements
- that all *Barnabus* undergo certification and quality assurance processes with national coordination
- that the Government take the measures required to enable all children in Sweden who are suspected of being the victims of violence or sexual abuse to quickly access support at a *Barnabus*
- that the Government make a decision on establishing a National Knowledge Centre for child victims of violence. This knowledge centre shall have a clear link with the practical operation at *Barnabus*

Honour related violence and oppression

“You are actually married to the whole family; that’s simply how it is. Everyone knows who you are. Everyone tells you mother where you are; everyone knows what you are doing. What you look like, what they are thinking and this affects the family because they want to maintain a good reputation”. - Helena⁴⁶

The issue of honour related violence and oppression has attracted a great deal of attention in Sweden in recent years and several different measures have been taken at the national and local level. There is still a great need not only to put prevention measures in place but also for strong interventions when abuse occurs in the name of honour. It is vital to establish functioning cooperation between the relevant public authorities and NGOs. SCS has visited schools – in cooperation with the police, social services, etc. – as a step in the prevention of honour related violence as part of its collaboration project *Det handlar om kärlek* [It's all about love]. This model is based on a rights perspective, where a key element is discussions with pupils about their rights. *Det handlar om kärlek* has been highlighted by the Government as a national method to prevent honour related violence. The goal is to persuade municipalities to make this part of ordinary activities at schools. This may also make teaching and work on human rights and the CRC at school more dynamic.

Civil society plays an important role in terms of contacts with children and young people who have been subjected to honour related violence and oppression. Suspicions and prejudices towards public authorities mean that young people refer to NGOs that can help them through their understanding of how to communicate and deal with public authorities.

Save the Children Sweden recommends:

- that the Government provide all municipalities with long-term preconditions and incentives to formulate prevention measures for honour related violence; public authorities and NGOs should cooperate in this work
- that children receive information about the support available if their rights are violated
- that professionals who encounter children and young people in their work have adequate training about honour related violence

⁴² *Barnabusutredningen 2010* [Children's House Inquiry 2010], A. Kaldal, C. Diesen, J. Beijer & E.F. Diesen (2010), Jure Förlag

⁴³ *Delredovisning av regeringsuppdrag avseende gemensamma nationella riktlinjer kring barn som misstänks vara utsatta för brott och kriterier för landets barnahus* [Interim report on government assignment relating to joint national guidelines relating to children suspected of being victims of crime and criteria for Sweden's children's houses] National Police Board (2009).

⁴⁴ *Barnabusutredningen 2010* [Children's House Inquiry 2010], A. Kaldal, C. Diesen, J. Beijer & E.F. Diesen (2010), Jure Förlag

⁴⁵ *Inuti ett Barnabus, en kvalitetsssäkring av 23 svenska verksamheter* [Inside a children's house, a quality control of 23 Swedish operations], Save the Children Sweden and Å. Landberg C-G. Svedin (2013).

⁴⁶ *Tillfälligt uppbrott – om ungdomar som rymmer och kastas ut hemifrån* [Temporary breakup from home – young people who run away from or are thrown out of the home], Save the Children Sweden and Y. Sjöblom (2011) p.27

5. Basic Health and Welfare (arts. 6, 18 (para.3), 23, 24, 26 and 27 (paras.1-3))

Standard of living

The Committee recommends that the State Party take all necessary measures to ensure that all children are not living below the poverty line. The Committee also recommends that the State party take adequate measures, including special support measures, to ensure that children, in particular those from socially disadvantaged families, including single-parent households and of non-Swedish ethnic origin, are not living in poverty, regardless of where they reside. The State party should consider drawing up a plan of action for combating child poverty in times of economic crisis. (Committee's concluding observations, 2009 para. 53)

What constitutes a reasonable standard of living should be interpreted on the basis of each country's opportunities and resources. As pointed out by the Government in its report, there are many ways of measuring economic vulnerability, all with different pros and cons. As Sweden has no official definition of 'poverty', Save the Children Sweden has cooperated with researchers to produce a combined measure with two components (see below) that SCS believes shows which children are not having their right under article 27 to a reasonable standard of living respected. The official EU measure for the risk of poverty (60% of the country's median income) is also frequently used in Sweden. The Government has also recently produced its own absolute definition (the proportion of children living in households with an income below the 1991 relative limit, which has since been adjusted for inflation), though this definition has not been widely applied. The two components of Save the Children Sweden's definition encompass children either living in a family that has received subsistence allowance from the municipality at some time during the year or children living in a family with a low income standard, i.e. the family's income does not cover necessary expenses such as accommodation, food, clothing and insurance. This definition thus encompasses those children whose families do not have enough to cover the essentials. It is likely that the everyday lives of a large proportion of children living under this level are restricted, both in terms of opportunities at school, during leisure time and socially.

The different ways of measuring contribute to a deeper understanding of a child's economic conditions. Living for a long time in circumstances where the income does not cover the essentials often has major, direct consequences for children and hinders their opportunities to participate and develop. Living in conditions that differ dramatically from mainstream society contributes to, for example, shaping a child's expectations for the future and their perception of their own belonging to society.

SCS has documented trends for children in economic vulnerability in Sweden since 1991 – throughout Sweden, in each municipality and also in districts of metropolitan areas. The statistics are produced by Statistics Sweden (SCB) and compiled by an independent researcher. At the time described in SCS last report, 232,000 children (or 12.1% of children in Sweden) were living in economically vulnerable households as defined above. There are considerable disparities between different groups of children (between children of single parents and parents living together, and children whose parents were born in Sweden and abroad) and between children in different municipalities and districts.⁴⁷

Levels did not normalize until 2007 following the economic crisis of the 1990s, when children in many ways bore the consequences of financial cutbacks. As pointed out by the Committee in its recommendation, this demonstrates the importance of being prepared (in the form of plans of action, systematic child impact analyses and follow-up mechanisms) for times of economic crisis. Studies in recent years have shown levels to be more stable. Most families with children have become better off, while groups with the weakest finances have been more static and thus have not benefitted from the increase in wealth experienced by mainstream society. SCS can also see an increase in residential segregation, where the most significant differences are found between districts in metropolitan areas (varies between 1.7 and 62.3% of children living in economic vulnerability).

Many asylum seekers are also part of the group that have weak finances.⁴⁸ The daily allowance for asylum seekers has not changed since 1994 and currently corresponds to around half of the subsistence allowance for a family with two adults and two children. Unlike the general Swedish child allowance, the allowance per child reduces from and including the third child.

Undocumented migrants and children⁴⁹ represent another category living in economic vulnerability. It is shown by the compliance report produced by the National Board of Health and Welfare in 2010⁵⁰ that there are significant differences between municipalities in the way in which social services, which is the main contact point, treat undocumented migrants. The report refers to a municipal survey which indicates that 91 of the 140 municipalities that participated in the

⁴⁷ *Barnfattigdomen i Sverige* [Child poverty in Sweden] Save the Children Sweden (2013). The report contains statistics from 2011.

⁴⁸ This group does not form part of the statistics on which the Save the Children Sweden's reports are based.

⁴⁹ This group does not form part of the statistics on which the Save the Children Sweden's reports are based.

⁵⁰ National Board of Health and Welfare's Social Report (2010), p. 277 ff

investigation have no guidelines for how to receive undocumented migrants. Only ten municipalities stated that they had routines, and 18% that they had ever granted financial assistance to undocumented migrants.⁵¹

Our experience is that it is difficult to get a clear indication of what applies in terms of support from social services for undocumented children and the opportunities to get financial assistance. There are very significant disparities between the various municipalities and even between different administrative officers. All children in Sweden, regardless of legal status, have the same right to social security and a reasonable standard of living under articles 26 and 27 of the CRC.

Economically vulnerable children encountered by SCS testify that they have a feeling of being different or excluded, at school and during leisure time. They feel anxious about the future, but assume a serious responsibility for their families, choosing not to participate in activities that they know their families cannot afford.⁵²

“I have lost a lot of friends because we do not have enough money. They think that I do not want to spend time with them because I cannot do things with them. But I would like to. I just do not have the resources.” Girl aged 17⁵³

Housing represents a central part of a reasonable standard of living. 504 children were affected by eviction in Sweden in 2013⁵⁴. This is a reduction from the preceding year, but SCS is of the opinion that this figure must be minimized and that the Government’s zero vision for the number of children evicted must be taken seriously. In order to achieve this, coordinated, preventive work and early intervention are required when there is a risk of eviction.

The Government emphasizes in its report that their efforts within various policy areas “mean as such a plan of action that contributes overall to reducing economic vulnerability among families with children”. However, a plan of action is something else, and is still necessary to prevent and reduce the proportion of children in economic vulnerability in a sustainable manner and also mitigate the consequences they experience. A plan of action functions as a follow-up tool and may be just the tool that Sweden needs to avoid socio-economic disparities becoming so great that large groups of children risk being permanently being left behind by society.

Sweden should also contribute to the extensive work against child poverty currently being conducted within the EU. To ensure the systematic monitoring of trends in Sweden, Sweden should also report on child-poverty-related measures in its country reports within the framework of the Europe 2020 process and the annual national reform programmes that each Member State has to submit to the European Commission.

Save the Children Sweden recommends:

- that the Government produce a national plan of action to combat child poverty, focussing on the most vulnerable groups based on the CRC and also the Commission Recommendation *Investing in Children – breaking the cycle of disadvantage*
- that Social Services Act (SoL) be amended to clarify the obligation to effect prevention measures regarding the eviction of families with children in accordance with proposals from the Ombudsman for Children and the Swedish Enforcement Authority⁵⁵
- that the level of daily allowance for asylum seekers be reviewed, with the intention to raise it to a level corresponding to the current cost situation

⁵¹ National Board of Health and Welfare’s Social Report (2010), p. 278

⁵² *På Marginalen, Vardagen bakom barnfattigdomsstatistiken* [On the Margin, Day-to-day life behind the child poverty statistics], Save the Children Sweden 2013

⁵³ *På Marginalen, Vardagen bakom barnfattigdomsstatistiken* [On the Margin, Day-to-day life behind the child poverty statistics], Save the Children Sweden 2013, p.26

⁵⁴ <http://kronofogden.se/28601.html> (21 February 2014)

⁵⁵ Proposal submitted by the Ombudsman for Children and the Swedish Enforcement Authority: “An eviction provision should be incorporated into the SoL imposing requirements for preventive measures. Social services shall be obliged to conduct outreach and preventive work when a family with children is at risk of eviction”

Children with disabilities

The Committee recommends that the State party, in accordance with article 23 of the CRC and taking into account General Comment No. 9 (CRC/C/GC/9) as well as the Convention on the Rights of Persons with Disabilities and its Optional Protocol, continue to strengthen measures to protect and promote the rights of children with disabilities, inter alia, by:

- (a) developing and implementing a comprehensive policy for the protection of children with disabilities and for their equal access to social, educational and other services;
- (b) ensuring that equal access to services is provided to children with disabilities taking into consideration the standard rules on the equalization of opportunities for persons with disabilities (General Assembly resolution 48/96);
- (c) undertaking the necessary measures to collect accurate statistical data that is disaggregated on children with disabilities; and
- (d) providing equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within the regular schools.

(Committee's concluding observations, 2009 para. 41)

'Inclusion' constitutes a starting point of the Swedish Education Act, which also states that special support should be provided within regular classes unless there are particular grounds for the child to go into a separate teaching group or be taught individually.⁵⁶ Inspections of school situations for students with disabilities conducted by the Swedish Schools Inspectorate show that inclusion is not always successful.⁵⁷ Variations of capacity among pupils are not always catered for and the learning environment is not always adapted to their needs. It is often the pupils' participation that is lacking.

Children with disabilities still face serious obstacles in respect of their right to freely choose a school. Every municipality has an obligation to provide education for all children, but unfortunately the wording of the Education Act enables individual schools to deny a place to pupils with disabilities with reference to this involving 'significant organizational or financial difficulties'. SCS considers that it is unacceptable that the wording of the legislation can be applied in such a way as to discriminate by reference to this provision and that this situation is totally incompatible with article 2 of the CRC and article 7 of the Convention on the Rights of Persons with Disabilities. There is also an imminent risk of this wording being applied more extensively than was intended by the legislator, which may make things more difficult for a large number of pupils with disabilities and special needs. Increasing numbers of children may be referred to another school that is located at a far distance from their home or where they do not want to go for other reasons.

Save the Children Sweden recommends:

- that the wording of the Education Act relating to influence and participation in decisions, which applies to the organization of teaching and the learning environment, be implemented in practice also for children with disabilities
- that the Government amend the wording of the Education Act that currently allows a place to be denied to certain pupils at a school with reference to 'significant organizational or financial difficulties'
- that the Government target further resources to ensure that the free choice of schools is also free, in practice, for children in need of special support

Health and medical services

The Committee recommends that the State party take the necessary steps to ensure that all children, including undocumented children, have a right to health and medical services under the same conditions as children legally residing in the country. (Committee's concluding observations, 2009 paras. 60 and 61)

A statutory amendment entered into force on 1 July 2013 granting children in hiding and undocumented children the right to health and medical services on the same terms as other children resident in Sweden. Save the Children Sweden welcomes this. It is regrettable that the statutory amendment does not also include care on equal terms for asylum-seeking adults and undocumented adults, as health and medical services represent a fundamental human right and the physical and mental health of parents also has a significant impact on the child. These adults are currently only entitled to care that cannot be deferred.

⁵⁶ Education Act 2010:800, Chapter 3, Section 7

⁵⁷ *Skolsituationen för elever med funktionsnedsättning i grundskolan respektive i gymnasieskolan* [The situation for pupils with disabilities at compulsory school and upper secondary school respectively], Swedish Schools Inspectorate Reports 2009:6 and 2010:4. *En skola med tilltro lyfter alla elever* [Trusted schools raise the level for all pupils], Swedish Schools Inspectorate, experiences and results from supervision and quality audits (2011)

Having a legal right to care represents a necessary precondition to enable as many people as possible to also have real access to care. Actual access may be undermined by a lack of information, physical accessibility and anxiety about what the care outreach initiative may lead to. In particular, undocumented children and adults require information about the care offered – and on what terms – to have confidence and a sufficient sense of security to utilize the opportunities available. SCS considers that an attempt made by an undocumented migrant to seek care must not be exploited to, for example, enforce a decision to refuse entry.

Save the Children Sweden recommends:

- that asylum-seeking adults and undocumented migrants be granted a right to care on the same terms as other people resident in Sweden
- that the Government, in order to guarantee actual access to health and medical services, ensure that undocumented children are not searched for via health care and medical service establishments
- that the Government actively work to ensure that the right of undocumented migrants to care is reinforced by necessary information activities and other measures to ensure that the statutory amendment achieves the practical impact intended

Mental health services

The Committee encourages the State Party to strengthen its mental health care system, including both preventive and interventional programmes, so as to ensure that adequate treatment and care are provided to all children that need it without undue delay. In addition, the State party should ensure better cooperation between related services, such as schools, social care homes, the juvenile justice system, treatment centres for drug and alcohol abuse, etc. The Committee urges the State party to strengthen the health care resources for people in suicidal crisis and to take measures to prevent suicide among groups that are at risk. (Committee's concluding observations, 2009 para. 51)

The child and adolescent psychiatry service in Sweden has been moving towards becoming a highly specialized instance for many years, focusing on the support and treatment of children with severe and more complicated psychiatric conditions.⁵⁸ Although there is undoubtedly a need for these specialized services, this means that mental health problems and support and advice for children and parents, where children have less severe symptoms, can no longer be received and treated within the child and adolescent psychiatry service at most county councils. There is no coherent plan for which instance is to provide these resources. It has thus been concluded by SALAR, among others, that a 'first-line psychiatric service for children and young people with mild or moderate symptoms of mental health problems needs to be established. A process is also underway within some county councils to also assume responsibility for the 'first-line assignment' in respect of mental health problems. However, there is a significant variation in the design and allocation of resources for these initiatives in a way that is unacceptable for children, young people and parents in need of support, advice and treatment. Save the Children Sweden can conclude that many children and parents in need of basic support and treatment are resorting to Save the Children Sweden's treatment operation, to our parent helpline, email contacts and our group activities in the absence of other alternatives and also because they lack an overview of which care providers are available locally.

Save the Children Sweden places particular emphasis on student health services (see also page 27) within the framework of SCS' requirement for a guarantee level⁵⁹ (see pages 15-16). This plays an important role in providing support and identifying children suffering from mental health problems. However, the student health services works in the first instance with preventive health, including for instance the general promotion of health and fitness, and does not fully fulfil the function of providing first-line support and treatment for children with less severe mental health problems. Child health centres and healthcare centres are usually the only establishments available for pre-school-age children, and they do not generally have the competence to deal with children's mental health problems. A further clearly identified responsibility within care is therefore required that can be referred to by children of all ages, and their parents, for early support for children with mental health problems.

Save the Children Sweden recommends:

- that the Government ensure a functioning chain of both specialized and non-specialized care for children and young people with mental health problems
- that responsibility for the initial reception of children and young people with mental health problems be clearly identified and resourced in all municipalities and county councils

⁵⁸ Barns och ungas hälsa, vård och omsorg [The health of children and young people, care services] National Board of Health and Welfare (2013)

⁵⁹ Garantnivå för stöd till barn i utsatta situationer – en nationell enkätundersökning [Guarantee level for support for children in vulnerable situations – a national survey], Save the Children Sweden and A. Gunnarsson (2013)

6. Education, Leisure and Cultural Activities (arts. 28, 29 and 31)

Right to education

The Committee recommends that the State party pursue its efforts to ensure that all children enjoy the right to education, including children without residence permit, such as ‘children in hiding’ and undocumented children. (Committee’s concluding observations, 2009 paras. 54 and 55)

Right of unaccompanied minors at HVBs to education

Unaccompanied children and young people often live in homes for care or residence (HVBs), both pending decisions on residence permits or after a decision has been issued – also when they have been granted a permanent residence permit. They are therefore an important, but often forgotten, group when discussing the right to education for ‘children in social care’. Unaccompanied children living at HVBs usually attend an ordinary school, which may have a significant impact on ending the isolation of these children and providing them with stability.

SCS has become aware through locally active members of Save the Children Sweden working for and with unaccompanied children that there are significant disparities between municipalities. In particular, the right of unaccompanied children to education when in transit⁶⁰ must be respected. SCS receives reports on children who only attend school for a couple of hours a day.

“I am two years behind my peers because of the preparatory class. I am sad about this. I have lost so much time.” - Girl from Iraq⁶¹

The Swedish National Agency for Education has criticized the municipalities’ preparatory classes. Municipalities and schools need clearer guidelines for dealing with the reception of newly arrived children. A good balance is required between the special support needs of newly arrived children and the need to be ‘integrated’ with other pupils. A lock-in effect can be seen in many municipalities, where newly arrived children, including unaccompanied children, remain in preparatory classes for an excessively lengthy period. Preparatory classes have lower ambitions and expectations for what pupils are to achieve in terms of results, which may impede the capacity of individuals to assimilate education.⁶² Initiatives to get newly arrived children and young people to learn Swedish are important, but should not be done in such a way that compromises the teaching of subjects; this must continue in their mother tongue or another language that works so that pupils do not unnecessarily lose time.

Save the Children Sweden recommends:

- that the right of asylum seekers and unaccompanied children to education be ensured even when they are ‘in transit’; i.e. during the period when a more long-term solution for accommodation is being investigated
- that the Government ensure that high quality education is provided in the preparatory classes for newly arrived children, including study counselling in the pupils’ mother tongue; pupils should also be afforded an opportunity to go on to regular education as soon as possible

⁶⁰ A housing solution that is more long-term is being investigated for this period

⁶¹ *Checklista för ett gott mottagande av asylsökande barn i familj* [Checklist for the good reception of child asylum seekers in families], Save the Children Sweden (2012), p.16

⁶² *Utbildning för nyanlända elever – rätten till en god utbildning i en trygg miljö* [Education for newly arrived pupils – the right to a good education in a secure environment] Swedish Schools Inspectorate (2009)

Right of undocumented children to education

The new provisions on education for undocumented children, which entered into force in 2013, represent a major step in the right direction. However, Save the Children Sweden can also see many practical obstacles in the future preventing these children from being fully able to have this right to education respected. These involve not only obstacles entailing that children dare not actually take part in education, but also a lack of information. For example, there is no explicit prohibition against collecting children for coercive deportation from or in conjunction with pre-school or school activities. It is not general practice for the police to do this, but a prohibition would entail increased security for children. Municipalities also need further support and guidance about how to reach undocumented children and also how they can ensure each child's right to secure schooling.

Save the Children Sweden recommends:

- that the Government, in order to guarantee actual access to education for undocumented children, ensure that undocumented children are not searched for via schools and pre-schools
- that the Government actively work to ensure that the right of undocumented children to education is reinforced by necessary information activities and other measures to ensure that the statutory amendment achieves the practical impact intended

Educational equity

The National Agency for Education is of the opinion that 'equity' within education means equal access to education, equivalent quality of education and that education should be compensatory; thus that it compensates for any difficulties pupils may have depending on their socio-economic background, disabilities, length of time they remain in Sweden and the like. As mentioned in para. 56, the Government states in its report that the Swedish school system is characterized by high equivalence from an international perspective. However, the National Agency for Education concludes that the spread of and variation in results between schools, pupils, classes and also municipalities has increased in recent years.⁶³

The National Agency for Education also concludes that the social backgrounds of pupils continue to be of major significance. Furthermore, it was concluded that schools are not sufficiently able to compensate for the pupils' background. This was also confirmed by the Swedish Schools Inspectorate,⁶⁴ which concluded that schools find it difficult to achieve the mandate of compensating for differences in the preconditions influencing pupils.

The most significant differences between school results can be seen in suburban municipalities and large cities. SCS has focused our work on vulnerable socio-economic areas in and around metropolitan municipalities and can see a worrying trend that public services and schools are being depleted in these areas. SCS has heard from children and young people that teachers' expectations of children in vulnerable areas are not based on each pupil's right to develop but stem from prior assumptions about what is deemed to be possible. The Swedish Schools Inspectorate states that far too often they see examples of schools adapting their teaching to expected failures among individual pupils and pupil groups, instead of what the pupils need to succeed.⁶⁵

**“Several teachers discriminate and show favouritism according to what we look like or where we come from.”
- Pupil, school year 9⁶⁶**

The new Education Act tightens up the requirements for equity in the education system and emphasizes the schools' compensatory assignment. SCS welcomes this. However, there is still a lack of measures to ensure equivalent education for all children regardless of background. The role of the school is fundamental, but a single actor cannot achieve this objective. The various actors and policy areas need to cooperate to ensure equity within education and the compensatory mandate.

In the above-mentioned report, the Swedish Schools Inspectorate also describes inadequacies in individualization based on pupils' abilities and needs. This may involve opportunities for pupils to influence or the way in which the need for special support is investigated.

⁶³ *Likvärdig utbildning i svensk grundskola?* [Equivalent education in Swedish compulsory schools?], National Agency for Education (2012), Report 374

⁶⁴ *En skola med tilltro lyfter alla elever* [Trusted schools raise the level for all pupils], Swedish Schools Inspectorate (2012)

⁶⁵ *En skola med tilltro lyfter alla elever* [Trusted schools raise the level for all pupils], Swedish Schools Inspectorate (2012)

⁶⁶ *Barnets rättigheter lokalt* [Rights of the child locally], Save the Children Sweden (2013), p.37

SCS considers that schools that are fully free of charge represent a precondition for the right of all children to access education on equal terms. The Education Act states that schools should be free of charge, but that there may be occasional items that result in a modest expense for pupils, such as a ticket or small entrance charge for a museum. Pupils should have access to books and other study resources without charge. At upper secondary schools, the responsible authority may decide that pupils themselves shall provide occasional personal educational materials. As the interpretative scope of the rules is far too extensive, some schools impose charges that are far too high for, among other things, school trips and other activities. Municipal guidelines and rules differ significantly throughout Sweden. For example, only three of the 25 municipalities in Stockholm County have decided to have schools that are fully free of charge.⁶⁷

Most children in Sweden live in families that can pay small amounts for activities at school – but far from all. It was stated in *Ung Röst 2014* [Young Voice 2014] that 6 % of respondents stated that they have been forced to forgo a school activity because it cost money. 43% of pupils in the investigation stated that they had been encouraged to take money with them for a school activity over the past year.

“My mum usually asks me if I want anything, but I always say no. I know what her finances are like, that she is struggling, so why should I make things more difficult? As long as I have food everything is fine.” Pupil, 68

“More often than not my mum cannot afford it, but she usually asks one of our relatives and sometimes we borrow money so that I can join in. The school generally has free activities. But then we have to buy food on the trips.” Clara aged 16⁶⁹

The fact that pupils are expected to contribute financially to activities that form part of school education means that there is a risk of children being excluded and thereby discriminated against owing to the family’s financial situation. This can affect both the feeling of participation and study results, and thereby both security and equity at school.

Research has shown that pre-schools are of greatest relevance to children whose parents have limited socio-economic capacity and for children in other vulnerable situations. The opportunity for parents to support themselves is particularly important to improve the situation for children in economically vulnerable situations. The possibility of accepting an offer of work with working hours outside normal office hours is totally dependent on access to child care, particularly for single parents. The new Education Act from 2010 prescribes that municipalities “should endeavour to offer care for children during those periods when pre-schools or leisure-time centres are not being offered to the extent required, taking into account the parents’ work and the family’s situation in general”. This wording is open to different interpretations by different municipalities and contributes to the municipal disparities that SCS has pointed out in several parts of this report.

Save the Children Sweden recommends:

- that the Government treat the reduction of equivalence in Swedish schools with the utmost seriousness and conduct an extensive analysis of the causes
- that the Government enable schools to achieve their compensatory assignment by means of carefully preconsidered systems for differentiated support
- that the Education Act be clarified so that the compulsory school complies with the CRC and is fully free of charge
- that all municipalities be obliged to offer child care even during inconvenient working hours

33 of our local branches offered homework assistance at 50 venues in 2012. 750 children were involved in this activity. This gauges the temperature of the situation at Swedish schools, and many local branches indicate that the need for homework assistance has increased throughout Sweden, particularly at intermediate level of compulsory school, among older children and children with a migrant background.

“Some pupils may get a lot of support from their parents at home, and some may not. It is not really fair.” -Pupil, Luleå⁷⁰

“They have felt visible and have received the help that may be lacking at home.” - Teacher⁷¹

“The homework gets done, when they have homework assistance. These pupils do not do their homework when this assistance is not available.” - Teacher⁷²

⁶⁷ *Rapport gällande beslut om avgiftsfri skola i Stockholms län 2012* [Report relating to decision on schools that are free of charge in Stockholm County in 2012] Childcare and Education Committee, Sundbyberg (2012)

⁶⁸ *Ung röst 2011* [Young Voice 2011], Save the Children Sweden (2011), p. 35

⁶⁹ *På Marginalen* [On the Margin], Save the Children Sweden (2013), p.13

⁷⁰ *Barnets rättigheter lokalt* [Rights of the child locally] Save the Children Sweden (2013), p.33

⁷¹ *Barnets rättigheter lokalt* [Rights of the child locally] Save the Children Sweden (2013), p.33

⁷² *Barnets rättigheter lokalt* [Rights of the child locally] Save the Children Sweden (2013), p.33

Our local branches have reported great demand for and interest in homework assistance, but also significant differences in the study support offered by municipalities and individual schools.

Save the Children Sweden recommends:

- that all pupils be guaranteed at least two teacher-supervised hours of study support per week in conjunction with the school day

Student health services

One area where Save the Children Sweden sees significant municipal disparities in meeting the Education Act's requirements for student health services. In addition to school doctors and school nurses, all pupils should have access to psychologists, school welfare officers and staff with competence in special needs education. 'Access to' actually means different things depending on where you live. For example, according to the Swedish Psychological Association, the number of pupils per psychologist varies significantly from municipality to municipality. The Association recommends at least one full-time post per 500 children, which SCS endorses. Only a few municipalities are achieving this. The average is 1,600 children for each full-time post, and many municipalities state that there are several thousand children for each full-time psychologist.⁷³ This picture is confirmed by our survey of the *guarantee level*.⁷⁴

Save the Children Sweden recommends:

- that the Government: determine the minimum level for staff within the student health services; comply with the recommendations of the Swedish Psychological Association for 500 pupils per school psychologist; and investigate the levels that should apply for other groups of staff

Bullying

The Committee recommends that the State Party strengthen the measures taken to combat bullying and pay special attention to children with disabilities and of foreign origins, and to ensure the participation of children in the initiatives aimed at reducing bullying. Such measures should also address new forms of bullying and harassment outside classrooms or school yards, including by mobile phone and in virtual meeting places. (Committee's concluding observations, 2009 para. 59)

The Government states that the proportion of pupils who feel violated at Swedish schools is relatively low by international comparison. (para. 341)

"A lot of humiliating treatment takes place via Facebook. Some formed a group about a boy in my class. It was called Alla vi som tycker att Mickes mössa är skitig [For everyone who thinks Micke's hat is filthy]". - Pupil⁷⁵

Many children feel unsafe and vulnerable at school. According to the *Ung Röst 2011* [Young Voice 2011] questionnaire conducted by Save the Children Sweden, 7% of the children questioned said that they had been bullied. 14% of girls and 6% of boys have been ostracized (10% of all). 30% of respondents who said that they were worried about their friends gave the risk of their friends being bullied as a reason.⁷⁶

⁷³ *Tillgång till skolpsykolog – en kartläggning av landets kommuner 2011* [Access to school psychologists – a survey of Sweden's municipalities in 2011] Swedish Psychological Association (2011)

⁷⁴ *Garantinivå för stöd till barn i utsatta situationer – en nationell enkätundersökning* [Guarantee level for support for children in vulnerable situations – a national survey], Save the Children Sweden and A. Gunnarsson (2012)

⁷⁵ *Ung Röst 2011* [Young Voice 2011], Save the Children Sweden (2011), p. 29

⁷⁶ Bullying and ostracism have not been attributed an exact definition in the questionnaire, but children have proceeded on the basis of their own interpretation of the terms. These questions were not included in the 2014 investigation.

As previously, the new Education Act includes a prohibition against degrading treatment and a requirement for schools to take action in the event of violations. A new feature is the duty of the pre-school or school head to report and record when a pupil feels that they have been subjected to degrading treatment. This report must subsequently be forwarded to the authority responsible for the pre-school or school. The Government must implement a holistic approach and ensure that the municipal level (responsible authority) takes this assignment seriously, has sufficient resources and works systematically.

The National Agency for Education concludes that the schools' initiatives become sporadic and contradictory when there is a lack of involvement or competence.⁷⁷ The Swedish Schools Inspectorate concludes that there is still much to be done to ensure a secure learning environment for all children and pupils. There are, among other things, significant inadequacies in the work to prevent degrading treatment. Plans to combat degrading treatment, which all schools are directed to produce, are seldom based on a survey of needs in the operation in question.⁷⁸

The pupils' opportunity for influence and participation represents a precondition for effective anti-bullying work. SCS considers that it is the task of the school head to create opportunities to re-establish and maintain confidence between pupils and school staff. This requires continuous discussions, where members of school staff are afforded an opportunity to formulate a common approach and talk about how and when they are to act. It has even been possible to successfully reduce the amount of degrading treatment at schools characterized by a 'tough climate', among other things by getting all of the staff involved in the work.⁷⁹

School staff may need training on children's rights and the importance of pupil participation. Besides all of the staff at a school pulling in the same direction, one feature characterizing successful schools that have created a good climate is that pupils are allowed to participate in promotional initiatives to create a good climate. There is also experience to say that bullying reduces if schools invest in initiatives to bridge relational gaps between and bond pupils.⁸⁰

“Much of what happens on the Internet continues as conflicts and quarrels at school” - Teacher at an intermediate level of compulsory school, participant in a course at Save the Children Sweden

Save the Children Sweden recommends:

- that the Government provide municipalities and schools with the preconditions to successfully work towards zero tolerance in respect of harassment and degrading treatment

7. Special Protection Measures (arts. 22, 30, 38, 39, 40, 37 b and d, 32-36)

Asylum-seeking and refugee children

The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee urges the State Party to take the necessary legislative steps to ensure the appointment of a temporary guardian (or “trustee”) for each unaccompanied asylum-seeking child within 24 hours of his or her arrival in the country, with a task of informing the child about his or her legal situation as well as available legal immigration procedures. The Committee also recommends that efforts be strengthened to ensure the suitability and adequate qualifications of such guardians. The Committee draws the attention of the State party to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin (Committee’s concluding observations, 2009 para. 63).

“It is my life. But I cannot make any decisions. I do not want to leave my family.”

- From a focus group with unaccompanied minors, 2012

The Government has not implemented the earlier recommendation made by the Committee to ensure that unaccompanied minors are appointed a temporary guardian within 24 hours of arrival. Nor has the Government taken sufficiently effective measures to ensure the consideration of any child-specific reasons during the asylum process.

⁷⁷ *Utvärdering av metoder mot mobbing* [Evaluation of anti-bullying methods], National Agency for Education (2011)

⁷⁸ *En skola med tilltro lyfter alla elever* [Trusted schools raise the level for all pupils], Swedish Schools Inspectorate (2012)

⁷⁹ *För en tryggare skola* [Safer schools], Save the Children Sweden (2012)

⁸⁰ *För en tryggare skola* [Safer schools] Save the Children Sweden (2012) and *Vad fungerar? Resultat av utvärdering och metoder mot mobbing*. [What works? Findings of evaluation and anti-bullying methods] National Agency for Education (2011)

Save the Children Sweden views positively the statutory amendment from 2006 whereby the municipalities took over the responsibility for unaccompanied minors from the Migration Board. Since then SALAR, among others, has taken many good initiatives to develop and assure the quality of the reception service.⁸¹ However, there is still a need for clear national guidelines on the reception of unaccompanied minors and the responsibility of municipalities. The municipalities currently have different ways of organizing the reception service, which means that the support children receive depends on the municipality where they are resident.

The reception of unaccompanied minors is currently based on voluntary agreements between a municipality and the Migration Board, but the Migration Board was afforded increased opportunities through a statutory amendment in January 2014 to compulsorily assign unaccompanied children to a municipality that has no reception agreement. The background to the statutory amendment is that it has been difficult for the Migration Board to conclude agreements for locations at the same rate by which the number of children has increased.⁸² This in its turn resulted in many children staying in temporary accommodation at their municipality of arrival for long periods of time. According to information received from the Migration Board, approximately 700 children were still at their municipalities of arrival at the end of 2012, as they could not be assigned elsewhere.⁸³ Although SCS agrees that it is important to structure the assignment of places by the Migration Board on voluntary lines, it is extremely important for municipalities to have clear directives and support to enable them to establish a good reception service.

It was indicated by a research report⁸⁴ on unaccompanied minors that standard solutions are common for the social services' work with these children. Where children are placed usually depends on the child's age and the municipality they end up in rather than their individual needs. It is also shown by the National Board of Health and Welfare's compliance report from 2012 that homes for care or residence (HVBs) for unaccompanied minors have more inadequacies than other HVBs. These include inadequacies in the opportunities for children to participate and in respect of the records and documentation kept.⁸⁵ SCS welcomes the ongoing work of the National Board of Health and Welfare to produce guidance on how the social services are to work with unaccompanied minors.⁸⁶

The number of asylum-seeking children in Sweden has increased in recent years compared to previous years.⁸⁷ SCS is concerned about reports of children being placed in accommodation that is not child-friendly or that is overcrowded or in municipalities where equivalence in education cannot be offered. SCS considers it urgent to ensure high-quality reception and to protect the rights of asylum-seeking children despite their numbers increasing.

The Migration Board has produced its own guidelines for the reception centres it operates.⁸⁸ The background to this was to improve the quality of accommodation and overcome the disparities that prevail. These guidelines have a child perspective. On the other hand, SCS sees that in practice they are of limited relevance for procurements made by the Migration Board.

The largest group of children coming to Sweden as asylum seekers are children who arrive with their parents.⁸⁹ Unlike unaccompanied minors, the Migration Board is still responsible for these children as regards the families' accommodation and finances. It is worrying that the Government does not mention this group of children at all in its report nor what is being done to ensure that their rights are respected. The Migration Board's Child Policy and the methodological support available for conducting child impact analyses do not have a sufficient impact in decisions.

The establishment reform was implemented on 1 December 2010 with a view to speeding up the establishment of newly arrived immigrants in working life and the community. The reform involves municipalities relinquishing their coordination responsibility for introduction and establishment, handing it over to the Swedish Public Employment Service. This change has meant that there is no longer one actor that is formally responsible for introducing children into Swedish society. SCS considers this to be a concern.

There are a large number of children living in Sweden without legal permission: children in hiding and undocumented children. Approximately 2,000 to 3,000 children are living in hiding according to the National Board of Health and Welfare's Social Report for 2010.⁹⁰ SCS has contact with undocumented children and their families. Many of them are unaccompanied children who absconded after receiving a transfer decision to their first country of asylum pursuant to the Dublin Regulation (see pages 12-13).

⁸¹ See <http://ensamkommandebarn.skl.se/> (21 February 2014)

⁸² The number of unaccompanied minors rose by 35% to 3,578 between 2011 and 2012. (21 February 2014)

⁸³ See <http://www.migrationsverket.se/Andra-aktorer/Starta-projekt/EU-fonder/Flyktingfonden/Pagaende-och-genomforda-projekt/Standard-for-Migrationsverkets-anlaggningsboende.html> (21 February 2014)

⁸⁴ *Ensam och flyktingbarn - barnet och socialtjänsten om den första tiden i Sverige* [Unaccompanied minors and child refugees – children and social services about their initial period in Sweden], Å. Backlund, R. Eriksson, K. von Greiff, E. Åkerlund. Research report 2012:1

⁸⁵ Tillsynsrapport 2012 – Hälso- och sjukvård och socialtjänst, Socialstyrelsen (2012)

⁸⁶ See <http://www.socialstyrelsen.se/barnochfamilj/placeradebarnochunga/ensamkommande-barn-unga> (21 February 2014)

⁸⁷ In 2013, 54 259 people sought asylum in Sweden. 16 452 were children, of whom 3 852 were unaccompanied without any parents or other guardian

<http://www.migrationsverket.se/download/18.7c00d8e6143101d166ddae/1390234164007/Inkomna+ans%C3%B6kningar+om+asyl+2013+-+Applications+for+asylum+received+2013.pdf> (21 February 2014). The forecast for 2013 is 54,000 asylum seekers, <http://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2013/2013-10-24-Syrienkonflikten-leder-till-fler-asylsokande.html> (21 February 2014)

⁸⁸ <http://www.migrationsverket.se/info/6607.html> (21 February 2014)

⁸⁹ The total number of people who sought asylum in Sweden in 2013 was 54 259. 16 452 of these were children, of which 3 852 were unaccompanied without any parents or other guardians, <http://www.migrationsverket.se/download/18.7c00d8e6143101d166ddae/1390234164007/Inkomna+ans%C3%B6kningar+om+asyl+2013+-+Applications+for+asylum+received+2013.pdf> (21 February 2014).

⁹⁰ The National Board of Health and Welfare's Social Report for 2010, p. 268 ff

The Migration Board's own statistics for 2012 show that, from the 305 matters concluded where unaccompanied minors received a decision that a transfer was to be made to another EU Member State, only 70 children went of their own accord. 213 cases were handed over to the police and, out of these, 124 children have absconded. SCS is in contact with several of these children and expresses concern that unaccompanied minors choose to live in hiding until they can seek asylum in Sweden.⁹¹

Save the Children Sweden recommends:

- that the Government ensure that a thorough evaluation be carried out of the function of a temporary guardian (*god man*) for unaccompanied minors, and that national guidelines and a clear description of the function be subsequently produced
- that all unaccompanied children be assigned a temporary guardian within 24 hours of arrival in Sweden
- that the Government appoint an inquiry to lay down in law that child-specific reasons may constitute grounds for being recognized as a 'refugee' or 'person otherwise in need of protection'.
- that measures be taken so that no unaccompanied minors remain in transit for more than seven days
- that the Government make asylum-seeking children who come with their families visible, both during the asylum process and during reception
- that a formal responsibility for a child's introduction into Swedish society be reintroduced among relevant actors at the municipal level
- that municipalities be given clear directives and support to set up a good reception service for newly arrived children and their families
- ensuring that municipalities comply with the guidelines with a child perspective that are available relating to living conditions (distance to schools, health care and other public services, as well as opportunities for indoor and outdoor play, etc.)
- that an inquiry be appointed to review how types of accommodation are adapted, particularly for the target group 'unaccompanied minors' who often have their accommodation placed at HVVBs, and the scope afforded to individual solutions and needs

Family reunification

The Committee reiterates its recommendation that the State party continue to strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner and that they do not entail a risk of infringement of the rights of children under the CRC. (Committee's concluding observations, 2009 para. 65)

Save the Children Sweden welcomes the exemption from the existing financial support requirement – made by the Government in 2010 when new rules were introduced – in cases where a person is applying for a residence permit on grounds of a family tie and where children are involved. However, family reunification involves more than a financial support requirement and a potential exemption from this. There are still a number of problems associated with the current legislation (Aliens Act – 2005:716) and its application that mean that not all children and parents who are separated can be reunited. One example is unaccompanied minors who received a residence permit on grounds of 'exceptionally distressing circumstances' and therefore are not entitled to family reunification in Sweden under Swedish law. A second is the requirement that a child's applications are made by a legal representative, and a third is the requirement for consent from the other parent/guardian. There are also cases where children, parents and siblings are split up. This may happen, e.g. when one parent does not have a residence permit and is forced to leave the country to apply for a residence permit on grounds of a family tie from their country of origin.

Save the Children Sweden recommends:

- that the Aliens Act be reviewed and appropriate measures taken to ensure that children can be easily reunited with parent(s)

⁹¹ The Dublin Regulation has a time limit of 18 months if an asylum seeker remains hidden. If a transfer could not take place, a person may seek asylum in Sweden regardless of whether an application was registered and a fingerprint found in another EU country. See article 19.4 of the Dublin Regulation.

Protection of witnesses and victims of crime

The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the CRC and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005). (Committee's conclusions, 2009 para. 72)

“I can understand being late. I can forgive that. I can sometimes be late as well. But you can't just be as late as you like. If it has been stated that it will be finished in three months, there's no excuse for it taking over a year”.⁹²

Save the Children Sweden's own surveys show a wide regional diversity in case processing times on the part of the police and prosecutors following receipt of a report. It is all too often clear that crimes against adults have priority over crimes against children⁹³ and this despite legislation clearly regulating that crimes against children should be investigated expeditiously. There is a risk of protracted processes thereby further aggravating the situation of a child who is already vulnerable. Long processing times lead to less chance of adequately investigating the crime, less chance of protecting the child from potential further exposure and less chance of the child being able to process what has happened and move on. There have been some improvements since SCS started following up processing times, although they are still unacceptably long in many parts of Sweden.

Save the Children Sweden recommends:

- that police and prosecutors comply with existing legislation and investigate crimes against children expeditiously
- that cooperation between relevant authorities be prioritized to ensure both the good treatment of children and high quality preliminary investigations
- that suspicions of crimes against children are diligently investigated and the child's right to be heard and receive information be respected
- that the current recommendation that children be questioned by police no more than two weeks from when it is suspected that they may have been the victims of crime become fixed by law
- that children suspected of having been subjected to violence or sexual abuse have their rights respected on the same terms, regardless of their place of residence and within a statutory time period

Children need better protection when they have witnessed violence and other abuse in close relationships. The measures referred to by the Government are not sufficient (*para. 191*). These children have the status of a victim of crime, but in spite of this cannot have the standing of aggrieved party in the legal process. This means that they are not offered their own aggrieved party counsel, cannot be questioned by the police without the permission of a guardian and also find it difficult to receive compensation for the harm suffered.

Save the Children Sweden recommends:

- that children who have witnessed violence should be able to be an aggrieved party in legal processes

⁹² This quote is from a girl who describes being abused by her stepfather. It took eight months before she heard from the police and 16 months before a decision was made on the question of prosecution. – This girl has been in contact with Save the Children Sweden's Centre for Children and Young People in Vulnerable Life Situations Å. Landberg (2010)

⁹³ *Brott mot vuxna går före. Polis- och åklagares handläggningstider vid polisanmäld barnmisshandel* [Crimes against adults have priority. The processing times of the police and prosecutors for child abuse reported to the police] (2009). Save the Children Sweden and Å. Landberg (2011).

APPENDIX 1

Save the Children Sweden / Plan Sweden

Follow up of Sweden's commitment to art 4.2- Child Rights in development cooperation

Part 1. Introduction and background

The Convention of the Rights of the Child (CRC) places a relatively great emphasis on the importance of development cooperation to encourage compliance with the rights of the child in developing countries, based on the four guiding principles non-discrimination (article 2), the best interest of the child (article 3), the right to life, survival and development (article 6) and the right to be heard (article 12).

In article 4, the CRC “emphasizes the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries”ⁱ and highlights the need for international cooperation.ⁱⁱ The UN Committee on the Rights of the Child has noted that the practical implementation of the Convention is a “cooperative exercise for the States of the world”ⁱⁱⁱ.

The purpose of this report is therefore to:

- Examine the Swedish Government's commitment to supporting and strengthening children's rights through international cooperation as stipulated by Article 4 in the UN Convention on the Rights of the Child, and which is reported on in paragraph 89-97 in the Swedish fifth periodic report.
- Analyse and comment on Sweden's position on child rights in development cooperation.
- Provide recommendations to the Swedish government in its future work to strengthen the child rights perspective in international development cooperation.

Concluding observations from CRC Committee

The Committee noted in 2009 Sweden's strong commitment to ODA as the country allocates more than 0,7 per cent of its GDP to ODA. However, the Committee also encourages the Swedish Government to conduct child impact assessments and to “pay particular attention, in its bilateral cooperation with other States parties, to the Convention and the Optional Protocols and the concluding observations and recommendations made by the Committee in respect of those countries”^{iv}.

Part 2. Status of children's rights in Sweden's development cooperation

In 2001 the Swedish Government presented the document “A Child Rights Perspective in International Development Cooperation”^v which stated that children’s rights should be mainstreamed in all activities. Children should no longer be perceived as passive recipients of support, but as actors and rights holders in all sectors of development cooperation.

In 2011, an evaluation report jointly commissioned by the Swedish (Sida) and Norwegian development agencies (Norad)^{vi} identified a number of areas for improvement of children’s rights in development cooperation. For instance, it was recommended to make use of the concluding observations as a guide in political dialogue; strengthen efforts to put the guiding principles into practice; and strengthen children’s participation in all project activities.

Priority areas for children’s rights

Violence against children

Sweden seems to maintain a high profile in the area of violence against children. The country has been the sole supporter of the office of Marta Santos Pais, the Special Representative of the Secretary-General on Violence against Children (currently support is channelled via the UN system). The Swedish Ministry for Social Affairs will be organising an international conference on violence against children during 2014.

Sweden is also working with children’s rights and violence against children within the EU and the development cooperation financed by the member states.

Children’s rights and private sector development

In recent years, there has been a strong focus on private sector development within the Swedish development cooperation and through civil society initiatives such as Global Child Forum.

Education and health

Children remain a priority group within the Swedish ODA to the educational and health sector. Education is the only sector where support to children constitutes any significant amount (an average of 45 per cent of Sida disbursement between 2009 and 2013). However, education only accounts for 2 per cent of Sweden’s total ODA. As regards the health sector, children receive 9 per cent of total Sida disbursement for the same period, while health in itself account for 11 per cent of Sweden’s total ODA.

Part 3. Findings

Sida’s implementation of areas for improvement from the Management Response^{vii}

On the basis of the recommendations made in the evaluation report a management response was developed including three major areas for improvement:

1. Make commensurate human resources available.
2. Develop methods to ensure the integration of child rights in Sida’s operations.
3. Ensure that Sida’s management assumes responsibility.

“Make human resources available”

In terms of human resources, Sida has not managed to live up to the ambitions expressed in the management response. Staff competence on children’s rights has been reduced. As a consequence there is no longer any person with a clear responsibility for Children’s rights at Sida. There still exists competence at individual level at Sida but with ambiguity in terms of the coordination of the area children’s rights. The child rights working group mentioned in the management response has not materialized, and competence building on child rights within the Human Rights Based Approach has not taken place.

“Ensure the integration of child rights in all operations”

The Contribution Management System has omitted the child impact assessment from the format, but the System still includes children as a target group and children’s rights as a part of the human rights based approach.

In the recently developed Guidelines for Result Strategies within Sweden's International Development Cooperation (2013), the focus is on “poor peoples’ perspectives on development and on the human rights perspective”, but there is no specific mention of any target group^{viii}.

It is too early to say what the consequences will be for the visibility of children as rights holders in these result-based strategies. If children are not targeted as a result, they will not be in focus for activities and they will disappear in documentation and statistics.

“Sida’s management assumes responsibility”

The guidelines given in the Government Communication 2001/2002:186 were in the form of a ten-point program covering four strategic areas: *Health and health services, social reform, education, and disadvantaged children*. Since then, the policy directives from the MFA have diminished its ambition in the area of children’s rights.

Children’s rights have not been in focus in the Letters of Appropriation for Sida during 2012-2014.^{ix} In the Letter of Appropriation for 2013 children and youth are not mentioned at all. In the Letter of Appropriation for 2014 the Swedish Government has given Sida the assignment to work with the Millennium Development Goals 4 and 5 through “Focused effort to reduce child and maternal mortality”^x. This assignment has little resemblance to the child rights perspective that was formulated in 2001 where children’s rights should be mainstreamed in all activities and children considered as actors and rights holders in all sectors of development cooperation. Without instructions from the MFA to bring Children’s Rights into the discussions, embassy staff will not give priority to Children’s Rights in dialogues with partners.

Policy documents on Children’s Rights

In the Policy on democracy and human rights on development cooperation 2010-2014, children are mentioned together with men and women in a definition of a human rights perspective to poverty reduction, and children’s rights are together with women’s rights “a central part of a rights based perspective”. Youth participation should be given “increased priority” but children are not mentioned in this regard^{xi}. In comparison with women’s rights and gender equality, children’s rights do not appear as a cross-cutting issue.

Although article 12 constitutes one of the guiding principles of the CRC, children's participation is currently not a focus area for Swedish development cooperation. Over the last years there has been scarce information presented on how the Swedish government engages children in the formation of its development agenda. Furthermore, the role of children is weak in current policy documents.

The proposed Swedish guiding strategy for International Cooperation 2014^{xii} lacks a holistic child rights perspective. Children are not always recognised as rights holders but rather listed as one of the vulnerable groups in society along with women and disabled people. The document reflects a change from seeing people living in poverty as active subjects to more passive beneficiaries of Swedish international support.

Allocation of financial resources for children's rights

Open Aid is the official tool to be used in order to track how Swedish ODA is allocated. According to Open Aid, SEK 3173 MSEK was spent on human rights in 2013. It is, however, not possible to identify how much of this was allocated for children's rights. Nor is it possible to identify how much is spent on children within other sectors.

It is possible to get data from Sida regarding how much the agency is allocating for children. However, as Sida only handles 61% of Sweden's total ODA (17,7 billion SEK out of a total of 28,9 billion SEK (2013) this is far from complete.

According to Sida statistics, an average of 6,3 per cent of the agency's budget has been spent on children across all sectors between 2009 and 2013, disbursement via the MFA not included. The statistics do not give us enough data to be able to estimate whether the support to children is increasing or not, as it is not possible to get statistics on ODA through the MFA.

Nor is it possible to get any reliable data as on how much is allocated to children's rights through the appropriation to Civil Society and multilateral organisations. UNICEF, Save the Children and Plan International remain key partners for the Swedish development cooperation.

The UN Committee commended Sweden for its strong commitment to ODA in its last Concluding Observations. This comparatively high level has been maintained. According to OECD/DAC, the level was 0,99 per cent in 2012.^{xiii}

Part 4. Concerns

Over the last years, child impact assessments have not been conducted in a structured way, and are not even included any longer as a compulsory step in the Management System. Human resources have not been allocated to Sida to support the integration of a child rights perspective. On the contrary, resources and capacity in the field of children's rights have been diluted at Sida. Since staff with knowledge in children's rights is scarce both at Sida and at embassies, the capacity to transform policy into practice, to interpret plans and projects with a child rights perspective and to conduct policy dialogues that mainstreams children's rights, risks to be very limited. A conclusion to be drawn is that

the ambition to mainstream children's rights into all sectors and subject areas, as expressed in the government communication^{xiv94}, is at high risk of fading away.

Furthermore, tools for monitoring and reporting are not specific enough in order to ensure that a child rights perspective is permeated in result areas targeting children or in other result areas affecting children's rights in development cooperation.

Lack of reliable, child specific data makes it impossible to estimate whether the support to children is increasing or not. Children are in focus for the Swedish support to Education. However, education constitutes a relatively small area in Sweden's ODA. Even if a relatively large proportion of ODA is allocated to the health sector, support to children constitutes a rather small part.

In terms of policy issues, there are few directives from the MFA to Sida and no requests to report on results regarding enforcement of children's rights. While Sweden has been the sole supporter of the office of Marta Santos Pais, the special representative of the Secretary-general on Violence against children, children's rights is not any longer a priority for the Swedish MFA in the bilateral dialogue process.

Part 5. Conclusion

In conclusion, Plan Sweden and Save the Children would like to raise the following concerns as regards to the findings above:

- Sweden is losing its reputation as a strong promoter for children's rights in the development context including in bilateral dialogues with partner countries.
- The Swedish government's policy directives have diminished their ambition in the area of children's rights, resulting in less focus on children's rights both by Sida and the MFA.
- Lack of child specific data makes it a challenge to assess the amount of interventions in Swedish development cooperation which aim to strengthen children's rights.
- Due to a lack of human resources and of capacity building on child rights within trainings on the Human Rights Based Approach for Sida staff the level of knowledge is decreasing jeopardising informed actions and decisions effecting children's rights.
- Child impact assessments are not done systematically when preparing support to interventions within Swedish development cooperation.

Part 6. Recommendations to the Swedish Government

We recommend to the Swedish Government to approach development cooperation from the perspective of the rights of the child in accordance with article 4 and 12 CRC. This implies, for example, that within the scope of bilateral aid more attention needs to be devoted to the promotion of the participation of young people, children and child rights organizations in the formulation of sector plans of relevance to children and young people (such as education, health care and law).

⁹⁴ Skr 2001/02:186

In response to Sweden's 5th State report to CRC we give the following recommendations:

Paragraph 90. Sida should strengthen its internal capacity in terms of children's rights.

Paragraph 90. Sida should make sure that child impact assessments are done in a systematic way.

Paragraph 91. Sida and the MFA should strengthen the role of children in policy documents.

Paragraph 92. Sida and the MFA should make sure that children's rights is included in the bilateral dialogue based on concluding observations from CRC State reports.

Paragraph 96 and 97. Sida and the MFA should make sure that human resources for children's rights are properly allocated and given adequate trainings on integrating children's rights. Methods to ensure integration of the rights of the child in Sida's operations and in bilateral dialogues should be improved.

ⁱ Preamble, the UN Convention on the Rights of the Child (1989)

ⁱⁱ Other articles referring directly to development cooperation are article 17 (mass media and information/material), 22 (refugee children), 23 (disabled children), 24 (right to health) and 28 (right to education). In addition, articles 7(2), 11(2), 21(e), 27(4), 34 and 35 of the CRC refer to the importance of other forms of international collaboration, such as the conclusion of other agreements for the further protection of children.

ⁱⁱⁱ CRC/GC/2003/5

^{iv} CRC/C/SWE/CO/4, 12 June 2009

^v Skr 2001/02:186

^{vi} Supporting Child Rights, Joint Evaluation 2011:1

^{vii} Sida Management Response, dated 2012-09-05

^{viii} <http://www.regeringen.se/content/1/c6/22/08/95/74db47f4.pdf>, 2013

^{ix} <http://www.sida.se/English/About-us/How-we-are-governed/Letter-of-Appropriation/>

^x <http://www.sida.se/English/About-us/Budget-and-annual-report/>

^{xi} Förändring för Frihet, Policy on democracy and HR in Swedish development cooperation, 2010-2014, <http://www.regeringen.se/content/1/c6/15/51/01/39f49fde.pdf>

Human-rights perspective is defined as : "Fattigdomsminskning och främjandet av en rättvis och hållbar global utveckling ska ta sin utgångspunkt i fattiga kvinnors, mäns och barns situation, behov, förutsättningar och prioriteringar."

^{xii} <http://www.regeringen.se/content/1/c6/23/24/21/c2863c56.pdf>

^{xiii} <http://www.oecd.org/dac/stats/aidtopoorcountrieslipsfurtherasgovernmentstightenbudgets.htm> Other articles referring directly to development cooperation are article 17 (mass media and information/material), 22 (refugee children), 23 (disabled children), 24 (right to health) and 28 (right to education). In addition, articles 7(2), 11(2), 21(e), 27(4), 34 and 35 of the CRC refer to the importance of other forms of international collaboration, such as the conclusion of other agreements for the further protection of children.

^{xiv} Skr 2001/02:186