

Committee on the Rights of the Child
Office of the High Commissioner for
Human Rights
United Nations
CH-1211 Geneva 10 Switzerland

Written replies by the NGO Network for the Rights of the Child on the Government of Sweden's written replies to the list of issues (CRC/C/SWE/Q/5) in relation to the fifth report of Sweden to the Committee on the Rights of the Child.

The NGO Network for the Right of the Child (The Network) is a national network consisting of 45 organisations. The Network annually arranges a hearing to which children from the Networks' member organisations are invited along with high-ranking decision makers. The documentation stemming from these hearings is the foundation on which The Network builds its alternative reports. The Networks invites the children to participate in the hearing as experts on their own lives, allowing them to draw upon their own experiences. The issues they present at the hearing are based on the UN Convention on the Rights of the Child (The Convention) and the implementation of their rights in Sweden. The children decide which issues are the most important to them and then present them in a meeting with the high-ranking decision makers. The meetings are recorded and documented for the alternative report.

This year, on the 17th of November, 12 children between the ages of 11 and 18 from five of The Network's member organisations were invited to discuss the list of issues that was raised by the UN Committee on the Rights of the Child (The Committee) to the Government of Sweden. The children were invited as experts with experiences from: the asylum procedure, socioeconomically vulnerable living conditions, living with disability, domestic violence or from living in family-homes. The memorandum is a summary of their voices, opinions and experiences.

The objective of The Network's memorandum is to depict the living conditions of the children who participated in the hearing. The Network does not claim to present a representative picture of all children in Sweden. The memorandum together with our alternative report and other data from children's rights organisations can jointly present an illustration of the living conditions of children in Sweden.

RECOMMENDATIONS

The Network would like the Committee to echo the voices of the children in the hearing on the issue that children are entitled to equal rights regardless of where they live or reside and whether that residence is a private or a public institution.

The Network would like the Committee to remind the State that its obligations to implement the Convention extend the public sector and also includes the private sector.

The Network strongly recommends the Committee to remind the State that professionals working in the education system are obligated to know not only how to identify child victims of violence, but also to make sure that children who have experienced violence are able to fully participate in school activities on equal terms as their peers.

The Network strongly recommends the Committee to remind the State that beyond being a right established in the Convention it is the responsibility of every professional adult working in schools to make sure that children are safe in school in an environment that stimulates learning.

The Network is deeply concerned over the fact that the rights of children with disabilities is breached when the child only is supported to reach the minimum knowledge requirements according to The Education Act, and strongly recommends that the Committee reminds the State of its obligations under the Convention.

The Network recommends the Committee to remind the State that children with disabilities have equal rights which includes the right to physical activity in school.

The Network recommends the Committee to remind the State that it is obligated to ensure the best interest of the child during the entire asylum process with special attention to article 12 and article 31.

The Network recommends the Committee to strongly advise the State that each asylum process which involves children is prioritized and that their asylum-applications are handled in an urgent matter to ensure the obligation to fulfil the child's right to life and development and to make sure his or her best interest is the primary consideration.

The Network recommends the Committee to remind the State that when conducting in-country identity controls, such as the "REVA", it is obligated to make sure that the best interest of the child is a primary consideration.

The Network is also concerned that these identity controls may hinder the child's right to an education in cases when the parents are afraid of sending the children to school, and would therefor like the Committee to remind the State that every child who lives or resides in Sweden have a right to attend school.

The Network would like the Committee to ask the State party how it is dealing with the housing problems in the urban areas in regard to asylum-seeking children, in particular the unaccompanied children, so that the basic needs of every child is met and every child is given the opportunity to integrate into the Swedish society.

PART. 1

ISSUE 3

Please indicate the measures taken to eliminate the existing disparities between municipalities regarding access to services such as health or education.

Comments from the Network:

Children who live in out-of-home care such as “family-homes” where consulted on their experiences of the implementation of their human rights. The following is part of the presentation mutually compiled by two children who raise their voices on the existing educational disparities among family-homes in Sweden’s different municipalities.

“Our second problem is that there are not enough educated family-homes. But actually in some municipalities they have let the new family-homes attend a class which is really great but not all municipalities have started doing so. And then there are private companies that also have family-homes and we feel that there should be a law that they should also attend that class. Maybe through the municipality. It should be obligatory, today it’s not obligatory and all municipalities should be obligated to offer such education. And the training could be very different, it can be one day, where a lot of family-homes come together and share experiences. You could talk about things that you need to think about, you could have a piece of paper with responsibilities and rights. A handbook on how to be a family-home. There are many great handbooks on how to be a mom or dad, anything, but hardly any on how to be a family-home. And that sort of thing can increase the knowledge so that the problems resolve themselves. So that there are no misunderstandings between the parents and the children. So that the children don’t feel insecure. But safe. So that there are no conflict because the knowledge about the child’s problems are so low.”

A presentation by a boy 18 years old and a girl 16 years old.

As the State party clearly states, in Sweden, the municipalities are largely self-governed and the Government does not decide on and account for the resources local and regional actors allocate to implementing children’s rights at local level. However, the State is responsible for the implementation of children’s rights in the entire public sector, which involves municipalities. Therefore the Government is obliged by article 4 of the Convention to make sure that the municipalities undertake measures to implement the Convention *to the maximum extent of the State’s available resources*. The Government states that it doesn’t regard existing varieties of local models as in itself jeopardising the equal implementation of the rights of the child in Sweden. The children who participated in the hearing had identified one area where they felt that the municipality could improve their implementation of the convention by making sure that the family-homes, private or public, receive training to make sure that the children feel safe and secure. Article 6 of The Convention clearly states that each child has the right to a safe and healthy childhood and that family, in the extended meaning of the word, is of vital importance for the child’s life.

In its replies to the list of issues the Government stated that “The implementation of children rights involves the entire public sector”¹ but The Network would like to remind that the State’s obligations extend the public sector as the Committee clearly stated in CRC/C/GC/16. Regarding children placed in out-of-home care such as “family-homes”, these institutions can be private actors as the children clearly stated above.

(...) the Committee recognizes that duties and responsibilities to respect the rights of children extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises. Therefore, all businesses must meet their responsibilities regarding children’s rights and States must ensure they do so.² (...) Furthermore, States should not invest public finances and other resources in business activities that violate children’s rights.³

The Network would like to echo the voices of the children in the hearing on the issue that children are entitled to equal rights regardless of where they live or reside and whether that residence is private or public.

ISSUE 8

With reference to paragraph 176 of the State party report related to the rise in abuse and neglect of children, please provide information on the child protection system in place in the State party to prevent domestic violence and to address situations of abuse and neglect. Please indicate the measures taken to ensure that all cases are reported on time, and whether any particular reporting mechanism is currently in place and known to children. Furthermore, please provide information on whether the rise in abuse and neglect has resulted in increased prosecution and indicate the measures taken to increase the capacity of professional groups working with and for children to identify child victims of violence. Please also provide information on the measures taken to address the lack of a chain of care in large parts of the State party.

The State reply:

In their work on children at risk of child abuse and neglect, social services are required to collaborate with healthcare professionals, schools and the police. Collaboration between local agencies is also required within the remit of proactive work, in which healthcare services and schools play a central role.⁴

Comments from the Network:

Since children are obligated to attend school and spend most of their days in that institution, the school is one important arena where the child should feel and be safe. This requires that professionals working in school have knowledge *not only* on how to identify child victims of

¹ CRC/C/SWE/Q/5 Add.1 page 2

² CRC/C/GC/16 p. 4

³ CRC/C/GC/16 p. 27

⁴ CRC/C/SWE/Q/5 Add.1. page 12

violence but how to make sure that children who have experiences of violence can fully participate in school activities on equal terms as their peers. This requires collaboration between the local agencies as the State party wrote in their response to the Committee. The children who participated in the hearing bravely told The Network about their experiences of feeling unsafe in school because they were afraid of their violent parent.

“I’m scared in school because I’m afraid he will show up. The teachers aren’t taking it seriously. Teachers who don’t understand, how come they don’t know anything about children who are vulnerable? It makes me want to cry, memories come back to me, I get panic-anxiety, I don’t want to be in school and I’m unable to catch up with schoolwork. I don’t get any help with safety in school.”

Girl, age 13.

The children also said they felt their teacher didn’t take their fear seriously and had told them that she had “*things under control*”, which the children knew that she did not since she had little or no information about their history. This made them certain that they were not safe and that made their situation worse. Beyond being a right established in the Convention, it is the responsibility of every professional adult working in school to make sure that children are safe in school in an environment that stimulates learning. No child should have the experience that the children who participated in the hearing spoke of.

ISSUE 11

Please provide detailed information on the steps taken to ensure full inclusion of children with disabilities in the mainstream school system and to repeal the provisions of the Education Act which allow schools to refuse to admit a child with a disability if their admission would create significant organizational or financial difficulties. In so doing, please comment on reports that inclusion is not always successful and that the specific needs of children with disabilities and children with learning difficulties are not sufficiently taken into consideration. Please provide information on the follow-up given to the findings of the Committee on the Rights of Persons with Disabilities (CRPD/C/SWE/CO/1, para. 15) and the Children’s Ombudsperson on children with disabilities to the effect that children with disabilities are exposed to higher rates of violence than their non-disabled peers and that there is a lack of awareness among staff working with children. Please inform the Committee of any prevention initiatives taken in that respect, as well as of measures taken to protect such children from violence.

Comments from the Network:

This year, children with different disabilities attended the hearing. The children came from urban areas and were between the ages of 11 to 17. When preparing for the event they had different issues that they wanted to raise but also many common denominators amongst them. The Education Act states that special support is to be given to pupils who need to

achieve *the minimum knowledge requirements*. One of the children who attended the hearing on the 19th of November shared his views on this issue:

“I’m going to speak of when you should get help in a subject. But the teachers and the principal said that as long as you reach the minimum knowledge requirement you can’t get any help. And that leads to you not getting good grades or a job. And then accessibility. If it’s not accessible you can’t get to where you want. In school or in public. And then you can’t join the others and you can get sad.”

Boy, age 11

This child was at age eleven very concerned about his future and the possibilities he would have because he was unable to get the support he was entitled to in order to reach beyond the minimum knowledge requirement. He was well aware of the fact that in the future he would be competing for a position at the university on unequal terms. The Network is deeply concerned over the fact that his right to reach his full potential in school, which is the right of every child with or without disabilities, is breached when he is only supported to reach the minimum knowledge requirements.

He also shared his views on the accessibility in his school, another common subject of discussion among the children with disabilities who attended the hearing. They had a common experience of having specific areas where they could get to on their breaks in school. These areas were small, in a specific section in the school yard and if they wanted to play with their peers it required their peers to stay in that small area with them. The children felt alienated, alone and unable to play on equal terms as their peers. The children also talked about not getting enough physical activity in school since they were not able to move around freely in their specific areas in the schoolyard. The children gave many examples of activities they enjoyed doing but said that the teachers were passive during the breaks and it was hard for them to initiate activities. The schools argued that it was too costly to make all areas of the schoolyard accessible for all children.

Some of the children who attended the hearing suffered from myelomeningocele, a permanent condition that makes it hard or impossible for them to walk, and therefore they spent most of their time in a wheelchair. One of the children, a thirteen year old girl, requires support with her personal hygiene in school such as going to the toilet and it is her school’s responsibility to provide her with a personal assistant when she’s attending school.

“You can’t have a say in who you want to be your personal assistant in school. It has happened to me that someone told me that this person is going to be your personal assistant and then I’m supposed to bring that person with me to the toilet, where it’s like private. I feel that you should decide for yourself if you feel that person is a good person, you should be able to say yes or no. I feel they should be more careful about that, not to run you over. If you can’t say who you want to be your personal assistant you can get sad and feel bad about not having the power to say what you want about anything.

I remember when I was little and someone said that this person is your assistant and then I was so little that I could not say what I wanted. Now I can say that I don’t want that person and so be it but when I was little it was even more important that I could have my say. Yes or no. I remember being sad about that when I was little.

Now I get to have my say but it's only because my mom helps me. I think about the others who are as little as I was then. (...) Maybe you don't have parents that speak out and maybe you don't have the power to do so. And then it can be really difficult. And everyone should be able to say what they want. (...) Sometimes there are many different assistants and then you don't want the teacher to go to the toilet with you cause the assistant is sick. That hasn't happened to me but it can happen."

Girl, age 13

This girl had herself identified that some children might not feel that they have the power to raise their voices about very personal issues. One of those issues might be not to want your teachers helping you with your personal hygiene such as for example going to the toilet. She also said that all children should be able to make decisions about their own bodies and have a say in who should be able to help them with very private matters while assuring their personal integrity remains intact. It is every child's right to actively participate in all matters concerning the child.

ISSUE 14

With reference to paragraph 129 of the State party report, please indicate:

How the best interests of the child are ensured at every stage of the asylum procedure and whether all relevant authorities are provided with expertise on the best interest determination;

The State reply:

The Migration Board is obliged to consider the child's situation in all actions involving a child. The Migration Board uses a method called the Child Impact Assessment to determine the best interest of the child.

The Swedish Migration Board staff possesses the required skills to process asylum applications from children and provides specialised training in interviewing children and in child development.⁵

Comments from the Network:

Every child that is involved in the asylum process is unique and therefore assessing and determining his or her best interest should be an individual procedure. Knowledge of the Convention and its optional protocols is a prerequisite for possessing the required skills to ensure the child's best interest in every stage of the asylum procedure. However, the knowledge of the Convention among professionals remains low. The rights established in The Convention is the foundation to every child's healthy life and development, it is not merely a vision or a goal to strive for in the future. When assessing and deciding on the best interest of the individual child, the Migration board is obligated to make sure that each article in the Convention is covered by that assessment. The Child Impact Assessment should

⁵⁵ CRC/C/SWE/Q/5/Add1. page 18

also be clearly communicated to the child. The Network met children who are involved in the asylum process or who are affected by the decisions of the Migration board at the hearing on the 17th of November. These children have spoken out of their individual experiences of the asylum process or ethnic discrimination.

“(…), I’m eleven years old and I live in Södertälje. My problem is that children who are applying for a permit doesn’t have the same rights and possibilities as others. That can make you sad. That it’s not fair. If you can’t have good friends you can have loneliness. And if you want to join a group activity, for example, you get worse. You can continue not doing things at home. I feel that it’s good that others can do it. The reason that you can’t register is if you don’t have a Swedish identity number. It can be expensive to buy equipment and other things. You can’t afford everything you need for the group activity. It can take a long time to get permit.

(Decision maker): You are also waiting for the decision about your permit, aren’t you? For how long have you waited?

(N): Eight years.

(Decision maker): Eight years!

(Adult representative from The network): How does it feel to wait for so long?

(N): Nervous. It’s sad that you have to wait so long for the decision. “

She came with her family to Sweden when she was three years old, and has waited eight years for a residence permit. During that time she has attended school, made friends and has been integrated into the Swedish society. In her case there are several issues that she raises herself that contradicts what the government has replied to the Committee’s list of issues concerning conducting a child impact assessment to determine her best interest. Waiting eight years for a decision is not humane, and for an eleven-year-old it is not in her best interest nor is it enabling her to live a healthy life or supporting her psychological, physical or spiritual development. During these eight years of waiting, she explains that she has experienced feelings of isolation. It is difficult for her to participate in activities on equal terms as her peers since she does not have a Swedish personal identity numberⁱ which many times is required to register for example sport activities. She wants to play basketball with her classmates but was rejected by the club since she does not have a Swedish personal identity number. The Network is deeply concerned over how the rights for asylum-seeking children are realised.

Another issue was raised at the hearing by an older child who lives in an area where the Swedish police and the Migration board are conducting identity checks as a part of the in-country identity controls of the Schengen area called REVA. REVA has been criticised in Swedish media as discriminatory and the Swedish police have been accused of mainly targeting persons with a foreign appearance. Identity controls, such as REVA, are also affecting children directly or when people close to them have their identities checked. The stories in the media also reaches children and it’s important that children in particular have information about what is happening and why, so they are able to fully understand the situation. Information is a right established in the Convention and a prerequisite for empowering children to actively participate in society. Since conducting in-country identity controls clearly is an issue that is concerning children, the Migration board is obligated to conduct a Child Impact Assessment, where the rights of the child is thoroughly considered.

The following is a statement made by a 17 year old boy, a second-generation immigrant, who was approached by the police outside of his community youth centre. The boy himself experienced it as an in-country identity control and these are his words about the incident. He is a member of a football club whose members are from marginalised groups in the community, often children who arrived in Sweden as unaccompanied children or children who are currently in the asylum process with their parents or caretakers. Many children from his football club frequently visit the community youth centre. The police also frequently visit the centre, which have made the boy feel safe until the day of the identity check.

“At that moment, I felt like I wasn’t treated ok. It made me feel bad in that moment and afterwards I had many thoughts. Just because I look different this shouldn’t happen. We are all taught in school, since you are a little child up until like high school, that all kids, all people are of equal value. I’m here for a reason; I can’t get back to my homeland cause of war. I’m here for a safe future.

What I felt at that moment was like alienation. I didn’t feel welcome in the society because I look different. When I saw others being stopped I felt like I don’t have the right to be here. Why is it like that? All of us children, all of us young people have the right to a safe society, country and future.”

Boy, age 17

Being approached by the police and required to show your identity card can be a traumatising experience for any child but in this particular case the identity checks was carried out against children who already are facing discriminatory attitudes because they belong to disadvantaged or marginalised groups. The Network is concerned that these identity controls may hinder the child’s right to an education if the parents are afraid of sending the children to school. The school should be a safe zone for all children that live or resides in Sweden, and this is of particular importance to children whose living situation is unstable.

ISSUE 16

In view of the right of an unaccompanied child to be provided with a guardian ad litem within 24 hours, please provide information on why there have been cases where children have to wait for weeks for such a guardian to be appointed. Please also indicate measures taken to support unaccompanied and asylum-seeking children, many of whom feel insufficiently supported and are not provided with winter clothes, personal hygiene articles and school materials, and provide information on the extent of their access to health care. Please comment on reports that significant numbers of unaccompanied children have disappeared from reception centres each year and, if so, indicate what investigations have been conducted to address the situation and outcome thereof.

The State Reply:

In other words, the Social Services Act applies to all children, regardless of the child's nationality and residence status, and regardless of whether the child is in Sweden on a short visit or in transit. The social services are responsible for ensuring that the child's basic needs are met.⁶

Comments from the Network:

One of the participants, at this year's hearing, was a child living in Malmö, one of the largest cities in Sweden where a lot of asylum-seekers live – unaccompanied children as well as children with families and care-takers. His experience of contact with the social services in Malmö is disappointing. He feels that he has not been supported in the way he is entitled to and that his basic needs are not met. He also felt the need to tell the Committee about the conditions under which the young people in his reception centre are living.

“What I want to say, the municipality here in Malmö, they don't care a lot about young people. Specially refugees. What they want and need. There are young people, like me, who live in reception centres and they have waited so much, been waiting to get an apartment for 3 - 4 years. They have been living in reception centres. And I know it's really hard after 3 - 4 years. I have many friends who live in reception centres, who have lived there for 3 - 4 years, and they have started university. And then you need a place where it's peace and quite to study. They have waited long to get an apartment and they are not happy and they say that the social services don't give a shit about what we need. Listen to the children, the young people. What they say and need.”

Boy, age 17

In Sweden there are housing problems in the large cities. The housing problems have a huge impact on the possibility for unaccompanied children to move out of the reception centres. This can affect the reception centres ability to provide room for new asylum-seeking children. Furthermore, this causes the children to live with much older children and adults that are unable to move out. There is a shortage in rental apartments and newly produced apartments are very expensive in the big cities and the tenant is required to have a permanent job which makes it hard for young people that have no or low-income to get their own apartment.

The Network would like the Committee to ask the State party how it's dealing with the housing problems in the urban areas in regard to asylum-seeking children, in particular the unaccompanied children, so that these children's rights are met and they can integrate into the Swedish society.

ⁱ A Swedish personal identity number is roughly the equivalence of social security number or national insurance number.

⁶ CRC/C/SWE/Q/5/Add.1 p. 20