

Appendix 1

Report from Civil Society Organisations working with Child Rights



SWEDEN

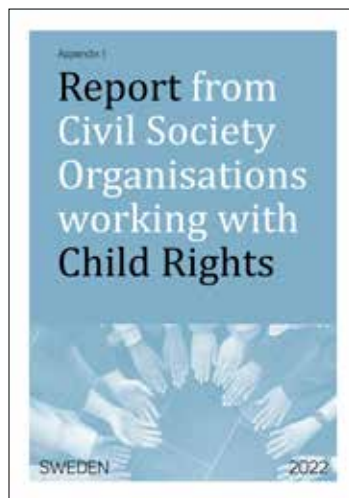
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The report

The main report »Hear the children's voices« is based on consultations with children, solely on their voices, without adult interpretation. In the first appendix »Report from Civil Society Organisations working with Child Rights« we, the contributing organisations, describe and analyse children's rights in Sweden based on our work with and for children and young people. In the second appendix »Report on reception of refugees from Ukraine« we have looked at the reception of children from a child rights perspective.



Report from children

This report is based on consultations with more than 120 children aged 5-17. All of these children had experienced living in socio-economically disadvantaged areas or in other ways being in a vulnerable situation. They all participated as experts of their own experiences. In the consultations most of the children read and commented on a simplified version of the combined sixth and seventh periodic report from the Swedish Government. The children were also given the possibility to express themselves in creative ways through for instance drawings and writing letters to the Government.

After the consultations, 12 child representatives had one weekend to organise, make the layout, identify recommendations and write an introduction to the report based on the material coming from the consultations. This was done with facilitation and support from adults but without adult interference on the content. This means that the participating 12 children have decided on everything in the report based on the material coming from the consultations with their peers.

APPENDIX 1

Report from Civil Society Organisations working with Child Rights

About thirty organisations have taken part in elaborating this appendix. The process, coordinated by the Swedish National Committee for UNICEF (UNICEF Sweden), started in early 2021. Child rights organisations of all sizes and youth organisations have worked side by side for over a year in cross-organizational thematic groups. Our common aim has been to highlight the most pressing child rights issues in Sweden today, and to provide the Committee with the best basis possible for dialogue and observations. The individual organisations have been encouraged to bring the voices and experiences of children into the material, alongside research and their own experiences. The results of the process are two; a solid appendix covering many parts of the CRC, and an increased cooperation within the child rights movement in Sweden.

When relevant, we have made references to the combined sixth and seventh periodic report from the Swedish Government.

APPENDIX 2

Report on reception of refugees from Ukraine

The report from Civil Society Organisations working with Child Rights was almost finalised when Russia attacked Ukraine, resulting in millions of people fleeing the country. This is why we have added this short appendix highlighting the child rights issues that are connected to the invasion of Ukraine and the reception of refugees in Sweden.

Introduction

A lot has happened since Sweden last reported to the Committee in 2015, the rights of children have been strengthened in some areas and weakened in others.

In January 2020 the Convention of the Rights of the Child (CRC) was incorporated into Swedish law. The purpose was to give the Convention a stronger position.

Two state inquiries were developed in connection with the incorporation: the Inquiry of the rights of the child (SOU 2016:19) and the CRC inquiry (SOU 2020:63). Both of these inquiries validate prior findings in terms of gaps in the fulfilment of the right to be heard and the best interest of the child. They also show the weaknesses and incompatibilities in protecting, respecting and fulfilling the rights of the child in Sweden.

Another important inquiry finalised during the reporting period is the review of the Social Services Act. Ongoing positive initiatives include the inquiry to draft a national strategy to prevent and combat violence against children and the Knowledge Boost¹, which was initiated prior to the incorporation to strengthen the rights of the child in public authorities, municipalities and regions.

In general, intermittent reference to the CRC has increased in the court system. A few precedents related to the best interest of the child have been handed down by the Supreme Court and the Supreme Migration Court following the incorporation. In these important rulings the courts have balanced the relevant factors of a case in accordance with the obligations of the CRC.² However, these rulings have not yet trickled down to the lower courts and references to the CRC in the court system remain inconsistent.

The differences in living conditions are larger now than during Sweden's last reporting period. Inequalities in access to rights such as education, healthcare and housing have increased and inequalities in terms of access to justice have persisted. This trend began before the COVID-19 pandemic but in the aftermath of the pandemic, social vulnerability and economic challenges are increasing even more. The long-term repercussions of the pandemic on children's lives are not yet known.

The political rhetoric regarding refugees, asylum seekers and children in conflict with the law have hardened, discrimination and racism have increased.

In 2015 there was a relatively large influx of refugees to Sweden, many of them unaccompanied minors. In the aftermath Sweden closed its borders and a temporary Aliens Act was put in place. This temporary law placed Swedish refugee policy close to the minimum level in the EU. Sweden now has a new Aliens Act, which is one of the strictest in the EU.

Another area where stricter rules have been applied relates to children with disabilities in need of assistance. During the reporting period we have seen some extremely vulnerable children in need of extensive support, left without the possibility of receiving sufficient support from the public sector.

Recent sharp increases in the number of shootings and grave offences committed predominantly by boys and young men has led to an increased focus on a tougher approach on crime from all political parties, often disregarding the need to take children's rights into consideration.

¹ Kunskapslyftet

² Supreme Court ruling NJA 2020 s. 761 and case Ö 4545-21 and Migration Court of Appeal MIG 2020:24 and MIG 2021:18. Only available in Swedish

A. General measures of implementation

(arts. 4, 42 and 44 (6))

A.1. Legislation

See Government report 4 (b-c)

In 2020 the CRC was incorporated into Swedish legislation. In cases of conflict of laws ordinary legal methods of applying the law are used. The European Convention on Human Rights (ECHR) is also incorporated into national legislation with a specific constitutional status saying that no law may be passed if it violates the convention, this is not the case for the CRC. Furthermore, only articles 1-42 of the CRC have been incorporated into Swedish legislation. The two optional protocols to the CRC that Sweden has ratified are not incorporated. The Swedish National Audit Office is preparing a review of the state's efforts to strengthen its compliance with the CRC.³

RECOMMENDATIONS

1. Change the legal status of the CRC to ensure that it prevails, in case of conflict with Swedish domestic legislation.
2. Incorporate the two optional protocols ratified by Sweden into national legislation.

A.2. Disparities in access to rights and implementation of the CRC

See Government report 23 (b) , 24 (b)

In all previous periodic reviews, the Committee has raised concerns regarding disparities in the implementation of the CRC in municipalities, counties and regions. Despite some actions taken by the Government such as giving assignments to the Ombudsman for Children in Sweden (BO) and the County Administrative Board to support regions and municipalities in the implementation of the CRC, the differences remain significant.

The disparities have been highlighted in several state reports⁴ as well as by Civil Society Organisations (CSO). Children's access to their rights is often determined by the capacity of each municipality, county or region. The disparities in access to rights are present in most parts of the society such as education, health, asylum processes, access to justice and social services.⁵ All children are affected, but the largest and most severe discrepancies are found among children in vulnerable situations.

Even though there is a general acknowledgement that there are local and regional

³ The Swedish National Audit Office (2022). *Statens insatser för att stärka efterlevnaden av barnkonventionen*

⁴ Eg Swedish Government Official Report (2021). SOU 2021:34 *Börja med barnen! Sammanhållen god och nära vård för barn och unga*. Only available in Swedish; Swedish Government Official Report (2020). Swedish Government Official Report (2020). SOU 2020:63, *Barnkonventionen och svensk rätt*. Only available in Swedish; Government Agency Statistics Sweden (2018). *Välfärd – statistik om välfärd, arbetsmarknad, utbildning och befolkning*. Only available in Swedish; Swedish Government Official Report (2017). SOU 2017:47, *Nästa steg på vägen mot en mer jämlik hälsa*. Only available in Swedish; The Ombudsman for Children (2018). *Utanförskap, våld och kärlek till orten – Barns röster om att växa upp i utsatta kommuner och förorter*; Government agency Health and Social Care Inspectorate (2017). *Tillsynsrapport 2016*. Only available in Swedish.

⁵ BRIS (2019). *Hur har barn det? Om barns livssituation – trender, utmaningar och möjligheter*. P. 48. Only available in Swedish

disparities regarding the implementation of the CRC, no holistic and systematic mapping has been carried out focusing on the practical implementation. It has been done regarding legislation, and some state inquiries have done mappings of the implementation in different fields, but there is no compilation of these. Such a mapping would be useful to identify gaps and differences in the implementation, highlight good examples and identify proposals for ways to make the implementation more equal.

QUESTION TO THE GOVERNMENT

What is the Government doing to remedy disparities in access to rights and in implementation of the CRC?

Q1

RECOMMENDATIONS

3. Carry out a mapping on the practical implementation of the CRC, with specific focus on local disparities, identifying good practices and propose necessary legal, and other, changes.
4. Ensure that local and regional authorities have the knowledge and resources needed to ensure that every child has full access to their rights according to the CRC, including the set-up of a system to monitor how the obligations are fulfilled, in particular regarding; social services, health services and schools.
5. Adopt a unified and detailed legislation to ensure equal protection and support to every child regardless of in which municipality they live, including sufficient funding for implementing the law.

A.3. National strategy

See Government report 5 (a)

The National Strategy to strengthen the rights of the child in Sweden was adopted in 2010. It has neither a deadline, nor budget allocations or a system for monitoring and evaluation.

A lot has happened since the strategy was adopted. The CRC has been incorporated into national law, Sweden has been reviewed by UN and European treaty bodies⁶, the Committee has adopted several new general comments and a pandemic that has, and still is, affecting children and their lives in several ways.

RECOMMENDATIONS

6. Revise and update the national strategy, in dialogue with children and CSOs and include a timeline, budget and evaluation system.

A.4. Collaboration and coordination

See Government report 5 (a)

In cases regarding individual children, collaboration within and between different authorities, municipalities and regions is often problematic. Children often express that they wish that professionals from different agencies would talk to each other, so the child is not shoved around, having to repeat its story to different professionals and relive memories and experience re-victimization. A governmental inquiry stated that, among other things, the legislation on secrecy may constitute an obstacle for collaboration. Other actors have pointed

6 Concluding observations from Committee against Torture (2014), the Committee on the Rights of Persons with Disabilities (2014), The Committee on the Rights of the Child (2015), the Human Rights Committee (2016), the Committee on the Elimination of Discrimination against Women (2016), the Committee on Economic, Social and Cultural Rights (2016), the Committee on the Elimination of Racial Discrimination (2018), UPR reviews 2015 and 2020, Periodic visits by the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 2015 and 2021, Conclusions by the European Social Committee in 2015, 2017 and 2020.

out that this obstacle may be a misunderstanding of the legislation.⁷ BO has highlighted that the lack of resources at social services is leading to less functioning collaboration between responsible authorities.⁸

We see that better collaboration between governmental agencies could prevent violence against children and mental health problems from occurring. Lack of collaboration also leads to children receiving insufficient support. At present, the Social Services Act⁹ (SoL) has requirements imposing collaboration, however, in the field of healthcare, for example, there are no such regulations. Legislation must be harmonised to ensure better collaboration in accordance with the best interests of the child.

RECOMMENDATIONS

7. Take appropriate actions to improve the collaboration for children when in their best interest, including an evaluation of the legislation on secrecy.
8. The legislation within different public services, should impose the same requirements regarding collaboration to ensure the best interests of the child.

A.5. Access to effective remedies

See Government report 2 (c)

Children lack sufficient avenues to exercise their right to effective remedies on a local, national and international level. There are only a few bodies that children can turn to without a guardian's consent, to get some form of redress. Most of these primarily hand out criticism and recommendations to the responsible authority, with no actual redress for the individual.¹⁰ The Chancellor of Justice can in some cases pay damages. Most other bodies that exist¹¹ require a guardian's consent to file a complaint.

Complaint mechanisms are relatively unknown to children, and rarely have child-friendly investigative methods.¹² No action has been taken by the Government to give BO the mandate and resources to receive individual complaints.¹³ The human rights institution set up in January 2022 will not be able to receive individual complaints.¹⁴ We welcome the Government's appointment of an inquiry to review children's opportunities to file complaints and demand their rights.¹⁵ However the Government has not taken any concrete steps towards ratification of the Optional Protocol on a communications procedure.

Several inquiries have pointed out that Sweden lacks child advocacy services to which children can turn for help regarding rights violations.¹⁶ Despite recommendations to investigate how to support such services, the Government has not taken any action in this field.¹⁷

7 Barnafriid (2019). *Slutrapport Utvärdering av Barnahus* (page 41). Only available in Swedish.

8 BO (2016), *Nyanlända barns hälsa Delrapport i Barnombudsmannens årstema 2017 – Barn på flykt*. (page 33). Only available in Swedish.

9 Social Services Act/Socialtjänstlagen (2001:453) (SoL)

10 E.g. JO and IVO.

11 E.g. BEO, DO and the Swedish Schools Inspectorate

12 E.g. JO and the Chancellor of Justice (JK) are based on written procedures, and DO argues that legal proceedings are not in the best interest of the child.

13 BO (2020), *Dom tror att dom vet bättre, Barnet som rättighetsbärare Barnombudsmannen*. Only available in Swedish.

14 Swedish Government (2021). *Institutet för mänskliga rättigheter inrättas 1 januari*. Only available in Swedish.

15 Swedish Government (2022). *Regeringen beslutar utse en särskild utredare som ska ta ställning till om Sverige bör ratificera det tredje tilläggsprotokollet till FN:s konvention om barnets rättigheter (barnkonventionen) om en individuell klagomålsmekanism*. Only available in Swedish.

16 Swedish Government Official Report (2015) SOU 2015:71 *Barns och ungas rätt vid tvångsvård. Förslag till ny LVU, Swedish Government Official Report (2016) SOU 2016:19 Barnkonventionen blir svensk lag*. Only available in Swedish; Swedish Government Official Report SOU 2020:47 *Hållbar socialtjänst – En ny socialtjänstlag*. Only available in Swedish.

17 Fragmented financial support has been given to child rights organizations. *Regeringen ökar stödet till barnrättsorganisationer - Regeringen.se, Socialstyrelsen fördelar 100 miljoner kronor till ideella organisationer för att möta ökad utsatthet med anledning av coronaviruset - Regeringen.se* Only available in Swedish.

RECOMMENDATIONS

9. Ratify the third Optional Protocol to the CRC on a communications procedure.
10. Ensure that child friendly complaints mechanisms are available on national, regional and local level and that child advocacy services are available nationwide.
11. Extend the mandate of BO to receive, investigate and support individual complaints from children.

A.6. Allocation of resources

See Government report 6 (a)

The Government has neither acted on the recommendation by the Committee to ensure a child rights-based approach in the state budget, nor shown progress regarding involving children in the budget process.

Some, but few municipalities, carry out child rights assessments in their budget revision process. Even fewer, if any, municipalities and regions carry out child rights assessments prior to the budget decision or before budget cuts are decided upon.¹⁸

QUESTION TO THE GOVERNMENT

What is the Government doing to ensure a child rights based approach and involvement of children in the state budget?

Q2

RECOMMENDATIONS

12. Adopt a child rights-based approach in the preparation of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget.
13. Undertake child rights impact assessments in relation to investments or budget cuts in all sectors including a gender and Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) perspective.

A.7. COVID-19

See Government report 2 (b-c)

We are concerned that children will suffer from the economic consequences caused by the COVID-19 pandemic. The state has allocated resources to municipalities and regions to decrease the economic consequences from the pandemic, but more needs to be done to strengthen support systems, such as social services, Child and youth psychiatry (BUP) and Barnahus¹⁹. This is of particular concern, since several of these systems were underfinanced prior to the pandemic.

A number of children's rights have been compromised during the pandemic including the rights to; education, health, leisure, protection, family reunification and rehabilitation.²⁰ In the Government's actions, we see neither awareness of the interlinkage between the consequences on children, nor the necessary holistic approach to decrease the pandemic's consequences on children.

Swedish high schools were heavily affected by the COVID-19 pandemic, with all teaching being digital for several months in 2020 and 2021. Digital teaching left 64 percent of students

18 Examples of this are found in: BO (2021). *Barnkonventionen och revisorer*. Only available in Swedish

19 A One -Stop - Center for children suspected of having been subjected to abuse or sexual abuse where doctors, police, social services and other relevant professionals are gathered under one roof. Barnahus are found in several places in the country. Only available in Swedish.

20 Save the Children Sweden (2021). 1 år med pandemi – konsekvenser för barn och framtida risker. Only available in Swedish; BRIS (2021). Första året med pandemin – Om barns mående och utsatthet. Årsrapport 2020. Only available in Swedish; Ombudsman for Children in Sweden (2021). Alla tar ju inte ansvar – Barnkonventionen som lag under en samhällskris. Only available in Swedish.

with lower motivation, and 66 percent felt their chance to show their knowledge was decreased.²¹ Results from interviews with students, show that the absence of students and teachers has had negative effects on teaching. It has also increased the workload of teachers and preschool teachers, which in turn has made it difficult to maintain the quality of teaching in primary school, in compulsory special school and in preschool. Lack of equality with major challenges in parts of the school system, where some schools have difficulties to offer good quality education is also pointed out. However, according to the National Agency for Education, these are not issues that have arisen as a result of the pandemic. The pandemic has highlighted existing challenges and risks exacerbating them.²²

RECOMMENDATIONS

14. Establish systems to listen to the children, inform them and make child rights impact assessments early and continuously during a crisis, including children in vulnerable situations.
15. Secure strong support systems for children in vulnerable situations by targeted (earmarked) financial resources to social services, Barnahus and BUP to mitigate the consequences of the pandemic.
16. Take measures to compensate students whose education and grades were affected negatively by digital education.

Independent monitoring

BO has received more or less the same budget allocation for several years.²³ It has not increased following the incorporation of the CRC.

We share the concerns previously raised by the Committee about the independence of the Ombudsman. In the last years, the number of governmental assignments have increased²⁴ which hinders the Ombudsman from acting independently.

RECOMMENDATION

17. Increase the funding for the BO and take appropriate actions to strengthen the independence of the Ombudsman.

A.8. Children's rights and the business sector

See Government report 10 (a) and (b)

Today, Sweden does not have a legally binding framework that requires businesses to respect children's rights.²⁵ Children whose rights are infringed by Swedish companies' global operations and supply chain rarely have access to justice. This is for instance the case for children involved in harmful labour and children exposed to pollution.

On 23 February 2022, the European Commission adopted a proposal for an EU Directive on corporate sustainability due diligence.²⁶ The proposal aims to foster sustainable and responsible corporate behaviour throughout global value chains. However, many CSOs have

21 Swedish Federation of Student Unions (2020) *Uppföljande undersökning om gymnasielärares upplevelse av distansundervisning VT2020*. Only available in Swedish.

22 The National Agency for Education (2021), *Covid-19-pandemins påverkan på skolväsendet, delredovisning 4*. Only available in Swedish.

23 Government Bill (2020). Prop. 2020/21:1 *Utgiftsområde 9. Kapitel 7.6.1*. Only available in Swedish.

24 In 2021 BO had 12 governmental assignments. In 2017 it was 6, in 2018 7, in 2019 5, in 2020 8. For 2022 the number of governmental assignments is 11, *Regleringsbrev för budgetåret 2022 avseende Barnombudsmannen*. In April 2022 BO was given a 12th assignment to support child friendly information in relation to the war in Ukraine. Only available in Swedish.

25 Report and analysis from The Swedish Agency for Public Management (2019) *FN:s vägledande principer för företag och mänskliga rättigheter – utmaningar i statens arbete*.

26 European Commission (2022). *Just and sustainable economy: Commission lays down rules for companies to respect human rights and environment in global value chains*.

raised serious concerns about the substance therein, such as the exemption of the majority of Small and Medium sized Enterprises (SME's) and the sections concerning access to justice. Many fear that the Directive may be further diluted due to corporate lobbying and resistance from some member states, thus undermining the effects of such legislation. It is therefore paramount for the realisation of children's rights that Sweden takes a leading role in the process going forward, advocating for a human rights centric, robust and effective legal framework.

RECOMMENDATIONS

18. Make the current EU proposal for a directive on mandatory corporate sustainability due diligence a priority for the upcoming EU presidency.
19. Advocate for strong EU legislation in the current process, with a focus on protecting vulnerable groups, holding corporations accountable and removing the barriers that victims of corporate violations face when seeking remedy and justice.
20. Initiate an investigation as to how an implementation of the Directive will be compatible with the Swedish national legal framework (i.e. the Company Act, the Tort Liability Act etc.).

A.9.Digital environment

See Government report 2 (c), 7 (a)

The efforts against child sexual exploitation and abuse online needs to be reassessed and strengthened with a focus on prevention, investigation and assistance. Online service providers are crucial in these efforts. Measures must be put in place to ensure compliance by businesses to prevent their services from being misused to violate or abuse children's rights. This must be done with respect to children's right to information and right to be heard. There is a need for clear legal regulations, as voluntary measures have failed to protect children's rights.

The most effective way to stop the production and distribution of child sexual abuse material (CSAM) in all digital environments, is through the mandatory deployment of widely available technical tools that can detect known or likely CSAM images or videos and prevent their uploading, storage or distribution. The Swedish Government must work actively together with EU institutions and member states to adopt legislation in this field.

Technical tools must simultaneously ensure that information that can help identify victims and perpetrators is transferred to the appropriate agencies to facilitate the fastest possible identification of both. Detected CSAM must be removed, and children that are victims of CSAM specialist support for their recovery.

RECOMMENDATIONS

21. Ensure that providers of online services used by children implement the highest standards of ethics, privacy, safety and transparency in relation to children's rights in the digital environment.
22. Adopt a leading role in the EU and at global level in legislative processes on mandatory detection, reporting and removal of CSAM images or videos.

B. General principles

(arts. 2, 3, 6 and 12)

B.1. Non-discrimination

See Government report 11 (a), (b)

There are seven grounds for discrimination stipulated in the Swedish Discrimination Act; sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age.²⁷ However, the Discrimination Act does not cover all forms of discrimination listed in the CRC, such as political or other opinion, social origin, property and birth.

Racism and discrimination against children is widespread in Sweden. In this report we define racism as the idea that people do not have equal value. Racism is treating someone worse or different based on appearance, religion or origin.²⁸

Studies indicate that one in four children with foreign background have experienced harassment. Children state that adults do not listen, understand or take their experiences of racism seriously enough. Children also say that adults fail to protect them from racism, and from reprisals when children choose to intervene and take anti-racist action.²⁹

Children with disabilities are at higher risk of being excluded and discriminated against in schools. The right to adequate support and assistive devices and sufficient adaptation of the physical environment is seldom fulfilled.³⁰

The complaints passed to the Equality Ombudsman (DO) between 2015 and 2020 have most frequently been related to ethnicity and disability. Harassment related to ethnicity, gender and disability have generally increased during this period. In 2020, 102 out of 152 reports, tips and complaints to DO concerned sexual harassment in the field of education, 69 of these concerned primary school.³¹

In addition to other forms of racism and discrimination, the number of unreported cases when it comes to discrimination and harassment of LGBTIQ children is thought to be high. There is a lack of statistics and research in relation to this group of children and the forms of discrimination and harassment they experience. DO reported 161 complaints regarding discrimination on grounds of gender, transgender identity or expression and sexual orientation in 2020 and 2021 within educational settings³². Even though the Education Act stipulates that active measures to combat discrimination have to be implemented in all educational settings. LGBTIQ children also suffer discrimination and harassment in various other aspects of their lives. Children who are trans or non-binary give witness of harassment and systematic discrimination in schools, at home and in leisure activities. Several LGBTIQ children do not attend leisure activities out of fear of being badly treated.³³

27 Law on discrimination/Diskrimineringslag (2008:567). Only available in Swedish. see also DO (2022). *Vad är diskriminering?* Only available in Swedish.

28 Save the Children (2021) *Vuxna – vad gör dom?* Only available in Swedish.

29 Save the Children Sweden (2021) *Vuxna – vad gör dom?* Only available in Swedish. Friends (2021) *Friendsrapporten 2021*. Only available in Swedish

30 BO. (2016). *Respekt. Barn med funktionsnedsättning om samhällets stöd*. Only available in Swedish. Attention (2021) *Attentions skolenkät 2021 visar på stor oro inför skolstart*. Only available in Swedish. The Swedish School Inspectorate (2018) *Årsrapport 2018*. Only available in Swedish.

31 DO (2021). *Statistik över anmälningar, tips och klagomål som har inkommit till DO 2015–2020*. Only available in Swedish.

32 Pre-school, compulsory school and upper secondary school.

33 Information provided by children to RFSL ungdom. See also Agency for Youth and Civil Society (MUCF) (2019) *Olika verkligheter*. Only available in Swedish.

QUESTIONS TO THE GOVERNMENT

What is the Government doing to ensure that the legislation on discrimination covers all grounds for discrimination that are listed in the CRC?

Q3

How is the Government working to ensure that the Education Act is implemented regarding active measures to combat discrimination?

Q4

RECOMMENDATIONS

23. Conduct a mapping on structural racism, including national minorities and migrant children.
24. Ensure official data on discrimination and harassment of LBTQI children.
25. Ensure that professionals and other adults have sufficient knowledge about all grounds of discrimination, the forms of discrimination and harassment different vulnerable groups suffer, and how to protect and support children in these matters.

B.2. Monitoring of discrimination

See Government report 19 (c), 27 (d) and 11 (c),(b)

Children have different possibilities to access effective remedies when they are being discriminated against, harassed or victims of offensive treatment in schools.³⁴ The Swedish Education Act refers to all forms of discrimination. The Swedish Schools Inspectorate is responsible for monitoring that every school follows the Education Act. It is also within the DO mandate to monitor discrimination in schools. The supervision of issues of discrimination, harassment or offensive treatment is divided between these two authorities. DO handles issues of discrimination and the Schools Inspectorate handles issues of harassment or offensive treatment. This creates uncertainty and is difficult to grasp for children who are harassed. There is a suggestion in a state inquiry to remedy this by assigning all monitoring of discrimination to the Schools Inspectorate.³⁵

Furthermore, it is not within the DO's mandate to hand out sanctions to schools. DO is a small national authority and is only able to handle a very small number of cases which could take precedent. Children discriminated against on grounds covered in Swedish law almost never get their case tried. Another obstacle for children seeking redress in cases of harassment or discrimination is that the consent of both parents is needed for School Student Representative (BEO) or DO to take legal action.³⁶ In addition, if a child does not want to move forward with a complaint the child's parents can do so without the child's consent. To ensure that children can access justice, easily accessible and child-friendly local, regional child advocacy services are needed. (See also paragraph A.5.)

RECOMMENDATIONS

26. Ensure that all children have equal access to effective remedies when subjected to discrimination, harassment or offensive treatment at school, regardless of the form of rights violation or parents' consent.
27. Assign all monitoring of discrimination at schools to the Schools Inspectorate.

³⁴ BO (2020). Submission to the UN Committee on the Rights of the Child from the Ombudsman for Children in Sweden regarding the list of issues for Sweden for its sixth and seventh reporting.(Page 4). Forum for parents of Afro-Swedish children (2020). *Vem tar emot anmälningar om rasism i skolan?* Only available in Swedish.

³⁵ Government Official Report (2020) SOU 2020:79 *Effektivare tillsyn över diskrimineringslagen – aktiva åtgärder och det skollagsreglerade området*

³⁶ Note that DO and BEO can speak to a child without the consent of the child's parents, however not take legal action.

B.3. The best interest of the child

See Government report 14 (a), 12 (a), 21 (b-c)

In the preparation of the incorporation of the CRC into national law, the Government recognized that the implementation of article 3 of the CRC needs improvement in all parts of the society and highlighted the importance of using the principle of the best interest of the child as a rule of procedure. The Government clearly stated that an assessment of the best interest of the child must be done in all actions concerning children.³⁷

The CRC inquiry³⁸, identified the following: in individual cases there are often references to statements in preparatory work rather than an evaluation of the best interest in the specific case; handbooks and guides produced by state agencies are not providing sufficient support to decision makers; decision makers are uncertain on how to make an assessment, and; the legislation is not always clear. There is no explicit legal requirement for policymakers at all levels to carry out child rights impact assessments prior to decisions concerning children, something that several other countries have.³⁹

Several state inquiries have proven that the lack in the implementation of the principle of the best interest of the child, in particular as a rule of procedure, remains.⁴⁰ In the CRC inquiry, decision makers mention lack of time and financial resources as obstacles to make a proper assessment of the best interest of the child. Furthermore, the Government has not been consistent when transforming article 3 into different legislations. In some cases, the wording of a paragraph including the best interest of the child can lead to assessments that are not in line with the CRC.⁴¹

In court cases where the CRC has been brought up, assessments of the best interest of the child are rarely documented in a clear manner. It is often unclear how the assessment has been carried out, what factors have been included and how the best interest has been weighed in relation to other interests. However, there are exceptions and some recent court cases, following the incorporation of the CRC, from the Supreme Court in Sweden showing solid and well-balanced assessments of the principle of the best interest of the child.⁴²

One aim when incorporating the CRC was that a child rights-based approach should permeate all actions regarding children – from the drafting of new laws to the everyday work with children.⁴³ Unfortunately, several legal proposals of high importance for children are weak or inadequate in terms of child rights-based assessment.⁴⁴ For instance, when changes in the Alien's Act were developed, only a limited child rights impact assessment was made and no compensatory measures were presented. In its assessment the Government stated that compared to a return to the previous Aliens Act some deterioration could occur in terms of children's rights. However, the Government argued that compared to the so-called Temporary Law⁴⁵, motivated by the relatively large influx of asylum seekers in Sweden in 2015, the new proposal was an improvement.⁴⁶

37 Government Bill (2018). Prop. 2017/18:186 *Inkopporering av FN:s konvention om barnets bästa*. (Page 95 f.) Only available in Swedish.

38 A recent state inquiry looking at the compatibility between Swedish law and the CRC. Swedish Government Official Report (2020).

SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish.

39 European Network of Ombudspersons for Children (ENOC)(2020) *ENOC synthesis report Child Rights Impact Assessments*; Decree/Förordning (2007:996) *med instruktion för Migrationsverket*. Only available in Swedish. In the decree it is stated that the Swedish Migration Agency before decisions or other measures concerning children should analyze the consequences for the child.

40 E.g.; Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt* (page 1015). Only available in Swedish.; Swedish Government Official Report (2016). SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish; Swedish Government Official Report (2017). SOU 2017:6 *Se barnet!* Only available in Swedish.

41 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt* (page 1815 ff). Only available in Swedish.

42 See for example Supreme Court ruling (2021) Mål Ö 4545-21, mål Ö 1020-2 and The Migration Court of Appeal (2020) MIG 2020:24. Only available in Swedish.

43 Government Bill (2018) Prop. 2017/18:186 *Inkopporering av FN:s konvention om barnets rättigheter*. P. 74 ff. Only available in Swedish.

44 E.g. the new Aliens Act, changes in the Social Service Act, changes LVU and the Parental Code.

45 Which was used between 2016 and 2021.

46 Government bill, prop. 2020/21:191, *Ändrade regler i Utlänningslagen*

RECOMMENDATIONS

28. Clarify the obligation to conduct child rights impact assessments to determine the impact of all proposed policy, legislative, regulatory, budget, international cooperation or other administrative decisions which affect children.
29. Ensure that the principle of the best interests of the child is the basis of, and guides the process of, all decisions involving children for instance in relation to migration and social services, including ensuring that all decision makers have the knowledge, capacity, time and resources to carry out proper assessments of the best interest of the child.
30. Carry out an analysis and mapping of why the best interest of the child as a rule of procedure is not implemented, assess what legislative and other measures are needed to secure this.

B.4. The right to life, survival and development

See *Government report 13*

The number of suicides have decreased in all age groups except among children and youth (15-29).⁴⁷ Suicide continues to be an extended public health problem in Sweden and is the most common cause of death among children and youth between 15 to 24 years. The increase is largest amongst girls and young women.⁴⁸

During 2021 the Government initiated the development of a new national strategy for mental health and suicide prevention that will be presented in 2023. We welcome this broad societal approach, including perspectives such as gender, children's rights, disability and LGBTQI . However, unaccompanied asylum-seeking and migrant children are not mentioned as a vulnerable group even though they are over-represented in regards to suicides and mental illness.⁴⁹

During 2017, 12 unaccompanied asylum-seeking children and youth aged 10 - 21 committed suicide in Sweden, which translates into a suicide rate of 51.2 per 100.000 people. The rate for the general population of the same age was 5.2 per 100,000 in the same year. Unaccompanied asylum seeking children receive little to no psychological care.⁵⁰ And high quality data on the prevalence of mental disorders is insufficient.⁵¹

In a meta-analysis on consequences of bullying, the researcher concluded "that there was 'convincing evidence' for a causal relationship between bullying victimization and anxiety, depression, poor general and mental health, non-suicidal self-injury, suicide attempts, and suicide ideation".⁵² Experiences of school and online bullying increases the risk of suicidal ideation and behaviors two to four times.^{53 54} Children with disabilities are twice as likely to be bullied at school compared to their peers not living with a disability.⁵⁵

All LGBTQI groups have an increased risk of experiencing suicidal thoughts and suicide attempts. Young gay and bisexual women and transgender children are at the highest risk.⁵⁶ In a study 57 percent of 15-19 year old transpersons said that they had considered taken their life at least once in the last year, 40 percent said that they had attempted suicide at some point in their life.⁵⁷ The reasons for this are partly that LGBTQ groups are more exposed to

47 The public health agency of Sweden (2020,2021). *Psykisk hälsa och suicidprevention - Lägesrapport*.

48 Karolinska Institutet (2020) *Det vet vi om självmord bland unga*; SCB. (2019); Statistics Sweden (2019) *Genomförandet av Agenda 2030 i Sverige - Statistisk lägesbild 2019*.

49 The Swedish Government (2021). *Regeringsbeslut: Uppdrag att inkomma med underlag inför en kommande nationell strategi inom området psykisk hälsa och suicidprevention*. Only available in Swedish.

50 Karolinska Institutet (2018). *Kartläggning av självska debeteende, suicidförsök, suicid och annan dödlighet bland ensamkommande barn och unga*. pg 11
51 Kien C, Sommer I, Faustmann A, et al. *Prevalence of mental disorders in young refugees and asylum seekers in European Countries: a systematic review*; BRIS 2017:3 *Barn som flytt – en riskgrupp för psykisk ohälsa*; BO (2017). *Vi lämnade allting och kom hit (2017) – Röster från barn och unga på flykt*

52 Moore, S. E., Norman, R. E., Suetani, S., Thomas, H. J., Sly, P. D., & Scott, J. G. (2017). *Consequences of bullying victimization in childhood and adolescence: A systematic review and meta-analysis*. *World Journal of Psychiatry*, 7(1), 60–76.

53 Hinduja, S., & Patchin, J. W. (2018). *Connecting Adolescent Suicide to the Severity of Bullying and Cyberbullying*, 1–14. doi:10.1080/15388220.2018.1492417; Holt, M. K. Bowman, C., Alexis, A., & Murphy, A. (2018). *Bullying, Suicide and Suicide Prevention in Education*. In *The Wiley Handbook on Violence in Education: Forms, factors and preventions*. Ed. Shapiro Harvey. Wiley Blackwell.

54 UNESCO (2018). *School violence and bullying: Global status and trends, drivers and consequences*.

55 UNESCO. (2021). *Violence and bullying in educational settings: the experience of children and young people with disabilities - UNESCO Digital Library*.

56 Forte (2018) *Hälsa och livsvillkor bland unga HBTQ-personer. Vad vet vi och vilka forskningsbehov finns?*

57 The public health agency of Sweden (2015). *Hälsan och hälsans bestämningsfaktorer hos transpersoner*. (page 40)

discrimination, violence and stress related to not being able to be open with their sexual identity or gender identity and expectations of being rejected because of this.⁵⁸

We welcome the Government's initiative to map young people's perceived mental health and additional funding to promote mental health among asylum seekers as well as funding to CSO's work with suicide prevention.⁵⁹ Considering the gravity of the problem as well as the rights violations involved, much more needs to be done to understand the reasons behind the increased suicide rates among some groups of children. In addition, more needs to be done to strengthen the rights of vulnerable groups, such as children with disabilities, LGBTQI children, migrant and asylum seeking children.

RECOMMENDATION

31. Ensure long-term, sustainable and specific measures to fight mental illness and prevent suicide among all vulnerable groups. All initiated measures must be holistic and guarantee a child rights perspective.

B.5. Meaningful participation and respecting the child's views in society

Government report 2(c), 14 (a-c), 21 (b-c), 23 (a)

Only two out of ten young people feel that they have the opportunity to express their opinions to decision-makers in their municipality.⁶⁰ Since 2009, these numbers alarmingly remain almost the same. About four out of ten young people say that they want to influence issues concerning their municipality, which is a decrease compared to 2015. Reasons for not wanting to participate are mainly lack of knowledge, time and trust.⁶¹ Part of the youth policy goal is young people's influence over societal development. Young people's interest in social issues and politics, together with well-known opportunities for participation, is a prerequisite for youth involvement in the development of society.

Children are rarely consulted in governmental inquiries, even when the issues reviewed are of great concern to them. Some might receive information from CSOs and BO, who meet children, but not from children themselves. This was for example the case with the inquiry on a new social services act⁶² and the inquiry on children suspected of crimes⁶³.

We welcome the Government's initiative in 2020- 2021 to gather forces to ensure a sustainable democracy and the tasks to strengthen young people's involvement and participation in democracy.⁶⁴ However, it is not nearly enough to remedy the current situation.

RECOMMENDATIONS

32. Establish regulations to ensure non-discriminatory, relevant and meaningful political involvement of children in community issues at national, regional and local level.

33. Set up a rule for governmental inquiries that they must involve children directly, if the issue is a concern for children.

B.6. Meaningful participation in the legal system

Government report 2(c), 14 (a-c), 21 (b-c), 23 (a)

Several inquiries have pointed out that children are not being heard in accordance with article 12 and national law⁶⁵ in legal proceedings. It is not always clear if the child has been heard, and if so, to what extent the child's opinion has weight in a decision or ruling. Young children and children with disabilities are seldom heard.⁶⁶ There is an unwritten precedent

58 MUCF (2020) *Ung idag - Ungas rätt till en meningsfull fritid*.

59 Swedish Government (2021). *Uppdrag att genomföra en kartläggning av den psykiatriska tvångsvården*. Only available in Swedish.

60 MUCF (2021). *Goda levnadsvillkor för många, men inte för alla. Ung idag*. Only available in Swedish.

61 MUCF (2021). *Goda levnadsvillkor för många, men inte för alla. Ung idag*. Only available in Swedish.

62 Government Official Report (2020). SOU 2020:47 *Hållbar socialtjänst - En ny socialtjänstlag*. Only available in Swedish.

63 Government Official Report (2021). SOU 2022:1 *Förbättrade åtgärder när barn misstänks för brott*. Only available in Swedish.

64 Swedish Government (2019-2021). *Uppdrag till myndigheter och stöd till det civila samhället för att stärka demokratin*. Only available in Swedish.

65 See for instance the Parental Code/ Föräldrabalken (1948:381)

66 Swedish Government Official Report (2016). SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish; and Swedish Government Official Report (2020). Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Part 3. Only available in Swedish. Summary in English.

that a child's opinion is taken into consideration at the age of 12, in particular in custody cases. Professionals highlight lack of time, parental consent and lack of knowledge and/or methods as reasons for not hearing children.⁶⁷ (See also paragraph E.2.)

The legal system also lacks competence when dealing with children with disabilities, both as victims, witnesses and when accused of crimes. Studies have shown that when children with neuropsychiatric disabilities are victims of a crime they receive redress to a lower extent. They are not heard in a way adapted to their disability⁶⁸ and lack of knowledge impacts the way the justice system reviews their statement.⁶⁹ There is a reluctance to consult experts that can contribute to the judiciary's understanding of specific disabilities.⁷⁰ Children can thus be deprived of the right to participate as they are not considered credible victims or witnesses. Because of this children with disabilities risk being seen as "safe targets".⁷¹

The method to interrogate children with disabilities, described in the Government's report, is unfortunately rarely used on children above age fifteen and only known to police specialised on hearing children. In practice this means that not all children with disabilities are met by police officers with this competence.

The Aliens Act has not been revised according to the Committee's previous recommendations regarding respecting the views of the child nor regarding the amendments proposed by the Inquiry of the Rights of the Child.⁷² The Swedish Migration Agency has revised their legal position on hearing children, but this is not legally binding. Among other things the Agency states that children have an explicit right to be heard, however they have no obligation to express their views and that the regulation regarding hearing the child in the Aliens Act must be seen in light of the CRC, meaning that the regulation regarding inappropriateness in said law can only refer to situations when the child does not want to be heard.⁷³

We note that the CRC Inquiry⁷⁴ has come to the conclusion that the regulation regarding inappropriateness in the Aliens Act⁷⁵ is not in conflict with the CRC, however the regulation regarding inappropriateness in the Parental Code⁷⁶ is in conflict with the CRC. In relation to this we want to stress that in practice neither children seeking asylum with their families nor children in custody disputes are heard in court.

QUESTION TO THE GOVERNMENT

What is the Government doing to amend relevant legislation, including the parental code, to be better in line with article 12 of the CRC and to ensure that it is implemented in practice for every child?

Q5

RECOMMENDATIONS

34. Ensure that all professionals in courts are trained on article 12, including how to assess a child's maturity and specific aspects of relevance for children with disabilities in accordance with the CRPD.
35. Make sure that children with disabilities under eighteen are only heard by police specialised on hearing children with disabilities.
36. Ensure the right for children with disabilities to alternative and complementary communication and other necessary support in all legal proceedings.

67 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Part 3. Only available in Swedish.

68 Strandberg, Matilda, Stockholm University, Faculty of Law (2015). *Rättsväsendets bemötande av unga lagöverträdare med neuropsykiatriska funktionsnedsättningar*. Only available in Swedish.

69 Lainpelto, K; Isaksson, J; Lindblad, F (2016). *Does Information About Neuropsychiatric Diagnoses Influence Evaluation of Child Sexual Abuse Allegations?*

70 The Children's Welfare Foundation och Barnafriid (2016). *Om barn med funktionsnedsättning i Sverige och deras utsatthet för våld och kränkningar, kunskapsammanställning*. Only available in Swedish.

71 Katrin Lainpelto (2015) *Evential Difficulties in ciminal proceedings concerning alleged Child Sexual Abuse Against children til neuropsychiatric disorders, A child-friendly justice*

72 Swedish Government Official Report (2016). SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish.

73 The Swedish Migration Agency (2020), *Legal position, Att höra barn, 010/2020*. Only available in Swedish.

74 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish.

75 Aliens Act/Utlänningslag (2005:716)

76 Parental Code/ Föräldrabalk (1949:381)

C. Civil rights and freedoms

(arts. 7, 8 and 13–17)

C.1. Statelessness and nationality

See Government report 15 (a-b)

Even though there is now a possibility for stateless children with a temporary residency permit to be granted Swedish citizenship, the right to citizenship is not fully fulfilled for stateless children born in Sweden. They still need to have lived in Sweden for five years and the parents need to apply for citizenship for the child.⁷⁷

RECOMMENDATION

37. Ensure that stateless children born in Sweden are granted Swedish citizenship at birth.

C.2. Children taken abroad to join in hostilities

In Syria, tens of thousands of children and their caregivers, including Swedish citizens, are being held in places of detention following military operations by the US-led multi-national military task force under the Global Coalition to defeat Daesh/ISIS, that Sweden is part of.

Children in these places of detention do not have access to basic necessities and are exposed to violence, exploitation and abuse. Hundreds of children have died. The conditions can amount to cruel and inhuman treatment, according to the International Commission on Syria.⁷⁸ The Commission also finds that the deprivation of liberty of children and adults without criminal charge or any individual assessment by an impartial and independent body is unlawful.⁷⁹

Sweden has been encouraged to ensure that assistance provided to the SRF and local administration by the coalition does not facilitate and sustain alleged arbitrary detention of boys and men, including Swedish citizens, and other serious human rights violations.⁸⁰

The OSCE has drawn attention to the trafficking of children to Syria for the purposes of recruitment and use by armed groups.⁸¹ A number of Swedish boys have been recruited as

⁷⁷ Law on Swedish citizenship/ Lag 2001:82 om svenskt medborgarskap §6. Only in Swedish.

⁷⁸ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (13 August 2021), paragraphs 116 and 118.

⁷⁹ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (8 February 2022), paragraph 112

⁸⁰ Special Rapporteurs and Working Groups (2022) *Letter to the Swedish Government from Special Rapporteurs and Working Groups under the Human Rights Council Special Procedures Mandate*

⁸¹ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings Trafficking in Human Beings and Terrorism (2021). *Where and How They Intersect Analysis and recommendations for more effective policy responses*

fighters and a number of Swedish girls have been married to men associated with armed groups signalling that they could also be victims of trafficking.

We are aware of Swedish children with mothers of other nationalities where neither the Swedish Government nor the governments of the mothers' countries of origin will repatriate. Leaving these children in a situation of limbo.

QUESTIONS TO THE GOVERNMENT

Q6. What actions have been taken by the Swedish Government to end the serious violations of human rights of children held in northeast Syria and to restore their fundamental rights and freedoms?

Q6

RECOMMENDATIONS

38. Use Sweden's influence within the Global Coalition to end the serious abuses of the human rights of all children held in northeast Syria and restore their fundamental rights and freedoms.
39. Take action to identify, protect and repatriate child victims of trafficking and those at risk and hold the perpetrators to account.
40. Work together with other countries to find repatriation solutions for Swedish children in families of mixed nationalities which maintain family unity including the option of repatriation to Sweden.

D. Violence against children

(arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

D.1. Criminal law protection of children witnesses and victims of violence

See Government report mainly 2 (c), 12(c), 18 (b-c), 31 (a)

There are shortcomings in the protection of children in the criminal code. In terms of the definition of violence, there is a gap between the area regulated by the criminal code and what is defined as violence under Article 19 of the CRC and in the provision prohibiting corporal punishment in the parental code.⁸²

Despite recent positive legislative changes (see below) and the ongoing inquiry to strengthen criminal law protection against psychological violence⁸³, most kinds of psychological violence against children and adults do not fall within the scope of current criminal law.⁸⁴

Furthermore, the regulations in the criminal code are currently not sufficiently reflected in the practical application of the law. Despite the fact that children in general are more vulnerable than adults, there are few specific regulations relating to violent offences against children. When the law is applied, sufficient consideration is not taken to the fact that children are not in the same position as adults when it comes to expressing themselves, especially children with disabilities. In practice this means that children are not given the same legal protection as adults.

We welcome the new offence, violation of a child's integrity, which took effect on 1 July 2021. However, we note that it is only those with a close relationship⁸⁵ to the child who can be convicted of the new offence. This excludes witnessing crimes committed by perpetrators that are not in a close relationship to the child. There are also situations, such as children witnessing sexual exploitation, that are excluded in the definition of the offense (see under paragraf C.6.). In addition, in many instances the abused person, in a vast majority of cases a woman, does not report the violence hence the new offence never comes into play.

RECOMMENDATIONS

41. Strengthen the knowledge of violence against children in the justice system.
42. Assess the implementation of the new offence, violation of a child's integrity, to ensure its effectiveness and address shortcomings from a child rights perspective.
43. Amend the criminal law to ensure that all forms of violence of children, including psychological violence, can be considered a criminal offence.

⁸² Parental Code/Föräldrabalk (1949:381). Chapter 6, Section 1.

⁸³ The Swedish Government (2021). *Skyddet mot psykiskt våld ska stärkas*. Only available in Swedish.

⁸⁴ UNICEF Sweden (2019). *Olagligt men inte straffbart*. Available only in Swedish.

⁸⁵ Refers to the persons considered close to the child as defined in the offense violation of a child's integrity in the Criminal Code/Brottsbalk (1962:700), 4 kap 3§ st 2-3.

D.2. Violence in the local community

Recent reports indicate a negative trend in Sweden regarding fatal shootings. Sweden has the highest rate of fatal shootings per capita in Europe, increasing since 2013. This increase is clearly limited to young men in criminal environments, in vulnerable areas.⁸⁶ The number of reported robberies against individuals under age 18 has more than doubled in Sweden during the period 2015–2019, and suspects are mainly 15–20 years old. The self-reported exposure to robbery has also increased radically amongst young people.⁸⁷

Moreover, children growing up in segregated marginalised suburbs are particularly exposed to fatal violence in their daily lives. These children rarely have access to rehabilitation. According to research, children's health can be adversely affected when they live with violence in their local community. There is also a risk that violence may be normalised in these areas.⁸⁸ Children experience anxiety due to violence in the local community.⁸⁹ This needs to be addressed urgently on a societal level from a child rights perspective and included in the national strategy on measures to end violence against children, which is currently being drafted.

RECOMMENDATIONS

44. Ensure that sufficient resources are allocated to the most vulnerable areas to ensure that preventive measures against violence are taken, including measures in preschools, schools, social services, police and the community and measures to change social norms.
45. Ensure support for all children exposed to fatal violence in their local communities.

D.3. Knowledge, skills, monitoring and prevention of violence

See Government report 7 (a-b)

Just over 10 percent of children who have been abused have told a professional,⁹⁰ even though there is a general obligation for health care professionals to ask when there is a suspicion of violence and abuse.⁹¹ And, guidelines recommend professionals to routinely ask children in contact with child psychiatry about violence.⁹²

This indicates that there is a need to ask questions about violence on a routine basis in more settings such as child health care and student health care.⁹³ These questions should also be posed to children with disabilities. Moreover, the existing guidelines do not include routine questions about commercial sexual exploitation of children (CSEC) and support services do not ask questions regarding this type of violence against children.⁹⁴

Easily accessible, early actions for adults at risk of abusing children are not sufficient. The same goes for support and treatment of children who are at risk of using violence against other children. There is a need for strengthened collaboration regarding knowledge, methodological support and research in terms of this type of preventative action.

86 Swedish National Council for Crime Prevention (Brå) (2021:18). *Dödligt skjutvapen våld i Sverige och andra europeiska länder - Brottsförebyggande rådet*. Only available in Swedish.

87 Brå (2021) *Ungdomsrånen har ökat i hela landet*.

88 BO (2018) *Utanförskap, våld och kärlek till orten*. Only available in Swedish.

89 The Network for CRC (2016) *Hearing report*. Only available in Swedish.

90 Jernbro, Carolina & Jansson, Staffan. (2016) *Våld mot barn 2016. En nationell kartläggning*. The Children's Welfare Foundation. Only available in Swedish.

91 The National Board of Health and Welfare (2014). *Våld i nära relationer: Föreskrifter och allmänna råd*. SOSFS. 2014:4. Only available in Swedish.

92 The National Board of Health and Welfare (2014). *Att vilja se, vilja veta och att våga fråga. Vägledning för att öka förutsättningarna att upptäcka våldsutsatthet*. Only available in Swedish.

93 Engström, M., Hiltunen, J., Wallby, T., & Lucas, S. (2021). *Child Health Nurses' experiences of addressing psychosocial risk factors with the families they meet*; *Acta Paediatrica*, 110, 574-583; Köhler, M., Rosvall, M., & Emmelin, M. (2016). *'All is well': professionals' documentation of social determinants of health in Swedish Child Health Services health records concerning maltreated children - a mixed method approach*. *BMC Pediatrics*, 16: 127.

94 Child10, inte din Hora, Ellencentret (2020). *Ingen hörde ropen på hjälp*. Only available in Swedish.

RECOMMENDATIONS

46. Ensure sufficient knowledge on all forms of violence for professionals working with children and how to act when there is concern for a child.
47. Ensure that questions about violence and abuse are asked on a routine basis, also to children with disabilities, by student healthcare in schools and by social services.
48. Develop national regulations to encourage all health care personnel and social services to establish routines to ask children questions about commercial sexual exploitation.
49. Provide a national helpline for professionals who meet abused children in their line of work to get support and advice.
50. Take all appropriate measures to ensure that the preventive measures for adults and children who are at risk of using violence against children are evidence-based, easily accessible, sustainable and available throughout Sweden.

D.4. Lack of national governance for children subjected to violence

See Government report 2 (c), 7 (a-b), 19 (a-b)

The availability of appropriate and timely support for children who have suffered abuse differs significantly across the country, which is of deep concern.⁹⁵ There is a lack of national governance and formalised guidelines for Barnahus, which results in variable quality of the centres as well as inequality in access to support and protection for children affected by violence.⁹⁶

Children who are victims of violence often feel that they do not receive the support and information they need about the help that is available to them.⁹⁷ The interventions offered by social services are not adapted to the needs of children but are often based on the whole family. Children describe how interventions such as family therapy are used to help the family to function in everyday life when the underlying problem is severe substance abuse or mental illness, and the child is a victim of violence.⁹⁸

In a study from 2021 the proportion of young people stating that they had suffered sexual abuse during their childhood rose from one in five to one in four (compared to a previous study made in 2014). For girls the number was higher, almost one out of three girls said that they had experienced sexual abuse during their childhood. Few students who were abused had turned to a professional for help or support and a high proportion of those who had done so were dissatisfied. In contact with police and social services, a larger proportion were dissatisfied than satisfied.⁹⁹

There are no tools to measure whether the care provided to children who have been violated leads to a real change or improvement. The review of the Social Services Act¹⁰⁰ addresses the need for this, but it has yet to be put into practice.

95 Söderström, B, & Landberg, Å. (2019). Support and treatment for children who have been subjected to violence and sexual abuse: A project report and proposals for a model. Children's Welfare Foundation.

96 Children's Welfare Foundation (2019). *Det fjärde rummet – en modell för stöd och behandling för barn som utsatts för våld eller övergrepp*. Only available in Swedish

97 Swedish Agency for Health Technology Assessment and Assessment of Social Services (2018). *Öppenvårdsinsatser för familjer där barn utsätts för våld och försummelse. En systematisk översikt och utvärdering inklusive ekonomiska och etiska aspekter*. Stockholm: Statens beredning för medicinsk och social utvärdering (SBU); 2018. SBU-rapport nr 280. ISBN 978-91-88437-22-8. Only available in Swedish.

98 Maskrosbarn (2016). *Jag är bara en påse med pengar*. Only available in Swedish.

99 Carl Göran Svedin, Åsa Landberg och Linda Jonsson (2021) *Unga, Sex och Internet #metoo - om ungdomars sexualitet och utsatthet för sexuella övergrepp och sexuell exploatering i Sverige 2020/2021*. The Children's Welfare Foundation. Only available in Swedish.

100 Swedish Government Official Report (2020). *SOU 2020:47 Hållbar Socialtjänst- En ny socialtjänstlag*. Only available in Swedish.

RECOMMENDATIONS

51. Ensure access to Barnahus for all children experiencing any form of violence and abuse, ensure unity in access across the country as well as unity in guidelines and regulations and appoint one government agency with the responsibility for governing every Barnahus.
52. Develop guidelines on interventions for children that are victims of violence based on the best interest of the child and ensure compliance with the child's right to information.
53. Ensure that the school curriculum includes information about violence as a part of the education, both in primary and secondary school.
54. Provide permanent state funding to existing national helplines for children.

D.5. Violence in institutions – institutional care

See Government report 17 (a-c)

Children who have committed crimes or children who by other reasons, e.g. addiction or self-harm behaviour, can be placed in locked institutions, run by the National Board of Institutional Care (SiS). Swedish law currently allows these institutions to use the legal authority to isolate children presenting violent behaviour or acting disorderly, if proportionate.¹⁰¹ Despite the Government's goal to abolish isolation¹⁰², there has been a dramatic increase in the number of isolations and widespread reporting of serious abuse¹⁰³ in various SiS institutions, including violence and sexual abuse against children by staff.

A recent report shows that children, placed in SiS institutions, who shall be placed in isolation are subjected to extensive and systematic use of violence while being restrained and transported. The methods of restraint used by SiS, constitute violence and include pain inducing techniques. There is substantial medical evidence of the physical and psychological impact of restraint, especially when used on children. Despite the documented risk of injury, particularly the use of prone (facedown) restraint on the floor is widely used within SiS.¹⁰⁴

Furthermore, the report shows that the children most likely to be subjected to isolation, and thereby violence, are the youngest (11-15 years old), girls and children with special needs, such as autism. The report also raises grave concerns regarding procedural compliance in the decision making regarding the use of isolation and violence. In a third of the decisions, it is not stated that the child has been violent, yet the child has still been subjected to use of force, violence and isolation. This practice has repeatedly been criticised by the Swedish Parliamentary Ombudsman and a majority of the Swedish parliament recently voted on abolishing isolation.¹⁰⁵ However, the Government's and SiS' response is that solitary confinement is currently a necessary restriction.¹⁰⁶

In addition, the possibility for children to appeal an isolation decision is inadequate. The internal handling of complaints at SiS homes and at the Inspectorate for Health and Social Care (IVO) does currently not meet the requirements for an independent right of appeal. There is an obvious need for an independent complaints mechanism for children placed in institutions. For instance, there are countless examples of when children's complaints to IVO only led to IVO handing over the complaints to SiS. The children involved did not receive any feedback at all about what had happened to their complaints, even though they had repeatedly informed the IVO of serious allegations of violence.¹⁰⁷ In addition, IVO can only give criticism, recommendations and supervision, not restoration. (See also paragraph A.5).

101 LVU 15 c§ and Lag (1998:603) om verkställighet av sluten ungdomsvård LSU 17§ (LSU) on solitary confinement

102 Swedish Government (2022). *Vård av unga vid Statens institutionsstyrelses särskilda ungdomshem*. Only available in Swedish.

103 Children have reported abusive treatment and violence from staff for several years, which appears in reports from, for instance B0, BRIS, Barnrättsbyrån, Skyddsvärnet (2018 Projekt: *Ung Inlåst*) and the media.

104 Barnrättsbyrån (2021)...*och jag kunde inte andas. En granskning av våld mot barn på de särskilda ungdomshemmen*. Only available in Swedish.

105 The Swedish Government (2022). *Vård av unga vid Statens institutionsstyrelses särskilda ungdomshem*. Only available in Swedish.

106 Dagens Nyheter (2021). *Debattartikel inför i Dagens Nyheter*. Only Available in Swedish

107 Barnrättsbyrån (2021)...*och jag kunde inte andas. En granskning av våld mot barn på de särskilda ungdomshemmen*. Only available in Swedish.

Children cared for under the Psychiatric Compulsory Care Act (LPT) have increased by 30 percent since 2011.¹⁰⁸ Incidents of children in compulsory psychiatric care being physically restrained are increasing and we know that incidents are underreported.¹⁰⁹ The relevant legislation is not interpreted in accordance with a human rights-based approach.¹¹⁰ It is necessary to include human rights indicators to help assess whether the individual's human rights are being safeguarded or not.

The new provision from 2020 for children in psychiatric compulsory care continues to allow the use of physical restraints and solitary confinement of children. The regulations have been tightened with a special provision introducing time limits of one hour for the use of physical restraints and two hours for solitary confinement. However, an extension of the decision to use such methods can be granted an unlimited number of times. Thus the regulations are still not in accordance with international standards.

SiS has received criticism regarding the use of violence from both IVO and Parliamentary Ombudsmen (JO) and several SiS homes have been closed during the last few years due to violence from staff and other misconduct.

RECOMMENDATIONS

55. Adopt a zero vision against all forms of violence against children in institutions.
56. Remove isolation of children as a special power in the Care of Young Persons (Special Provisions) Act (LVU), Secure Youth Care Act (LSU) and LPT and prohibit the use of belts in psychiatric care, including techniques used to control children which causes pain.
57. Establish independent complaints mechanisms for children in institutions.

D.6. Children victims and witnesses of human trafficking

See Government report 2 (c), 29 (b), 32 (c-d)

Children that are victims of human trafficking in Sweden are too often denied their rights. One of the reasons for this is that many child victims of human trafficking and exploitation are not recognized as victims of crime. The children are simply seen as undocumented, since their parents are third-country citizens. Consequently, most of these child victims of trafficking are denied access to justice including the right to a special representative, remedy, restoration, asylum and social and psychological support. The little support they can receive is predominantly provided by CSOs.

In addition, there is a need for safe proactive actions to identify and protect children in vulnerable life situations, such as unaccompanied minors and children with mothers who are victims of human trafficking, from experiencing commercial sexual exploitation. Most children identified as victims of human trafficking today have either been identified coincidentally by the police or by CSOs.¹¹¹

On a legal note, the lack of victim status for the children, either witnessing their parents (often their mother) in commercial sexual exploitation (prostitution or human trafficking) or being born as a result of exploitation, has severe consequences. We welcome the new law on violation of a child's integrity (see under paragraph C.1.), but regret that children witnessing sexual exploitation are not included.

¹⁰⁸ The National Board of Health and Welfare (2021). *Statistics database for psychiatric compulsory care*. Only available in Swedish.

¹⁰⁹ The National Board of Health and Welfare (2021). *Statistics database for psychiatric compulsory care*. Only available in Swedish. Swedish Government Official Report (2017) SOU 2017:111 För barnets bästa? Utredningen om tvångsåtgärder mot barn i psykiatrisk tvångsvård. Only available in Swedish.

¹¹⁰ Funktionsrätt Sverige (2019). *Respekt för rättigheter? Rapport om hur Sverige lever upp till konventionen om rättigheter för personer med funktionsnedsättning* Only available in Swedish, p. 48.

¹¹¹ GRETA (2018) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden*.

QUESTION TO THE GOVERNMENT

What preventive measures is the Government taking to protect children, including undocumented children, from commercial sexual exploitation?

Q7

RECOMMENDATIONS

58. Ensure that children that are victims of commercial sexual exploitation have access to treatment and support systems.
59. Ensure that the best interest of the child is assured in all collaborations between social services and law enforcement in cases of CSEC.
60. Add children witnessing sexual exploitation in the law on violation of a child's integrity.

D.7. Children in commercial sexual exploitation

See Government report 2 (c), 19 (a-d), 32 (a-c)

Child victims of commercial sexual exploitation do not receive the support they have the right to. Commercial sexual exploitation is a sexual exploitation of a child that is accompanied by a payment in money, in-kind or any other remuneration. The abuse can be online or offline.

The social services and the health care system have severe shortcomings in supporting child victims of commercial sexual exploitation. In a recent study¹¹² victims stated that the exploitation they had endured was diminished in the support system. The children, often teenagers, were treated as the exploitation was a behavioral problem or a part of their sexual development. Three out of four respondents stated that they had received insufficient support, and half of them stated that the support they had been given was highly insufficient. Only 12 percent stated that the support system had treated them as victims.¹¹³

8 out of 32 Barnahus in Sweden do not include all children who are victims of violence.¹¹⁴ For instance, children between age 15 and 17 and children who are victims of crimes committed outside of the family are excluded. Children victims of CSEC often belong to these two groups. This decreases their possibility to access adequate support.¹¹⁵

Moreover, there is a need for more information regarding how social services and child psychiatry handle cases regarding commercial sexual exploitation, including what measures are taken when a child is identified as a victim of commercial sexual exploitation and what effects those measures have, what treatments are actualized and what effects the treatments have.

QUESTION TO THE GOVERNMENT

What is the Government doing to ensure that adequate methods are available and used by all relevant institutions in order to support children that are victims of commercial sexual exploitation?

Q8

¹¹² Child10, inte din Hora, Ellencentret (2020). *Ingen hörde ropen på hjälp*. Only available in Swedish.

¹¹³ This entails that they received information that they were victims of a crime, offered help to report the crime, offered protection from further exploitation and that the guilt was placed on the perpetrator, not on them, the victim.

¹¹⁴ Barnafriid, Linköpings Universitet (2019). *Slutrapport utvärdering av barnahus* (S2018/00212/FS). Only available in Swedish.

¹¹⁵ Barnafriid, Linköpings Universitet (2019). *Slutrapport utvärdering av barnahus* (S2018/00212/FS). Only available in Swedish.

RECOMMENDATIONS

61. Educate professionals about CSEC, make sure that high quality treatment is available.
62. Ensure that every child who is a victim of violence, including CSEC, is treated and viewed as a victim of crime.
63. Ensure evidence based rehabilitation and support to all children that are victims of commercial sexual exploitation, including support from Barnahus.

D.8. Sexual exploitation – Strategy and data collection

See Government report 19 (d), 7(a)

Despite the CRC Committee's recommendations to Sweden to establish a mechanism for the systematic collection of data on sexual exploitation and abuse of children, this has yet to be put in place. Furthermore, the Government has still not replaced the last Action Plan to protect children from trafficking and sexual exploitation¹¹⁶ which expired in 2018. The Government expressed that the rights of the child would be mainstreamed in the General National Action Plan against Prostitution and Trafficking however the focus on children has clearly diminished.¹¹⁷

RECOMMENDATIONS

64. Establish a mechanism for systematic collection of data on sexual exploitation and abuse of children.
65. Adopt a new Action Plan on protection of children from trafficking and sexual exploitation.

¹¹⁶ Swedish Government (2015). 2015/16:192 *Handlingsplan 2016–2018 till skydd för barn mot människohandel, exploatering och sexuella övergrepp*. Only available in Swedish.

¹¹⁷ Swedish Government, Ministry of Health and Social Affairs (2018), *Handlingsplan mot prostitution och människohandel*.

E. Family environment and alternative care

(arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

E.1. Guidelines for alternative care

See Government report 18 (f)

Children and young people placed in alternative care are treated differently depending on where in the country they live. This lack of equality stems from the fact that it is ultimately the municipalities themselves who are responsible for ensuring placed children quality care and follow-up. The existing guidelines for care and the advice from the National Board of Health and Welfare do not include a sufficient tool to track inequalities.¹¹⁸ “The open comparisons” provided by the National Board of Health and Welfare do not provide sufficient information, which makes it difficult to provide clear recommendations to remedy inequalities.¹¹⁹

The Swedish Government uses neither the UN Guidelines for Alternative Care of Children¹²⁰, The Handbook nor the Tracking Progress Initiative. There is a need for the state to have an overall picture of the situation in each municipality and a framework to systematically ensure quality and follow-up of each individual child’s right to good and equal care. The tracking system would also open up opportunities for collaboration with and input from civil society. We welcome the inquiry to review and propose measures for how the quality of care can increase for children in alternative care.¹²¹ In addition to this there is a need to review the Guidelines, Handbook and Tracking System.

RECOMMENDATIONS

66. Translate and implement the UN Guidelines for Alternative Care of Children and review implementing the Tracking Progress Initiative in the Swedish context.

¹¹⁸ National Board of Health and Welfare (2020). *Placerade barn och unga Handbok för socialtjänsten*. Only available in Swedish; National Board of Health and Welfare (2012). *Senaste version av SOSFS 2012:11 Socialstyrelsens föreskrifter och allmänna råd om socialnämndens ansvar för barn och unga i familjehem, jourhem, stödboende och hem för vård eller boende*. Only available in Swedish.

¹¹⁹ National Board of Health and Welfare. *Öppna jämförelser av social barn och ungdomsvård*

¹²⁰ UN (2010) *UN Guidelines for the Alternative Care of Children*; CELCIS (2012). *Moving Forward Tracking Progress Initiative website*

¹²¹ Swedish Government 2021 *Barn och unga i samhällets vård* Dir. 2021:84

E.2. Custody, residence and contact disputes

See Government report 12 (c),21 (b-c)

The CRC Inquiry¹²² found that the legislation on custody, residence and contact was not in full compliance with the CRC. Among other things, the inquiry found that a child's opportunities to express its views and participate in cases of custody, residence and contact, as granted in article 9, are neither fulfilled in the parental code nor in other legislation. The same applies for enforcement of such rulings. The inquiry also found that the regulation of the best interest of the child in the parental code can lead to assessments of the best interest of the child that is not in conformity with articles 3 and 9 and that the parental code does not guarantee that the child is able to express its views freely in family law litigations, as stated in article 12.2.

The inquiry also stated that there were reasons to review the parental code to ensure it is in compliance with the CRC as regards to a child's right to have contact with the parent the child does not live with. Since the child does not have any possibility to enforce this right, but the parent can enforce it against the child's will (if in the best interest of the child), the child is actually the holder of a "quasi-right", while the parent becomes the true rights holder.¹²³

The recent changes in the parental code which, according to the Government's report¹²⁴, should strengthen the child rights perspective in custody cases, does not include the majority of the concerns raised by the CRC Inquiry. Furthermore, it does not address issues of legal representation for children in custody cases. We welcome the fact that it is now, after the changes, possible for social services to hear the child without parental consent, however the impact of this needs to be followed closely.

A recent study regarding the extent to which and in what way information about violence is presented in custody disputes shows several serious shortcomings in relation to children's rights.¹²⁵ Despite information about extensive and systematic violence in some cases, neither the child's situation nor the risks to the child had been investigated by the court in agreements between the parents regarding custody. Instead the court always ruled that an agreement between the parents was in the child's best interest. Moreover, assessments of the best interest of the child often consisted of standard writings, not on individual assessments of the child's situation. In more than half of the reviewed cases the child's opinion did not appear in the ruling; children were not heard in court in any of the reviewed cases. Many of the interviewed children asked for their own representation and to be heard in court.

Similar problems with the child rights perspective in cases on custody, residency and contact have been highlighted in other reports. These show for instance a great problem with the implementation of the principle of the best interest of the child.¹²⁶ Another great concern is that children are rarely heard in these cases. Young children and children with disabilities are not heard at all. Children begin to be heard at age 6 or 7. The child's views are then rarely taken into account, unless the child is 12 years or older. The social workers conducting interviews with children in these cases state that they lack the knowledge and methods to hear young children and children with disabilities. Another reason for not talking to children is the risk of loyalty conflicts with the parents.¹²⁷

We welcome the recently appointed inquiry to review the legislation on transfer of custody, adoption and contact.¹²⁸ However, we are convinced that in order to ensure a child rights perspective, particularly in relation to the right to be heard and the assessment of the best interest of the child in cases of custody, residency and contact, the child must be considered a party to the case and be assigned its own legal representative. This is not included in the inquiry's mandate to review.

122 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish. Summary in English.

123 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish. Summary in English.

124 Swedish Government. *Sweden's combined sixth and seventh periodic reports to the UN Committee on the Rights of the Child*. 2021. § 21.b.

125 Swedish Gender Equality Agency (2022). *Uppgifter om våld inget undantag*. Only available in Swedish.

126 Swedish Government Official Report (2017). SOU 2017:6 *Se barnet!* Only Available in Swedish; Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt* (page 1015). Only available in Swedish.

127 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt* (pages 1734-1736). Only available in Swedish.

128 Swedish Government (2021). Dir. 2021:70. *Vikten av trygghet och kontinuitet för barn i utsatta situationer – en översyn av reglerna i föräldrabalken*. Only available in Swedish.

QUESTION TO THE GOVERNMENT

What is the Government planning to do to protect children in custody disputes, in particular those where there is a risk of violence?

Q9

What steps are taken to ensure the parental code is in line with the requirements of the CRC?

Q10

RECOMMENDATIONS

67. Revise the parental code to ensure that it lives up to the requirements in the CRC, including ensuring that children cannot be forced to have contact with an abusive parent against the child's will.
68. Enhance knowledge among professionals in authorities such as courts, social services, health care, the police and other relevant agencies, to change norms that give priority to parental rights over children's rights and welfare.
69. Ensure that the child is assigned its own legal representative knowledgeable in child rights in all disputes regarding custody, contact and living arrangements.

E.3. Collaboration for children in vulnerable situations

Lack of communication within systems as professionals work in silos is leaving vulnerable children even more vulnerable. Particularly vulnerable groups are children who require support from multiple systems of care or those who are discharged from inpatient care without a plan¹²⁹ for individual follow-up.¹³⁰ Deficiencies in the evaluation tools, as well as in the individual follow-up, too often lead to that the right to participation in decisions about the care of the child is not fulfilled.¹³¹

The existing legislation on collaboration in the Social Services Act, intended to strengthen children's rights and ensure their participation, is often not implemented.

RECOMMENDATIONS

70. Strengthen the Social Services Act regarding collaboration, ensuring individual follow-up, participation and evaluation.
71. Strengthen the implementation and provider compliance by clarifying different agencies and practitioners' responsibilities and duties.

129 This refers to Coordinated Individual Plan/Samordnad Individuell Plan (SIP), See for instance, the National Board of Health and Welfare (2017). *Om fast vårdkontakt och samordnad individuell plan, nationell vägledning.*

130 Swedish Riksdag (2017). *Lag (2017:612) om samverkan vid utskrivning från slutna hälso- och sjukvård.*

131 Mannberg, L. (2016). *Utveckling av ett utvärderingsinstrument för att mäta barn och ungas delaktighet vid SIP.* Only Available in Swedish

E.4. Compulsory care institutions

See Government report 2 (c), 12 (c), 17 (b), 22 (a)

There are different types of placement for children who are placed in compulsory institutional care, for instance a home for care and housing (HVB) which is a professionally run home within the social services where children both live and receive care or treatment¹³²; and special youth homes run by SiS.

JO has observed cases in which coercive measures have been misused in compulsory care institutions due to the staff's lack of knowledge of alternative methods. JO has also observed that conflict management training plays an important role in reducing the use of coercive measures.¹³³ (See also paragraph D.5.)

RECOMMENDATIONS

72. Reform compulsory institutional care for children, including a review of how the care should be carried out and if SiS is the appropriate provider.
73. Ensure that all staff at compulsory care institutions receive adequate training and capacity building in how to apply a human rights-based approach in their work.

E.5. Leaving Care

Leaving care is a challenge. Children placed in institutional care lack the financial, practical and emotional support that non-placed children receive from their families¹³⁴ According to national regulations, a leaving care plan should be supplemented in due time before the care ends.¹³⁵ Furthermore, social services should consider the need for continued contact with the former placement. If a young person needs accommodation after the placement, the social services should help with this.

We see shortcomings when children are about to leave care institutions, the plan stipulated in the regulations is often either not there or it is not sufficient. This leads to children leaving care and losing all support from one day to another. Because of this, children and young people, who have been placed in alternative care, risk returning to society's care both as children and as adults.

RECOMMENDATIONS

74. Offer state-funded and statutory support to children and young people leaving care such as; assisted funding to housing; support by a case manager and; right to extended support by a foster care family.
75. Adopt national guidelines on aftercare plans for children leaving care which include the right to participation, subsistence and health.

¹³² This placement can be done voluntarily or by force

¹³³ JO (2019), *National Preventive Mechanism – NPM, Report from the OPCAT unit for 2018*, p. 64.

¹³⁴ The Swedish Agency for Health Technology Assessment and Assessment of Social Services (2020)

Stöd till unga som ska flytta från placering i social dygnsvård. Only Available in Swedish.

¹³⁵ The National Board of Health and Welfare (2020) SOSFS 2012:11 *Socialstyrelsens föreskrifter och allmänna råd om socialnämndens ansvar för barn och unga i familjehem, jourhem, stödboende och hem för vård eller boende*,

E.6. Incarcerated parents

See Government report 22 (b)

“Make it so that you can visit your parents often and make sure support is available and that you can meet other children in similar situations, so as not to feel alone.” – 8-year-old boy¹³⁶

Approximately 30.000 children in Sweden¹³⁷ have a parent who is incarcerated. This group of children is more vulnerable to suffer from mental illness and to engage in criminal activities if they do not receive early and preventive support. Previous research has shown that additional problems such as abuse and strained relationships between children and their parents are factors that increase risks for this target group.¹³⁸

Despite this, 79 percent of the municipalities in Sweden lack specific supportive mechanisms for children of incarcerated parents and 94 percent do not work with preventative measures. Reports show a need for capacity building within the social services and increased collaboration between different authorities. Support for children is mostly provided by CSOs and only accessible in a few municipalities.¹³⁹ 93 percent of children with an incarcerated parent report that counselling has helped them. Children express that they are calmer, feel safer and are less anxious after receiving counselling.¹⁴⁰

Children of incarcerated parents do not have the same legal right to information, help or support as children whose parents are included under the Health and Medical Service Act.¹⁴¹ nine out of ten children consider that they have a right to receive information about the parent’s incarceration.¹⁴²

Despite previous recommendations from the Committee, there are still many impediments with regards to children’s right to a relationship and direct contact with the incarcerated parent. Proximity to the child is not considered. Not all families have the financial means to travel. Some children do not have an adult that can or want to accompany them. Furthermore, social services are unable to cater to the children’s right to contact. The responsibility falls to the child or guardian to apply for financial assistance to cover their travel costs. The decision is generally arbitrary and often results in denial.¹⁴³

Pre-trial detention, sometimes for an extensive period, together with contact restrictions, extend the period of separation between the parent and the child.

3 out of 4 children and youth are dissatisfied with today’s level of contact and would rather have frequent, unrestricted contact on their own terms. Due to COVID-19 restrictions, video calls were introduced, which many welcomed.¹⁴⁴

RECOMMENDATIONS

76. Review the existing legislation and its application so that law enforcement agencies are given a mandate to ensure that children of incarcerated parents receive sufficient information.
77. Implement national guidelines and clarify the municipalities’ responsibilities to guarantee adequate and equal support regardless of place of residence.
78. Take all necessary actions to make it possible for children to maintain a personal relationship and direct contact with incarcerated parents, according to the proximity principle. Ensure that contact is carried out on the child’s terms with child-friendly visiting rooms including access to outdoor visits and that the option of digital contact remains.

136 Eriks Development Partner, The Rescue Mission Sweden, Buff Sweden (2021) *One must know – Voices of children who have a family member in prison.*

137 This is an estimation made by The Swedish Prison and Probation Service, there are no official statistics in Sweden regarding how many children who have one or both parents in prison.

138 Dallaire & Zeman (2013) *Empathy as a protective factor for children with incarcerated parents*; Murray, Farrington & Sekol (2012) *Children’s antisocial behavior, mental health, drug use, and educational performance after parental incarceration: A systematic review and meta-analysis*; Berman, Steinhoff & Koivumaa (2013) *Barn med frihetsberövade föräldrar – Resultatet från EU-studien COPING med fokus på Sverige*. Only available in Swedish

139 The National Board of Health and Welfare (2018) *Barn med frihetsberövade föräldrar*. Only available in Swedish.

140 Eriks Development Partner, The Rescue Mission Sweden, Buff Sweden (2021) *One must know – Voices of children who have a family member in prison.*

141 Health and Medical Services Act (SFS 2017:30) 5 kap. 6–7 §§.

142 Eriks Development Partner, The Rescue Mission Sweden, Buff Sweden (2021) *One must know – Voices of children who have a family member in prison.*

143 Eriks Development Partner, The Rescue Mission Sweden, Buff Sweden (2021) *One must know – Voices of children who have a family member in prison.*

144 Eriks Development Partner, The Rescue Mission Sweden, Buff Sweden (2021) *One must know – Voices of children who have a family member in prison.*

F. Children with disabilities

(art. 23)

F.1. The right to be heard

Government report 23 (a)

*“Very important to be included and really heard in the planning that concerns yourself”.
Girl with blindness, 17 years*

Children with disabilities rarely get the opportunity to make their voices heard and are still not involved in all matters concerning their needs and their situation. Their views are not given due weight and their rights might not be met. In general, there is a lack of adequate information and support for them to make their voices heard.¹⁴⁵

Children are rarely involved in planning their own personal support, something that impacts their everyday life.¹⁴⁶ Furthermore, children with disabilities can be deprived the right to participate in judicial processes, as they are not considered credible victims or witnesses (see paragraf B.6).

The denial of the right to be heard can result in marginalisation and exclusion, which in turn risk leading to mental illness and impaired mood. Schools have a great responsibility in removing obstacles for full participation.¹⁴⁷

The right to augmentative and alternative communication is not stipulated in Swedish legislation. Children with multiple disabilities who lack the ability to communicate through verbal speech need special attention and equal access to complementary communication. This includes sign language, cognitive support and technical aids. Professionals often lack the expertise regarding alternative communication.¹⁴⁸

RECOMMENDATIONS

79. Ensure that all children with disabilities are given the opportunity to make their voices heard in all matters concerning their own life.
80. Ensure that all children with disabilities receive access to relevant support based on their needs in relation to disability, level of maturity and age.
81. Stipulate in law the right to augmentative, complementary and alternative communication for children with disabilities.

145 BO (2016). *Respekt*. Only available in Swedish. Autism- och aspergerförbundet (2018). *Att föra samtal med barn med autism*. Only available in Swedish. The National Agency for Special Needs Education and Schools (2019). *Barnpanelsrapport. Vad säger elever med funktionsnedsättning om trygghet, studiero och studiemotivation?* Only available in Swedish.

146 Swedish Governmental Official Report (2016). SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish.

147 Nordic Welfare Centre (2021). *See, listen and include. Participation for children and young people with disabilities in the Nordic countries*.

148 The National Board of Health and Welfare (2019). *Uppföljning av barnkonventionens genomslag vid tillämpning av LSS*. Only available in Swedish

F2. Personal assistance, rehabilitation and assistive devices

Government report 23 (b)

The situation for children in need of personal assistance has deteriorated since the last review. Children with very extensive disabilities, who require round-the-clock supervision in order to stay alive, are denied personal assistance. Today, only two children out of ten who apply for personal assistance receive it. The majority of those who have lost or been denied personal assistance are children between age 0 and 14.¹⁴⁹

Lately, some improvements in this area have been suggested. Two new amendments to the law are expected to enter into force in January 2023. We are hoping for a positive change as a result of this. However, the amendments alone are not enough. The overall approach of the Swedish Social Insurance Agency in the implementation of the law must change. Children and their caregivers seeking assistance, must be seen as rights bearers, be respected and receive an individual assessment and information about what a decision is based on.

Furthermore, there is a great variation in access to habilitation, rehabilitation and assistive devices for children with disabilities.¹⁵⁰ There are no national guidelines stating the content of a qualitative habilitation support, for example stating the need for a holistic approach and identification of mental illness.¹⁵¹

The administrative responsibility regarding assistive devices is divided between the municipality for aid needed in school and the region for aid during leisure time. This is a time-consuming obstacle and a problem both when it comes to access and continuity. There is also a lack of coordination between schools and regions. In addition, fees vary in different regions. Children are often not involved in the process and are not given the right to try out if an aid works or not before it is assigned.¹⁵²

QUESTION TO THE GOVERNMENT

How is the Government working to change the overall approach of the Swedish Social Insurance Agency towards children and their caregivers seeking assistance?

Q11

RECOMMENDATIONS

82. Ensure that every child with disabilities that qualify for personal assistance receive it, regardless of where they live. Ensure that children are seen as rights bearers, respected, receive an individual assessment and adequate information about what a decision is based on.
83. Ensure that children with disabilities get equivalent access to a holistic habilitation, rehabilitation and assistive devices, active involvement and adequate aid and support regardless of where in Sweden they live.

149 Swedish Social Insurance Agency. *Försäkringskassans statistikdatabas*.

150 Swedish Government Official Report (2017). *SOU 2017:43 På lika villkor!*

– delaktighet, jämlikhet och effektivitet i hjälpmedelsförsörjningen. Only available in Swedish.

151 BO (2016). *Respekt*. Only available in Swedish.

152 Swedish Government Official Report (2017). *SOU 2017:43 På lika villkor!*

– delaktighet, jämlikhet och effektivitet i hjälpmedelsförsörjningen. Only available in Swedish.

F.3. The right to education for children with disabilities

Government report 23 (c)

*“The loneliness that you often feel in school every day, is devastating for your mental health and self-esteem”.
Girl, 17 years with blindness*

Despite the recommendation from the Committee, the Education Act has not been revised as regards to the possibility of denying children access to a certain school due to financial or other reasons.¹⁵³ Children with disabilities have unequal access to the free school choice practised in Sweden, which is open to children in the regular school system. However, they have a greater need to choose schools in order to avoid inaccessibility.¹⁵⁴

Qualitative inclusive education for children with disabilities is not a reality due to the lack of adequate support, aid or enough environmental adaptation in schools. As a consequence, children risk being exposed to exclusion and discrimination. There is no guarantee that teachers and school staff in the Swedish school system have sufficient knowledge about different kinds of disabilities and their consequences in learning settings. Schools in general are not pedagogically, socially or physically accessible for children with disabilities.¹⁵⁵

Governmental funds directed to schools do not include investments in children with disabilities. As financial resources for children with disabilities are not ear-marked they can be used for other purposes than children with disabilities.¹⁵⁶

RECOMMENDATIONS

84. Abolish the provision in the Education Act that makes the reception of a child dependent on certain factors and set aside sufficient human, technical and financial support to ensure that no schools have organisational or financial constraints that prevent education from being fully inclusive.
85. Ensure that the right to an high quality education is fulfilled for children with disabilities and that all schools provide a safe, inclusive and caring learning environment including necessary support to ensure school attendance for all students.
86. Ensure earmarked state funding for children with disabilities so that allocated funds are not used for other purposes.

F.4. Data collection and statistics

See Government report 7 (b)

A school survey to review all school activities throughout the country and to ensure that they comply with existing laws and regulations is conducted yearly by the Swedish School Inspectorate.

Included in the survey are pupils, educational staff, guardians in elementary and upper secondary school and guardians in preschool and compulsory school for pupils with learning disabilities and severe learning disabilities. Children in compulsory school for pupils with learning disabilities and severe learning disabilities are not included.¹⁵⁷

There are no national statistics on children with disabilities in the Swedish education

153 Swedish Education Act/ Skollag (2010:8) 10 kap. 30§

154 Lund Disability Human Rights Clinic (2020). *Fritt skolval för vem?* Only available in Swedish.

155 The Swedish National Agency for Education (2016). *Tillgängliga lärmiljöer? Rapport 440*. Only available in Swedish. Autism- och Aspergerförbundet (2018). *Skolenkät*. Only available in Swedish; The Swedish Schools Inspectorate (2016). *Skolans arbete med extra anpassningar*. Brännström, K. Jonas, (2019) *Hear, listen and understand*; Brännström, K. Jonas; von Lochow, Heike; Lyberg Åhlander, Viveka and Sahlén, Birgitta (2019), Lunds universitet. *Passage comprehension performance in children with cochlear implants and/or hearing aids: the effects of voice quality and multi-talker babble noise in relation to executive function*.

156 The Swedish National Agency for Education (2019). *Om statsbidrag för skolan*. Only available in Swedish.

157 Swedish Schools Inspectorate (2020). *Om Skolenkäten*. Only available in Swedish.

system.¹⁵⁸ Different registers from, for example, regional levels cannot be combined. This situation has a negative impact on the possibility to develop adequate support and to evaluate if the support from The National Agency for Special Needs Education and Schools (SPSM) is effective enough. SPSM and the Agency for Participation (MFD) have launched an initiative to show the importance of proper national statistics regarding children with disabilities.¹⁵⁹

RECOMMENDATIONS

87. Ensure qualitative national and local statistics about students with disabilities in all school forms.
88. Include children with disabilities and severe learning disabilities in national data collections in schools.

F.5. Capacities of parents and teachers

See Government report 23 (d)

“It’s not a pleasant feeling to always not be prioritized because of money. Are we not as valuable as every other child in Sweden?”

Despite the Committee’s previous recommendations, knowledge and education about the needs and rights of children with disabilities among parents and teachers is still not sufficient. There are no national guidelines that guarantee structured parental education within habilitation. There are major regional differences in Sweden regarding what support is offered.¹⁶⁰ Some groups, like parents who are newly arrived in Sweden, can be difficult to reach. There are also discrepancies depending on the different disabilities. For instance, in relation to sign-language, not enough parents participate in the education provided.¹⁶¹

The knowledge among school staff needs to be developed further in order to guarantee an education of high quality for every child. Initiatives have been taken to increase teachers’ competence in regard to children with neuropsychiatric disabilities, but it is far from enough. There is a need for compulsory skills -developing education among teachers, school staff and school leaders. Today the lack of financial and personal resources is often used as an argument to not prioritise training for school staff.

RECOMMENDATIONS

89. Develop national knowledge and education programs for parents on how the needs of children with disabilities are discovered and met.
90. Continue to develop national education programs for all school staff about different disabilities as well as the implications within educational settings.

158 The Swedish National Agency for Education (2019). *Statistics*. Only available in Swedish.

159 Dagens samhälle (2020). *Det behövs statistik om elever med funktionsnedsättning*. Only available in Swedish.

160 Norlin, David (2017). *Thesis: Mothers and Fathers of Children with Developmental Disabilities: Coparenting, Well-being and Empowerment*.

161 The National Agency for Special Needs Education and Schools (2017). *Varför används inte alla TUFF-timmar?* Only available in Swedish.

F.6. Research, knowledge and skills regarding children with disabilities

See Government report 7 (b), 23 (b)

International studies show that the risk for children with disabilities to be exposed to violence is three to five times higher than for children without disabilities, and children with disabilities are more often exposed to violence in their families.¹⁶² However, there is a need for more national studies and research on this topic. In general, in research and reports children with disabilities tend to be invisible and their voices are not heard. The number of unrecorded cases of violence is believed to be high.

In addition, the dependence of support from several adults in their daily life puts these children at increased risk of exposure to adverse events. Professionals within social service and health care should be trained to pay attention to this increased risk. Children with ADHD, ADD, autism, epilepsy or other disabilities are between five to seven times more likely to be poly-victimised compared to children without disability or chronic disease.¹⁶³

37 percent of children with disabilities report having been asked to share personal images with sexual content compared to 14 percent of children without disabilities.¹⁶⁴ Knowledge about violence, sexual abuse and how to protect themselves from being exposed is crucial. Despite this, children with disabilities are today in some cases excluded from lessons about sex and reproductive health.¹⁶⁵

Also, when it comes to bullying children with disabilities are more vulnerable. Children with disabilities such as autism or ADHD are for example more exposed to cyberbullying and online threats. Online bullying and other forms of violence is increasing and children with disabilities - girls between age 13-16 are the most vulnerable.¹⁶⁶

RECOMMENDATIONS

91. Ensure that children with disabilities are included and visible in national strategies, national studies and actions to end violence against children.
92. Develop accessible material about violence and abuse of and for children with disabilities.
93. Ensure that all staff working with children with disabilities in different settings are well trained, carefully selected and vetted.
94. Initiate preventive measures to ensure digital safety for children with disabilities.

162 The Children's Welfare Foundation (2016) *Om barn med funktionsnedsättning i Sverige och deras utsatthet för våld och kränkningar*. Only available in Swedish.

163 The Children Welfare Foundation (2020) *Multiutsatta barn*. Only available in Swedish.

164 Swedish Media Council. (2019). *Ungar och medier 2019*. Only available in Swedish.

165 The Swedish Disability Rights Federation (2021). *Vill du ligga med mig då?* Only available in Swedish.

166 BO. (2016). *Respekt. Barn med funktionsnedsättning om samhällets stöd*. Only available in Swedish; Swedish Media Council. (2019). *Ungar och medier 2019*. Only available in Swedish; WHO (2020). *Spotlight on adolescent health and well-being. Findings from the 2017/2018 Health Behaviour in School-aged Children (HBSC) survey in Europe and Canada*. International report. Volume 1. Key

F.7. Support to children who are suffering from psychosomatic disorders and mental health problems

See Government report 7, 13, 24 (c)

National statistics on children with disabilities, psychosomatic disorders and mental health problems are insufficient, even though children with disabilities have a higher risk of depression and mental illness. The prevalence of mental health problems is obvious in several reports and the amount of regular psychosomatic disorders have increased over time.¹⁶⁷ Social exclusion and the lack of participation in preschool and school have a negative impact in terms of wellbeing among children with disabilities.¹⁶⁸

More specific knowledge is needed in preschools and schools about the different groups of children and pupils with disabilities and determinants for mental health in educational settings. The tools professionals use when assessing mental health problems must be adopted for children with different disabilities.¹⁶⁹

RECOMMENDATIONS

95. Develop national statistics on children with disabilities, including psychosomatic disorders and mental health problems.
96. Raise awareness and develop tools for all professionals working with children and children with disabilities, including educational staff, on what impact disabilities can have on the mental health of a child and how to detect and prevent negative impacts.

¹⁶⁷ Public Health Agency of Sweden. *Skolbarns hälsovanor i Sverige*. Only available in Swedish.

¹⁶⁸ Eva Björck-Åkesson (2018) *The ICF-CY and collaborative problem solving in inclusive Early Childhood Education and Care*.

¹⁶⁹ SPSM (2021) *Psykisk hälsa hos barn och unga med funktionsnedsättning. En kunskapsöversikt*. Only in Swedish. ;

SPSM (2020). *Brister i skolan leder till ökad psykisk ohälsa bland unga med funktionsnedsättning*. Only available in Swedish.

G. Basic health and welfare

(arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)B.5

Health, including mental health, and health services

G.1. Unequal access to health care

See Government report 24 (a-b)

A governmental inquiry found that health care is unequal across the country. In Sweden, 21 regions are responsible for providing health care services which is the source of the challenges of guaranteeing equality. The governmental inquiry recommended regulating non - state health care and child health care in more detail, for example by introducing national requirements for special child care centres or youth clinics.¹⁷⁰

RECOMMENDATION

97. Introduce active state measures to ensure that all children have equal access to adequate health care irrespective of where they reside in the country.

G.2. Mental health

See Government report 13, 21 (a), 24 (c)

A recent report from UNICEF puts Sweden in 22nd place out of 38 OECD states in regard to children's mental wellbeing.¹⁷¹

Since the mid-1980s, the proportion of young people who report having recurrent psychosomatic symptoms has doubled. The problems are most common among 15-year-old girls. In that group, 62 percent stated that they had recurrent mental or somatic problems. Among 11- and 13-year-old boys, the proportion was half as many. In the 2017/18 survey, an increase was also seen among 11-year-olds.¹⁷² (See also paragraph B.4.)

Child poverty and children in precarious housing conditions are at a significantly greater risk of suffering from various forms of mental illness than other children.¹⁷³ The OECD has criticised Sweden for having too little access to school nurses, school psychologists and school doctors. The Swedish Schools Inspectorate has found that the student health work does not fully meet children's needs.¹⁷⁴

¹⁷⁰ Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt* (Page 1015). Only available in Swedish.

¹⁷¹ UNICEF Office of Research - Innocenti (2020). *Worlds of Influence: Understanding what shapes child well-being in rich countries*. Innocenti Report Card 16.

¹⁷² Public Health Agency of Sweden. *Skolbarns hälsövanor i Sverige*. Only available in Swedish.

¹⁷³ WHO (2020). *Spotlight on Adolescent Health and Well-Being. Findings from the 2017/2018 Health Behavior in School-Aged Children (HBSC) Survey in Europe and Canada*.

¹⁷⁴ The Swedish Schools Inspectorate (2015) *Elevhälsa - Elevers behov och skolans insatser. Skolinspektionens rapport 2015:05*. Only available in Swedish.

The Government has appointed an inquiry to carry out a survey of young people's perceived mental health.¹⁷⁵ This is welcomed but will not meet the urgent needs in schools and welfare systems that lack both resources and competence to carry out the preventive work that is currently needed.

RECOMMENDATION

98. Take broad and urgent actions to fulfil the right to health, including mental health, for all children and tackle the inequalities based on gender, LGBTQI, age, disability, ethnicity and socio-economic status.

G.3. Unequal living conditions

See Government report 11 (b), see also 2 (c), 7 (a)

The financial inequalities among families in Sweden are rising.¹⁷⁶ Almost half of all children born in 2000 have experienced economic deprivation for at least one year during their childhood.¹⁷⁷ In the wake of the COVID-19 pandemic, it is clear that the crisis has increased inequalities further and particularly affected already vulnerable children. This is reflected in the significant increase in referrals to social services and the volume of calls and contacts to CSOs such as Children's Rights in Society (BRIS), Ecpat and Unizon.

In Sweden, children with at least one foreign-born parent are significantly more vulnerable in regard to falling into poverty than those with both parents born in Sweden. 43,7 percent compared to only 7,3 percent of children with two parents born in Sweden. This is the greatest difference in the EU.¹⁷⁸

Governmental assistance has a significant role in minimising the economic strain placed on families, but despite this there are still a relatively large number of children who live in poverty. The income that one in five single parents receive does not cover basic household expenses. This number is one in three for single foreign-born mothers.¹⁷⁹ National statistics show that more than 50 percent of foreign-born children live in families with low economic standards, in relation to 16 percent for children born in Sweden.¹⁸⁰

Children experience anxiety due to the family's economic situation. They are aware of the financial burden and have difficulties seeing their parents struggle to make ends meet. Children express feelings of guilt as they are unable to alleviate the financial strain that is placed on the household. Having less money affects relationships with friends and classmates. Children describe how they feel left out when they do not have the opportunity to participate in activities that cost money.¹⁸¹

Because the Swedish discrimination act does not include social status (see above under discrimination), it is not considered discrimination to ask children to pay for school activities, even though the education act stipulates that students should only pay minor fees.

"It is also very common with disparaging looks and comments, just because you cannot afford things or do things that your friends do. You can for example be called a poorie" -teenage girl

175 Swedish Government (2021). *Uppdrag att genomföra en kartläggning av ungdomars upplevda psykiska hälsa och ohälsa*. Only available in Swedish.

176 Swedish Social Insurance Agency (2021). *Barnhushållens ekonomi*.

Resultatindikatorer för den ekonomiska familjepolitiken 2021 (page 15). Only available in Swedish.

177 Save the Children (2020). *Millenniebarnen: En studie om ekonomisk utsatthet bland barn under hela uppväxten*. Only available in Swedish.

178 Eurostat (2019). *Children at risk of poverty or social exclusion*.

179 Swedish Social Insurance Agency (2020) *Barnhushållens ekonomi*

- resultatindikatorer för den ekonomiska familjepolitiken 2020. Only available in Swedish.

180 Statistics Sweden (2021). *Över hälften av alla utrikes födda barn har låg ekonomisk standard*

181 Swedish NGO Network for Children's Rights (2018) *Hearingrapport för 2015, 2016 och 2018*. Only available in Swedish.

RECOMMENDATIONS

99. Develop new child rights based guidelines regarding the interpretation of the concept of reasonable standards of living in the Social Services Act. The guidelines need to be based on children's own descriptions and experiences.
100. Take measures to improve the effectiveness of the economic family policy for socioeconomically marginalized families, such as parents who are in debt, single parents and parents who do not have a permanent home.
101. Ensure the accuracy of the social family policy, for example that housing benefits and allowances for single parents are in alignment with the development of the increasing living standards in the general population.
102. Change the education act to guarantee free access to all school related activities and ensure that children are given opportunities to engage in meaningful cultural, artistic, recreational and leisure activities regardless of their family income.

G.4. Daily allowance for asylum seekers

See Government report 25 (a)

The daily allowance for asylum seekers has not been adjusted since 1994 and is today highly insufficient. In addition, the allowance is reduced by half for the third child.¹⁸² Moreover, starting from 2020 this very limited allowance has been withdrawn for asylum seekers, including families with children (but not unaccompanied minors), settling in a socioeconomic deprived neighbourhood, instead of housing provided by the Migration Agency. Today the allowance does not always cover expenses for e.g. winter clothes, transportation and diapers. We therefore welcome the proposal by the Equality Commission to promptly initiate an inquiry regarding the scope and level of the daily allowance for asylum seekers and urge the Government to act on this proposal without further notice.¹⁸³

RECOMMENDATION

103. Increase the daily allowance for children seeking asylum and for families with more than two children and provide support for single-parent families, undocumented children and other children in disadvantaged socioeconomic situations.

G.5. Safe and secure housing

See Government report 25 (b-c)

Safe and secure housing is an important part of ensuring a fair standard of living for children. In 2008, the Government adopted a zero vision for child evictions.¹⁸⁴

However, national statistics show that evictions of families with children are increasing.¹⁸⁵ In 2021, 298 families with children were evicted – an increase with 47 evictions compared with 2020. The number of affected children increased from 449 to 572.¹⁸⁶ In other EU countries, a moratorium has been imposed on evictions of families with children during the

¹⁸² Lag (1994:137) om mottagande av asylsökande m.fl.; Utlänningslag (2005:716) 21 kap. 2, 3, 4 eller 6 §. Only available in Swedish; see also

Migration.info.se (2021). *Hur mycket pengar får asylsökande?* The Swedish Migration Agency. *Ekonomiskt stöd för asylsökande*. Only available in Swedish.

¹⁸³ Swedish Government Official Report (2020). SOU 2020:40 *En gemensam angelägenhet*. Only available in Swedish.

¹⁸⁴ MUCF and BO (2021). *Barn och unga med utsatt situation på bostadsmarknaden*. Only available in Swedish.

¹⁸⁵ Enforcement Authority. *Statistics*. Only available in Swedish.

¹⁸⁶ Enforcement Authority. *Statistics*. Only available in Swedish.

pandemic and on debt recovery.¹⁸⁷ Sweden has, however, continued to carry out both formal and informal evictions during the pandemic.

The incorporation of the CRC into Swedish law has not had sufficient effect in court cases regarding the eviction of children. In late 2020 however, the Supreme Court ruled against foreclosure with reference to the balance of interests between the children's interest of not losing their home environment and the creditors' interest in utilising the property's economic value.¹⁸⁸ It is still too early to tell if this precedent is taken into consideration by lower courts.

Homeless families receiving assistance from social services are often placed in temporary accommodation such as hotels, youth hostels, shared flats or campsites. In addition, families known to social services sometimes temporarily stay with relatives or friends. However, many homeless families are refused help by social services or avoid seeking help. These families often rent rooms or flats on the black market. This increases the risk of having to move frequently, and not being able to obtain family benefits, such as a housing allowance.¹⁸⁹ Families living in Sweden without documentation are sometimes refused assistance to find housing, even if they have children.

Prior to the war in Ukraine, the Migration Agency closed down reception centres in several parts of the country as a result of a decreasing numbers of asylum seekers.¹⁹⁰ Families with children were forced to move at short notice, sometimes placed in housing not suitable for children. Newly arrived families with children who had been placed in the municipality and whose short-term contracts were terminated were forced to move to other, often very unsafe housing, sometimes in other municipalities. As a consequence, families became homeless and had to turn to social services.¹⁹¹

Irrespective of housing type, temporary accommodation nearly always entails extreme overcrowding. Many hostels also house men with violence or mental health issues, which makes other residents feel unsafe, particularly for children.¹⁹²

With the current housing shortage and the deteriorating condition of families, municipalities are subjecting families to social dumping.¹⁹³

RECOMMENDATIONS

104. Ensure that families are not forcibly relocated or evicted, and that the child's right to adequate housing is always respected.
105. Ensure that prior to any non-optional movement of children and families, a proper assessment of the best interest of the child is carried out and the child's right perspective is given due weight.
106. Adopt and implement a plan of action to reduce homelessness among children and their families. This plan should include both a housing supply- and social service-perspective.

187 Save the Children (2020). *1 år med pandemi – konsekvenser för barn och framtida risker*. Only available in Swedish.

188 Supreme Court ruling (2021) Mål Ö 4545–21. Only available in Swedish.

189 Samzelius Tove, Malmö University, health and society doctoral dissertation, 2020:6 (2020). *A vicious Circle of Silent Exclusion*.

190 This was done prior to the war in Ukraine started, the Migration Board has since re-opened several reception centers.

191 Dagens Nyheter (2021). *Barnfamiljer måste lämna sina hem – flyttas till asylboende på gammalt sanatorium*. Only available in Swedish.

192 Samzelius Tove, Malmö University, health and society doctoral dissertation, 2020:6 (2020). *A vicious Circle of Silent Exclusion* (Page 198).

193 The word "social dumping" is used in Sweden to describe a situation where a municipality gets people in need of support to move to another municipality without the person himself expressing a clear will to move. It is often municipalities with high unemployment and a strained municipal economy that then need to take over the responsibility and costs for individuals who move from more affluent municipalities.

G.6. Impact of climate change on the rights of the child

See Government report 26 (a-b)

Almost every child around the world is at risk from at least one climate and environmental hazard, such as cyclones, drought and heat waves. Approximately one billion children – nearly half the world’s children – live in one of the 33 countries classified as “extremely high-risk” for climate and environmental shocks. These children face a deadly combination of exposure to these shocks with a high vulnerability due to inadequate essential services, such as water and sanitation, healthcare and education. The figures are likely to get worse as the impacts of climate change accelerate.¹⁹⁴

In December 2020, Sweden submitted a long-term climate strategy to the UN with the country’s ambitions and measures under the Paris Agreement. The strategy does not mention the way climate change impacts human and child rights. It does not mention what is being done to mitigate rights violations following climate change, the importance of child rights impact assessments and respect for children’s rights. And while the Government points out that developing countries are often hit the hardest by climate change, it does not mention how to respect and protect human and child rights in development cooperation in the strategy.¹⁹⁵

We see the effects of climate change in Sweden, for instance forest fires and damage due to strong winds have increased. And even though Sweden has not been hit as hard by climate change in comparison to many other countries, indigenous Sami children have highlighted that climate change affects their lifestyle and culture.¹⁹⁶

QUESTION TO THE GOVERNMENT

What is the Government doing to ensure the indigenous Sami children their rights in actions regarding climate change?

Q12

RECOMMENDATIONS

107. Ensure that a child rights impact assessment is an integral part of environmental impact assessments conducted by the state and by private actors addressing children affected within or outside of Sweden, including in relation to development cooperation and other global activities.

¹⁹⁴ UNICEF (2021). *The Climate Crisis is a Child Rights Crisis*.

¹⁹⁵ Swedish Government (2020). *Sverige lämnar in sin långsiktiga klimatstrategi till FN*. Only available in Swedish.

¹⁹⁶ Swedish Government, Ministry of Environment (2020), *Underlag: Ungdomsråd om klimatfrågor. Skriftlig dokumentation från Miljödepartementets och NOD:s samråd 25 november 2020*. Only available in Swedish.

G.7. The right to participation and climate

See Government report 14 (b)

Many children and young people are worried about the climate, this affects their mental health. A recent survey showed that the concern for the climate among children and young people had decreased somewhat in 2021. Still 54 percent of respondents were worried about the climate. Nearly half of the 12-18 year old respondents, 46 percent, felt hopeless about whether we will solve the earth's climate problems in a good way.¹⁹⁷

Children and youth are highly engaged in the climate issue and the young civil society has played a key role in moving the Swedish position forward. Children's right to participate in processes, evaluations and reports is crucial. The initiative described in the Government's report to strengthen democracy is far from enough.¹⁹⁸ We note that a youth task force has been appointed to contribute to the Stockholm+50 high-level meeting in June 2022.¹⁹⁹ Out of fifty members, four are Swedish youth who are appointed by the National Council of Swedish Youth Organisations. We welcome this type of initiative but only four out of a total of fifty youth from around the globe are below eighteen years old. In spite of these types of positive initiatives, children and young people lack continuous influence on climate change and involvement in all processes concerning the climate at local, national and global level. Climate is also an area in which children lack access to effective remedies (see more under paragraf A5).

RECOMMENDATIONS

108. Establish mechanisms to ensure that children and young people have the possibility to participate in the development of the Swedish climate policies, including following up the Paris agreement and play an active role in national and global climate conferences.
109. Support children and young people in their own initiatives and ensure their possibility to participate in all processes and at all levels.

¹⁹⁷ Novus (2021). *Våra barns klimat, Barn och unga om klimatet*. Only available in Swedish.

¹⁹⁸ Swedish Government (2019 -2021) *Uppdrag till myndigheter och stöd till det civila samhället för att stärka demokratin*. Only available in Swedish.

¹⁹⁹ Swedish Government, Ministry of Environment (2021). *På COP26: Sverige lanserar globalt initiativ för att stärka ungdomars delaktighet under Stockholm+50*. Only available in Swedish.

H. Education, leisure and cultural activities

(arts. 28–31)

H.1. Equal education

See Government report 27 (b)

The Swedish school system is complex and is run by 290 official organisers (municipalities) and a number of private organisers. Even though the Education Act and the Curricula states that education must be equivalent and interconvertible,²⁰⁰ there are big differences in results and grades, spending and access to authorised teachers between schools.

Schools with particular socio-economical and/or regional preconditions have in general fewer teachers, teachers with lower levels of education and higher level of rotation of teachers than schools with different preconditions.²⁰¹ There are also big differences in measured school quality between independent private and municipal schools and between urban and rural areas.²⁰² There is a broad agreement that the increasing differences in school results can, to a large extent, be attributed to school segregation.²⁰³

The latest PISA results revealed that the compensatory measures taken are not enough. The Swedish school system is not providing equal opportunities for children.²⁰⁴ In addition, research shows that students with parents who have an addiction or mental illness run a greater risk compared to children on average to leave primary school without upper secondary school eligibility.²⁰⁵

With the Swedish education act being only a framework, spending on schools is decided by the organiser. The difference in spending per student can be as high as 100 percent. Part of this difference can be traced to higher costs of education in rural areas, but a substantial part correlates to the economies of the municipalities.²⁰⁶

A recent dissertation highlights how the segregated school system affects a group of students attending a school in a disadvantaged neighbourhood. The study shows how children tend to blame themselves without understanding the structural circumstances that condition their learning.²⁰⁷

200 Skollag (2010:800)/Education Act. Changes made in 2021. Only available in Swedish.

201 Swedish Government Official Report (2019). SOU 2019:40 *Jämlikhet i möjligheter och utfall i den svenska skolan*. Only available in Swedish.

202 Swedish Government Official Report (2019). SOU 2019:40 *Jämlikhet i möjligheter och utfall i den svenska skolan*. Only available in Swedish.

203 Swedish Government Official Report (2020) SOU 2020:28 *En mer likvärdig skola – minskad skolsegregation och förbättrad resurstilldelning*. Only available in Swedish.

204 Programme for International Student Assessment (PISA) (2018) *Sweden – Country Note – PISA 2018 Results*.

205 Chess och institutet för socialt arbete vid Stockholms universitet (2013). *Barn som anhöriga – hur går det i skolan, 2013:3*. Only available in Swedish.

206 Swedish National Agency for Education (2019). *Grundskolan, kostnader per kommun 2019*. Only available in Swedish.

207 Jonas Lindbäck (2021). *Värsta bästa skolan: Om unga i förorten och segregationen i skolan*. Only available in Swedish.

QUESTION TO THE GOVERNMENT
What measures is the Government taking to decrease inequalities in education?

Q13

RECOMMENDATIONS

110. Increase state responsibility to tackle inequalities in access to the right to quality education.
111. Introduce the same legal requirements for quality, transparency and follow-up for all schools regardless of organiser (e.g. municipality or private actor).

H.2. Participation

See Government report 14 (c), see also 2 (c),23(a)

The Education act states that all students must be given the opportunity to influence their education and school. Yet only 40 percent of students responded that they feel they can influence their education, and less than 60 percent that they can influence their school environment.²⁰⁸ The Education act also states that every school should have a code of conduct drafted together with the students.²⁰⁹ Despite this, only a third of all students respond that they are included in this process. This is not only a breach of law but also problematic as the code stipulates what is expected of the students and most importantly includes their right to security and non-discrimination.

We welcome the initiative to commission BO to strengthen and develop the democracy perspective on their My Rights website.²¹⁰ The existing content on the website is going to be supplemented with knowledge and guidance on how children and young people themselves can exercise their democratic rights.²¹¹ However, there is a need for additional initiatives and research to ensure children's right to participation. Swedish teacher' education lacks content regarding how to conduct child rights-based education. There is also a lack of understanding of the content and meaning of children's right to participation. In the curriculum the focus is clearly on social participation, while political participation only is mentioned a handful of times.²¹²

QUESTION TO THE GOVERNMENT
What actions are taken to ensure that legislation securing children's right to participation in school is put into practice?

Q14

RECOMMENDATIONS

112. Ensure that children's right to participation according to the education act is respected and that there are consequences for schools and organisers breaching the law.
113. Ensure that student representatives are consulted in municipal, regional, and national processes affecting their education and schools.
114. Ensure that teacher education is evaluated and strengthened in line with the CRC.

208 Swedish Schools inspectorate (2021) *Skolenkäten 2021*. Only available in Swedish.

209 Skollag (2010:800)/ Education Act. (2021). Changes made in 2021. Only available in Swedish.

210 BO. *Mina Rättigheter*. A website with school materials about the UN Convention on the Rights of the Child.

211 Swedish Government(2019-2021). *Uppdrag till myndigheter och stöd till det civila samhället för att stärka demokratin*. Only available in Swedish.

212 Helene Elvstrand, Åsa Olsson & Nina Thelander (2020) *Allt eller inget? Barns rättigheter i lärutbildning*. Only available in Swedish.

H.3. Sexual education

See Government report 27 (d)

Sexual education is a part of the Swedish curriculum both in primary and secondary school. Teaching students about sex is also included in the school system's general assignments, stating the school's responsibility in encouraging non-discriminatory thinking based on sexuality and gender identity.²¹³ Yet, students asked in a 2020 doctoral thesis felt that Swedish sexual education at times failed to give students factual knowledge about norms and attitudes necessary to decide how to relate to them. The thesis also showed consistently low condom usage in adolescents leading to risk.²¹⁴ Starting in fall 2022, Swedish students will receive more extensive sexual education due to a changed curriculum. The Government should ensure that these changes result in comprehensive sexual education covering mentioned gaps in student's knowledge.

QUESTION TO THE GOVERNMENT

How does the Government plan to follow-up the changes in curricula as regards to sexual education in order to ensure that its purpose is met?

Q15

RECOMMENDATION

115. Ensure sufficient resources to ensure that primary and secondary school provide comprehensive sexual education for all students.

H.4. School absenteeism

See Government report 27 (c)

A large number of children, unknown exactly how many, do not attend school. Among them are children with different disabilities, especially children with a neuropsychiatric diagnosis.²¹⁵ According to a new report, the lack of support leads to devastating consequences for children's wellbeing and self-esteem. Three out of four children experience lowered self-esteem. Three out of four schools lack a concrete plan on how to get absent children back to school.²¹⁶ The Swedish National Agency for Education²¹⁶ has been assigned to investigate the possibilities to establish a national registry of school absenteeism.²¹⁷ This is long overdue and should happen as soon as possible.

RECOMMENDATIONS

116. Ensure that all schools have a prepared plan for avoiding children to be away from school, how to get absent children back to school and how to develop an educational plan according to the needs of the child.

117. Establish a national registry of school absenteeism.

²¹³ Swedish National Agency for Education (2013) *Sex- och samlevnadsundervisning i gymnasieskolan*. Only available in Swedish.

²¹⁴ Brian Unis (2020) *Sexual health and sexual health promotion in the transition from adolescence to emerging adulthood*

²¹⁵ Forsell T (2020). *Man är ju typ elev, fast på avstånd. Problematisk skolfrånvaro ur elevers, föräldrars och skolpersonalens perspektiv*. Only available in Swedish.

²¹⁶ Riksförbundet Attention (2021) Skolrapport. *Hur kommer det att gå det här läsåret? Den frågan hänger över familjen*. Only available in Swedish.

Autism- och Aspergerförbundet (2021). *Förlorade år, rapport från byråkratins väntrum*. Only available in Swedish; Swedish Government Official Report (2016). SOU 2016:94 *Saknad! Uppmärksamma eleverns frånvaro och agera*. Only available in Swedish.

²¹⁷ Swedish Government (2020) *Regleringsbrev Statens skolverk*. Only available in Swedish.

H.5. Certified teachers

See Government report 27 (a)

In 2018 only 71 percent of teachers in Sweden were certified teachers. According to the teacher forecast, by 2033 there will be a shortage of 45 000 certified teachers in Sweden. In the compulsory school for pupils with learning disabilities and severe learning disabilities only 23 percent of the teachers are certified and in upper secondary special schools the number is 33 percent. Within preschools, the proportion of certified teachers is 40 percent. The problem with non certified teachers and the lack of equivalence needs to be prioritised in order to ensure children their right to quality education.²¹⁸

Moreover, 68 percent of teachers responded that they find it hard to talk with their students about their home situations and how they feel. This is due to lack of knowledge.²¹⁹ This highlights the need for teachers to have knowledge about children's rights, particularly children in vulnerable situations; this should be included in the education of teachers.

RECOMMENDATIONS

118. Take all measures necessary to make sure that every child in Sweden has certified teachers.
119. Ensure that education for teachers includes how to talk to children about difficult issues and how to spot signs of maltreatment and violence.

H.6. National minorities and indigenous people

See Government report 11 (b), 27 (a)

There are five national minorities afforded special protection in Sweden, Sami (indigenous), Roma, Tornedalingar, Sverigefinnar and Jews. In a report from BO youth organisations representing national minorities indicate that it is important to examine differences in relation to vulnerability between minorities. Racism or discrimination against Jewish children may be manifested through conspiracy theories or opinions linked to the policies of the state of Israel. At the same time, their vulnerability can be made invisible or dismissed because it is considered a historically solved problem. For Sami children, it can be a matter of ignorance of Sami history and rights and that rights to language and culture are not respected. Young people from the national minorities often point out that there is a lack of understanding of what racism against them can look like or that racism against them even exists. According to the report national minorities are also particularly invisible in research on racism.²²⁰

Many children from national minorities lack access to their mother tongue. Historically these children have been denied the right to develop or even speak their mother tongue in school. Even though they have the right today, teachers are rare and it is difficult to receive education. This is a problem for all children belonging to a national minority.

Historically the rights of indigenous Sami children have been violated. We still see that these children lack access to their human rights, for instance in projects on natural resource extraction and physical planning child rights assessments are absent.

RECOMMENDATIONS

120. Strengthen the access to national minority languages to children by ensuring certified teachers and updated teaching material in all five language variants.
121. Strengthen the child rights perspective regarding national minorities, monitor and evaluate public institutions in relation to how well they live up to legislation and human rights principles of non-discrimination.
122. Strengthen protection of the indigenous rights of Sámi children in connection to projects on natural resource extraction and physical planning, including conducting adequate child rights impacts assessments.

²¹⁸ Swedish National Agency for Education (2019) *Läraryrprognos 2019*. Only available in Swedish.

²¹⁹ Maskrosbarn (2019). *Fråga hur vi mår, inte hur det går*. Only available in Swedish

²²⁰ BO (2021). *Om barns och ungas utsatthet för rasism*. Only available in Swedish.

Rest, leisure, recreation and cultural and artistic activities

H.7. Leisure activities

See Government report 28 (a-b), see also 23 (a)

Children in Sweden do not have equal access to leisure activities. Common obstacles include lack of time due to school or work, too pricey activities, the activity being too difficult or too difficult to get to. The access to leisure activities depends on the child's background and whether they have a disability or not.²²¹

Newly arrived children, children with disabilities and children from socioeconomic weaker families are less likely to participate in leisure activities. While 47 percent of youth in Sweden do sports every week, only 25 percent of newly arrived children take part in organised sports, and for newly arrived girls the participation rate is only 14 percent.²²²

The COVID-19-pandemic has emphasised an already existing problem: the lack of physical activity in young people. Young people are more sedentary as a result of the pandemic, engaging less in organised sports or physical activities in general. There is a risk of this trend increasing further post the pandemic.²²³

We welcome the grant provided by the Government in 2021 to support free holiday activities for children and young people in the age group 6 to 15 in 2021.²²⁴ The summer holiday initiative in Gothenburg is an example of best practices regarding this. These types of grants are needed all year round.

Children with disabilities are much less active than other children, the general level of activity is well below the recommendations from the WHO.²²⁵ This is partly a result of decreased opportunities to leisure activities, due to deficient accessibility, social norms and insufficient support to engage in activities. There are many local leisure activities where children with disabilities can participate. But the differences are great across the country. Almost no Swedish regions prescribe leisure aids.²²⁶ If support is granted, children with disabilities are rarely included in the decision-making of how and when the support is given. Those who need leisure aids almost always need to buy these on their own. It requires both good finances, knowledge and a drive which not everyone has and therefore the access to leisure aids is not equal.²²⁷

A recent and alarming report showed that the 10 largest sports federations in Sweden have taken few or no measures to explicitly address sexual abuse of children and young people in sports. This needs to be addressed and the Government has an important role to play in supporting and enabling a safe and accessible leisure time for children in line with the CRC.²²⁸

221 MUCF (2021) *Goda levnadsvillkor för många, men inte för alla – Ung idag 2021*. Only available in Swedish.

222 Swedish Sports Confederation (2019). *Nyanlända barns och ungdomars uppfattningar om och upplevelser av föreningsidrotten i Sverige*. Only available in Swedish.

223 Malmö University (2020) *Unga vittnar om mer stillasittande under corona*. Only available in Swedish and Swedish Sports Confederation (2021) *Ett år med corona – maj 2021*. Only available in Swedish.

224 Swedish Government (2019-2021). *200 miljoner kronor för smittsäkra och avgiftsfria lovaktiviteter för barn och unga*. Only available in Swedish.

225 The Swedish Research Council for Sport Science (2016). *De aktiva och de inaktiva. Om ungas rörelse i skola och på fritid*. Only available in Swedish.

226 Swedish Governmental Official Report (2017). *SOU 2017:43 På lika villkor! Delaktighet, jämlikhet och effektivitet i hjälpmedelsförsörjningen*. Only available in Swedish.

227 Swedish Agency for Participation (2021). *Barn och unga mitt i en pandemi: Konsekvenser av coronapandemin för barn och unga med funktionsnedsättning*. Only available in Swedish.

228 Susanne Johansson (2021). *Från policy till praktik – mot sexuella övergrepp inom idrotten*. Only available in Swedish.

RECOMMENDATIONS

123. Encourage and support sports organisations in reaching out to newly arrived children, children with disabilities and other children who are underrepresented in organised leisure activities.
124. Support municipalities in creating more public spaces available for spontaneous sports activities and ensuring that year-round, free leisure activities are available for all children in Sweden.
125. Ensure that children with disabilities get full access to all publicly funded culture, sports and leisure activities, including the support needed.
126. Investigate and take action to decrease differences in children's physical health and participation.
127. Provide the social services the opportunity to earmark financial support for children's leisure activities. This support should not be included in the subsistence allowance.
128. Set-up conditions for sports- and leisure organisations regarding compliance with the CRC as a condition for receiving public financial support.

I. Special protection measures

(arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

I.1. Unaccompanied migrant children

See Government report 29 (b)

Unaccompanied migrant children are particularly vulnerable to being exploited. 1736 unaccompanied children deviated from their placement between January 2014 and October 2017.²²⁹ According to a report from the County Administrative Board²³⁰ children who deviated after a municipal referral probably did so out of fear of receiving a decision regarding expulsion. The report highlighted that some of the restrictions that were introduced in the so-called Temporary Law in 2016²³¹ could lead to an increased risk of deviations.²³² A report from BO indicates that unaccompanied children and young people fear their 18th anniversary and this fear is probably based on a fear of expulsion.²³³ To ensure the safety and protection of unaccompanied migrant children and to prevent disappearances it is important to follow their situation closely and there is a need to assess the situation again.

RECOMMENDATION

129. Carry out a new mapping on the disappearances of unaccompanied migrant children to assess what measures are needed to prevent this from happening and to ensure the protection of unaccompanied migrant from sexual exploitation and abuse. The analysis should include assessing the need to establish a responsible authority.

I.2. LGBTQI children and youth in the asylum process

See Government report 11 (b)

The implementation of the Swedish Aliens Act is discriminating against children of certain vulnerable groups. In a report from The Swedish Migration Agency from 2017 reviewing the quality of LGBTQ cases, it is stated that as many as 15 percent of the rejected cases had an outcome that was incorrect or questionable.²³⁴

The LGBTQI credibility assessment within the asylum process is carried out from an adult

229 BO (2017). *Ensamkommande barn som försvinner*. Only available in Swedish.

230 County Administrative Board Stockholm (2016). *Ensamkommande barn som försvinner – nulägesanalys. Rapport 2016:1*. Only available in Swedish

231 Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige (Law on temporary limitations to the possibility of being granted a residence permit in Sweden). Only available in Swedish.

232 County Administrative Board Stockholm (2016). *Ensamkommande barn som försvinner – nulägesanalys. Rapport 2016:1*. Only available in Swedish.

233 BO (2017). *Ensamkommande barn som försvinner*. Only available in Swedish.

234 Swedish Migration Agency (2017). *Analysrapport. Tematisk kvalitetsuppföljning av asylärenden där hbtq-skäl prövats*. Only available in Swedish.

perspective, which leads to children and youth not having their LGBTQI identity recognized and thereby not being granted asylum.²³⁵ This implies a severe violation of the prohibition of discrimination in the CRC and the principle of non-refoulement.

RECOMMENDATION

130. Ensure the rights of every child in the asylum process and improve the legal application within the asylum system for children who identify as LGBTQI

I.3. The best interest of the child in the asylum process and family reunification

See Government report 12 (c), 29 (c)

When introducing the Temporary Law in 2016 it was stated that the consequences for children would be evaluated.²³⁶ No such evaluation was made. The temporary legislation was instead renewed. Moreover, the changes that were introduced in the Alien's Act that entered into force in July 2021 are clearly lacking a child rights perspective. The new Act does, for instance, not allow permanent resident permits to be granted even when it is clearly in the best interest of the child.

The Aliens Act has not been amended to explicitly include child-specific forms of persecution as previously recommended by the Committee. Several reports have highlighted that the asylum claims of children in families are not individually assessed.²³⁷ Because of the changes made to the Aliens Act it is much more important that children's own reasons for asylum are investigated and properly assessed, as there are differences regarding protection granted connected to the status determination (if you are considered a refugee or in need of subsidiary protection).²³⁸

Despite explicit provisions on the best interests of the child in Swedish legislation, assessments are often not based on the situation of the individual child.²³⁹ There have been positive national developments, including guidelines on how to assess and implement the best interest of the child at the Migration Agency²⁴⁰ and in case law²⁴¹. A survey among investigators at the Migration Agency²⁴², revealed that the biggest obstacles to making a proper assessment of the best interests of the child were not perceived to be lack of internal routines or guidance. Instead it was lack of time, unclear legislation and conflict with other regulations. It was also unclear how the best interests of the child should be weighed against other interests and what weight should be attached to it. Furthermore, the right of the child to have his or her best interests taken as a primary consideration remains a challenge not only related to the assessment in the asylum procedure, but also regarding reception conditions and in return procedures.

Lastly, we want to highlight the difficulties in family reunification due to the restrictive

235 Naji, Adnan, Politidis Palm, Alexandra (2020). *Jag vill vara fri - En rättslig granskning av hbtqi-ungdomars asylärenden och ni berättelser om Sverige*, RFSL Ungdom. Only available in Swedish; Gröndahl, Aino (2020) *Avslagsmotiveringar i hbtqi- asylärenden. En rättsutredning av Migrationsverkets, migrationsdomstolarnas och Migrationsöverdomstolens prövning av sexuell läggning, könsidentitet och könsuttryck*, RFSL; Wimark, Thomas & Daniel Hedlund (2018) *Unaccompanied Children Claiming Asylum on the Basis of Sexual Orientation and Gender Identity*, *Journal of Refugee Studies*, Vol. 32 Nr.2, (Page 257-277).

236 Government bill (2016), prop. 2015/16:174, *Tillfälliga begränsningar av möjligheten att få uppehållstillstånd* (Page 70). Only available in Swedish.

237 Save the Children (2016). *Barns egna asylskäl - om rätten att bli sedd som individ*. Only available in Swedish; Swedish Government Official Report (2016); SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish.

238 A consequence of temporary residence permits becoming the main rule is that asylum seekers (including children) will have to apply for extensions of their permits. If granted subsidiary protection as a child, the subsidiary protection status might be withdrawn in the extension procedure if the child has turned eighteen; Migration Court of Appeal (2021) MIG 2021:14. Only available in Swedish; Swedish Refugee Law Center (2021) *När skyddsbehovet tar slut - Rapport om upphörande av skyddsbehov inom förlängningsprocessen*. Only available in Swedish.

239 Swedish Government Official Report (2016) SOU 2016:19 *Barnkonventionen blir svensk lag*. Only available in Swedish; Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish.

240 The Swedish Migration Agency (2020). *Rättsligt ställningstagande angående prövning av barns bästa*. Available only in Swedish.

241 Migration Court of Appeal (2020) MIG 2020:24.

242 Swedish Government Official Report (2020). SOU 2020:63 *Barnkonventionen och svensk rätt*. Only available in Swedish.

and complex legislation²⁴³, including the requirements on income and housing and who can be a sponsor. This creates situations that separate families. One example is that a parent who has been granted a residence permit as the parent to an unaccompanied child cannot be a sponsor to co-applicant siblings/other children, which leads to family separation. This is one area where the Swedish legislation has deteriorated from a child rights perspective since the Concluding observations from 2015.

RECOMMENDATIONS

131. Ensure that all children have their asylum claims individually assessed and take measures to ensure that the implementation of the new Aliens Act is in line with the CRC.
132. Conduct capacity building on the new Aliens Act and its relation to the CRC, including child rights impact assessments.
133. Revise the Aliens Act and include child-specific forms of persecution,
134. Ensure that the legislation and its implementation does not infringe children's right to family reunification.

I.4. Deportation of children who are separated from their parents

See Government report 12 (c)

During the asylum process, some children are taken into care by the social services due to violence, abuse or neglect by their parents, based on LVU. If the Migration Agency adopts a decision to return the family to its country of origin, the Aliens Act prevails over LVU and the child can be deported with the parents who abuse them.

There is a risk that the provision that allows the Aliens Act to override LVU leads to insufficient best interest assessments for the individual child. Even in cases where the best interest of the child is assessed, the state's interest to regulate immigration often overrides the best interest of the child. The risk that the child may be deported can have a negative impact on the assessment of the child's need for or initiation of psychological treatment, or in some cases, the possibility for social services to take actions regarding transferral of custody.

QUESTION TO THE GOVERNMENT

How can the Government ensure that the best interest of the child and the rights of the child are properly assessed and considered in these situations according to The Aliens Act?

Q16

RECOMMENDATIONS

135. Ensure that no child is deported/returned with parents or guardians from whom the child was taken away due to violence or abuse while in their care.
136. Amend the Aliens act to introduce the possibility of granting children permanent resident permits in individual cases.
137. Clarify, in the Social Services Act, that the social services have the same responsibility for children who do not have a residence permit as for all other children in Sweden
138. Ensure that children taken away from their parents during the asylum process due to violence, abuse or negligence have their own legal representative in the asylum process.

I.5. Procedures for conducting age assessments

See Government report 29 (f)

The National Board of Forensic Medicine (RMV) has chosen two methods to assess age and introduced a new system in March 2017. The medical age assessments have been heavily criticised by the medical community for lack of scientific and empirical basis and reliability. Critique has also been directed at the authorities as significantly more weight is given to medical assessments than to other sources of information. In 2021 RMV published information on the possibilities to differentiate the forensic opinion on age.²⁴⁴

A national inquiry with the purpose of examining the method applied by RMV for medical age assessment in the asylum process, published its first findings in an interim report on 28 October 2021.²⁴⁵ The Inquiry directed critique at RMV for not having validated its model before using it. The Inquiry concluded that there are uncertainties in RMV's probability model related to the underlying scientific data as different assessors draw different conclusions. Furthermore, RMV:s estimated percentages are associated with uncertainty and a comprehensive account of assumptions and uncertainty is needed. We welcome the ongoing inquiry and evaluation of the medical methods used. However, despite the serious critique mentioned above, RMV continues to use the model and the Inquiry will not publish its final findings until May 2024. In its decisions the Migration Agency does not take a holistic approach and often disregards written input from social workers, guardians and family homes; they also disregard psychosocial evaluations from doctors or child psychologists.²⁴⁶

RECOMMENDATION

139. Establish a multidisciplinary age assessment procedure, where the guiding principles are the best interest of the child and the benefit of the doubt.

I.6. Return procedure and the best interest of the child

See Government report 12(c), 29 (c)

We are deeply worried about the serious shortcomings regarding the respect for the best interest of the child in return procedures. There is generally a lack of analysis regarding both short- and long-term effects and consequences for children and youth who are facing deportation. Child specific support is often lacking.²⁴⁷

A return decision concerning an unaccompanied child cannot be enforced before the responsible authority is satisfied that the child will be returned to an adequate reception, primarily to the child's parents. In a ruling from the Court of Justice of the European Union, the Court states that Member States must take due account to the best interest of the child and in that context ensure that adequate reception facilities are available for the child before issuing a return decision.²⁴⁸ The Swedish Migration Agency's work to ensure adequate reception is initiated only in the return proceedings, not in the initial asylum process. This is of particular concern when the child comes from a country where there is no acceptable reception other than family members. The return proceedings thus risk continuing until the child reaches maturity. A protracted and futile return process puts a lot of strain on a child when it ends up in a limbo situation. The child cannot return but lives in a kind of unregulated state of emergency.

²⁴⁴ National Board of Forensic Medicine (2021). *Mer detaljerade utlåtanden i medicinska åldersbedömningar*. Only available in Swedish.

²⁴⁵ Swedish Government Official Report (2021). SOU 2021:84 *Granskning av Rättsmedicinalverkets metod för medicinsk åldersbedömning i asylprocessen*. Only available in Swedish; Swedish Government (2020). *Utökat kunskapsunderlag om Rättsmedicinalverkets metod för medicinsk åldersbedömning i asylprocessen Direktiv 2020:64*. Only available in Swedish.

²⁴⁶ Swedish public service television (SVT) (2018) *SVT granskar: Migrationsverket bortser från bedömningar om barns ålder*. Only available in Swedish.

²⁴⁷ Save the Children (2018). *From Europe to Afghanistan – Experiences of Child Returnees*.

²⁴⁸ Court of Justice of the European Union (CJEU) (2019). *Case C-441/19, T.Q v. The Netherlands*.

QUESTION TO THE GOVERNMENT

What is the Government doing to ensure that the best interest of the child is assessed and given due weight prior to a decision on the asylum claim and on a continuous basis in the return procedure?

Q17

RECOMMENDATION

140. Guarantee age appropriate and specific support before, during and after the return of every child. A formalized and mandatory procedure to assess the best interests of the child prior to identifying a durable solution must be implemented.
141. Ensure that unaccompanied children who have been denied residency but where it is not possible to return the child to their country of origin, have their best interest assessed in the return procedure and implement a possibility of granting residence permits to these children.

Administration of child justice

I.7. Children and the justice system

See Government report 30 (a-d), See also 7 (a), 19(c), 25 (c)

The Swedish justice system is not adapted to children and does not always meet the child's rights according to the CRC and other international human rights instruments. When involved in court proceedings, children are directly or indirectly affected. There are no child rights specific regulations in the Code of Judicial Procedure and the Administrative Court Procedure Act, the laws regulating court proceedings.²⁴⁹

Children can be involved in several parallel legal processes at the same time – e.g. processes regarding care by the social services, custody and as a victim of violence in the home. These processes are rarely coordinated and the child can have none or different legal representatives.

The child rights perspective in administrative, civil and criminal court procedures must be strengthened. The National Courts Administration is one of few key state authorities that have not received a specific assignment to strengthen its work on the rights of the child in the last few years. There are specific courses on the rights of the child in court proceedings available by the National Courts Administration. However, these courses are not mandatory for judges.

Children and young people who commit grave offenses is currently one of the most debated topics among politicians and media in Sweden. Changes in legislation have been made and several inquiries underway to increase and review the penalties for young

²⁴⁹ The Swedish Code of Judicial Procedure (SFS 1942:740) and the Swedish Administrative Court Procedure Act (SFS 1971:291).

offenders.²⁵⁰ In the Government's action programme against organized crime both prevention and penalties are included. There is, however, a strong focus on repression and we are worried that the focus in the debate is completely taken away from prevention, rehabilitation and reintegration of child offenders. Some of the proposals from the different political parties in parliament even risk violating children's rights, such as lowering the age of criminal responsibility and limitations to the freedom of movement.²⁵¹ More needs to be done both in relation to overall prevention in exposed communities and in relation to rehabilitation of child offenders.

QUESTION TO THE GOVERNMENT

What are the reasons for not giving the National Court Administration an assignment, similar to those given to other government agencies, to strengthen the child rights perspective in court proceedings?

Q18

RECOMMENDATIONS

142. Amend relevant legislation to ensure that the rights of the child are guiding principles in court procedures, including introducing the principle of the best interest and the child's right to be heard in legislation.
143. Take measures to reduce the number of parallel legal processes for children, and ensure that the child has the same representative, if appropriate, in all proceedings. Children in alternative care proceedings should be allocated a legal representative separate from their parents.
144. Ensure that all persons involved in court procedures concerning children have received updated, mandatory training on the rights of the child.
145. Increase the cooperation between preschools, schools, social services, police and healthcare based on clear legal regulations stipulating the responsibilities of the different actors. In order to protect and support children at risk of affiliating themselves with criminal networks.
146. Increase and strengthen efforts to ensure rehabilitation and reintegration of child offenders.
147. Ensure that child offenders are interrogated by police who are specialized in children.

250 Swedish Government Official Report (2022). SOU 2022: *Förbättrade åtgärder när barn misstänks för brott*. Only available in Swedish.; Swedish Government (2022). *34-punktsprogrammet: Regeringens åtgärder mot gängkriminaliteten*. Only available in Swedish; Swedish Government Official Report (2021). *Skärpta straff för brott i kriminella nätverk*. Only available in Swedish.

251 Swedish Government (2021). *Utredning om möjlighet att begränsa enskilda barns rätt att vistas på vissa platser eller områden*. Only available in Swedish.

J. Optional Protocol on the sale of children, child prostitution and child pornography

J.1. Equal protection

See Government report 32 (a), (c), see also 2 (c), 19 (c)

Not all children in Sweden are protected from sexual exploitation. There is a lack of protection for children above age 15 and children who have reached the last stage of puberty. We welcome the Government's inquiry in this area.²⁵²

Regarding material of child sexual abuse, the legal protection differs between children who have reached the last stage of puberty and children who have not. Documentation through image or video of sexual abuse of a child or the dissemination of child sexual material is only seen as the crime child pornography under Swedish law if the child has not reached the last stage of puberty or if it is obvious from the image or its context that it is a person under age 18.

In Sweden a child can consent to sex when the child reaches age 15. The legal protection offered to a child between age 15 and 17 is weaker than it is for younger children.

When it comes to the crime rape of a child²⁵³ the statute of limitations is abolished but when it comes to the crime exploitation of a child through the purchase of a sexual act the statute of limitations is 10 years, counted from the day the child reaches age 18.²⁵⁴

Furthermore, as the prescribed minimum sentence is only 14 days imprisonment for the crime last mentioned, the child-specific legal obligation to conduct a speedy investigation is not applicable.²⁵⁵ This has resulted in long legal processes, in some cases more than two years.²⁵⁶

Another example of difference in legal protection is that children age 15 or older do not get a right to compensation if the court finds that the perpetrator was not culpable in regard to the child's age.

RECOMMENDATIONS

148. Ensure the protection of child rights for children over age 15 subject to sexual exploitation of all forms.

149. Reform current legislation by removing puberty development criteria and imposing a strict liability criterion in relation to the child's age.

²⁵² Swedish Government (2022). *Barns skydd mot sexuella kränkningar ska utredas*. Only available in Swedish.

²⁵³ Applicable when it comes to children under the age of 15, and for children between 15 and 17 if the perpetrator is a parent or someone with a similar duty of care.

²⁵⁴ The Swedish Penal Code/ Brottsbalk (1962:700), chapter 35 sections 1, 2 and 4. Only available in Swedish.

²⁵⁵ The Preliminary Investigation Ordinance (Swedish: förundersökningskungörelsen), section 2 a. Only available in Swedish.

²⁵⁶ SVT nyheter (2020). *43-åring döms för "sugardating" – köpte sex av 16-årig flicka*. Only available in Swedish.

To the Committee of the rights of the child

Additional protocol on sexuality, gender identity and gender expression

We want to urge the UN General Assembly to introduce a fourth additional protocol on including sexuality, gender identity and gender expression as a basis for discrimination in the second article of the CRC.

Gender non binary language

In the report we have aimed at having a gender non binary language in order to not exclude the children not identifying themselves as neither “he” or “she”, we urge the committee to do the same.

List of abbreviations:

Barnens Rätt i Samhället/ Children's Rights in Society (BRIS)
Barn och ungdomspsykiatri/ Child and youth psychiatry (BUP)
Barnombudsmannen/Ombudsman for Children in Sweden (BO)
Barn - och Elevombudet/Child and School Student Representative (BEO)
Brottsförebyggande rådet/Swedish National Council for Crime Prevention (Brå)
Child sexual abuse material (CSAM)
Commercial Sexual Exploitation of Children (CSEC)
Coordinated Individual Plan (SIP)
Civil Society Organisation (CSO)
Diskrimineringsombudsmannen/ Equality Ombudsman (DO)
European Network of Ombudspersons for Children (ENOC)
European Convention on Human Rights (ECHR)
FN:s konvention om barnets rättigheter/UN Convention on the Rights of the Child (CRC)
Inspektionen för vård och omsorg/Inspectorate for Health and Social Care (IVO)
Justitiekanslern/ Chancellor of Justice (JK)
Justitieombudsmannen eller Riksdagens Ombudsmän/ Parliamentary Ombudsmen (JO)
Lag (1990:52) med särskilda bestämmelser om vård av unga/
Care of Young Persons (Special Provisions) Act (LVU)
Lag (1991:1128) om psykiatrisk tvångsvård/Psychiatric Compulsory Care Act (LPT)
Lagen om Sluten Ungdomsvård/ Secure Youth Care Act (LSU)
Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI)
Myndigheten för Delaktighet/ Agency for Participation (MFD)
Myndigheten för Ungdoms och Civilsamhällesfrågor/ Agency for Youth and Civil Society (MUCF)
Small and Medium sized Enterprises (SME)
Specialpedagogiska Skolmyndigheten/ National Agency
for Special Needs Education and Schools (SPSM)
Statens Institutionsstyrelse/ National Board of Institutional Care (SiS)
Socialtjänstlagen (2001:453)/ Social Services Act (SoL)

Organisations behind the report

