



Nätverket för Barnkonventionen
NGO Network for the Rights of the Child

Stockholm, Sweden

**REPORT BY SWEDISH CHILDREN, YOUNG PERSONS AND ADULTS TO
THE UN COMMITTEE ON THE RIGHTS OF THE CHILD IN GENEVA 2004**

Submitted June 1, 2004

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General comments from the steering committee of the Swedish NGO Network on the Rights of the Child

The Swedish State Party's report on the application on the United Nations Convention on the Rights of the Child (hereinafter UNCRC), submitted to the UN Committee September 2002 is an improvement compared to the previous report. However, we lack a real analysis of the situation concerning the rights of children in Sweden. The report lacks both a vision of the future for children and self-criticism. We find the report difficult to read with its many references to other documents; it is not very accessible and not easy to understand, in particular compared with the first and second reports by the Swedish Government, which was easier to read. The working methods of the Government to invite a reference group of 35 young persons is a step in the right direction, but not enough to ensure young people's perspective on how the UNCRC is applied in Sweden.

We see a lack of coordination in editing of the report. The vocabulary varies in the different chapters although they refer to the same matters. One example is the United Nations Convention on the Rights of the Child is referred to as childconvention, UN Child convention, childrightsperspective, child-perspective etc. We find the approach inconsistent.

The NGO Network is also surprised to read, under the title Children's Ombudsman, that we are a part of the ombudsman's organisation. This is a misunderstanding; the NGO Network for the Rights of the Child is an independent group of non-Governmental organisations and is not part of any Government structure or mandate. The NGO Network invites representatives of the Government to respond to questions from Network members. At this NGO hearing we meet with the Government officials and ministers to find out and scrutinize the responsibility and obligations by the State Party to fully implement the UNCRC. Sometimes we invite other authorities to participate, such as the Children's ombudsman.

In general

- 1) The Network is of the opinion that the Children's ombudsman should be more self-dependent and especially more independent from the Government.
- 2) The Network recommends that Sweden in all international forums draws attention to the UNCRC and that the Swedish Government recommend the US Government to ratify the Convention, as the US has ratified the two protocols to the UN Convention.

The structure of our report applies to the guidelines of the UN Committee in the following way; the first part is built on comments from the steering committee (page 6 to 8) and the second part is based on the Hearings by the young people (page 9 to 13).

In 2003 the Network's steering committee consisted of:

- Adoptionscentrum (Centre for Adoption)
- BRIS, Barnets Rätt i Samhället (Children's rights in Society)
- ENSAC Sweden (European Network for School-Age Childcare)
- Riksförbundet Hem och Skola (National Organisation for Home and School)
- Rädda Barnen (Save the Children Sweden)
- Röda Korsets Ungdomsförbund (Red Cross Youth Organisation)
- SMU Svenska Missionsförbundets Ungdom (Swedish Missionaries Youth Organisation)
- Sveriges Kristna Råd (Swedish Council for Christians)
- Unga Örnars riksförbund (Young Eagles National Organisation)

The editing of this report is the responsibility of the following members of the Steering Committee

BRIS – Children's rights in Society

ENSAC Sweden - European Network for School-Age Childcare

RÄDDA BARNEN - Save the Children Sweden

Introduction of the NGO Network

The Swedish NGO Network for the Rights of the Child

The Swedish NGO Network for the Rights of the Child assesses how Sweden complies with the UNCRC and attempts to encourage children and young persons to claim their own rights. Annually, the Government is invited to a Hearing with the Network's NGOs to discuss how the UN CRC is applied in Sweden. Already in 1992 the Government was invited to the first Hearing, and since 2000 children and young persons hold the Hearings and put questions to the ministers. Each Hearing is documented and compiled in an annual report and disseminated to participants and politicians.

The Network also disseminates information on the UN CRC, carries out information meetings and facilitates exchange of experiences between NGOs and occasionally also to the Children's ombudsman, and to the Parliament's Cross-Political Children's Group. In addition, the Network writes this alternative report from the NGOs to the UN Committee on the Rights of the Child, that summarizes the Hearings 2000 to 2003. Already in 1997 the NGO Network submitted our first report to the UN Committee.

Background and history

The Network's activities started in 1985 when a child convention group consisting of six NGOs was formed with the objective to inform about the drafting work of the UN Convention on the Rights of the Child and to contribute with views nationally and to the UN drafting group in Geneva. In 1991 the NGO group took the name "The Swedish NGO Network for the Rights of the Child". To date, the Network has around fifty NGOs members. The work is governed by a steering committee convening nine representatives, elected at an annual meeting.

Concerns by the Swedish NGO Network on the Rights of the Child expressed by its Steering Committee

General measures of implementation

Article 4

For several years the Network has demanded Child Consequence Analysis, Child Plans and Child Annual Reports to the State budget as well as in regional and municipal budgets. This still lacks. The Government delegates to large extent this responsibility to regions and municipal authorities that are considered to be close to the child through childcare, school and health care. The Network is concerned that there is a lack of sufficient follow up routines, if this delegation does not result in prioritization of what is in the best interests of the child.

In the Hearing Reports, it becomes obvious that children have difficulties in claiming their rights. National and local authorities refer the responsibility on each other. Subsequently, nobody takes full responsibility. We claim that the UN CRC should more distinctively be incorporated in laws that are steering local authorities; School Law, curricula and other relevant steering documents.

Article 42

One of the most explicit statements in the Network Hearing Reports over the four years is that the lack of knowledge about the UN CRC is widespread among children as well as adults. The UN CRC should be translated to all relevant languages, to Easy Swedish and not at least to Braille. The Network demands more training and information campaigns to professionals working for, and with children. There is a lack of information and knowledge within the judicial system and among politicians. It is of greatest importance that all decision-makers on all levels – national, county and local level – know and work according to the UN CRC.

All four Hearing Reports put forward the lack of training in schools about directions and principles of the UN CRC. From the four Young Persons' Hearings in 2000 to 2003 it can be concluded that the realisation of the UN CRC meets two major obstacles: attitudes, and society's prioritisation of economical resources. Equally, this applies to the County Councils, responsible for health and medical care, both physical and psychological.

General principles

Article 2

The Network for UN CRC concludes that not all children in Sweden are treated equally. The Network wants the protection against discrimination to also include sexual orientation.

Article 3

The Network suggests that the Government shows more political will to recognize and confirm that the best interests of the child is guiding principle in all decisions. Today there is no general interpretation of the concept of the best interests of the child as a primary consideration, and if it existed it would facilitate the understanding of the UN Convention.

Article 12

Children and young persons do not feel they have any real influence in society. However, it should be noted as positive that the Government mentions the need of suitable meeting places for children and young persons.

6. Family environment and alternative care

Articles 5, 9, 18:2, 19 and 39

These articles have not been touched upon directly by the delegates in the Hearings held. But, the Network has based the following on children's and young person's discussions in more general terms during these occasions.

All parents are not equally good parents. Some do not want to, or are for different reasons not capable to give their child the care and support needed. This can result in neglect, exploitation, and physical and psychological abuse. The child who does not receive the support mentioned by the UN CRC has a very unsafe and vulnerable situation. Article 19 addresses these problems and says that society must take actions. In article 39 the importance of providing support to children who are exposed to various mal- treatments is pointed out.

A central part of being a parent is to function in society and provide for the child's link to society. Insufficient language skills (with other mother tongue than Swedish) creates difficulties in communicating with society's institutions, which in many cases forces the child to step in for, and assume the parent's role. The child is considered to take on responsibility far beyond its capacity. This may result in feelings of powerlessness by both child and parent. The language barrier complicates integration and results in children and parents living in separate worlds. Subsequently, language training for parents with a native tongue other than Swedish needs to be prioritised.

According to article 18 para 2, parents and custodians should be given appropriate support to help them in fulfilling their responsibility for the child's upbringing and development. Society has the overall responsibility in providing support and skills, needed to be a good and responsible parent. The Network urges that society takes that responsibility in order to establish different forms of parental training for all.

According to article 9 para 2, all parties concerned should be given opportunity to participate and express their opinion. The Network claims that the child has the right to assistance by a representative who fully takes the child's perspective (article 12 para 2). On this issue, the Government has not done enough to meet the needs of the child. Children are currently deprived of the right to be supported by

a representative in family disputes. The Network claims that the Swedish Government and society should get more knowledge on the need of adopted children for special support as well as support for travels to their country of origin.

8 Education, leisure time and cultural activities

The Network notes that the State report covers children's leisure and cultural activities in an extremely short paragraph. The Network is concerned whether this depicts lack of interest, lack of knowledge or if the area is not prioritised.

9 Special protection measures

Article 22

The situation for refugee children who come alone and who are in poor physical condition was highlighted in many questions during the four years' Hearings. According to article 22, children whose parents or other family members cannot be traced should be provided the same protection as any other child deprived of this, permanently or temporarily. An individual examination should be done in each case. The State's efforts on these issues are far from sufficient, and the Network criticises sharply the way the State Party's handles reception and care for the unaccompanied children. A temporary guardian should be appointed within 24 hours for each unaccompanied child. Among other things, this would remedy the problem, stemming from children disappearing from refugee camps.

The long process for handling asylum issues of unaccompanied minors is a problem. Therefore, children should be granted temporary resident permit until the age of 18 or until the parents have been traced. All children have the right to school, care and leisure according to article 28, 29 and 31. A person without resident permit is not granted these rights, only the right to health care and medical care.

Further, the situation and need for temporary resident permit of ill immigrant children is highlighted. According to the Government's representative of 2002 year's Hearing, temporary resident permit is granted to children in need of care. However, it was never clarified which regulations that were applicable. As we can understand, this happens in an arbitrary way. The Network is of the opinion that these children are discriminated in the Swedish society.

Article 33

From the Network's point of view, drugs primarily affect fundamental health and welfare and are only secondarily a question for the judicial system and special measurements for protection. Therefore, the Network proposes that the drug issue should be referred to the heading "Fundamental health and welfare".

Concerns by the Swedish NGO Network on the Rights of the Child expressed by the young people at the Hearings

General principles

4.1 Non-discrimination (article 2)

From children's point of view, the politicians do not have any implementation plans for reducing segregation (i.e. in the hearings of 2000 and 2001 it was said "*Children with immigration background meet within their group, and children with Swedish parents meet within their group.*").

Children experience the lack of equal opportunities to recreational activities on the same conditions. This view is expressed at every Hearing. This is partly due to the fact that public resources are spent unequally on different sport activities. Typical "boy sports" are provided with more resources and with wider range of choices compared to "girl sports". Children at hospitals cannot access school in the same extension as other children and therefore risk falling behind in school. A large number of schools are not adapted to children with disabilities. Children feel that racism and xenophobia increases in society and not enough is done to remedy this. In the care in hospitals children with foreign background are being discriminated in comparison with Swedish children with similar problem. Swedish children are prioritised in hospital care before the children seeking residence permit or refugee status.

4.2 Best interests of the child (article 3)

Why are sick children expelled when the third article about the best interests of the child is supposed to be applied? A youth member at the hearing in 2002 asked "*How sick are you supposed to be to be allowed to stay?*"

4.3 Respect for the views of the child (article 12)

Children are not allowed to express their opinion in divorces. They want to decide where to live when their parents divorce. Children are concerned by how the Government gets to know children's opinion concerning local influence in their own community, concerning their school way, pedestrian crossings, children in traffic, school environment based on equality (teachers – pupils), right of free speech, the lack of right to propose and vote, decision on school meals, school curricula, the lack of sporting activities at school, influence in the EU, development and aid assistance issues.

Hospitals must respect children and listen to them. One of the young persons at the hearings noted: "*When I was at hospital I got a mask put over my face to be put a sleep without listening to what I tried to say.*" Another comment from the young people in 2003 was: "*How come that you according to the Child Convention are considered to be a child until you are 18, but when going by train or bus you are only a child until you are 16. Why are we seen as children in all issues but money?*" "*Why do young people know so little about their rights in school, and whose task is it to reach out with information?*" "*Do you think we young people have enough influence in Sweden? If not, what do you do to make sure we have?*" "*We all agree that children and young person should have influence at school. And we have it in our school. We children take part in many meetings. However, it feels mostly symbolic. We*

feel we are not listened to and our opinions are not respected. I think one should make sure that we are heard to, in real."

One child asked the Minister of Justice why a child's opinion is not taken into consideration to a higher degree in custody cases (especially when the child is under 12). The Minister of Justice replied that one should not put too much responsibility on a young child.

5 Civil rights and freedoms

5.2 Preservation of identity (article 8)

During the hearing in 2002 an adopted boy from Colombia who had been in Sweden for whole his life asked why the State cannot provide resources for making it possible for adopted children to go to their country of origin to visit their biological parents and seek their roots (also concerns article 7). Adoptive parents receive state-founded means for trips and adoption of children from foreign countries while an adopted child in Sweden has no right to economical support to visit their home country.

5.5 Freedom of association (article 15)

Many children and young persons have expressed that they lack real influence in society. One of the young participants said during the hearing in 2002: *"We have the freedom of speech, but no right of making proposals and voting."*

5.6 Privacy, honour, reputation (article 16)

In the hearing reports of 2000 and 2002 the young ones had commented on and shown concern over foul and crude language, crude words and insulting comments at school.

5.7 Mass media (article 17)

The young persons from the hearing in 2001 expressed a great deal of worries about what is available on the Internet and about violence on television early evenings while children's programmes are shown. They want protection against child pornography and violent computer games. The young participants from the hearing in 2002 claim: *"Mass media send out the message that girls should be thin as a rake and that this contributes to ten year old children putting themselves on a diet."*

5.8 Torture/capital punishment (article 37A)

The young persons at the hearing of 2002 are worried over that abuse to death of a child resulted in lower punishment in the court than if a death abuse of a grown-up by an adult. The Network is of the opinion that child abuse to death should be equally punished.. This issue was brought up in the media, as a result of a very exposed child abuse case.

6 Family environment and alternative care

6.3 Parental care/non-separation from parents

According to the UN Convention's article 9 and 12, a child has the right to be heard in family conflicts on the same conditions as adults. *"What right have children to decide where to live when the parents want to divorce?"*

6.8 Adoption (article 21)

"As an adopted child you may need more support after you have been adopted, for example a resource group with experienced and trained staff. What can society do about this?" "As Sweden together with the counties of origin decide on adoptions, it would be suitable that when the adopted child gets older and wants to visit the country of origin it is given economical support from the state or local authorities."

Another question raised was about the opportunity to adoption of couples of the same sex – that the needs of the child should be decisive, not the need of the adult. At the hearing in 2001 a young adopted woman criticised that the Swedish legislation on adoption contains the regulation that "the effect of the adoption ceases when an adoptive parent marries the adopted child". She claimed this resulted in a weaker protection of an adopted child compared to a child in a biological family.

6.10 Prevention of abuse (article 19)

During the hearings, questions were raised on child abuse and other assaults against children as well as on the penalties for these crimes (article 19). (See "5.8 Torture/capital punishment (article 37A)" on page 10)

7 Basic health and welfare

7.1 Disabled child (article 23)

Questions on personal assistance for disabled children were raised during the hearing in 2000. Assistance is granted but staff is not always available. This makes it difficult to get the help needed, the young questioner wondered. The same questioner remarked that the 'sufficient level of support' does not take account to the individual's actual need of support.

Why cannot children, regardless of disability, be given the possibility to attend common schools? Further, questions were asked about disabled children's rights in regard to the possibility to a free choice of school (which children without disabilities can). Some of the obstacles originate from social issues like availability to school transports and lodging allowances.

Children in the Hearing in 2002 asked the Government when discrimination of children with disabilities will come to an end. Quote from 2003: *"I train karate and was at a karate competition and won, but was disqualified because I am deaf so I couldn't receive the prize. My trainer said the rules aren't the same for hearing children and deaf children. In Italy deaf people compete with hearing people and I think the same should be possible in Sweden."*

"I want to ask a question about the upper secondary school. As you certainly know a deaf pupil or one suffering from a hearing impairment has to go 350 km from Stockholm to go to the upper secondary

school, although there are many who don't want to. I live in Stockholm and don't want to travel so far. We deaf should get the same opportunity to choose upper secondary school as others. There is an upper secondary school in a suburb of Stockholm, but if you don't want to go there, you have to leave your family, your siblings and all friends and come home once or twice a month. Why are there no similar schools in Stockholm?"

"I have a question regarding sports in school. As I am disabled I won't get any degrees in sports at all." The most important thing for me in my daily life and on my leisure time is to be able to get out and do things, like being here. I am disabled having a liver disease. Right now I feel good, but when I feel bad I have extreme difficulties in taking me anywhere as I have no right for transportation service. And I am not the only one, many I have talked to are in the same situation. It is extremely tough, so I would just know if there is anyone working with this."

7.2 Health (article 24)

In reports from the hearings with children and young people concern is raised over the differences in availability of school nurses at different schools and if there at all will be school nurses available in the future. One of the children says: *"Every child should have the right to go to a school nurse during school time."* *"More and more children suffer from eating disorder as media broadcast the message that you are supposed to be thin as a rake, and this contributes to diets."* The children ask what the Government is going to do about this.

Public health standard declines and the numbers of ill-health cases increase in society. This affects the children, which becomes clear from the questions asked during the hearings. Among other questions, they ask what measures the Government is planning to prevent ill-health and stress in school. *"There is so much bullying in Sweden and bullying often leads to suicide. How do you work to prevent these kinds of problems?"*

8 Education, leisure and cultural activities

Articles 28, 29 and 31

All children should have the right to and given the possibility to take part in cultural and leisure activities. The following are quotes from children and young persons participating in the hearings: *"Although there are a wide range of leisure activities offered not everyone can afford to participate in the activity they like."* *"Too expensive to take part in leisure activities."*

"All children haven't got the opportunity to take part in different leisure activities. Cheap and safe transportations to these are missing. It has become a question of class in the society. Cheap and safe transportations are needed." *"Boy sports are prioritised before girl sports."* *"Encourage nature experiences."* *"My question is about these recreation centres. All the time recreation centres are closed down and leisure activities are very expensive. I wonder how they have been thinking, as when you quit school around 3PM you need somewhere to go afterwards."*

The children and young persons think that the UN CRC should, in a more distinctive way be part of curricula, school laws and steering documents for the school. The pupil's "union" rights (pupils' safety representative, working environment etc) are neither sufficient, nor well known. The school should "live" democracy, not only mediate and teach how democracy should be working. Today school just

acts as an intermediary about democracy. Democracy is not opposed to knowledge at school. Democracy should filter through the intake of knowledge.

9 Special protection measures

9.3 Children in exposed situations, including physical and psychological rehabilitation as well as social rehabilitation

9.3.2 Protection from narcotic and psychotropic substances (article 33)

Concerning the question that were brought forward in relation to drugs, the young persons noted that preventive measures are far from sufficient and they would like to see more activities and more effective measures.

“In addition everybody knows that an increasing number of young ones drink alcohol and they starts earlier and earlier. So what are you doing about this? It is awful to see 13 year old ones laying in the bushes drunk and nowhere to go.”

‘I have a question concerning cigarettes: An increasing number admit young people to buy cigarettes without asking for ID. What can be done? Smoking is as serious as alcohol and drugs.

Participants in the NGO Network

- Abrahams Barn – Abrahams Children
- Adoptionscentrum - The Adoption Centre
- Afasiförbundet – Talknuten – The Swedish Aphasia Society
- Barns rätt till lek – International Association for the Child's Right to Play
- Riksförbundet BRIS – Barnens rätt i samhället - Children's Right in Society
- ECPAT – End Child Prostitution, Child Pornography and Trafficking for Sexual Purpose
- EFS – Evangeliska fosterlandsstiftelsen – National Evangelic Foundation
- Elevorganisationen – The Pupils' Organisation
- ENSAC Sweden – European Network for School-Age Childcare
- FARR – Flyktinggruppernas och Asylkommittéernas Riksråd – Refugee Groups and Asylum Committees' National Council
- FHDBF – Föreningen för hörselskadade och döva barn med familjer – The Association for Deaf Children and their Families

- Frälsningsarméns scoutförbund – Salvation Army Scout Association
- Frälsningsarméns ungdomsförbund – Salvation Army Youth Association
- FUB – Riksförbundet för utvecklingsstörda barn, ungdomar och vuxna – National Association for Mentally Retarded Children, Youth and Adults
- Förbundet Unga Rörelsehindrade -
- Föreningen för Januz Korczaks levande arv The Association for Janusz Korczaks Living Inheritance

- Föreningen Globträdet – The Global Tree Foundation
- Riksorganisationen för Valfrihet, Jämställdhet och föräldraskap med Barnet i Centrum – The National Organisation for Free Choice, Equality and
- KFUK-KFUMs scoutförbund – YWCA-YMCA Scout Association
- NOBAB – nordisk förening för sjuka barns behov - The Nordic Association for Sick Children
- Evangeliska frikyrkan - The Evangelic Free Church
- Nykterhetsrörelsens scoutförbund - The Temperance Movements' Scout Association
- Pingstförsamlingarna/ungdomsarbete – The Pentecostal Movement Youth Section
- PLAN International Sverige – Plan International
- PSO ung – vi med psoriasis – Youth .- We with Psoriasis
- RBU – Riksförbundet för förelsehindrade barn och ungdomar – The National association for the Disabled and Youth
- Riffi – Riksförbundet Invandrarkvinnornas Association of Immigrant Women
- Riksförbundet för barnsjusköterskor - National Association of Children's Nurses
- Riksförbundet DHB – Döva, hörselskadade och språkstörda barn – National Association for the Deafs, Children with impaired hearing and difficulties in speaking and understanding
- Riksförbundet Hem och Skola - Association for Home and Schools
- Riksföreningen för Skolsköterskor – National Association of Children's Nurses

- RUS – Riksförbundet Ungdom för Social Hälsa Association for Youth for Social Health
- Rädda Barnen – Save the Children Sweden
- Röda Korsets Ungdomsförbund - The Red Cross Youth Society
- SBUF – Svenska Baptisternas Ungdomsförbund - The Swedish Baptist Youth Association
- SISU – Idrottsledarna - Swedish Sport Leader Association
- SMU – Svenska Missionsförbundets Ungdom - Swedish Mission Youth Association
- Svenska Flyktingrådet - The Swedish Refugee Council
- Svenska FN-förbundet – Swedish UN Asscoation
- Svenska Irankommittén – Swedish Iranian Committee
- Svenska Kyrkan – Swedish Church

- Svenska Kyrkans Unga – Church of Sweden Youth Association
- Svenska OMEP – Organisation Mondial pour l'Éducation Préscolaire
- Svenska Scoutförbundet – Swedish Scout Association
- Svenska UNICEF – FNs Barnfond - The Swedish UNICEF Committee
- Sveriges Kristna Råd – Swedish Christian Council
- Unga Örnars Riksförbund – Swedish Young Falcons
- Verdandi - Verdandi