### 92: nd Session: Written statement from Civil Society in Sweden to the UN Committee on the Rights of the Child prior to Sweden’s session on 16-17 of january, 2023

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In addition to our report, submitted on 1 July 2022 and to our written input prior to the pre-session on the 28th of September 2022 we would like to draw the attention of the Committee to the following issues.

#### New Government constellation and the “Tidö agreement”

A new government took office in Sweden in October 2022. The new government constellation has been formed based on an agreement, “the Tidö agreement”. The agreement includes several proposals, *not yet realized* but announced publicly and planned to be seen through by the new government. We believe that some of the proposals will strengthen children’s rights, these include proposals to improve mental health systems, suicide prevention and investments in: family centers, parental support programs, and on equivalence and quality in the school system. We are however worried that some proposals are in violation with or risk violating the CRC. These include a stronger focus on minimizing the rights of asylum seekers, refugees, migrants and newly arrived immigrants, together with a focus on toughness in schools and towards children in contact with the law. One group of children we believe will be strongly affected are children on the move. We worry that the restrictive rules for asylum seekers that are proposed, if they become reality, risk violating children's rights and make it difficult, if not impossible, to achieve goals of increased integration and reduced segregation.

We would in particular like to draw the committee's attention the following proposals:

##### Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40) (asylum-seeking, refugee and migrant children, administration of child justice, children in contact with the law)

Proposals:

* to restrict possibilities for family reunification,
* to open for a possibility for expulsion due to lack of conduct[[1]](#footnote-1), including prostitution, substance abuse or association with a criminal organisation. Note that selling sex is not a crime in Sweden.
* to lower the age of criminal responsibility to 13 (it is 15 today)
* in which childhood risk factors for vulnerability, regardless of whether it is about committing crimes, being exposed to violence and abuse or developing mental illness, become invisible and children in vulnerable situations risk being labelled as potential perpetrators, because the focus on preventing crime is so strong.

##### Education, leisure and cultural activities (arts.28-31)

Proposals:

* to make it obligatory for authorities who come into contact with persons residing in Sweden without permission/undocumented to contact the police, so far with no exemption for professionals within the school system.
* to restrict children’s participation in school,
* to focus on repressive and punitive measures and authoritative leadership in schools and on strengthening the authority of the principals and teachers,
* to review mother tongue education, as the agreement stipulates this type of education could have negative effects on the integration of the student and on the student learning Swedish.[[2]](#footnote-2)

##### Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Proposals:

* to restrict/take away medical interpretation (for those not speaking Swedish), affecting children directly and leading to children having to do medical interpretation for adults.
* that increase emissions and reduce the possibilities of achieving the goals according to the Paris Agreement and thus risk affecting children's health and development.[[3]](#footnote-3)
* to add conditions for obtaining the right to subsistence allowance depending on migration status. We are most concerned about proposals to completely remove the right of undocumented families to receive support.

**Questions to the Government:**

* When/will the government make the necessary child rights impact assessment of the proposals in the Tidö agreement?
* How can the government ensure the rights of the child according to the CRC while implementing the proposals in the Tidö agreement?
* How can the government ensure that the rights of children on the move/migrants are protected?
* How can the government ensure the right to education for every child?
* How can the government ensure children's long term development and right to health with the current climate and environmental policy (not living up to the Paris agreement)?

**Recommendation:**

The implementation of proposals should never impair children’s rights or have impairing effects on children’s rights as set forth in international human rights conventions and other such documents.

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#### New information on violence against children

##### Violence against Children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

###### Violence in institutions

In our report (see Report from Civil Society Organisations Working with Child Rights, under *5.D. Violence in institutions- institutional care)* we highlight systematic, widespread violence against children in compulsory care institutions run by the National Board of Institutional Care (SIS).

The scope and gravity of this violence has continued and resurfaced since the pre-session. In spite of inquiries, actions and promises from the Government[[4]](#footnote-4) children in compulsory care continue to suffer violence and abuse. Pain-inducing restraint techniques have been used for a long time and are used daily in connection with solitary confinement. These techniques are violent with severe risk for injury and trauma, there is even a risk of death from prone restraint. Children in institutions keep reporting severe injuries, sometimes permanent. But, even after massive critique from different authorities and other actors, the pain inducing method has merely changed name. Statistically solitary confinement appears to have decreased and this is claimed to be the result of different actions made by SIS. However, the statistics are affected by institutions that have closed during the past year and the fact that SIS no longer register restraints as solitary confinement due to criticism from the Parliamentary Ombudsmen (JO).[[5]](#footnote-5)

Moreover, in total there are 300 placements for girls in compulsory care. In the last few years at least one SIS staff member has been convicted of rape of one girl of these girls every year. This year two trials of rape and sexual assault are ongoing. A preliminary finding of an ongoing study of compulsory care institutions shows a connection between the use of force and sexual abuse. From 2018 to 2022 one compulsory care institution/section of an institution has been closed every year due to violence, abuse and/or sexual violence of children by staff.

In 2021 four inspections were conducted by **the Parliamentary Ombudsmen (JO)**,all resulted in serious criticism of the way solitary confinement is carried out as well as of the work to prevent sexual abuse. During **2022 the criticism continued**, JO criticized SIS on a general level for still not applying the rules on solitary confinement in a legally acceptable way and that the measures taken by the authority to come to terms with the situation were not showing enough results.[[6]](#footnote-6)

In 2021, SIS also received repeated and serious criticism from **the Health and Social Care Inspectorate (IVO)**. One department of an institution was even closed with immediate effect due to unjustified violence against children by staff and several others repeatedly received criticism regarding staff violence against children, the handling of violence, and of solitary confinement not compliant with the law.[[7]](#footnote-7) IVO also submitted **serious criticism in 2022** of the authority for allowing staff suspected of sexual abuse to continue working with children, pending police investigation. In addition, another home was closed after an internal investigation that showed widespread abuse and violence against children.[[8]](#footnote-8)

In a review in 2022 the **Swedish Agency for Public Management** raised criticism against SIS because of failure to deal with abuses quickly and because SIS at central level has not done enough to give institutions the preconditions needed to ensure suitable staff and to prevent sexual abuse. [[9]](#footnote-9)

**Independent complaints mechanisms and access to justice**: IVO has a responsibility to investigate complaints from children. However, in most cases, the children’s complaints are handed over to SIS to investigate further, not giving children an independent review and access to justice.

**Questions to the Government:**

* Despite massive criticism from, among others, JO and IVO of violence and sexual abuse of children in compulsory care, it continues; what is the government doing to ensure that violence and sexual abuse against children in institutions come to an end?
* Many inquiries have looked at compulsory care and the regulations surrounding it. The situation has, at best, stayed the same, what can the government do?
* Why is there still no system in place to document injuries of physical restraint?
* How can the government give children who have suffered grave abuse when cared for by the state in youth homes and compulsory care institutions redress, independent complaints mechanisms and access to justice?

**Recommendations:**

Short term, Sweden must ban solitary confinement and pain inducing physical restraints and immediately stop the abuses that prevail within locked institutions.

Long term, Sweden must reform compulsory institutional care for children, to ensure that children’s need for care, as well as, their safety and legal certainty are fulfilled, protected and respected.

The government must strengthen children’s involvement, integrate children’s rights and make sufficient financial and other investments in institutional care.

###### Violence in schools

Violence, harassment and bullying in schools appears to be increasing according to a recent study. The study shows that one in four children have been subjected to serious violence in school during the past year. One in ten has been the victim of a crime. 7 percent state that they have been subjected to severe abuse at school or on the school grounds. Among children who have been subjected to violence, 60 percent report mental health problems, at the same time as feeling less safe at school, trusting adults less, having less peace of mind and difficulty concentrating during lessons.[[10]](#footnote-10)

**Recommendations:**

* Intensify the preventative work in schools and involve children in the initiatives aimed at eliminating bullying.
* Ensure that all schools carry out periodic surveys among students, staff and parents on their experiences in relation to bullying and harassment and base their action plans for combating bullying on those plans.

1. which can mean lacking moral principles; unwillingness to adhere to proper rules of conduct, in Swedish Vandel. [↑](#footnote-ref-1)
2. note that today children can have the right to be taught in their mother tongue approximately on hour/week [↑](#footnote-ref-2)
3. Aurora, which is a youth-driven organization has during the fall sued the government for its environment and climate policy [↑](#footnote-ref-3)
4. Regeringen. *Regeringens skrivelse 2020/21:215 Vård av unga vid Statens institutionsstyrelses*

   *särskilda ungdomshem och Regeringens skrivelse 2021/22:230 Vård av unga vid Statens institutionsstyrelses särskilda ungdomshem.* 2021 och 2022. Only in available Swedish [↑](#footnote-ref-4)
5. The criticism has led to procedural changes [↑](#footnote-ref-5)
6. The Parliamentary Ombudsmen (JO). *Decision from JO, 21st of November 2022*, dnr 2802-2020. Only in available Swedish [↑](#footnote-ref-6)
7. The Health and Social Care Inspectorate (IVO). See for instance, *decision from IVO regarding the immediate closing of a section of the institution Nereby, 14th of October 2021*, dnr. 3.7.3-38804/2021-1 and *decision from IVO regarding violence and misconducts at the institution Brättegården*, 21st of October 2021, dnr 2.2.2-15525/2021-29. Only available in Swedish. [↑](#footnote-ref-7)
8. The Health and Social Care Inspectorate (IVO). *Decision from IVO regarding staff suspected of sexual abuse and rape*, 30th of June 2022, dnr 3.2.2-10778/2021-21 and internal investigation from SiS regarding the institution Bärby. Only available in Swedish. [↑](#footnote-ref-8)
9. Swedish Agency for Public Management. Statskontoret *2022:4 SIS vård av barn och unga enligt LVU.* Only available in Swedish. [↑](#footnote-ref-9)
10. 1657 children aged 9-18 have participated in the study, results are statistically significant.

    Loftsson, M. & Johansson, B. Friends, carried out by Novus in collaboration with Örebro University (2022), *Våld mot barn i skolan,* unpublished manuscript. [↑](#footnote-ref-10)