



## **Report to the UN Committee on the Rights of the Child**

**The Children's Welfare Foundation Sweden**

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## Introduction

Comments from **The Children's Welfare Foundation Sweden** regarding list of issues prior to the Swedish Government's report to the UN Committee on the Rights of the Child 2021.

The Children's Welfare Foundation Sweden is a national foundation that was founded in 1633. Our task is to support research, methodology development and knowledge dissemination to strengthen children and adolescents in socially vulnerable life situations.

Our work is based on the UN's Convention on the Rights of the Child (CRC) and focuses on improving expertise among decision-makers and professionals who work with children. Among other things, we provide grants for research on children and adolescents, we run our own development projects in order to improve the implementation of the CRC in practice, coordinate conferences and release publications on relevant issues. Our prioritised target groups include children who have been subjected to physical or sexual abuse; children who are next of kin; children in out-of-home care; children in contact with social services and children with parents in separations or custody disputes.

## List of authors

The report has been compiled by staff members at the Children's Welfare Foundation Sweden. Mainly by Emma Tengwall, Susanne Björk, Cecilia Sjölander and Bengt Söderström.

## Method

The starting point of our report is the Children's Welfare Foundation Sweden's regulations, development projects and research connected to our areas of operation. Based on experience, expertise and research in our own area of expertise, the Children's Welfare Foundation Sweden's project participants have raised specially prioritised matters and challenges as well as inadequacies. The Children's Welfare Foundation Sweden's work is conducted from a children's rights perspective and we have thus raised and problematized compliance with the rights related to our areas of operation. The report includes proposals for national guidelines and strategies as well as measures in the legislative area.

## Main areas of concern

This report will describe to which extent the Children's Welfare Foundation considers that Sweden in fulfilling its commitments according to the Convention on the Rights of the Child. The structure of the report is based on the Committee's recommendations to Sweden, an overview of the current situation in Sweden, our experiences from meeting children and professionals working with children as well as research within the area.

The Children's Welfare Foundation Sweden has delimited the report to four of our main areas of expertise; 1. Children in out-of-home care and their right to development, health, information, participation and education, 2. Children who has been subjected to violence and their right to protection, development, information, participation, support and rehabilitation, 3. Children as next of kin and their right to development, information, participation, support and education, 4. Children with parents in separation or custody disputes and conflicts and their right to development, information, participation, protection and support.

1. Children in out-of-home care should access the best possible development. The Children's Welfare Foundation Sweden states that their right to participation is not being met during nor after the placement. These children's access to development, health and education is depending on which municipality they are living in. There is a need for an improved national governance to ensure that children in out-of-home care access their inherent rights. Interventions and methods aiming to support children in out-of-home care needs to be further developed, implemented and evaluated.
2. Sweden has adopted agenda 2030. Despite this Sweden has no actor coordinating the work concerning violence against children. The Children's Welfare Foundation urges the need of a national strategy and action plan to counter all types of violence against children. Sweden needs to systematically collect and compile national data on violence against children every 5th year. Training of professionals working with children needs to be prioritised to raise the numbers of detection and to facilitate children subjected to violence's access to adequate support and rehabilitation. The Children's Welfare Foundation states that children subjected to violence do not access the kind of support and rehabilitation they are entitled to. The national law must be extended to enable the sharing of information between collaborating authorities.
3. Many children are next of kin to a parent who abuse drugs or alcohol or has a mental or physical illness. The Children's Welfare Foundation notes that the social services often is missing out on these children. To identify them and to strengthen their access to the rights that they are entitled to the Social Service Act must be extended and the training of professionals must be considered a priority.
4. The best interest of the child is not being met in cases of custody disputes and conflicts. The child's right to information and participation is not a prioritised matter, which results in a restricted access to the support that they are in need of. Methods needs to be developed to detect the needs of these children in an early stage and to offer children and their parents adequate support and interventions. As a tool for early detection the questionnaire Doors can be used and needs to be further developed and evaluated. Additionally, The Children's Welfare Foundation advocates an extension of the Social Service Act so it states the best interest of the child as the crucial interest of cooperation talks. The national law regulating custody and contact also needs to be reviewed so that a child can not be forced to contact with a parent who has murdered the child's other parent. A Parent suspected or convicted of murder of the other parent should without exceptions be deprived of custody of a child.

# Civil rights and freedoms

## Respect for the views of the child (art. 12)

Right to seek, receive and impart information (art. 13)

Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)

In the Committee on the Rights of the Child's recommendations to Sweden in 2015, the committee writes that they are concerned that some children do not feel that they have influence over matters pertaining to their lives.

The following section will focus on the lack of respect for the views of the child regarding children in out-of-home care, children who are subject to violence and abuse and children who are next of kin.

Children in out-of-home care are a target group at risk of faring poorly both during and after care. A study carried out by the National Board of Health and Welfare in 2012 shows that children in out-of-home care want more information and to be heard with regards to issues affecting them and their daily care. The children in the study also expressed that school is closely connected to any breakdowns in foster care, which means that preventive interventions/ventures for school support must be prioritised in order to counteract breakdowns in foster care.<sup>1</sup>

A report published by the Children's Welfare Foundation Sweden in 2017 *Rättighetsbärare eller problembärare (Bearer of rights or bearer of problems)*<sup>2</sup> shows that higher participation among children in contact with social services results in interventions that are better adapted to children's needs. Similarly, decisions about the design of inpatient care should be permeated by children's views to better match children's needs and thus reduce the risk of breakdowns.

The children in social services' investigations are or have often been subjected to some form of violence. Parental rights are strong in Sweden and run the risk of restricting i.e. the child's right to be heard, the child's best interests and the child's right to services and rehabilitation. The report *Bearer of rights or bearer of problems* establishes that a common cause of children's voices not being heard – and when they are heard, they tend to be disregarded – is that parents take precedence in situations involving competing descriptions of problems. A precondition for being able to assess the child's best interests is that the child's voice is heard. The study on which the report is based demonstrates a clear link between children's participation and adequate support and interventions. Since 2010, social workers have been entitled to interview children during child protection investigations, even if parents did not give consent,<sup>3</sup> and since 2013, children who are at least 15 years old and have accepted support receive that support as outpatient care, even if their parents oppose the service<sup>4</sup>. Despite legal support and knowledge that high participation correlates with adequate interventions, the report demonstrates that the degree of participation gradually declines during the course of the investigation. This means that when decisions are made about initiatives they are, to a very limited degree, based on the child's wishes and description of the problem. The study shows that the violence to which the child is subjected by the parent tends to be reformulated, becoming instead about how the child needs guidance, structure or boundaries. Thus, violence against the child is diminished and disappears from the investigation.

In the study, social workers with cases involving children say that it is often in cases involving violence against children that collaboration with parents is prioritised over hearing children. Information emerges about how social workers do not want to offend parents and thus, they sometimes choose to overlook information regarding violence. Talking with children is therefore often not a priority, since it is in the interest of social services to grant services to children in need, which, when children are under age 15, is

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<sup>1</sup> <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2012-11-28.pdf>

<sup>2</sup> Heimer, M, Palme, J & Näsman, E (2017) Rättighetsbärare eller problembärare (Bearer of rights or bearer of problems).

<sup>3</sup> Prop 2009/10: 192

<sup>4</sup> Prop 2012/13:10

not possible without parental consent. Social workers refer to the Social Services Act (SoL), which states that parents must give consent to services for children under age 15. Social workers therefore tend to prioritise a good relationship with the parents so that the child is not at risk of being entirely without support services.

Most children who are subjected to violence or abuse tell someone, but rarely adult professionals. We need to ask, not only to discover and protect, but also to give children in vulnerable situations a chance to talk to someone. Children who are vulnerable or at risk, and their families, should have the chance to receive information about health risks related to violence and abuse and information about where to access support and rehabilitation. The guidelines of the National Board of Health and Welfare recommend training for staff, but not mandatory questions for all children.<sup>5</sup> Student Health has discussions on health with all students, but these discussions do not include information about health risks related to, or questions about, exposure to violence. In experiments with mandatory questions about violence, children and parents have consistently been positive, but staff have had trouble implementing this practice as a routine. The fact that questions about violence and abuse are asked together with other questions children receive about their health, well-being and lifestyle habits have an illuminating and preventive effect. However, if questions about violence are not included in health surveys, assessments of mental illness or other social investigations, then violence may be perceived as less common or damaging than it actually is.

Many children are next of kin to a parent or another adult with whom they live and who may have an addiction, mental illness, mental disability or a severe physical illness or injury. This also applies to children whose parents have died. The amount of children who are next of kin was summarised in a national study<sup>6</sup> presented in 2013:

- 8% of children have at least one parent who has received care for a mental illness and/or addiction.
- 17% have a parent who abuses drugs and/or alcohol, if we include those who have received outpatient care for addiction or who have been convicted of drunk driving or drug offenses.
- 13% have a parent with a physical illness severe enough that they received at least one week of inpatient hospital care.
- 3.4% experienced the sudden death of a parent.

The Swedish Health and Medical Services Act states that staff in health care services should acknowledge and pay attention to children who are next of kin to a parent, or other significant adult whom they live with, who may have an addiction, mental illness, mental disability or a severe physical illness or injury.

In 2011, the Children's Welfare Foundation Sweden started the development project BRA – Barns Rätt som Anhöriga (Children's Rights as Next of Kin)<sup>7</sup> with the aim to support the implementation of the provisions of the Health and Medical Services Act. Another aim of the project BRA was to contribute to staff groups in the Municipalities and NGO's paying attention to the target group. The purpose was to spread information about the rights of children when they are next of kin and to provide guidance for how staff can proceed to pay attention to the needs of children who are next of kin with regard to information, guidance and support. Through BRA conversations, a model for communicating with children who are next of kin, the children are given a chance to express their views and needs. With this approach, the children can receive information, become active participants in their own lives, and more easily influence decisions that affect them.

When children do not receive information or do not understand what is going on, they can worry more than adults do. Children and adolescents may blame themselves and believe that what is happening is their fault – that it would not have happened if they had behaved differently. When adults in the family cannot manage to take care of everything in daily life, it is common for children and adolescents to take on these

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<sup>5</sup> National Board of Health and Welfare. (2014) Att vilja se, vilja veta och att våga fråga (Wanting to see, wanting to know and daring to ask).

<sup>6</sup> Hjern, A & Manhica, H.A. Nka Barn som anhöriga 2013:1 (Nka Children as Next of Kin).

<sup>7</sup> Näsman, E Leviner, P Eriksson, M & Landberg, Å Children's Welfare Foundation Sweden. (2019). Barns rätt som anhöriga – en antologi om att göra barn delaktiga (Children's rights as next of kin – an anthology on making children participants).

responsibilities and take care of parents as well as siblings. The family may have such poor finances that the children do not ask for money for leisure time interests, clothing or food. Grades at school may be affected when children worry about their parents, do not ask for help with homework, or stay home from school to help the adults. Children and adolescents who are next of kin are at risk of being negatively impacted not only in childhood, but also later in life when they are adults themselves. Research shows that negative consequences can be prevented by reducing risk factors and increasing protective factors. For example, this may involve giving children information and answering their questions, an opportunity to discuss their concerns and experiences, support with their schoolwork, and parents getting the help and support that they need.

The Swedish Social Services Act (SoL) does not mention children as next of kin as a target group, which is a deficiency in the area of legislation. As professionals, social services frequently come into contact with children who are next of kin or act as care providers. An addition to the Social Services Act would strengthen the opportunities of children who are next of kin to be heard and to have their rights met.

**It is the opinion of the Children's Welfare Foundation Sweden that:**

**Further transformation of the national legislation as well as national guidelines and procedures must be established to ensure that children are heard while in contact with social services, the judicial system and health and medical care.**

**Mandatory questions about exposure to violence should be asked as a matter of routine by social services and student health during regular health exams at schools, as well as at child and maternal healthcare clinics.**

**The Social Services Act (SoL) should be expanded so that services can be offered to children under age 15 without parental consent. Younger children have the same right to need-adapted support and help as older children.**

**It is a deficiency that children who are next of kin are not a target group in the Social Services Act. An addition to the Social Services Act would strengthen opportunities for children who are next of kin to be heard and have their rights met.**

**Municipalities and regions must take responsibility for implementing articles 12 and 13 in practice, and for meeting the needs of all children regarding the right to information and the right to be heard on matters that affect them.**



# Violence against children

## Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

Non-discrimination (art. 2)

Best interest of the child (art. 3)

Right to life, survival and development (art. 6)

Respect for the views of the child (art. 12)

In the recommendations to Sweden in 2015, the Committee on the Rights of the Child recommended improving work to systematically collect data on all children, especially children with disabilities, children who have been subjected to violence between the ages of 15 and 18, and children who have been subjected to sexual exploitation.<sup>8</sup> The Committee concludes that children who have been subjected to violence or abuse often have difficulty obtaining the rehabilitation and mental health care to which they are entitled. They recommend that the government ensures that children who are subjected to violence and abuse have access to adequate care<sup>9</sup>.

The Committee recommends that Sweden prioritise preventive measures. The Committee recommends that Sweden continues and strengthens measures to provide adequate support to all children who are subjected to violence through measures for early detection, programmes for parents who are at risk of subjecting children to violence, as well as guidance and support for all impacted children so that they can be rehabilitated and reintegrated.<sup>10</sup>

National surveys conducted by the Children's Welfare Foundation Sweden on a regular basis, with funding from the government,<sup>11</sup> indicate that physical abuse of children in Sweden has declined over time. However, the reduction has levelled off since 2011 and severe physical abuse has not declined since then. The number of cases of physical abuse of children reported to the police has risen continuously in recent decades. In 1982, around 1,000 cases of violence against children were reported to the police and in 2019, around 25,200 cases of child abuse involving children aged 0–17 were reported to the police. Child abuse is usually brought to the attention of the authorities when a child speaks up, shows symptoms or has injuries due to abuse, or when someone witnesses the abuse.<sup>12</sup>

A survey published by the Swedish National Board of Health and Welfare in December 2019<sup>13</sup> states that in 2018, social services received around 331,000 reports of children who were suffering harm or who were suspected being at risk of suffering harm. These reports pertained to about 180,000 individual children. The report also shows that more often, the cause of a report is related to a parent or guardian's issues (39%) than to the actual child (33%). One in five reports is also connected to domestic violence, against adults or children. Of these reports, 38% led to an investigation. The National Board of Health and Welfare's survey also shows that there are significant differences between the municipalities regarding the percentage of reports that led to an investigation.

When a report of violence against a child is received, according to the National Board of Health and Welfare's stipulations, an investigation should begin promptly.<sup>14</sup> Through contact with social workers, Children's Welfare Foundation Sweden understands that the increased number of reports puts significant

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<sup>8</sup> CRC/C/SWE/CO/5. Point 28(d) and 29(a)

<sup>9</sup> CRC/C/SWE/CO/5/point 27

<sup>10</sup> Committee on the rights of the child. Concluding observations: Sweden. (2009).

<sup>11</sup> Among others, Kroppslig bestraffning och annan kränkande behandling av barn i Sverige 2011 (Physical punishment and other inappropriate treatment of children in Sweden 2011) and Våld mot barn 2016 – En nationell kartläggning (Violence against children 2016 – A national survey).

<sup>12</sup> National Board of Health and Welfare 2019

<sup>13</sup> National Board of Health and Welfare. 2019. Anmälningar om barn som far illa eller misstänks fara illa – nationell kartläggning 2018 (Notifications of children who are faring poorly or are suspected of faring poorly – National survey 2018).

<sup>14</sup> National Board of Health and Welfare. 2019. Anmälningar om barn som far illa eller misstänks fara illa – nationell kartläggning 2018 (Reports of children who are faring poorly or are suspected of faring poorly – national survey 2018).

pressure on an already heavily burdened group of professionals. The general view is that it is good that violence is reported and investigated. More reports do not necessarily mean more children are subjected to violence. The fact that the number of reports is increasing is likely the result of many years of work to spread information about the consequences of violence and the fact that the responsibility to report has been more sharply defined for several professional groups. The increased number of reports is not only negative, but must be met with sufficient resources regarding budget, interventions, ventures and staff. Many social services offices in Sweden are currently overloaded, which means there is a risk that children who are faring poorly will not receive the help and support to which they are entitled in accordance with the Convention on the Rights of the Child. It is also important to continue to work to spread information about the consequences of violence and the duty of reporting, because even though the number of reports has increased, there are likely still many unreported cases.

In the report *Våld mot barn 2016 – en nationell kartläggning (Violence against children 2016 – a national survey)*, 4,741 pupils answered questions about exposure to different forms of violence throughout their childhood. The method chosen by the Children's Welfare Foundation Sweden is to allow children and adolescents to answer the questions anonymously themselves. This gives children who have been subjected to violence, including those who have been in contact with the authorities, the opportunity to be heard. The responses paint a fairer picture of the situation than the number of reports can provide. Thus we can begin to sense the breadth of the violence to which children are subjected. When we count all forms of child abuse that we ask about in the survey – physical abuse, emotional abuse, neglect, observed violence between adults in the family and sexual abuse – a total of 44% have been subjected to some form of child abuse at some point in their lives. According to the study, child abuse commonly takes place within the family. 36% of students have been subjected to some form of abuse by a parent, stepparent or foster parent during childhood. This includes physical violence, emotional abuse, neglect, witnessed violence against a parent and sexual abuse.<sup>15</sup>

The Children's Welfare Foundation Sweden has carried out a project, partly funded by the government, that involved mapping the type of support and treatment offered to children who have been subjected to violence throughout Sweden.<sup>16</sup> From the project *Stöd och behandling för barn som utsatts för våld eller övergrepp (Support and Treatment for Children Who Have Been Physically or Sexually Abused)*, it emerged that the situation varies in different municipalities. When violence occurs, the support that children and parents may receive depends on where in Sweden the family lives. In some places, everyone must wait until the investigations are finished. Often, by then the focus has shifted from concerns of violence to questions about evidence and doubt. In other areas, crisis support is offered to both parents and children immediately after the child has been heard by the police, with a focus on helping everyone handle the crisis entailed by the disclosure of violence and the fact that the authorities will be investigating the family. If the child will remain with the family, many also offer violence-preventing treatment for children and parents, sometimes in parallel with the ongoing investigation.<sup>17</sup>

In 2017, Children's Welfare Foundation Sweden published a description of the work model *Efter Barnförhöret (After the Forensic Interview with the Child)*<sup>18</sup>. The background is that children who have spoken with the police due to suspected child abuse at home do not receive the support and information to which they are entitled in conjunction with the hearing. Today, many children in Sweden are left entirely alone after being interviewed by the police. Sometimes children are left at a preschool or school after the police interview and then meet the parents alone. In the work model *After the Forensic Interview with the Child*, social services offer a home visit on the same day that the child is interviewed by the police. This means that children receive information about their right to protection from violence and parents receive information about how negative violence against children is, and about alternative child-rearing methods. Parents and children also receive information about the possibility for support and treatment and, if needed, can be

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<sup>15</sup> Jernbro, C & Jansson S Children's Welfare Foundation Sweden. *Våld mot barn 2016 – en nationell kartläggning (Violence against children 2016 – a national survey)*.

<sup>16</sup> Söderström, B & Landberg, Å Children's Welfare Foundation Sweden. 2019. Support and treatment for children who have been subjected to violence and sexual abuse. Project report and proposals for a model.

<sup>17</sup> Children's Welfare Foundation Sweden. 2019. Support and treatment for children who have been subjected to violence and sexual abuse. Project report and proposals for a model.

<sup>18</sup> Elfström, H., Landberg, Å. & Olofsson, G. 2017 *Efter barnförhöret – en modell för att ge stöd och information till barn och föräldrar efter misstänkt barnmisshandel (After the interview with the child – a model for providing support and information to children and parents after suspected child abuse)*.

referred to suitable support or treatment initiatives. With this approach, children get to speak up and are given the opportunity to describe their experience of the situation, to ask questions and to be heard.

Treating children who have been subjected to violence requires preventive work and treatment at different levels. This means so-called stepwise models must be designed. This has previously been done for children who witnessed violence against a parent.

Promotion is a first level that involves promoting good parenting in all families. Prevention involves preventing children from being subjected to abuse at home. Secondary prevention involves interventions offered to all children who have been abused. Treatment is offered to children who have developed problems as a result of abuse.

We have identified several areas that require continued development: Mandatory questions about violence and abuse. Crisis support and support in parallel with the investigation. Collaboration on and methods for children with disabilities who have been subjected to violence. Increased knowledge of and methods for children who have been emotionally abused, neglected, experienced honour-related violence or violence during war, escape and immigration, as well as children who have been subjected to multiple forms of child abuse. Documentation routines that provide an overview of initiatives for abused children and that facilitate the study of how support works for girls and boys, for children with chronic diseases or disabilities, children with ethnic backgrounds other than Swedish, or children who identify as LGBTQ.

In Sweden, it is rare for any form of specialised treatment to be offered to children who have been physically abused and traumatized within the family, and most children remain with their family. There is little research into effective intervention methods to stop violence in families, even though it is well documented that physical abuse has far-reaching negative effects on children. In light of the above, Children's Welfare Foundation Sweden, in cooperation with researchers, has been testing a treatment model since 2006 for families in which child abuse has occurred. The Combined Parent-Child Cognitive Behavioral Therapy (CPC-CBT) model was developed by Melissa Runyon at the CARES Institute, New Jersey, USA, and has been tested in the US with promising results. In Sweden, the treatment method is called KIBB – Kognitiv Integrerad Behandling vid Barnmisshandel (Cognitive Integrated Treatment of Child Abuse). A pilot study was conducted in 2010–2011 with promising results in Sweden as well. The goal of KIBB is for parents who physically abuse their children to stop being violent.<sup>19</sup>

In 2012, Children's Welfare Foundation Sweden obtained funding from the Public Health Agency of Sweden to <sup>20</sup>conduct a larger research study. The purpose was to investigate whether KIBB, as the pilot study showed, was an effective treatment for parents and children and whether, after completing the treatment, children reported reduced physical punishment and improved parenting strategies. The results were published in a doctoral dissertation in spring 2019.<sup>21</sup> The focus of KIBB was on the children's narratives and the consequences of violence. The treatment led to a reduction in violence and improved relationships between children and parents. The children's trauma symptoms reduced or disappeared entirely. The effects continued six months after treatment. Interview studies show that the children appreciated the treatment, which served as a turning point for them from one trajectory (living in fear of violence) to another (living without fear).

To increase children's access to support and treatment, the Children's Welfare Foundation Sweden proposes a model that can be applied in all regions of Sweden.<sup>22</sup> It is based on Barnahus (*the government agency collaboration for children who have been subjected to violence*), which most municipalities are already involved in. In the model, Barnahus has responsibility for working to ensure that all children who have been subjected to violence or abuse have access to the support and treatment to which they are entitled. Resources for information, support and treatment for all categories of abused children, their relatives and

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<sup>19</sup> Kjellgren C, Svedin CG & Nilsson D 2013. Child Physical Abuse—Experiences of Combined Treatment for Children and their Parents: A Pilot Study. Child care in practice. <sup>19</sup>Vol. 19, No. 3, July 2013, pp. 275-290. Published online: 20 Jun 2013.

<sup>20</sup> in collaboration with researcher Jobanna Thulin at Linnaeus University.

<sup>21</sup> Thulin, J. (2019) Putting words to child physical abuse: Possible consequences, the process of disclosure, and effects of treatment. From children's perspectives.

<sup>22</sup> Söderström, B & Landberg, A Children's Welfare Foundation Sweden. (2019). The fourth room – a model for treating children who have been subjected to violence or abuse.

other important adults are concentrated and coordinated there. Other services are supported with consultation and guidance. Barnahus serves as a knowledge centre in the region through information and distribution of knowledge about violence against children. Barnahus does not have the right to request information from the associated authorities, nor may they compile a list of children who have passed through. Current legislation prevents the joint compilation of statistics, thus making it difficult to follow up and plan operations in Barnahus. A legal change is required that will make it possible for collaborating parties to share information throughout the investigation, to compile shared statistics and a log of the initiatives that have been provided to each individual child at Barnahus. There is no national policy stipulating that children who are suspected of being subjected to violence will be interviewed in a child-friendly environment in which the involved authorities are gathered and collaborate under one roof. It is urgent for such a policy to be put into place so that all children in Sweden have access to a Barnahus facility if needed.

It is well known that children and adolescents with disabilities are at increased risk of being subjected to violence; a risk that is estimated to be 1.7–2.1 times higher when considering other background factors. This involves domestic violence, violence from peers, sexual abuse, forced sterilization, forced abortions and violence that takes place during treatment initiatives and at institutions. In 2016, the Children's Welfare Foundation Sweden noticed a lack of collected Swedish research-based information about violence and abuse of children with disabilities. With government funding, the Children's Welfare Foundation Sweden conducted the study *En systematisk kunskapssammanställning om utsattheten för våld och kränkningar mot flickor och pojkar med funktionsnedsättning (A systematic knowledge compilation on vulnerability to violence and abuse among girls and boys with disabilities)*. The study showed that only a few Swedish incidence studies illuminated the extent to which children with disabilities are subjected to physical abuse.<sup>23</sup> Instead, all studies have focused on physical punishment and abuse by a parent or someone with parental responsibilities at that time.

The study shows significant deficiencies in different professionals' knowledge and skills regarding all forms of violence against children, children with disabilities and especially information about the high risk of being subjected to violence among children with disabilities. We see clear inadequacies in research on violence against children with disabilities. These inadequacies apply to the scope and focus of the research. Most studies have not focused on the different kinds of violence to which children with disabilities may be subjected to; rather, chronic disease and disabilities have been included as one of many background factors when studying health, health behaviours, social adjustment and adjustment to school among children in Sweden. The areas that are best covered using this method are bullying and physical child abuse, while there are few studies of children who have witnessed violence or who have been subjected to different forms of sexual abuse. There is no overarching national study focused on and encompassing multiple disabilities, their levels of severity and the environments in which they occur.

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<sup>23</sup>Svedin, C-G, Jonsson, L, Landberg, Å. (2016) Om barn med funktionsnedsättning i Sverige och deras utsatthet för våld och kränkningar (On children with disabilities in Sweden and their vulnerability to violence and abuse).

**It is the opinion of the Children's Welfare Foundation Sweden that:**

**A national strategy and a national action plan are needed to counteract violence against and abuse of children.**

**To meet the needs of children and improve the detection of children who have been subjected to violence and abuse, knowledge and competence must be prioritised for professionals who deal with children. The increased number of reports must be met with sufficient resources regarding budget, ventures, interventions and staff. It is important that efforts to provide information about the consequences of violence and the duty of reporting do not subside.**

**Continuous national studies must be carried out every five years on violence against children, sexual abuse of children and parenting methods. There is a need for statistics on violence against children with disabilities. The state should be responsible for ensuring that children with disabilities are represented in statistics, especially with regard to violence and abuse.**

**There is a need for national governance and coordination of Barnahus, establishing that every child who is suspected of being subjected to violations should have access to a Barnahus if needed.**

**A legal amendment is needed to allow collaborating parties to share information throughout the investigation, in order for common statistics and a log to be kept of each individual child at Barnahus.**

**The access to treatment and rehabilitation for children subjected to violence must be improved through increased concentration and coordination of the methods available. Barnahus is suggested to have a central role in the work.**

**Treating children who have been subjected to violence requires preventive work and treatment at different levels. This means so-called stepwise models must be designed.**

**To help assess ongoing treatment needs, several types of instruments should be available to support the mapping of traumatic events, post-traumatic symptoms as well as risk behaviours and protection factors.**

**Children subjected to domestic violence must be paid special attention. The work model *After the Forensic Interview With the Child* can be classified as secondary prevention, to the extent that it is offered to all children who are identified, but it must be supplemented with treatment initiatives for children who have developed post-traumatic stress disorder or where other treatment needs have been detected.**

**Access must also be made available to treatment initiatives for future problems, such as witnessed violence between parents, sexual abuse, honour-related oppression or experiences of war, escape and immigration, as well as adapted methodology for special conditions such as addiction and disability.**

# Family environment and alternative care

## Separation from parents (art. 9)

Best interest of the child (art. 3)

Respect for the views of the child (art. 12)

Periodic review of placement (art.25)

The Committee on the Rights of the Child notes amendments to the Children and Parents Code's stipulations on custody, residence and contact, but has concerns that compliance with the principle of the child's best interests is not sufficient in practice<sup>24</sup>. Both research and practice have made it clear that current work methods and administrative processes are neither adapted to nor sufficiently effective for addressing the problems and producing sustainable solutions with a focus on the child's best interests. Research shows that parents who argue about custody, residence or contact often have difficult problems and the children often end up in very vulnerable situations. Play (which is vital) and schoolwork can both suffer, and relationships with friends can be affected.<sup>25</sup>

In 2014–2017, the Children's Welfare Foundation Sweden ran the *Samverkansteam (Collaboration Team)* development project, partly funded by the government, to raise awareness about children of parents in custody disputes or conflicts and who are at risk of faring poorly. The basis of the experiments was the knowledge that children's rights are not being sufficiently met; that families engaged in conflict during separation may need coordinated support from multiple authorities, not just help working together; and that social resources must be used more efficiently. The goal was to come in early and develop better adapted work models that involved both parents and children in order to achieve a secure relationship between children and parents and to strengthen the child's right to participation.

This was done via the evidence-based questionnaire Doors, which is an example of how, with the help of early detection, it is possible to counteract the escalation of conflicts about contact and custody. Through the survey, mental health problems were detected in both children and parents and information about violence emerged. Better adapted support initiatives could thus be established early on. The final report *Samverkansteam 2017 (Collaboration Team final report 2017)* established that children's situations and participation require more attention and that children do not have sufficient access to support and help.<sup>26</sup>

According to a study conducted by the Children's Welfare Foundation Sweden, 11% of students in grades 9 and 2 in high school stated that their parents were in disagreement about where the child should live or how much the child should see the other parent. Among students who reported that parents were in disagreement on residence or contact, on individual occasions 71% had been subjected to some form of abuse. The same applied to 84% of students who reported that their parents were often in disagreement.<sup>27</sup> To meet the child's best interests during conflicts over residence or custody, early initiatives for children in risk groups must be developed, evaluated and implemented.

The Swedish judicial system heavily emphasises both parents of the child having shared and equal responsibility for the child's health and development both before and after a separation. The prioritisation of parental rights was originally and is partially still an effort to preserve the relationship between the child and parent after a separation. Often, custody disputes do not involve disagreements over who should have custody of the child, but over how the child should live and how to organise contact with the parents. The

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<sup>24</sup> CRC/C/SWE/CO/5 point 17

<sup>25</sup> Rejmer, A., (2003) Vårdnadstvister. En rättssociologisk studie av tingsrätts funktion vid handläggning av vårdnadskonflikter med utgångspunkt från barnets bästa (Custody disputes. A legal sociological study of the function of district courts when handling custody battles, based on the child's best interests). Lund, Studies in Sociology of Law, Bergman & Rejmer. 2017, Rejmer 2003, SOU 2017:6 Se barnet! (See the child!)

<sup>26</sup> Gabrielsson, M Eriksson, M Bruno, L Klingstedt, ML Danermark, B & Englund, U Children's Welfare Foundation Sweden. (2018) Slutrapport, samverkansteam – för stöd till barn och föräldrar i samband med separation (Final report, Collaboration Team – in support of children and parents during separation).

<sup>27</sup> Jernbro, C Jansson, S & Landberg Å Children's Welfare Foundation Sweden. (2017) Våld löser inget – sammanfattning av en nationell kartläggning om våld mot barn (Violence solves nothing – summary of a national survey of violence against children)

ambition for continued shared custody is based on the child's best interests, but often involves controversy between parents and their right to the child, rather than what is best for the child.<sup>28</sup>

The National Organisation for Women's Shelters and Young Women's Shelters in Sweden states that in some cases, efforts for shared custody risk infringing upon the principle of the child's best interests. The fact that these interests are sometimes difficult to unite is clear in custody inquiries and in other social services assignments. Custody battles that end up in court are primarily a struggle for parental rights between the parents. It is the opinion of the Children's Welfare Foundation Sweden that legal disputes over children should be avoided as far as possible because they risk harming the child. Early initiatives aiming to counteract any custody disputes further down the road therefore need to be established. Even when social services' custody inquiries are based on the child's best interests rather than parental rights, district courts rarely lean on the assessment of the investigation, which must ensure the child's best interests and make statements accordingly. A large part of ensuring the child's best interests involves listening to the child, which rarely happens in custody investigations or in court.<sup>29</sup> Far too often in cases in which the child is heard within the framework of a custody investigation, it is not on the child's terms, and the child's voice tends to be weakened before the court is made aware of what the child has said.

Society compromises far too often when it comes to protecting children from perpetrators of violence in conjunction with custody and contact. Instead of protecting the child from violent offenders and, in extreme cases, a convicted murderer, parental rights to custody and contact with the child have been given more weight. According to the Children's Welfare Foundation Sweden, this is unacceptable. Children should not be forced to have contact with a parent who is violent or who has murdered the other parent.

Legislation is based on the concept that children need a close and good relationship with both of their parents and to help parents achieve this goal, the Social Services Act stipulates that all municipalities must offer cooperation talks. The purpose is for parents to be able to process their conflicts and find mutually agreed solutions that are consistent with the child's best interests in matters pertaining to the shared children.<sup>30</sup> In an enquiry implemented within the framework of the Children's Welfare Foundation Sweden's Collaboration Team project, the possibility to support, to a greater extent, the child's situation within the framework of cooperation talks was investigated. Cooperation talks are not a measure pertaining to care or treatment initiatives for the child, but rather to social services' other work with children. This means that the child's best interests are not expressed as the crucial interest (Chapter 1, section 2, paragraph 2, SoL). Instead, the weaker wording of Chapter 1, section 2, paragraph 1 of SoL applies, according to which the child's best interests shall be specially observed. Because parental rights to private and family life are strongly protected, this weighing of interests may result in an advantage for parental rights. If the purpose of the cooperation talks were to achieve, for instance, a stable partnership between parents who do not live together and the child's best interests were crucial – it would produce opportunities for other approaches to working within the legislated cooperation talks, which could be more beneficial for the child.<sup>31</sup>

Sweden has long had a prevalent tradition that, whenever possible, children should live with their biological parents, a result of the strongly established parental rights. As a result, moving home after foster care placement is very common. When children once again become subjects of care outside the home after moving home, this can lead to repeated moves between the home and foster homes.<sup>32</sup> National adoption is rare in Sweden. According to the National Board of Health and Welfare, 18 children were adopted within Sweden in 2014<sup>33</sup> which can be viewed in relation to the almost 30,000 children who were

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<sup>28</sup> National Organisation for Women's Shelters and Young Women's Shelters in Sweden. (2016) Våld och vårdnad – lagstiftning och praxis (Violence and custody – legislation and practice). <sup>28</sup>Viewed 6 February 2020 <https://www.roks.se/sites/default/files/2017-03/Va%CC%8Ald%20och%20va%CC%8Ardnad%20slutlig%20version.pdf>

National Organisation for Women's Shelters and Young Women's Shelters in Sweden (2016). Våld och vårdnad – lagstiftning och praxis (Violence and custody – legislation and practice). <sup>29</sup>Viewed 6 February 2020 <https://www.roks.se/sites/default/files/2017-03/Va%CC%8Ald%20och%20va%CC%8Ardnad%20slutlig%20version.pdf>

<sup>30</sup> SoL Section 3 The municipality shall ensure that parents can be offered talks, conducted by an expert, with a view to reaching agreement in matters relating to custody, residence and contact, and matters relating to provisions for the child (cooperation talks),

<sup>31</sup> Children's Welfare Foundation Sweden. (2018) Slutrapport, samverkansteam – för stöd till barn och föräldrar i samband med separation (Final report, Collaboration Team – in support of children and parents during separation.)

<sup>32</sup> Viktoria Skoog. (2013) Barn som flyttas i offentlig regi – en studie av förekomst och upplevelser av instabil samhällsvård för barn (Children who are moved in public care – a study of the occurrence and experiences of instability in out-of-home care for children).

<sup>33</sup> <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2017-8-1.pdf>

cared for outside of their homes in the same year. The instability in a child's daily life in conjunction with a placement breakdown may risk negatively affecting the child's schooling, health and development. Foster homes in Sweden lack sufficient and adequate support for the role of foster parents, which must be reviewed in order to increase the child's wellbeing, safety and security and to reduce the risk of breakdowns. Social support is not currently sufficient to create the stability and continuity desired within foster care.

**It is the opinion of the Children's Welfare Foundation Sweden that:**

**The child's situation and participation need to be prioritised and the child should have improved access to support and services in matters pertaining to custody and contact.**

**Methods for early detection need to be developed and early initiatives aiming to counteract any custody disputes further down the road need to be offered. Sweden must accelerate the implementation of the questionnaire Doors for adults and develop Doors for children.**

**To fulfil the rights of children in contact and custody disputes, children must be entitled to their own agent who handles the child's rights during the process.**

**The right to contact should be limited during investigations of violence against children or deadly violence against a parent. Children should not be forced to have contact with a parent who is violent or who has murdered the other parent.**

**A parent suspected or convicted of murder of the other parent should never have custody of the child.**

**The aim of cooperation talks must be reformulated in the Social Services Act to make the child's best interests crucial.**

**Support for foster homes in Sweden must be reviewed and expanded to increase the child's safety and security and to reduce the risk of breakdowns. Social support is not currently sufficient to create the stability and continuity desired within foster care.**



# Education, leisure and cultural activities

## Right to education, including vocational training and guidance (art. 28) and Aims of education with reference also to quality of education (art. 29)

Non-discrimination (art. 2)

Best interest of the child (art. 3)

Right to life, survival and development (art. 6)

Respect for the views of the child (art. 12)

Children deprived of family environment (art. 20)

Since the year 2000, segregation in Swedish schools has increased. Students' family backgrounds are a strong factor in students' grades. Since 2000 we have seen an increase in the significance of socioeconomic background for students' grades. The promotion of equal schooling is emphasised in all policy documents in schools and education. To meet the goals for equal schooling, special attention must be paid to children who we know have poorer conditions than other children for managing their schoolwork.<sup>34</sup>

Children in out-of-home care are an especially vulnerable group whose grades are generally much lower than the national average<sup>35</sup>, which impairs their future potential for good health, development and working life. To ensure the child's right to a good education and reduce marginalization of children in out-of-home care, active preventive methods aiming to support these children must be implemented in all Swedish municipalities.

According to the Convention on the Rights of the Child, article 20, a society has special responsibility for children in out-of-home care and for protecting their rights. The Committee on the Rights of the Child encourages all convention nations to take preventive action to ensure positive results for all children with regard to laws, policies and programmes. To achieve true equality, convention states should also identify which groups of children qualify for special measures and use public budgets to implement these measures.

Managing school is an important protective factor to combat social exclusion. Research shows that for children who leave grade nine with eligibility to apply to a high school, their risk of future exclusion is cut in half.<sup>36</sup> The special responsibility of society when a child is cared for outside of the home includes creating the best possible conditions for the child to have safe and successful schooling. As stated in article 29 of the Convention on the Rights of the Child, the right to education is not only about handling basic requirements, but also being given the conditions for achieving their individual potential and developing their individual abilities. Current legislation and national guidelines aiming to compensate for foster children's conditions for school are often based on goals for achieving the basic requirements of school.

Attempts to compensate for this issue should not be based upon a lowest level that tends to underestimate children's abilities. It should focus on their individual potential rather than their socioeconomic background. The National Agency for Education states that a contributing factor to underperforming and failing in school is that school staff's expectations of students' school capacity are too low, and as a result

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<sup>34</sup> <https://www.skolverket.se/download/18.6bfaca41169863e6a65d200/1553967875648/pdf3927.pdf>

<sup>35</sup> National Board of Health and Welfare and the National Agency for Education. (2013) Placerade barns skolgång och hälsa – ett gemensamt ansvar (Schooling and health among children in foster care – a shared responsibility).

<sup>36</sup> Sonia Jackson and Claire Cameron (Eds), (2015) Improving Access to Further and Higher Education for Young People in Public Care: European Policy and Practice. *Psychology Learning and Teaching* 14(1):74-76

their requirements of students are too low.<sup>37</sup> It is therefore crucial to base expectations and requirements of children in out-of-home care on individual ability, not on family background.

According to the National Board of Health and Welfare's report *Öppna Jämförelser 2015 (Open Comparisons 2015)*, 55% of children in out-of-home care were eligible for high school.<sup>38</sup> Among all children in the country as a whole, 84.3% were eligible to apply to high school in 2019. The Skolfam work model is currently the best documented and researched Swedish model for promoting beneficial school development for children in foster care. Skolfam is a preventive work model in which the child's abilities and knowledge gaps are tracked using standardised tests, and the school and foster home continuously monitor the child's development. An important pillar of Skolfam's work involves starting from the child's individual abilities and potential. Skolfam's annual summary from 2019 showed that 79.1% of children who took part in Skolfam achieved eligibility for high school, a figure which is far above the National Board of Health and Welfare's statistics for grades of children in out-of-home care. When the children in Skolfam who study an additional year after grade nine are included, the figure is 83.4%.<sup>39</sup>

The Committee on the Rights of the Child has criticised Sweden for the major municipal differences when it comes to support for children in socially vulnerable situations. Whether one has access to support from Skolfam depends on the municipality in which one lives, which gives different children different conditions to succeed at school.

SAMS and Skolfam are two models that differ with regard to design and content. SAMS is a model developed by the National Agency for Education, the National Agency for Special Needs Education and Schools, and the National Board of Health and Welfare aiming to counteract interrupted schooling. It is incredibly valuable for children in foster care to have continuity in their schooling, but access to school should be considered a matter of course, rather than a compensatory measure. The model description (SAMS) states that the model can 'be supplemented with more content or method-oriented models, such as Skolfam', which is seldom the case.<sup>40</sup>

### **It is the opinion of the Children's Welfare Foundation Sweden that:**

**The national guidelines pertaining to schooling for children in out-of-home care should be expanded. National guidelines should go hand in hand with the applicable legislation, which establishes the rights of children to individually adapted support in schools and compensatory preventive support for children in risk groups. It should also be consistent with children's rights to develop their individual abilities and their full potential at school.**

**Preventive initiatives and models focused on all children in out-of home care should be developed. Goals for initiatives and support targeting especially vulnerable groups in school should not be formulated based on a minimum level. The unequal conditions of children in risk groups should be compensated and their individual abilities and maximum potential should comprise the basis for the preventive school support which they are offered.**

<sup>37</sup> National Agency for Education. (2009) Vad påverkar resultaten i svensk grundskola? Kunskapsöversikt om betydelsen av olika faktorer (What affects grades in Swedish primary schools? Knowledge overview of the significance of different factors).

<sup>38</sup> National Board of Health and Welfare. (2015) öppna jämförelser social barn – och ungdomsvård (open comparisons social children – and adolescent care).

<sup>39</sup> Tengvall, E & Tordén, R Children's Welfare Foundation Sweden. Skolfam 2019 – a work model that helps children in foster care succeed in school.

<sup>40</sup> The National Agency for Education, National Board of Health and Welfare and the National Agency for Special Needs Education and Schools. (2018) SAMS Samverkan socialtjänst skola – Obruten skolgång för placerade barn och unga (SAMS Collaboration social service school – Uninterrupted schooling for children and adolescents in foster care).





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