

Child's Rights in Sweden

An Experience

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Abstract

The rights of the child is one of the major area of concern and since the implementation of the UN Convention on the Rights of the Child 1989 international community has committed itself to the protection of these rights. SIDA and Children's Ombudsman, Sweden are working in cooperation with each other to organise training programmes for different regions of the world to expose functionaries of these countries about the rights of children and their protection. This article is based on my experiences of a recent visit to Sweden to attend one such training programme on Child's Rights.

This article is based on my experiences of a recent visit to Sweden to attend a training programme on Child's Rights, organised by the Children's Ombudsman, Stockholm in cooperation with SIDA. The training programme centred around the four Pillars of the Convention on the Rights of the Child (1989), i.e. (a) the Right to Participation, (b) the Right against Discrimination, (c) the Best Interest of the Child, and, (d) the Right to Life and Development. However, it was strongly stressed that before any of these rights become operative, the right to life of the unborn child should be given priority. In that case all other rights will be complementary, and the absence of one

will make the promotion and protection of the rights of the child meaningless. The programme was started with team building activity focused on a session called knot **tying and untying the knot**. This session reiterated the importance of cooperation and networking in the task of promoting the rights and best interest of children. The session also included the **paint/draw yourself** activity where the participants described themselves in a drawing. It is a common observation that all the applicants have their respective families in the core centre of their life, and most of them have hobbies related to reading, travelling and swimming. The programme provided very comprehensive learning experiences on

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what are the rights of children in general, and how it being is addressed and protected in Sweden in particular.

Sweden is one of the largest countries of Europe, and only Russia, Ukraine, France and Spain are larger than Sweden. However, the population of this large country is not very large, and is only nine million people, with two million children sharing 25 per cent of the total population. Sweden ratified the UN Convention on the Rights of the Child (CRC) following a decision of the parliament in 1990 and implemented it throughout the country to fulfil various obligations aimed at equal treatment for all children and protection against discrimination. The purpose of the act is to safeguard and promote equal value of each individual and everyone's right to be treated as an individual on equal terms. Sweden firmly believes that in a democratic society there is no place of discrimination and each individual—child or adult, has the right to be treated as an individual on equal terms. To translate this conviction into practice the Swedish Government enacted a bill (Government Bill *Security, respect and responsibility—the prohibition of discrimination and other degrading treatment to children and school students* (Govt Bill 2005). The purpose of this bill is to safeguard and promote equal value of each individual and everyone's right to be treated as an individual on equal terms. The Act prohibits discrimination on grounds of sex, ethnic origin, religion or other beliefs, sexual orientation and disability. It also covers other degrading treatments such as bullying and sexual abuse, etc. It ensures that each pre-school and school has equal treatment

plan for each activity with a view to promote equality and combat harassment. In case of any harassment in school, the child has a right to lodge a complaint which is thoroughly investigated upon and it becomes the responsibility of the school to prove that no such harassment has taken place. The Act applies to all stages of education including pre-school activities, school age child care, pre-school classes, compulsory and upper secondary school, special schools for students with learning disabilities, special needs schools, *sami* schools, and municipal adult schools.

The Swedish Government prepared a National Action Plan (2006-2009) to address issues related to human rights in the country. The focus of the NAP is on protection against discrimination. Other issues include the rights of the disabled people, the rights of the child, national minorities, the indigenous *Sámi* people, and men's violence against women including violence in the name of honour and human trafficking, the right to work, housing, health and education, rule of law issues and asylum and migration. Besides a number of measures aimed at increasing knowledge and information on human rights, both, within educational system and among the general public are announced. Finally, the action plan addresses issues pertaining to the organisation of human rights efforts and methods and follow-up and evaluation of action plan.

Sweden has Ombudsman system to protect the interest and rights of its citizens. There are a number of Ombudsman in the country elected for four year period to address the human rights issues of their target groups. These

are as follows:

- The Parliamentary Ombudsman (Justice Ombudsman JO).
- The Consumer Ombudsman (Konsument Ombudsman KO).
- The Equal Opportunity Ombudsman.
- The Ombudsman against Ethnic Discrimination.
- The Ombudsman against Discrimination Because Of Sexual Orientation.
- The Children's Ombudsman.
- The Office of the Disability Ombudsman.
- The Press Ombudsman.

The Child

Just like India, a person up to the age of 18 years is considered as child in Sweden and protected under children's Ombudsman. The present Ombudsman was established by an Act of Parliament in 1993 and functions under the Ministry of Health and Social Affairs. Its activities focus around five principal areas;

- The UN convention on the Rights of the Child (CRC) – information, implementation and application.
- Children in vulnerable situation such as bullying and sexual abuse.
- The influence of children and young people in school and society.
- The condition of children and young people—legally, politically and socially.
- Coordination and development of public activities pertaining to safety of children and young people.

One of the important tasks of children's Ombudsman is to represent

children and young people in public debate, shaping opinion and influencing the attitude of politicians, decision makers and general public on questions relating children and young people. It also coordinates and cooperates closely with other public authorities and organisations dealing with issues affecting children and young people at various levels of society.

The Ombudsman submits an annual report to the government on areas where the rights of children are not fully followed or CRC of UN has been not properly addressed. The report also provides the true picture of conditions under which the children of Sweden are growing up. Therefore, the Children's Ombudsman in Sweden acts as watchdog protecting the rights of children and young people in the Swedish society.

Social welfare and Insurance of Children in Sweden

Children in Sweden are highly valued and taken care of by the government. They are provided with a number of allowances like parental insurance, child allowance, adoption allowance, and maintenance support, care allowance for sick and disabled children, Child's pension and pension rights for child care years. Some of the significant schemes are as follows;

- Basic Child Allowance is paid to each child of the country under the age of 16 years.
- Extended Child Allowance (SEK 950 month) for children aged 16 yrs or over and attending secondary school.
- Additional Child Allowance for families for three or more children. A

supplement amount of SEK 250 month is paid for the third child, SEK 760 month for the fourth and 950 for the fifth and any further children. Clearly big family in Sweden is encouraged.

- Student grants is given to all children attending upper schools.
- Housing allowance is given to approximately 30% percent households of the country. Again the amount of the grant varies according to the number of children in the household and the more children the larger the amount is.
- Maintenance support for a child with parents separated is paid to the custodial parent by the Social Insurance Agency.
- Parents of sick and disabled children are also entitled to an allowance that helps them to take care of these children.

Sweden is a free society with unmarried couples living together, live-in relationships, gays and lesbians relationships accepted by the law and society. Divorces and break-ups are common in the society. Child's interest under such situations becomes a priority of the Government. Therefore, maintenance support for a child, with parents divorced, is paid to the custodial parent by the Social Insurance Agency. The custodian parent's income does not matter in this context. It was quite heartening to know that there was no orphanage in Sweden and such children are placed under that care of foster parent who are in turn given handsome allowances to take care of the child. Human life matters in a society where

population is low and the government has enough even surplus financial resources to provide safety and security to these children.

Education in Sweden

Education in Sweden is the responsibility of Municipalities since 1991. Education is compulsory in the country for all children between the age of seven and sixteen. Pre-school education is open for children from one year to five year of age. In these schools play-way method is followed, and child's interest and needs are taken care of. Municipalities have obligation to provide pre schooling to children whose parents are working or studying. Children whose parents are unemployed are entitled to at least 15 hours of pre- school per week. By 2005, 77.3 per cent of all the children of the country between one to five years were registered in Pre-school, and 6.1 per cent children in family day care homes. There is no fixed fee structure in Sweden, and the fee in these schools are charged on the basis of parents' income ranging from three, two and one per cent of parental income for first, second and third child respectively.

As indicated in the preceding section compulsory education in Sweden starts at the age of seven years and all education in the public school system is free of charge. A national timetable specifies the minimum amount of time to be spent on each subject, which covers Swedish (alternatively Swedish as second language), English, Mathematics, natural sciences, social studies, religious studies, arts and crafts, physical education and health. Within the broader

framework, the individual schools are given freedom to allocate more time for certain subjects.

According to Swedish Education Act, all children of the country have equal access to education without any discrimination. Children proceed according to their own ability and pace and official grades are not given until the autumn term of eighth year where a *three grade system is followed – C for pass, B for merit, and A for distinction*. To get admission into High School a pass is needed in Swedish, Mathematics and English. 89.2 per cent students meet this requirement. The school year is divided in two terms. The autumn term begins around mid August and continues until December, with a one week break. The spring term starts in the second week of January and continues until second week of June with one week off in February and one week around Easter, in March and April. A regular school week is five days long for the entire country.

High School is non-compulsory and free of charge. The duration of high school programme is three years. Students can choose from 17 different programmes with general qualifications to study at collage and universities. In Swedish schools children are given rights in the decision making process, for instance, in compulsory school boards though the parents are in majority but children are also board members with same rights to speak and vote as adults. In upper primary school boards they enjoy the majority. Local school boards are given freedom to decide on school budget, working environment etc, but they can not hire or fire teachers.

Juvenile Justice in Sweden

One of the things that impressed me the most is the juvenile justice system that gives ample opportunity to the young people to reform themselves and be the part of mainstream society. Sweden is a pluralistic welfare State that contributes to the relatively tolerant and humane society that is reflected in its juvenile justice system, which emphasises *treatment rather than punishment that is reflected in its juvenile justice system and the institutional care homes where the young offenders are placed*. In Sweden, the responsibility for responding to crimes committed by young people is shared by the social services and the judicial system (Sarnecki 1991; SOU 1993). The extent to which the judicial authorities and the social services share responsibility for the response to crimes committed by young people is mainly dependent on the age of the offender.

- For those below the age of fifteen, the main responsibility for the response to crime lies with the social services.
- For those aged between fifteen and seventeen, (and in certain cases up to the age of twenty), the responsibility is divided between the social services and the judicial authorities.
- From the age of eighteen to twenty, the responsibility lies mainly with the judicial authorities.

Swedish law places the entire responsibility for responding to the crimes committed by children less than 15 years of age on the social service. Thus, crime during adolescence is regarded as a social welfare problem.

Therefore, the objective of juvenile justice is to help the child come out of situation that forced him/her to commit the offence with active cooperation of the offender himself, instead of punishing him/her. Consequently, in the Social Service Act of Sweden there is no provision of any coercive measures. Schools generally try to solve their own problems of adolescent crimes and often have psychologists and social workers to help children with various behavioural problems. Most of the schools also have trained teachers to handle deviant behaviours. The level of the cooperation between the social services and the school however varies from municipality to municipality. Sweden has relatively low crime rates though it is increasing every year. The most common adolescent crimes are theft, burglaries, drug abuse, stealing of mobiles and other white-collar crimes. It was surprising to know that in a wealthy society like Sweden adolescents are engaged in petty crimes like stealing of mobile which is the most common juvenile behaviour in the society.

Sweden established National Board of Institutional Care in 1994 that is entrusted with the responsibility of juveniles who have been sentenced to care either under Drug and Alcohol Abuse Act (LVM) or the Young Persons Act (LVU) or by the District Courts according to the enforcement of Institutional Care of Young Persons Act (LSU). There are 35 Institutional Care Homes in the country accommodating 760 youths. As indicated earlier, the Swedish law believes in giving a second opportunity to the young offenders to improve their behaviour and be integrated in the mainstream of civil life,

therefore, there are four categories of homes in these institutions and juveniles are kept in these homes according to the severity of their crime with the provision to move from the most severe, with hardly any freedom, to the most lenient category of home where they enjoy considerable freedom to go to school and even visit their parents with or without guards. There is provision of schooling facility in these homes with one teacher for two students to give them education, vocational training, Aggression Replacement Training (ART), Relationship Classes and Personal counselling, etc. Solution Focused Therapy (Non-directive Therapy) is used in these Care Homes in order to help these offenders to realise their problems and seek their own solutions.

As the part of programme visits were organised to different institutions. The first visit included an interaction with teachers and children of a local school. The interaction with teachers and student representatives revealed the flexible nature of Swedish school curriculum and participation of students in decision making process through student representatives. We were informed of the class council for each class and school council at the school level in which representatives from each class are members. They have council networks for sixth grade classes (12 years) which meet at different schools in municipality, besides for children of 13-18 years of age Youth networks are there. These networks organise different types of activities, and discussions, invite politicians for discussions on issues related to child welfare. In Sweden, all the children receive free education, and

even free Mid-day meals where they themselves have the right to discuss the preparation of their meals. The ethnic origin of students is kept in mind while preparing meals so as to include the food requirements of all the children. Another specific feature that was observed was the nutritious value of the food provided to the children. We shared lunch with children and since the school had some Asian children also we were lucky to get delicious curry and rice along with the continental food.

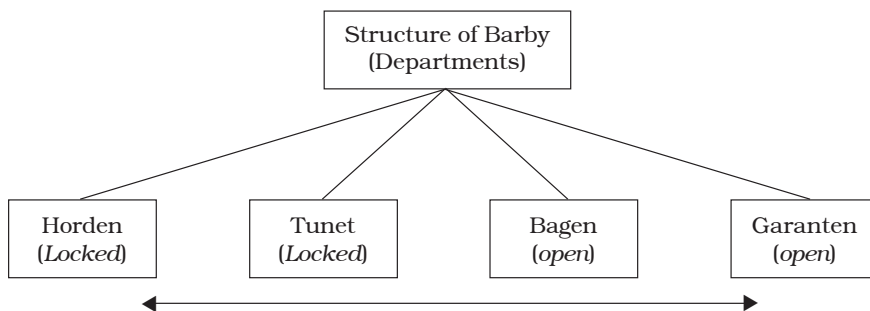
During the visit to the Prosecution Office of Stockholm and the group had a discussion with a prosecutor assigned to handle child cases. Surprisingly, the group was informed that Sweden has no set procedure for trying child cases. There are even situations where children

where kept incommunicado, and in isolation from members of their family during the investigation of the case filed against them. Unlike in other states, in Sweden the offender is not informed of his rights (Miranda warning) during arrest and investigation.

The group also visited the Central Police Station where situation of children subjected to abuse and how they felt about their offenders was presented. Sweden has Child helpline services known, as BRIS to help the child in distress. BRIS is an NGO started in 1971 to help children against abuse. The organisation is supported by around 10,000 member and 50 staff who help the child in distress. Children can contact them through toll free phones and its website- www.brie.se.

Visit to Barby-A Institutional Care Home

As the part of training a field visit to a remand home (known as Barby) for young offenders, was organised. Sweden established a National Board of Institutional Care in 1994 that is entrusted with the responsibility of the young people engaged in various criminal activities including drug abuse and have been sentenced to care either by county administrative courts according to Care of Drug and Alcohol Abuser Act (LVM), or Care of Young Persons Act (LVU), or by District Courts according to Enforcement of Institutional Care of Young Person Act (LSU). Sweden has at present 35 Institutional Care homes hosting 760 persons in them. This clearly indicates the comparatively crime free society and that provides opportunity to the authorities to take personal care of the inmates of these homes and try for their mainstreaming in the society.



As is clear from the diagram given above there are four departments of Barby, the institutional care home for adolescents, while the first two departments—Horden and Tunet appear to be more strict as the inmates here are put under lock and key, considerable freedom is available in Bagen and Garanten to the inmates. Persons convicted under LVU and LSU are brought to Horden. After staying here for some period and based on the behaviour they show during their stay they are moved to Tunet where there is provision for their treatment, education with the assistance of personal tutors (there is one teacher for two students), vocational training, aggression replacement training (twice in a week), etc. Besides once in a week relationship classes are also held for these persons once in a week along with personal counselling and awareness classes on current affairs, etc. Inmates of Bagen are allowed to go to nearby school with the escort and get education. They are also allowed to visit their homes escorted and sometimes unescorted, depending on their own behaviour. The last phase of a person's institutionalisation is in Garanten that has considerable freedom and adequate training is provided to these persons as a part of their inclusion back in the society when they are free. Though at each stage the level of freedom to the inmate is increased based on improvement in their behaviour, if there is any violence they are sent back to Horden and locked again. The person has to perform his/her journey from one home to other in order to go back to the society again. The maximum sentence under LSU is four years whereas it may be more if the person is convicted under LVU.

The system is impressive as it provides a second opportunity to a young person to improve his/her behaviour, especially to those committing a crime first time or under the influence of peer pressure. Since the number of inmates is almost negligible it is easier for the authorities to give personal attention on the education and vocational and personal counselling of inmates. Efforts are made to ensure that their confinement to institutional care does not hamper their education and prospect of employment once they are back to the society again. Though we cannot compare this elite system of juvenile justice due to the financial limitations, and sheer amount of adolescent crimes committed by our youth but this system does remind us with the philosophy of Gandhi who taught 'hate the crime and not the criminal'. Adolescents need to be given better treatment and a second

chance to improve if we really want to ensure the rights of child in true sense and promote living together in peace and harmony.

Corporal Punishment in Sweden

One of the salient features of child's rights in Sweden is the prohibition of corporal punishment both at home and school. In fact, Sweden was the first country of the world to ban corporal punishment and various surveys have shown that it is strongly supported by the Swedish population also. The Swedish Corporal Punishment Ban was passed in 1979 under which parents and those responsible for children are forbidden to physically hit their children. It is strongly believed in Sweden that *in a free democracy word should be used as argument and if parents cannot convince children with words they can never convince them with violence*. The ban is

now an Act within *Chapter 6* of the *Parenthood and Guardian Code* which expressively forbids physical punishment and degrading treatment “*children are entitled to care, security, and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment*”. In order to educate parents on this law, a special Boucher was sent to every household in the country in 1979 explaining the antspanking ban, and how to bring up children with methods other than physical punishment. The Boucher was translated in several other languages also.

The subsequent surveys conducted by various agencies in the country revealed substantive decrease in corporal punishment as a result of this ban and subsequent awareness generation campaigns. Though we cannot say that the Swedish society is completely free from corporal punishment, yet, it is an example for us to learn where violence against children is a becoming a day-to-day affair both at home and school. It is true that child learns his/her first lesson of violence from home and unfortunately from the

parents which is later on reflected in their subsequent behaviours while dealing with problems in similar situations. Corporal punishment in school in our country is also increasing, and a time has come when we realise that corporal punishment to suppress indiscipline has only temporary effect and it may result in serious social problems in future.

To sum up my experiences on the status of child's rights in Swedish society, I would like to conclude that Sweden is a relatively child friendly and child-centred society. There are many laws protecting the *best interest of child* and many professionals devote their efforts to the welfare of children, with the result that the community has a large database of knowledge concerning children's needs and development. Efforts are consciously being made to offer children with best possible formative conditions within the family and in the community at large. We the members of developing country have much to learn from the Swedish experiences and realise that we can ensure a better future for the country only by ensuring better living conditions and rights for our children who are the future of this country.

REFERENCES

- HINDBERG, BARBRO. 2001. *Ending Corporal Punishment*. Ministry of Health and Social Affairs, Sweden.
- Ministry of Health and Social Affairs. 2004. *Strategies to Implement the UN Convention on the Rights of the Child*. Fact Sheet, Sweden.
- NYBERG, LENA. 2006. *Juvenile Justice*. The Children's Ombudsman, Sweden.
- SYLWANDER, LOUISE. 2001. *Children as Participants*. Ministry of Health and Social Affairs, Sweden.