

Governance fit for Children

To what extent have the general measures of implementation of the UNCRC been realised in Sweden?



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Swedish Edition: Bra beslut för barn – samhällsstyrning för barns rättigheter
Translated into English by Graham Bowers, Ordklass på Österlen

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Foreword

[FROM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD]

The Convention on the Rights of the Child (the CRC) has the ambition to face two challenges:

- ❖ to confirm the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights – from a historical point of view, a “new” child was born in 1989;
- ❖ to offer universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living.

This new status of the child, subject of rights, is well illustrated by two principles of the Convention: The primary consideration to be given to the best interests of the child (CRC, art. 3), which places the child at the centre of all decisions affecting him/her, and the child's right to be heard (CRC, art. 12), which considers the child as competent enough for influencing such decisions. These two articles complement each other and present a concept of the active and participating child, which now has to be made a reality.

But how to translate this new status of the child and all the provisions of the Convention, including social, economic and cultural rights (food, shelter, education, health...) and rights to protection (against violence, exploitation, neglect...) into the different realities of countries, regions, communities, ethnicities, cultures and juridical systems?

The legislators of the Convention have not proposed a universal mechanism, but have drafted the article 4 stating that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”, which leaves it to the State Parties find out which measures are helpful to achieve the shared objectives of the Convention. Additional articles give directions; Article 42 (make the Convention widely known), Article 44(6) (make reports widely available), Article 2 (respect the rights of all children) and Article 3(2) (ensure protection and care).

On this basis, the Committee has generated the concept of “General Measures of Implementation” that are to serve as general prerequisites for the implementation of children's rights in details. In the General Comment No. 5 on “General measures of implementation” (CRC/ GC/2003/5) the Committee has explained what all State Parties should consider to do: examine and amend laws, allocate resources, coordinate measures, raise the awareness, carefully monitor the implementation process and arrange for an independent assessment of progress made. These measures are the toolbox for promising efforts to make the substantive rights a reality for children.

The instruments of this toolbox look so far away from what children need and desire. The Committee knows that children are not living in Ministries or in Services, but in villages and cities, in large families or with one parent alone, in an apartment house or in the streets. Still, the very concrete actions, appropriate to context and cultural background, require a framework of general measures in order to secure their effectivity and sustainability.

The studies presented in this report series has investigated, in which ways five member states of the EU and EU institutions have used such general measures of implementation. The results will be seriously considered by the committee in order to make its recommendations to State Parties the most applicable and useful for the benefit of children and their universal rights.

Jean Zermatten

Vice-Chair of the Committee on the Rights of the Child

Lothar Krappmann

Member of the Committee on the Rights of the Child

Executive Summary

This study is part of the ‘Governance fit for children’ project, and aims to examine the implementation of the Convention on the Rights of the Child’s (CRC) ‘General measures of implementation’ in five EU countries and in EU institutions. The study is co-ordinated by Save the Children Sweden, and financed by the EU.

The general measures covered in this study are: the legal status of the CRC; the development of national plans of action; co-ordination of implementation; monitoring of implementation; data collection and indicators; the visibility of children in budgets; co-operation with civil society; international co-operation; independent human rights institutions; and measures to spread information and raise awareness.

The study looks at implementation both at national level, and in municipalities of various size and character – one city (Malmö), two smaller towns (Arvika and Partille), and one small, rural municipality (Uppvidinge).

Sweden is a highly decentralised country where the municipal authorities have considerable autonomy; one consequence of this far-reaching devolution is that responsibility for the kind of service-provision that primarily concerns children – education, health, social services – lies with the municipal or regional authorities.

The methodology of the study has comprised the collection, examination and analysis of written material from Government Offices, municipal authorities, public bodies, organisations etc, together with a large number of interviews with actors at national and local level.

Legal Status of the CRC

When the CRC was ratified in 1990, the assumption in Sweden was that Swedish legislation was in line with the Convention. Incorporation – i.e. subsuming the whole of the Convention into Swedish law – was not an issue. However, in recent years the question has aroused discussion; several NGOs, and four of the political parties represented in parliament, have declared their support for incorporation, citing criticism of Sweden by the UN Committee on the Rights of the Child, and also pointing to the positive example provided by Norway, where the Convention has been incorporated. Legal experts have also explained that previous arguments against incorporation no longer hold water, as a result of the influence that EU law has in Sweden today.

In June 2010 the government pledged to carry out a survey of how well Swedish legislation tallies with the Convention. Advocates of incorporation see this as a first step towards making the Convention part of Swedish law.

Development of National Plans

In 1999 the government adopted a national strategy for implementation of the CRC in Sweden. The overarching objective of the strategy was to ensure that the Convention was taken into account in all decision-making that affected children. The strategy contained measures to be effected at national level – such as training programmes for occupational groups who work with children, and a decision that child consequence analyses should be carried out when making decisions which would affect children – and also contained recommendations to municipal and regional authorities that they should provide in-service

training for staff working with children, and also set up systems for monitoring how well the best interests of the child were present in their work.

Over the years the government has submitted a number of reports to parliament relating to the implementation of the strategy. One benefit ascribed to the strategy is that it has functioned as a shared frame of reference for the different actors in the field of children's rights. One weakness it has is that it lacks concrete targets.

In June 2010 the government presented proposals for a new strategy aimed at strengthening children's rights in Sweden. When presenting its proposals, the government underlined that there were shortcomings in the previous strategy, not least the fact that it did not lay down clear targets. The new proposed strategy consists of nine principles; among these are that: children and parents are to be informed about children's rights; conditions should be created for children to express their opinions; decisions that affect children are to be based on sound knowledge; actors whose work concerns children are to collaborate; and decisions and measures affecting children are to be evaluated.

When the strategy was presented, an announcement was also made that the government and the Swedish Association of Local Authorities and Regions have reached a joint agreement on developing child rights work in municipal and regional authorities.

Save the Children released a brief comment welcoming the new strategy, but pointing out that it needs to be accompanied by a concrete plan of action that lays down time frames for implementation and evaluation.

The national strategy is not well known in the municipalities: of the four municipal authorities included in this study, only one – Partille – has drawn up a municipal child-rights strategy. The Malmö authority is currently working on a strategy and plan of action to promote democratic participation for young people.

Co-ordination of Implementation

In the Swedish government it is the Minister for Health and Social Affairs who is responsible for co-ordination of work on the CRC, and at the Ministry of Health and Social Affairs there is a CRC Co-ordination Office.

The UN Committee on the Rights of the Child, and Swedish NGOs, have called attention to shortcomings in co-ordination between the national, regional and municipal levels. With reference to the advanced degree of autonomy of municipal authorities in Sweden, the government has rejected various suggestions for improved co-ordination.

The dialogue between the government's CRC Co-ordination Office on the one hand, and NGOs and children and young people on the other, has not yet found its ideal form; different models for meetings and dialogue have been tried at various times.

Several municipal authorities have cross-departmental or inter-sectoral bodies to deal with issues concerning children and young people; however, there are few institutionalised structures for interaction and exchange with a wider radius or covering a wider geographical area. There are, though, close contacts with NGOs on practical matters.

Monitoring of Implementation

In 2004 the National Audit Office carried out an investigation into the implementation of the national strategy. Among its observations, the Audit Office spotlighted the absence of concrete, operationalised objectives; it recommended that such objectives should be formulated, as this would lead to improved reporting on the effects of the strategy. The Audit Office also recommended that there should be an evaluation of the implementation.

Six years on – and eleven years after the strategy was first adopted – there is still no follow-up model. After a good deal of toing and froing, the question is now on the Children's Ombudsman's desk. The model being developed at the Ombudsman's office will not, however, entail direct monitoring and review of the strategy, because the government has decided that the review work is to be based on objectives that are not directly linked to the strategy. Moreover, as mentioned above, the government has presented proposals for a new strategy.

As for municipal authorities, two thirds of them, according to a survey carried out by the Children's Ombudsman a few years ago, are monitoring their work on the CRC.

Of the four municipalities included in this study, Malmö appears to have made the most progress in the area of monitoring. In 2004 the authority introduced a 'yellow card' scheme, with child rights guidelines and a check-list of questions for use in all decision-making processes; and this year – 2010 – the Executive Board of the City Council decided that the guidelines are to be used as a control objective in internal monitoring. Partille's strategy has only been partially implemented, and no formal follow-up of implementation has been conducted. Neither Arvika nor Uppvidinge have a strategy or a plan of action.

Data Collection and Indicators

Statistics Sweden is responsible for cross-sector statistics, with some 25 other public bodies gathering such statistics on children and their life conditions as relate to their respective areas of operations. One major problem is the absence of an overall view of all the information available, and another problem is that on certain subjects there is a lack of statistics that are disaggregated to regional and local level.

The follow-up system which the government has instructed the Children's Ombudsman to develop is to be used for measuring and describing those aspects of children's life conditions which the government judges to be of central importance. In addition, the system is to identify areas where there is a lack of knowledge or only inadequate statistical information. The new system is expected to provide a better overall view of the statistics available.

At municipal level, it is primarily the large authorities, such as Malmö and other cities, which carry out their own studies and produce their own statistical material relating to their residents' lives and views, in areas such as health and welfare, or democracy and participation.

Visibility of Children in Budgets

Neither the Swedish government's annual national budget, nor the annual budget of any of the four municipal authorities embraced by this study, contains a separate children's budget detailing exactly what resources are spent on children. Similarly, none of them present an annual child rights audit. Since up to seventy per cent of the budget expenditure of municipal authorities in Sweden goes on children and their needs, this ought to be a subject in which there is great interest – but this is not the case, at national or municipal level. Instead, there is widely held scepticism, owing to the difficulties involved in drawing up separate child-specific accounts, and to the risk that figures of this kind might well prove misleading and, whatever they say about quantity, say nothing of the quality of the services provided.

Co-operation with Civil Society

Various different models for dialogue between the CRC Co-ordination Office and civil society have been tried out, but at present there is no regular forum for contacts of this kind. That being said, in addition to formalised meetings there are many kinds of informal contact. The same applies with regard to the contacts between the Children's Ombudsman and NGOs in Sweden.

The Children's Ombudsman has a wide range of contacts with children and young people, although the same cannot be said about the Minister concerned (the Minister for Health and Social Affairs) or for Government Offices.

None of the four municipal authorities have set up formal structures for consultation with NGOs – although NGOs may, as in Partille, be represented in groups which work with specific practical issues, such as support to parents. All four municipalities are very appreciative of the active commitment shown by the NGOs.

Malmö has a central forum for dialogue with young people, and six of the authority's boroughs have youth councils. None of the other three municipal authorities has formalised structures for canvassing the views of children and young people.

International Co-operation

The government's written communication to parliament on the child rights perspective in development assistance, and other policy documents, contain lengthy descriptions of how the child rights perspective is to be an integrated element of Swedish development assistance. In spite of this, follow-up and assessment work carried out by both the government and Sida shows that Sweden's development aid is not yet fully suffused with the child rights perspective.

It is also the case that the communication on children's rights needs to be revised. Moreover, the staffing resources dedicated to working on child rights issues at the Ministry of Foreign Affairs and at Sida have been cut back; this is probably a reflection of the fact that these issues are no longer seen as new and challenging.

However, although the picture is not completely satisfactory, it is still the case that large amounts of Sweden's development assistance goes to initiatives which in a broad sense promote children's rights (although there are no exact figures showing what resources are spent on children and their needs).

Independent Human Rights Institutions

The Children's Ombudsman is appointed by the government, and the Office of the Children's Ombudsman has a staff of about twenty employees. In recent years the Office of the Children's Ombudsman has increasingly moved away from carrying out general initiatives aimed at spreading information or gathering knowledge (such as questionnaires to municipal authorities), and shifted its focus to areas where the need is judged to be greatest – such as children placed in care outside their own family.

Since the Office of the Children's Ombudsman was established in 1993 there have been a couple of changes to the government directives which steer its work, and the Office's mandate has been extended and given clearer formulation. The Ombudsman may, for example, require other public bodies, and municipal and regional authorities, to supply specific information, and is now more explicitly tasked with monitoring how well the CRC is applied. That being said, both the UN Committee and Swedish NGOs advocate that the Ombudsman should be given greater independence vis-à-vis the government, and should also be empowered to deal with individual complaints. The government has rejected these suggestions.

The question of appointing local children's representatives was discussed in the early 2000s, but the initiatives launched in certain municipalities at the time have not been followed up.

Information and Raising Awareness

Since the CRC was ratified all kinds of initiatives have been carried out to spread awareness and understanding of its contents – but despite this, surveys conducted by the Children's Ombudsman, and also the interviews carried out for this study, have shown that in general, children and young people have no more than sketchy knowledge of the CRC.

However, in connection with the passing of a new School Education Act in Sweden, a new national curriculum and new subject syllabuses are being drawn up; these will contain clearer instructions than their predecessors that human rights are to be taught in school.

It is not possible to gauge how much parents know about the CRC and children's rights, because no studies have been done.

A survey carried out by the Children's Ombudsman in 2009 to ascertain how much the CRC features in the education and training given to teachers, police officers, nurses and social workers, found that nearly all the degree courses and training programmes investigated looked at the subject of children's rights. However, shortage of time and insufficient competence among teachers/lecturers meant that the students did not always acquire enough knowledge to be able to use the CRC as a practical tool in their chosen professions.

Recommendations

- The findings of this study has resulted in recommendations adressed to decition-makers at national, regional and local levels. You find the recommendations under each section of the chapter "Findings" and the chapter "Recommendations".

The situation today...

[INTRODUCTION]

Sweden and the Convention on the Rights of the Child

The UN Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly in 1989; Sweden ratified the Convention the following year, thereby becoming one of the first countries in the world to do so.

- In 2009 Sweden's population was approximately 9.3 million; of these roughly 1.9 million – in other words, 20.6 per cent of the population – were children.¹

Recent Reporting and Concluding Observations

All countries which have ratified the CRC are required to submit written reports on the progress of implementation to the UN Committee on the Rights of the Child in Geneva. An initial report is submitted two years after ratification, and thereafter states are to present periodical reports every fifth year.

Since it is the state that bears ultimate responsibility for ensuring observance of the CRC, it is the government that reports to the UN Committee. To date the Swedish government has submitted four reports (1992, 1997, 2002 and 2007).² As a complement to the most recent report, the Committee received additional reports from Save the Children Sweden (Rädda Barnen), ECPAT Sweden, and the CRC Network.³

Under the heading 'General Measures of Implementation' in its 2007 report, the Swedish government responded to previous criticism from the UN Committee. The Committee had, for example, called for improvements in the mandate of the Children's Ombudsman – such as making it possible for the Ombudsman's annual report to be presented to parliament. In its report, the Swedish government replied that such a disposition would not conform with normal practice in the way government and public bodies communicate with parliament; the Ombudsman's annual reports are an input to governmental decision-making on child policy – and anyway, the reports are distributed to members of parliament by the Children's Ombudsman.

The Committee had also recommended the establishment of a permanent structure for co-ordination between municipal and regional authorities and the government ministries. The government pointed out that such a structure would be foreign to Swedish modes of governance and public administration, and they also thought that it would in addition be unrealistic to seek to establish a single structure for so many different actors.

In response to the Committee's recommendation that Sweden set up a system for co-ordinating the collection of statistics relating to children, the government detailed the statistics-gathering mechanisms

¹ www.scb.se

² Rädda Barnen, 2008

³ The UN Committee invites NGOs to submit additional reports, and holds a special meeting with these organisations prior to its questioning of the respective country's government representatives.

already in place, and described the new initiatives it has introduced in the area. The Committee had also called for increased education on children's rights, both for children, and for occupational groups which work with or for children. Again, the government's response to this was an enumeration of initiatives carried out, of courses which deal with the CRC, and so on. In response to the Committee's desire to see structured and systematic co-operation with NGOs, the government pointed to its establishment of a 'child rights forum' (see under The Situation at National Level, page 41 below).

On the question of co-operation with developing countries, the government again describes a number of Swedish initiatives, including grants to UNICEF. At the same time, the government notes in its report that a good deal of work still remains before the child rights perspective can be said to be a fully integrated element of Sweden's development assistance. For example, children's rights need to be included in the dialogue with governments and partners in a more systematic way than has hitherto been the case.⁴

Sweden's fourth periodic report was examined by the UN Committee in May 2009. In its concluding observations, the Committee expresses its concern at the *"continuing lack of formal recognition of the Convention as Swedish law, which can have an impact on the rights contained therein and on the application of such rights."*

The Committee also recommended that Sweden should continue to seek ways of improving the co-ordination of child rights work. The Committee explained that the disparities existing between different municipalities and regions in terms of how well the CRC is implemented are a ground for concern. These disparities cause differences in levels of child poverty, in the resources available to the social services, and in academic results at school; the Committee calls on Sweden to do what it can to rectify the situation.

The Committee repeated its previous demands that the Children's Ombudsman should be given a mandate to investigate individual complaints, and that Sweden's statistics should be improved in certain respects. The Committee also said that it would like to see better information being made available as to the proportion of the state's budget that is spent on meeting children's needs. The Committee was concerned that Swedish children in general have a low level of knowledge of the CRC, and that not all occupational groups which work with children receive adequate training on children's rights. (For more information on the Committee's views on Sweden's fourth report, see also the Introduction of each section in Findings, page 18 below).

The Government's General Outlook

The current centre-right coalition government (which calls itself 'the Alliance') assumed office in September 2006 having defeated the Social Democratic government in the general election. The change of government did not lead to any major changes in child rights policy (which was known as child policy until 2009). The new government presented its first written communication on child policy in 2008, in which it emphasised the importance of reinforcing strategic work to ensure implementation of the CRC. The most concrete expression of this emphasis was that the Children's Ombudsman was given a clearer mandate to follow up and evaluate how well state bodies and municipal and regional authorities applied the CRC. Other new initiatives mentioned in the communication – such as the arranging of a series of conferences, and the establishment of a 'child rights forum' – have either since been discontinued or have not achieved any tangible effect.

Alongside strategic initiatives on CRC implementation, the government's communication emphasised three areas of action: support and education for parents; work to combat violence; and improvements in children's mental health.

⁴ Regeringen, 2007

School issues are a priority area for this government, and the 'Alliance' coalition has pledged its commitment to ensuring that schools help pupils acquire the knowledge they will need to succeed in life – and accuses the previous government of encouraging a lax approach to education and academic performance. Questions relating to the working environment at school have also been very much in the spotlight, with the government talking about improving discipline in schools, ensuring measures are taken to deal with disruptive pupils, and so on. A new School Education Act was passed by parliament in June 2010. Both the new Act, and the new national curriculum with new subject syllabuses, contain clearer references to human rights than the documents they succeed (see under The Situation at National Level, page 51 below).

The proposal for a new strategy for children's rights presented by the government in June 2010 consists of nine principles; among these are that children, parents, decision-makers and relevant occupational groups are to be provided with information on children's rights; actors in different areas of work that concern children are to work together; children are to be given opportunities to voice their opinions; and decisions and measures which affect children are to be followed up and evaluated (see under The Situation at National Level, page 21 below). None of this is controversial, and similar strategy proposals could just as easily have been put forward by the opposition parties.

Neither the incumbent government nor its predecessor has proved capable of developing a system for monitoring and evaluating the current strategy, which was adopted in 1999; so an important question will be to see whether the new strategy, when launched, is linked to monitorable objectives with set time-frames.

Structure of Governance in Sweden

At national level the people of Sweden are represented by parliament ('Riksdagen'), which is the legislative organ. The initiative for new laws comes from the government, which is also responsible for executing parliament's decisions. The ministries via which government functions are carried out are grouped together in the Government Offices ('Regeringskansliet'); two of the ministries whose work most closely impacts on children are the Ministry of Health and Social Affairs, which has responsibility for welfare issues and the health and care services, and is home to the CRC Co-ordination Office; and the Ministry of Education and Research.

Sweden is divided into twenty-one regions (called 'län'); in each region there is a state body called the regional administration board ('länsstyrelse', which represents national government in the region) and a regional authority (called 'landsting' or 'region'), whose main responsibility is the provision of health services. The regional authority is led by an elected body, the regional council.

At local level, Sweden is divided into 290 municipalities. In each municipality ('kommun') there is a municipal authority; the decision-making body of the authority is the municipal council, which is made up of elected politicians.

The constitution regulates the entitlement of municipal and regional authorities to raise taxes. In Sweden, a large part of public-sector work is discharged by the municipalities and regions; local-government authorities exercise considerable autonomy, and have a high level of responsibility for service-provision – not least services which affect children, such as health care, education, and protection. The tax base varies considerably, from the wealthy urban municipalities of the country's three main cities, to small municipalities in sparsely populated rural areas. To even out the income differences, tax revenue is redirected from the wealthier municipalities using an inter-municipal equalisation mechanism.

The far-reaching decentralisation that is a characteristic of Swedish governance – with political and

administrative power devolved away from central government to the regions and municipalities – is the subject of much debate. The advocates of decentralisation claim that it makes it easier to suit public-sector services to local needs, and is therefore better for the end user; critics, on the other hand, maintain that decentralisation has the effect of accentuating inequalities between different areas of the country, and making it harder for weaker groups to make their voices heard.

An area of decentralisation policy that aroused intense debate was the devolution of responsibility for school education from national to municipal level in 1991. As part of this education reform, school changed from being steered by government regulation to being performance-oriented; in other words, the objectives for school education are established by central government in laws and directives, but it is up to each individual municipal authority to choose which means it deems best suited to achieving those objectives. The government can, though, still exercise a certain amount of control, via specifically targeted state grants. In response to the debate on decentralisation and the claims that it has led to greater variations in quality between different schools, certain state bodies – primarily the National Agency for Education and the Schools Inspectorate – have been given expanded responsibility for inspecting schools' work.

The Swedish model of governance and public administration – where Government Offices are relatively small-scale, and departments and authorities have a high degree of independence – differs from the organisational models in many other European countries, where it is more usual for departments and authorities to be part of ministries. In the Swedish model, the holders of national political office steer the country via laws, annual 'letters of appropriations and directives', and the allocation of funding in the state budget. The public administrations then have a considerable degree of freedom to decide how, in practice, the objectives laid down by government are to be achieved. The ministries are, however, able to exert considerable influence over the way the work is done, despite the ostensible lack of ministerial control – for example, via the directives in the letters of appropriations and directives, or through dialogue with the public bodies concerned.

Economic, Social and Cultural Context

Human rights have traditionally been a central feature of Sweden's international profile. One of the main reasons for this is that Sweden is a small country with no great political or military power, and therefore has every interest in there being fixed, agreed rules of conduct in the international arena. This is reflected in a positive attitude towards participation in international co-operation and collaboration of various kinds, including the framing of new conventions – and a concomitantly positive attitude towards contributing to the financing of such measures.

At national level human rights have not always been as central, but the well-developed welfare state in Sweden still means that children are likely to grow up under conditions where their rights are respected, especially in comparison with many other countries. "Sweden is a good country to grow up in. The vast majority of children in Sweden grow up under good material conditions, and have parents who provide them with care, well-being and protection. Studies carried out by bodies such as the Office of the Children's Ombudsman show that both girls and boys are, on the whole, very happy with their lives. In an international comparison Sweden is a leading country in the area of child welfare. At the same time, we know that between ten and fifteen per cent of all children suffer from mental problems at some stage. We also know that there are children in Sweden who do not live in safe and secure conditions, who are the objects of or witnesses to violence in their everyday lives, or are in other ways exposed to physical or psychological distress."⁵

⁵ Skrivelse 2007/2008:111

Sweden likes to consider itself to be a country that leads the way in international contexts, and in certain respects this is a fair self-image: in 1979, for example, Sweden became the first country in the world to adopt a law prohibiting the physical punishment of children. Studies have shown that since the law was passed, the number of children in Sweden who are subjected to beatings has fallen sharply. There has also been a parallel development in attitudes, so that very few Swedes now find it acceptable for adults to hit children.

Sweden played an active role in the work of drawing up the UN Convention on the Rights of the Child (a process which took the whole of the 1980s).⁶ One prominent feature was the active role of Swedish NGOs in the work; since then these organisations have maintained their commitment, continue to do practical work on translating the Convention into practice, and work as pressure groups lobbying government and municipal authorities.

As further examples of the country's commitment to children's rights, the government also holds up Sweden's grants to UNICEF, the support given to the work involved in producing the worldwide UN study into violence against children, and the fact that Sweden hosted the first world congress on the commercial sexual exploitation of children. As the government puts it: "Because of the good conditions of life enjoyed by children in Sweden, and the way we view childhood and treat our children – especially our respect for children's integrity – Sweden is seen as a nation that leads the way and can provide an example for other countries to follow in terms of guaranteeing children's rights."⁷

At the same time, it is a fact that the holes in the safety net of the Swedish welfare system have grown larger in recent years. The rules governing eligibility for sickness or unemployment benefit have been tightened; in some cases the waiting period before benefits are paid has been lengthened; charges within the health services and others have been raised, and so on. The government has sought to justify these changes by saying that the previous, over-generous rules were open to abuse, and that it is important to get more people off benefits and into work.

Notwithstanding the government's arguments, the changes made, in combination with the fact that tax relief has been introduced for those in work at the same time as the taxes on inheritance, gifts and capital wealth have been abolished, have led to a widening of the gap between rich and poor. In 2007 Save the Children Sweden's annual child poverty report showed that while the proportion of children in Sweden who live in poverty has fallen over the past decade, to 11.9 per cent, the gap between the haves and have-nots is now wider than before. There are above all three groups who have been disadvantaged in terms of income and welfare: children from foreign backgrounds; children living in the suburban boroughs of the country's three main conurbations; and the children of single parents.⁸ The number of children with a foreign background – the term refers to children of whom one or both parents were born outside Sweden – was roughly 449,000 in 2006, and the number of children living with single parents in the same year was about 406,000. In the group of children living in poverty in 2006, 59 per cent were from a foreign background.⁹

Because of the changes just described, it is even more important that structures and institutions are in place to maintain and monitor the respect for the rights of the child. Considering this, the present study becomes even more important.

6 Ek, S., 2009

7 Skrivelse 2007/2008:111

8 Rädde Barnen, 2009

9 Rädde Barnen, 2009

Implementing the UN Convention on the Rights of the Child

■ The 1989 UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols¹⁰ enshrine a clear set of principles and standards to realise a positive vision for child rights, where children are seen not only as passive recipients of protection, but also as active contributors to society. Encompassing civil, political, economic, social and cultural rights, the Convention provides a comprehensive framework against which to evaluate existing and proposed legislation, policy and structures.

■ The Convention has been almost universally ratified by states worldwide. This reflects recognition that children are among the most powerless of social groups, and that it is vital to support their survival and development – both to meet their needs in the present, and to invest in their futures and that of their societies.

■ However the act of ratification alone does not automatically ensure children’s rights to protection¹¹, provision¹², and participation¹³ are fully met. The Convention should be seen as a dynamic tool for the development by all the key stakeholders – including central and local government, NGOs and other groups and individuals working with children - of a comprehensive and coherent approach to implementing children’s rights. What is needed is the political will to translate the principles and standards of the Convention into practical action at community, national, regional and international levels.

■ Under Article 4 of the UNCRC, States Parties are obliged to ‘undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.’ To assist states in fulfilling this obligation, the UN Committee on the Rights of the Child has drawn up a series of guidelines (‘General Comments’) for interpreting and implementing the provisions and principles of the Convention.

■ This study focuses in particular on Comment No.5 on ‘General Measures of Implementation’ (2003)¹⁴, which sets out the key cross-cutting measures required to implement all the rights in the Convention. These may be summarised as follows: legislative measures; development of National Strategies and Action Plans; co-ordination of implementation; monitoring of implementation; data-collection and indicators; making children visible in budgets; co-operation with civil society; international co-operation; independent human rights institutions; and information and awareness-raising about child rights

10 Optional Protocol on the sale of children, child prostitution and child pornography, General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force 18 January 2002; and Optional Protocol on the involvement of children in armed conflicts, General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force 12 February 2002

11 E.g. from discrimination, abuse, exploitation, conflict

12 E.g. to health care, education, social security, recreation, an adequate standard of living

13 E.g. to freedom of expression, information, thought, conscience, religion and association

14 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), General Comment No. 5 (2003), UNCRC/GC/2003/5, 27 November 2003. Also relevant are the General Guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, paragraph 1(b) of the Convention, UNCRC/C/58, 20 November 1996

This is how we did it...

[METHODOLOGY]

Aims

This study is part of the 'Good Practice on the CRC' project, which aims to examine implementation of the CRC's 'general measures of implementation' in five EU countries and in EU institutions. The studies carried out in the five member states are to examine implementation at national and local level, and the present study is the examination of the situation in Sweden.

The findings of the study will be taken as a basis for recommendations to be addressed to decision-makers; the recommendations will also be used in Save the Children Sweden's ongoing advocacy for implementation of the CRC.

The 'general measures of implementation' relate to the rights contained in Articles 4, 42 and 44.6 of the CRC. The general measures covered in this study are:

- ❖ the legal status of the CRC;
- ❖ the development of national plans of action;
- ❖ co-ordination of implementation;
- ❖ monitoring of implementation;
- ❖ data collection and indicators;
- ❖ the visibility of children in budgets;
- ❖ co-operation with civil society;
- ❖ international co-operation;
- ❖ independent human rights institutions; and
- ❖ measures to spread information and raise awareness.

Methodology

The initial phase of this study concentrated on examining documentation from various sources – for example, the CRC Co-ordination Office at the Ministry of Health and Social Affairs, the Children's Ombudsman and NGOs. Documents were also collected from the four municipal authorities selected by Save the Children Sweden for inclusion in the study:

- ❖ the City of Malmö urban municipality
- ❖ Partille, a suburban municipality (Partille is just outside Gothenburg)
- ❖ the town of Arvika
- ❖ Uppvidinge, a municipality in a sparsely populated rural area.

These municipalities were chosen on the basis of their being different to each other in size and character, while at the same time being representative and not "best or worst in class" with regard to implementation of the CRC.

The next step entailed drawing up questionnaires for use in interviewing national-level actors, representatives from the municipal authorities, and children. The questionnaires were based primarily on questions formulated by Save the Children Sweden, but also on the initial examination of documentation.

The third stage consisted of interviewing a large number of national-level actors: the CRC Co-ordination Office, the Children's Ombudsman, the Swedish Association of Local Authorities and Regions, the parliamentary cross-party children's affairs group, NGOs, etc. With the responses to these interviews as a departure point, the next task was to search for additional information on the Internet, talk to people on the telephone, and conduct additional interviews with parties such as representatives of Sida (the Swedish International Development Co-operation Agency), Statistics Sweden, the National Agency for Education, the National Agency for Higher Education, and the National Board of Health and Welfare.

Visits were made to the four municipal authorities, where interviews were held with political representatives and civil servants with specific knowledge of their authority's work on the CRC and/or a good overview of the authority's activities as a whole. In certain of the municipalities we also interviewed teachers and school managers. In all four municipalities, the author of this study met representatives of Save the Children Sweden's local branches, and in some places she also spoke to representatives of Save the Children's regional offices.

Interviews with young people at middle-secondary school (i.e. aged on average between thirteen and fifteen years) were held in three of the municipalities.

Limitations

A study of this kind has no given limits; every question one poses is likely to get answers which give rise to new potential avenues of investigation – answers such as: "The X authority has been instructed to look further into the matter", or: "A new project being run by Y is to examine the issue." This means that there are always grounds for a next step – another phone-call, another interview, another Internet search.

To give a more concrete example, we can look at the question of data collection: there are approximately twenty-five public bodies in Sweden which collect data relating to children. Not one of the persons interviewed felt that they had an overall view of all the statistics produced – so naturally, the author of this study has not been able to obtain such an overarching grasp of the data, either.

The time available for carrying out the study has been limited, and the visits made to municipal authorities were brief; there may, consequently, be interesting aspects which are not included and pertinent questions that could have been looked at in greater depth. These limitations notwithstanding, however, it is the author's belief that this study gives a thorough and balanced picture of the current status of the general measures of CRC implementation in Sweden.

This is what we found out...

[FINDINGS]

Legal Status of the CRC

Introduction

When the UN Committee on the Rights of the Child examines initial and periodic reports, it emphasises that a central aspect of implementation is to ensure that all legislation in the country in question is in complete accord with the provisions and principles enshrined in the CRC. It is for this reason that the Committee often calls for a thoroughgoing review of all legislation.¹⁵

General Comment No. 5 also emphasises the importance of examining all national legislation and related administrative guidelines, in order to ensure full compatibility with the CRC.¹⁶ In the General Comment, the Committee explains that it is a welcome step when the Convention is incorporated into domestic law, this being "the traditional approach to the implementation of international human rights instruments in some, but not all, states. Incorporation should mean that the provisions of the Convention can be invoked before the courts and applied by national authorities, and that the Convention will prevail where there is a conflict with domestic legislation or common practice."

The Committee also underlines that legislation, guidelines and practice must regulate the procedures of redress available to children in the event of their rights being violated. It must also be possible to bring matters relating to economic, social and cultural rights before the courts – which implies that the law must be sufficiently detailed for it to be possible to make a decision as to whether redress is due.

In its concluding observations on the Swedish report examined in 2009, the Committee expresses its concern at the absence of any formal recognition of the Convention as part of Swedish law. The Committee urges Sweden to take all measures required to ensure that national legislation is brought into full agreement with the CRC; and recommends continued and improved initiatives aimed at getting the CRC formally recognised as an instrument of Swedish law.¹⁷

The Situation at National Level

When the CRC was ratified, Sweden chose to make a declaration of "concordance of norms" – a statement that Swedish legislation was seen to agree with, and reflect the same values as, the Convention. Moreover, certain parts of the Convention have been transformed – i.e. rewritten to adapt them to Swedish law. Incorporation – a method whereby the whole of the document in question is subsumed into Swedish law – was not carried out.¹⁸

A national inquiry (conducted by the parliamentary Committee for Children's Affairs) was set up in

¹⁵ UNICEF, 2008

¹⁶ UN Committee on the Rights of the Child, 2003

¹⁷ UN Committee on the Rights of the Child, 2009

¹⁸ Åhman, K., 2009

1996 to investigate how Swedish legislation and legal practice related to the CRC, and it looked at what the Convention's legal status was in Sweden. In its main report, "The Primacy of the Best Interests of the Child", presented in 1997, the inquiry found that most considerations spoke against incorporation.¹⁹ Among these considerations was the fact that many of the CRC's provisions were deemed to be general or rather vague in nature, or to be geared to gradual implementation. A further argument against incorporation was that responsibility for interpretation would be placed with the courts; this would imply a risk that the rights could be given too narrow an interpretation. The inquiry felt that it would be better for interpretation to be a task for parliament, in connection with the framing of new laws.

Since the publication of the inquiry's findings, this issue has not been the subject of any great debate in Sweden – while Norway, for its part, has chosen to incorporate the CRC. It is also worth pointing out that when Sweden joined the EU, the European Convention on Human Rights (ECHR) was incorporated into Swedish law. In recent years, Swedish NGOs which work for children's rights, such as Save the Children Sweden, UNICEF and the CRC Network ('Nätverket för Barnkonventionen'), have called for the "CRC to be made law" – in other words, they advocate incorporation.

In 2009, Save the Children Sweden commissioned Karin Åhman, an assistant professor of Constitutional Law, to put together documentary material illuminating the issue. She found that several of the arguments previously used against incorporation no longer apply; this is primarily a result of the influence European Union law has on Swedish law today. Through their work with EU law, Swedish lawyers have learnt to deal with documents of similar kinds to the CRC; at the same time, Swedish courts have also become more dynamic, and more accustomed to questions relating to the interpretation of rights. Åhman explained, too, that incorporation would also make the CRC directly applicable in courts and the work of public authorities; this would probably mean that it was invoked more frequently, thus leading to the building up of national precedent relating to the questions it embraces.²⁰

In connection with the twentieth anniversary of the adoption of the CRC, Sweden's Children's Ombudsman called on the government to set up an inquiry into the legal status of the CRC in Sweden, and to consider whether the time is not now ripe for the Convention to be accorded the legal status of an act of law.²¹ The Children's Ombudsman pointed to differences between Swedish law and the CRC – such as with regard to children's entitlement to participate in decision-making processes that affect them – and reminded the government that the UN Committee on the Rights of the Child recommends incorporation.

"The issue is on the agenda now", a spokesperson for the Children's Ombudsman says. "The ministry invited the parties concerned, such as the Children's Ombudsman, NGOs, the Association of Local Authorities and Regions, and other actors, to discuss the legislation issue a while back. Though I don't know what has happened since then."

UNICEF also notes that the debate has started bubbling. More and more voices have been calling for the Convention to be incorporated into Swedish law, with the issue being debated in parliament and in the media. The liberal "Folkpartiet" party and the Christian Democratic Party recently decided that they would join those calling for incorporation, following the example of the Swedish Green Party and the Left Party.

However, other observers, including representatives of the CRC Co-ordination Office at the Ministry of Health and Social Affairs, have claimed that as a result of opinion being divided within the centre-right

¹⁹ Barnkommittén, 1997

²⁰ Åhman, K., 2009

²¹ Barnombudsmannen, 18 november 2009

government coalition, it is not likely that any changes will be made in the near future. That being said, in the bill for a new strategy to strengthen children's rights which it tabled in June 2010, the government states that it will be initiating a "survey to investigate how well Swedish legislation and legal practice tally with the rights laid down in the Convention on the Rights of the Child."

The Situation at Local Level

Most of the people from four different municipal authorities interviewed for this study said that they were not at all aware of the discussions concerning the legal status in Sweden of the UN Convention on the Rights of the Child. One or two people had heard something about the issue, but said they knew too little to be able to have any particular opinion.

Discussion and Conclusions

The legal status accorded to the CRC in Sweden has been a non-issue for several years; however, a lively debate on the matter has now grown up among child rights experts, and, as is so often the case in contexts concerning children's rights, the impetus for the debate comes from NGOs.

Three of the arguments that support incorporation are: the fact that there are still discrepancies between Swedish acts of law and the CRC; criticism of Sweden by the UN Committee; and the fact that the Convention was incorporated into the law of the land in Norway in 2003, a step which is seen to have contributed to strengthening the Convention's status. Moreover, a number of arguments previously held to be factors against incorporation no longer apply – primarily as a result of the extended influence EU law now has in Swedish law.

The Children's Ombudsman has called on the government to initiate an inquiry into how well Swedish legislation and legal practice accord with the CRC, and some of the political parties – both within the centre-right coalition, and in the opposition bloc of the Social Democrats/Greens/Left Party – have declared that they are in favour of incorporation.

The advocates of incorporation can be seen to have gained a partial victory with the announcement made by the government, as it presented its bill to parliament in June 2010 outlining its plans for a new strategy for children's rights, that it will be launching a survey to investigate how well Swedish legislation and legal practice tally with the rights laid down in the CRC. The liberal Folkpartiet was quick to explain that it sees the bill as "an important first step towards making the UN Convention an instrument of Swedish law".²²

Recommendations

- In the aim of paving the way for incorporation of the CRC into Swedish law, the government should without delay initiate the investigation it has promised into how well Swedish legislation tallies with the CRC.

Development of National Plans of Action

Addendum: The present report was drafted in the summer of 2010. On December 1st 2010 the Swedish parliament adopted the new strategy.

Introduction

In its General Comment No. 5 relating to general measures of implementation of the CRC, the Committee on the Rights of the Child emphasises the importance of there being a comprehensive national strategy

²² www.folkpartiet.se

or national plan of action for children. The strategy/plan should be rooted in the CRC, and should be formulated through a process of consultation, which also includes consultation with children and young people. A further requirement is that the strategy should relate to the situation of all children, and to all the rights in the Convention.²³

The Committee goes on to emphasise that the strategy must be more than merely a list of good intentions: it should establish genuine and achievable targets for all the rights embraced by the CRC. The strategy should be widely disseminated, and it is important that it include procedures for monitoring, updating, and reporting both to parliament and the public.

In its concluding observations on Sweden's fourth report, the Committee regretted the absence of a national plan of action;²⁴ Sweden was urged to adopt an overarching plan of action which extends to all the areas embraced by the Convention.

The Situation at National Level

In 1999 the Swedish parliament passed a government bill for a strategy for implementing the CRC in Sweden.²⁵ This strategy was based on the proposals put forward by the parliamentary Committee for Children's Affairs in its report *The Primacy of the Best Interests of the Child*, published in 1997.²⁶

The objective of the strategy was to strive to ensure that the intentions of the CRC were taken into consideration in all decision-making that affects children. The strategy from 1999 included the following elements:

- ❖ The CRC to be an active instrument, and to pervade all Government Offices' decision-making that affects children.
- ❖ The child's perspective to be included (to an appropriate extent) in terms of reference for inquiries.
- ❖ The CRC to be included in various ways in the training given to those whose professional duties involve working with children.
- ❖ National Government Offices' employees whose work affects children and young people to be offered training that enables them to strengthen their child-related competence and their knowledge of the CRC.
- ❖ Child consequence analyses to be carried out prior to the making of decisions, within National Government Offices, that affect children.
- ❖ The opportunities for children and young people to influence and participate in social and transport planning to be developed.
- ❖ The work and organisational structure of the Office of the Children's Ombudsman to be reviewed with the aim of strengthening its role in the implementation of the CRC.
- ❖ Statistics related to children to be improved.

Owing to the governance structure prevailing in Sweden, where municipal and regional authorities have a large degree of autonomy, government and parliament were not able to lay down directives for the actions of these authorities, being instead restricted to putting forward recommendations. These recommendations were that:

- ❖ Municipal and regional authorities should offer their staff training on child-related issues.
- ❖ Municipal and regional authorities should establish systems for monitoring how well the principle of the best interests of the child is observed in their work.

23 UN Committee on the Rights of the Child, 2003

24 UN Committee on the Rights of the Child, 2009

25 Prop 1997/98:182

26 Barnkommittén, 1997

In a communication submitted to parliament in 2003, the government presented a number of developments and modifications to the strategy.²⁷ Among these were that the child's perspective in the National Government budget was to be given clearer expression; the guidelines for child consequence analyses in committee work were to be improved; institutes of higher education were to be stimulated to include modules on the CRC in different courses and programmes; and methods for guaranteeing children and young people opportunities for democratic participation were to be developed. A new objective was formulated: that children and young people should be treated with respect, guaranteed safety and protection, and granted opportunities for development and democratic participation.

Up until 2006, the then Social Democratic government submitted a number of communications to parliament relating to the implementation of the strategy. In connection with the change of government in 2006, the new centre-right coalition revoked the last of the communications presented by the previous incumbent, and submitted in its stead a new communication, in 2008, entitled "Child Policy – a policy for children's rights".²⁸ In this, the latest communication dealing with the implementation of the strategy, the government points out that, "in addition to our work to reinvigorate education in Sweden, and our proposal for a new School Education Act", priority will be given to the following four issues:

- ❖ The strategic work of implementing the CRC. This includes elements such as giving the Children's Ombudsman clearer monitoring and evaluation responsibility, following up the strategy, and developing statistics, primarily at municipal level. In addition, the government wants to bring about improved co-ordination, by setting up an annual "child rights forum", which is to be an open meeting place for public authorities, municipal and regional authorities, NGOs, and children and young people. The government also describes how, to ascertain what opportunities and hindrances there are with regard to children's ability to genuinely exercise influence, it plans to instruct the Children's Ombudsman to arrange a number of conferences for decision-makers in municipal and regional authorities.
- ❖ Support and educational initiatives for parents.
- ❖ Measures to combat all forms of violence against children.
- ❖ Preventive measures to combat mental health problems in children and young people.

The CRC Co-ordination Office at Government Offices considers that the strategy has played an important part in the work of implementing the intentions enshrined in the CRC:

"[The strategy] has been very significant as a platform, and has given legitimacy to discussions with municipal and regional authorities and state public bodies. That being said, there have also been some problems: the strategy does not contain any measurable targets, and it is not performance-oriented. The follow-up procedure, based on written reports being presented to parliament, has not been completely satisfactory, either. In addition, it must be said that today, ten years later, some of the measures and initiatives no longer correspond to what is actually needed: the strategy is no longer sharp enough."

Representatives of NGOs maintain that the national strategy has not had any significant impact – but they do recognise that it has led to the introduction of certain mechanical processes, such as child consequence analyses and child-rights checklists. At the same time, one of them maintains that the fact that it has always been possible to refer to what is a rather vague and imprecise strategy has been an obstacle preventing the appearance of more dynamic political processes.

In June 2010 the government presented a proposal for a new strategy for strengthening children's rights in

²⁷ Skrivelse 2003/04:47

²⁸ Skrivelse 2007/08:111

Sweden.²⁹ The government pointed out that one of the shortcomings of the old strategy is that it does not lay down clear targets – and amending and developing it could cause greater uncertainty. The government's position is that there is, though, still a need for a strategy on children's rights, which is why they have presented this new one. Their proposal to a new strategy consists of nine principles:

- ❖ All legislation concerning children is to be framed so that it accords with the CRC.
- ❖ Children's physical and mental integrity is to be respected at all times.
- ❖ Children are to be given opportunities to express their opinions on matters that affect them.
- ❖ Children are to be given information about their rights and what these rights entail in practice.
- ❖ Parents are to be provided with information on children's rights, and are to be offered support in their role as parents.
- ❖ Decision-makers and relevant occupational categories are to be provided with information on children's rights, and are to translate this information into practice in their work.
- ❖ Actors in different areas of work that concern children are to work together to strengthen children's rights.
- ❖ Up-to-date knowledge of children's life conditions is to provide the basis for decision-making and prioritising on issues that affect children.
- ❖ Decisions and measures which affect children are to be followed up and evaluated from a child-rights perspective.

As was the case in the old strategy, this new document lacks measurable targets for the work of pursuing the nine principles. NGOs which we interviewed in preparing this study were not invited to consultations on the new strategy, and as far as can be judged there were not either any consultations with children and young people.

When presenting their proposal the government also announced a number of new initiatives in the field of children's rights: for example, the government and the Swedish Association of Local Authorities and Regions (SKL) will be entering into an agreement to develop work on children's rights at municipal and regional level. According to the agreement, SKL is to draw up a plan of action and then carry out measures in accordance with that plan.

The government is also planning to carry out a survey of how well Swedish legislation and legal practice tally with the CRC (see under The Situation at National Level, page 18 above). In addition, there is to be a process of dialogue with public authorities, NGOs and SKL on various subjects related to children's rights; and work is to continue on developing a follow-up system which can measure and describe those aspects of children's life conditions the government deems to have the most central importance (see under The Situation at National Level, page 30 below).

The Situation at Local Level

SKL emphasises that it is important to view the CRC as an aid – "But the Convention, and the work done in municipal and regional authorities, are two separate things; it's not something that is given very high priority", an SKL representative admitted.

Of the persons from four municipal authorities interviewed for this study, few were even aware of the national strategy at all. "I didn't know that there was a national strategy", a committee chairperson from one of the municipal authorities said. "In our municipality we don't have an overall strategy or a plan of action for the Convention. But our schools have non-discrimination policies which refer to the CRC, and we talk a lot about the child's perspective when discussing various issues in the committee."

²⁹ Prop 2009/10:1232

The Administrative Manager of a different municipal authority did, however, know of the national strategy, saying: "We had a talk on the CRC at one of our meetings a few years ago." That being said, this municipality did not have a plan of action or a strategy, either: "There are so many issues and areas we have to cover: equal opportunities plans, and all kinds", said a representative of the municipal authority with a sigh, "so I'm divided as to what use yet another document would have."

A different picture is painted by the municipality of Partille, which adopted a child-rights strategy in early 2007:³⁰

"It started as a result of one of the Children's Ombudsman's studies of what municipal authorities were doing to implement the CRC. Partille got very low marks, so the municipal council decided something had to be done, and instructed the Administration Department to draw up a strategy."

Partille's strategy establishes the following areas for development:

- ❖ The level of knowledge of the CRC among politicians, civil servants and other employees of the municipal authority is to be increased. All children in the municipality and their parents are to receive information on the CRC.
- ❖ The municipal authority's working committees are to use a child-rights checklist in all decisions which affect children.
- ❖ There is to be active joint action against bullying and xenophobia. This joint action is to be carried out by all committees and offices in the authority whose work affects children.
- ❖ Children's right to voice their views is to be strengthened.

One person at the authority worked on the strategy for one year on 50 per cent of an FTE. Work on the strategy is now integrated with other functions, so it is not possible to say how much time is dedicated to it. That being said, the strategy work is far from completed – for example, there is still no child-rights checklist in place; instead, discussions are ongoing as to which model to use. Neither does the municipality have a youth council, youth panel or other similar group via which the views of children and young people can be systematically canvassed. However, a number of courses on children's rights have been held, and the authority has instituted a "CRC Prize", which in its first year was shared by the local branch of Save the Children and the local UN association.

The City of Malmö municipal authority does not have a strategy or a plan of action for implementing the CRC; however, the authority is currently developing a strategy and plan for increasing young people's opportunities for democratic participation.

Discussion and Conclusions

The national strategy adopted in 1999 has played a significant part in the implementation of the CRC in Sweden; it has functioned as a common frame of reference, and a point of departure on which the Office of the Children's Ombudsman, for example, has been able to base its questionnaire surveys of municipal and regional authorities. Just how significant its role has been is, however, a subject on which there is considerable disagreement.

The fact that the strategy has not had measurable targets and follow-up indicators means that it is not possible to assess how well its objectives have been achieved. While progress has been made with regard to some aspects of the strategy, in other respects it is more doubtful whether anything has been achieved. All

³⁰ Partille kommun, 2007

in all, it is not possible to say from the strategy anything very definite about how far implementation of the CRC has proceeded in Sweden.

Despite the fact that the absence of concrete, operationalised targets for the strategy was highlighted by the National Audit Office as early as 2004, the problem has still not been rectified. Reports have been written, a working party was set up to look into the matter, analyses have been commissioned, etc., but there are still no targets or indicators (see under The Situation at National Level, page 30 below).

In an initial comment issued when the government first presented its bill for a new strategy, Save the Children Sweden welcomed the proposals, but pointed out that a number of major challenges still face the work to guarantee children's rights: "Save the Children Sweden hopes and expects that the strategy will be followed by a plan of action which lays down concrete targets, and also establishes time frames both for implementation and for monitoring and review." If this next step does not materialise, there is a risk that the new strategy, just like the old one it is designed to replace, will be more a list of good intentions than a practical tool for realising the aims of the CRC.

At municipal level, a survey conducted by the Children's Ombudsman in 2007 found that seventy-eight per cent of municipal authorities had taken a decision to work towards implementation of the CRC in some way or another; that being said, it is not possible to assess what these decisions actually oblige the authorities to do in practice.

Of the four municipal authorities included in this study only one, Partille, has adopted a strategy. As far as implementation is concerned, the situation in Partille reflects the situation at national level: there are no concrete targets or time schedules. Certain aspects of the strategy have been implemented, while nothing at all has happened on other matters.

Although none of the other three municipalities looked at has a strategy, this does not mean that the spirit of the CRC is completely absent. There are, for example, references to the CRC in schools' equal opportunities plans, municipal employees have attended training courses, and in Malmö a handbook has been produced on how to ensure that children's rights are taken into account in the authority's work.

Recommendations

- The government should ensure that the new strategy for strengthening children's rights in Sweden is accompanied by a concrete plan of action, featuring verifiable objectives and fixed time-frames.
- The plan of action to be formulated by the Swedish Association of Local Authorities and Regions (SKL) should include municipal-level strategies and plans featuring verifiable objectives with fixed time-frames.
- The Swedish Association of Local Authorities and Regions (SKL) should make sure that children and young people are involved in the process of drawing up its plan of action for children's rights.

Co-ordination of Implementation

Introduction

When the UN Committee on the Rights of the Child examines countries' reports, it almost always finds it necessary to call for a greater degree of co-ordination – such as between different ministries within government, between regions, between central and local government, or between government and civil society.³¹ This is an expression of the Committee's aim of ensuring that the obligations embodied in the Convention are accepted by all areas of government (including those ministries and departments which work with issues such as finance and planning) and by all levels of decision-making.

³¹ UN Committee on the Rights of the Child, 2003

The Committee points out that there are many ways, both formal and informal, of achieving effective co-ordination – for example, by establishing special “child perspective committees” which work across ministry/department boundaries: “Many of the signatory states have successfully developed a special department close to the centre of government – in some cases, within the offices of the prime minister/president/cabinet – with the aim of co-ordinating implementation and those areas of political work that affect children.”³²

The Committee also explains that in many cases, it is obliged to underline that decentralisation of powers does not in any way diminish the direct responsibility which the governments of signatory states have to discharge their obligations towards all children, irrespective of the political structure pertaining in their particular state. The governments of signatory states are required to retain the power to demand that delegated administrative functions or local authorities work in a way that is in full agreement with the CRC. They are also required to establish permanent monitoring systems for ensuring that the Convention is respected and applied with regard to all children, without exception. There is, further, a need for guarantees to be put in place to make sure that decentralisation or delegation of authority does not result in discrimination in terms of differing enjoyment of rights in different regions.³³

The Committee has, on a number of occasions, expressed its concern that the Swedish public administration system, with its far-reaching decentralisation of responsibility and decision-making, may entail negative consequences for children and their families depending on where they live – a situation which is not compatible with the provisions of the Convention. In the third Swedish report to the Committee, the Swedish government gave the following account of the position of municipal and regional authorities vis-à-vis the state: “Sweden is a highly decentralised country. Most of society’s work that relates to children is under the jurisdiction of the municipal and regional authorities. The state does not exercise detailed control over the budgets decided on at local and regional level – it is up to each individual authority to decide how much money they want to devote to children and young people, as long as they meet the requirements laid down in law.”³⁴

In its concluding observations on this third report, the Committee recommended that a permanent structure, spanning government, the regions, the municipalities and also NGOs, should be set up to co-ordinate the work done across all levels of decision-making. The Swedish government dismissed this idea as unrealistic, and foreign to Swedish modes of governance.³⁵

In its concluding observations on Sweden’s fourth report, the Committee reiterated its concern at the inadequate level of co-ordination, and at the differences between different municipalities and regions with regard to factors such as child poverty, resourcing levels of the social services, and academic performance.³⁶ The Committee recommended that measures be taken to improve co-ordination, and strengthen the monitoring and follow-up of decisions taken at municipal and regional level.

The Situation at National Level

In the Swedish government, the person responsible for co-ordinating work on the CRC is the Minister for Health and Social Affairs. At the Ministry of Health and Social Affairs there is a unit with responsibility for co-ordination, called the CRC Co-ordination Office. Its work is carried out by 3.5 FTEs. The mandate of the Co-ordination Office includes monitoring to ensure that the CRC is considered when new laws and inquiries are initiated by Government Offices; monitoring international developments; and

32 UNICEF, 2008

33 UN Committee on the Rights of the Child, 2003

34 Regeringen, 2002

35 Regeringen, 2007

36 UN Committee on the Rights of the Child, 2009

co-ordinating Sweden's reporting to the UN Committee on the Rights of the Child. New employees of Government Offices follow a half-day training initiative on human rights. The Co-ordination Office also exercises responsibility over two authorities: the Office of the Children's Ombudsman, and the Swedish Intercountry Adoptions Authority.

The CRC Co-ordination Office has established a CRC Network within Government Offices, consisting of representatives of the various ministries; its task is to act to ensure that account is taken of the CRC when decisions which will affect children and young people are being prepared. The members of the Network also receive continual feedback from the CRC Co-ordination Office.

For its work on co-ordination with regional and municipal authorities, the Co-ordination Office takes part in various networks. One of these is the 'Child Rights Network' set up by the Swedish Association of Local Authorities and Regions; this network includes representatives of all of Sweden's regional authorities as well as child health specialists. It meets several times a year, and works to spread effective methods for promoting children's rights within the frame-work of the regional authorities' work.

Eleven Swedish municipal authorities have established a 'CRC partnership of pioneering child rights municipalities'³⁷. The partnership seeks to stimulate an exchange of ideas and experience between municipal authorities and national bodies with regard to successful methods for implementing the CRC. The municipalities involved in the partnership carry out informal studies of each other's work, and have published one or two brochures about their experiences.

The Co-ordination Office follows their work, but there is no formal co-ordination of it by the Government, or of any other work done by municipal authorities. Bearing in mind the country's far-reaching municipal autonomy, any such co-ordination effort would be hard to realise, representatives of the Co-ordination Office say.

The driving role of the Children's Ombudsman in the work of implementing the CRC implies close and frequent contacts with various public bodies, and with regional and municipal authorities. The Children's Ombudsman can for example request actors to submit information on what they have done to implement the CRC; can organise seminars and conferences; and can act in other ways to help build up capacity and spread ideas, experience and successful working methods. For all that, the Children's Ombudsman does not have a co-ordinating role.

When new questions arise or a need is felt for an exchange of views, the Co-ordination Office initiates meetings with members of parliament – for example, with the Parliamentary Social Affairs Committee, or the cross-party children's affairs group.³⁸ These groups can also request information from the Co-ordination Office.

The chairperson of the cross-party children's affairs group says that the contacts with Government Offices are satisfactory, but she notes at the same time that the group actually has more contacts with NGOs which work with children.

There is no regular forum for co-ordination between the government and NGOs. A few years ago the government set up a 'child rights forum', conceived as a platform for structured dialogue between the

³⁷ www.orebro.se/barnkonventionen (website in Swedish only).

³⁸ The cross-party children's affairs group was established in 1992; it is an informal network bringing together representatives of all the parties in parliament, and functions as a forum for discussions on children's rights and on how the child's perspective can be taken into account in the work of parliament.

government and NGOs which work with children. However, only one meeting was ever held – primarily because it simply proved too difficult to find meeting times which suited all the under-secretaries of state from the ministries concerned. As the forum was not working, in September 2009 the Ministry of Health and Social Affairs initiated a meeting with a number of NGOs on the subject of the recommendations of the UN Committee on the Rights of the Child. At this initial meeting, the participants identified a number of thematic areas from the recommendations on which they would conduct in-depth dialogue; the first such 'thematic dialogue', on the CRC and legislation, was held in March 2010. The future of the series of meetings is unclear.

For a period of time, the Minister for Health and Social Affairs had a 'child reference group' made up of approximately forty young people aged thirteen to eighteen years, from different backgrounds and different parts of the country. However, in recent years there have been no meetings of this group; the main reason for this, a representative of the Co-ordination Office told us, is that neither the Minister nor the young people involved felt that the meetings were productive. The Minister usually takes part in the annual hearing organised by the CRC Network, at which children put the questions.

The Children's Ombudsman has a well-developed range of dialogue with children and young people; there is, for example, a series of 'specialist panels' on various different subjects.

The Situation at Local Level

None of the four municipalities covered by the present study are involved in any CRC co-ordination initiatives going beyond the borders of their own municipal authority.

That being said, Partille municipal council's 'joint action for children' function (a well-established inter-departmental co-ordinating function) now also embraces the regional authority's health services.

"The fact that our work cuts across departmental boundaries is especially important when it comes to initiatives for helping children and young people who need extra support", one of the joint action group's representatives told us. "Deputy mayors and representatives of all the working committees, plus representatives from the regional health and care services, meet perhaps two or three times a year to discuss current problems and how to deal with them."

The head-teacher at one of the municipality's schools says that the biggest advantage gained from the joint action initiative is that it creates opportunities for new contacts:

"It means we get to know people from other departments than our own, and that can be very useful if a problem arises and you need to get in touch with them."

The municipality has also declared itself open to dialogue with NGOs, with regard to matters such as support to parents. Save the Children is involved in this work.

In Malmö, the work to develop a new strategy and plan of action to promote young people's influence and participation has led to the establishment of an 'inter-sector network', in which all the departments of the municipal authority's administration are represented. The members of the network are tasked with furthering discussions in their respective departments and committees on how to facilitate the democratic participation of young people. The network meets two or three times per term; with the CRC as their frame of reference, the members examine ways of furthering their joint actions, and exchange experiences on how to develop young people's influence.

”It’s time-consuming work”, says the municipal authority’s ’Democracy Development Officer’, who is in charge of the strategy for expanding young people’s opportunities for exercising influence. ”The important thing is to make sure we get the principle of young people’s influence embodied in every department’s operations plan.”

Neither Arvika nor Uppvidinge municipalities have inter-departmental co-ordination of initiatives for promoting children’s rights, or of issues relating to children and young people in general. Arvika municipality did however, as an example of co-ordination, explain that they had merged their Schools and Social Welfare boards to form a single unit, the ’Board for Learning and Support’. A representative of the authority said, ”We decided to take an all-inclusive view of the individual young person, their family and their education. Previously, confidentiality rules were an obstacle to the exchange of information and made it difficult to respond to situations quickly. Now, however, we have the whole picture straight away – and the child is the central reference point of the process.”

Discussion and Conclusions

The UN Committee on the Rights of the Child, and also Swedish NGOs, have repeatedly pointed out the disadvantages inherent in the extensive decentralisation that characterises the governance of Sweden. With reference to municipal autonomy, the Swedish government has declared that it will not be entering into any further discussion of the topic.

Nevertheless, if the political will exists, it would probably be possible to find a way to improve levels of co-ordination – for example, by encouraging the development of non-governmental networks such as the ’CRC partnership’ mentioned above, and using their experience as a catalyst for greater co-ordination. Another possibility could be to establish permanent co-ordination bodies; in its additional report to the UN Committee, Save the Children Sweden put forward a suggestion (which accorded with the conclusions of the final report of the Swedish government inquiry into ’Responsibility in Governance’) for the formation of a delegation for consultation between the state and the municipal authorities.³⁹ Yet another potential route would be to concentrate on providing municipal and regional authorities with adequate methods and tools for implementing the CRC, and to develop improved follow-up and evaluation of their work; this could be pursued via the Office of the Children’s Ombudsman.

One positive development is provided by the examples of municipalities which have started to adopt cross-departmental or inter-sectoral approaches to enable them to put the interests of children and young people centre-stage – such as the ’joint action for children’ function in Partille; a network to promote youth influence, consisting of representatives from all the authority’s boards and working committees, in Malmö; and the merging of two boards in Arvika.

Co-ordination with NGOs and children and young people is an area that has not yet found its ideal form. Different kinds of fora are set up, and then discarded when they prove unsatisfactory. One reason for this may be that the aims of the particular meeting or dialogue are not given sufficiently clear formulation.

Beyond the administrative departments and boards, municipal authorities have few institutionalised structures for consultation and discussion on children’s rights – neither with neighbouring municipal authorities, nor with NGOs or children and young people themselves. That being said, there is often close contact with NGOs, mainly relating to practical matters. With regard to the issue of consultation with children and young people, there often seems to be a shortage of concrete methods for organising the dialogue: ”I asked the Office of the Children’s Ombudsman if they had any material on working to extend young people’s influence, but they said that they didn’t have anything new”, a municipal employee told us.

39 Rädde Barnen, 2008

Recommendations

- The government should set up a permanent structure for consultation between the state and the municipal authorities on conventions and treaties on human rights that Sweden has ratified. NGOs should be represented in this structure.

Monitoring of Implementation

Introduction

To ensure that all elements of the Convention are respected in both legislation and policy work, there needs to be continual evaluation of the effects of any measures taken.⁴⁰ This review process needs to be built into governmental work at every level, and should feature at as early a stage as possible in policy processes, the UN Committee says. The Committee also gives a reminder that governments are obliged to monitor and evaluate their work – with the independent monitoring activities of NGOs, academic institutions and other actors also having an important role to play.

The Situation at National Level

The government presents a general review of the situation in Sweden when presenting its budget proposals – one section of the proposals looks at child rights policy (in other words, at the work of the CRC Co-ordination Office and those authorities and departments which fall under the Office's remit).

Since the adoption of the national strategy in 1999, a number of reports have been submitted to parliament, describing the progress made. Between 2000 and 2004 the then Social Democratic government presented three such reports to the chamber; an additional report was presented in 2005, but it was withdrawn by the centre-right coalition government which took office in 2006, and replaced by their own document, *Child Policy – a policy for children's rights in 2008*.⁴¹ This document did not however go into much detail about what had been done to implement the national strategy, being more concerned with the new government's policy development plans. The document pointed out that, in order to underline the fact that the policy was rooted in the UN Convention, the term 'child rights policy' was to be used in place of 'child policy'.

Among the subjects covered in the report, the government said that it would be giving the Children's Ombudsman greater responsibility for monitoring, following up and evaluating how well public bodies, and regional and local authorities, apply the CRC. Co-ordination of the efforts of government, NGOs and other actors would be improved by arranging an annual 'child rights forum', which would focus on a particular relevant question.

In 2004 the National Audit Office carried out an investigation of how far implementation of the national strategy had come.⁴² One of the Audit Office's observations was that there were no concrete, operationalised targets for the strategy, for example in the form of short-term or interim targets. The Audit Office therefore recommended that the government formulate more precise targets, and improve its reporting on how much progress has been made in relation to the strategy.

The Audit Office also pointed out that the government's reports contained relatively few accounts of actual changes achieved; instead, the reports concentrated on pledges for the future. The Audit Office therefore felt that the government should commission reviews of implementation at state and municipal level, and

⁴⁰ UN Committee on the Rights of the Child, 2003

⁴¹ Skrivelse 2007/2008:111

⁴² Riksrevisionen, 2004

that parliament should monitor developments, not least in light of the fact that the instruments available to government for steering municipal and regional authorities are very limited.⁴³

The following year the government decided, with reference to the recommendation of the National Audit Office to formulate more precise targets for the national strategy, to set up a working party tasked with developing indicators for measuring and monitoring work done in the area of child policy.⁴⁴ The areas for which the working party was instructed to investigate interim goals were not, however, directly linked to the national strategy; instead, they concerned fundamental rights such as health, education and democratic participation. The working party submitted its proposals in 2007.

The working party's proposals put forward a number of indicators, primarily at national level. Some of the indicators also made it possible to compare municipal and regional authorities, but the working party pointed out that statistics relating to children's life conditions are an area where development is needed at municipal level. In its written report to parliament in 2008, the government stated that, the proposals having been through the referral procedure, it was now considering the working party's proposals.⁴⁵ In autumn 2009 this weighing-up process was completed, and in its supplementary budget the government allocated an increased amount of money – SEK 3 million – to the work of "developing indicators and statistical material for use in monitoring and evaluating child rights policy." The Children's Ombudsman was instructed to develop indicators and statistical material and is currently engaged in this work, together with Statistics Sweden and the Ministry of Health and Social Welfare: "Our prime focus is on finding indicators for already-existing statistical data", said a representative of the Office of the Children's Ombudsman, "but we will also be working to identify areas where statistics are lacking." This work is scheduled to be completed by December 2011.

The Situation at Local Level

Since the adoption of the strategy, the Children's Ombudsman has circulated a number of questionnaires to municipal and regional authorities, as a means of monitoring implementation. These surveys have asked the authorities what their work with the CRC looks like – have they framed strategies or plans of action; do they use child consequence analyses; in what ways do they work to further the right of children and youth to exercise democratic influence, and so on.

The most recent questionnaire for municipal authorities was sent out in 2007;⁴⁶ in their responses, 78 per cent of municipalities said that they have adopted a resolution to work with the CRC, and 67 per cent said that they monitor and evaluate this work. When asked how this monitoring and evaluation is carried out, most municipalities said that they include it in their regular following-up of the authority's operations. A large number of municipalities also said that they make use of quality audits or internal reviews.

The questionnaire responses indicated that those municipalities which followed up their work on the CRC were more active than other municipalities; a greater proportion of them had carried out measures to push the work forwards, and a greater proportion of them had earmarked staff resources for the work.

Of the four municipalities covered by this study, Malmö appears to be the one that has made the most progress in the area of monitoring and evaluation. In 2004 the municipal council adopted a 'yellow card' scheme, together with guidelines for politicians and civil servants for the purpose of ensuring that the rights of children and young people are taken into consideration in all areas of the municipality's work. The check-list contains half a dozen

43 Rädde Barnen, 2005

44 Arbetsgruppen med uppdrag att utveckla indikatorer för barnpolitiken, 2007

45 Prop 2007/08:111

46 Barnombudsmannen, 2007

questions which are to serve as a reference when decisions are being prepared – for example, have the best interests of the child been weighed in, and have children’s views been canvassed?

The Executive Board of Malmö City Council monitors and reviews the work of the authority’s boards and committees annually, one tool in this process being the application of common control objectives. The Board decided that for 2010, one control objective would be to assess how well the handbook’s guidelines were used in preparing and enacting decisions.

Partille municipality has not carried out any formal follow-up of how well its CRC implementation strategy has been observed. Representatives of the authority did however tell us that their ‘joint action for children’ function (which also embraces the police and health services) sometimes gives civil servants specific follow-up instructions on matters affecting children and young people.

Neither Arvika nor Uppvidinge have adopted a strategy or a plan of action for the CRC – “but the important thing is making sure children’s rights are present in everything you do. Not whether you’ve got a piece of paper in your desk, or whether everyone keeps saying ‘CRC, CRC’ all the time”, a representative of one of the municipalities said to us.

Discussion and Conclusions

Although the national strategy has now been in existence for eleven years, there is still no model for monitoring and evaluating its effects. As early as 2004, the National Audit Office pointed out that the reports government had presented to parliament on how work with the strategy was progressing provided very few accounts of any actual change. In light of the fact that the strategy had been in place for five years by then, the Audit Office considered that it was time to start describing the results achieved; to this end, it recommended the government to commission an evaluation of implementation. However, although a further six years have passed since then, no such evaluation has been conducted.

With regard to the Audit Office’s critical comment on the fact that the strategy does not contain verifiable targets, work is still in progress to develop indicators and statistical information for following up child rights policy. After a deal of toing and froing the matter is now on the Children’s Ombudsman’s desk; one thing that is certain is that the model the Children’s Ombudsman finally decides on will not entail direct monitoring and review of the national strategy – because the government, in the meanwhile, has issued a decision that the follow-up process should be based on interim targets which are not directly linked to the strategy.

It is, however, worth remembering that the question of how best to monitor the results of the 1999 strategy is no longer an issue, since the government, in June 2010, presented proposals for a new national strategy. It remains to be seen whether the new strategy will be equipped with concrete, verifiable targets.

As far as the municipal authorities are concerned, two thirds of them said, in their responses to the latest Children’s Ombudsman survey, that they carried out monitoring and evaluation of their work with the CRC. The question is, what does this actually mean? It is worth remarking, in this context, that when the National Audit Office, in 2004, investigated implementation of the national strategy, sixteen municipal authorities said that they used child consequence analyses. The Audit Office asked to see examples of these analyses – and it transpired that in fact, none of the municipalities were carrying out child consequence analyses according to accepted definitions of the term. The municipalities had misunderstood the question, discontinued using analyses owing to political disagreement, and so on.

Recommendations

- The follow-up tool that the Children's Ombudsman is developing should be simple to use and flexible enough for use by municipalities which have made differing amounts of progress in implementing the CRC.
- The government should ensure that its new strategy for strengthening children's rights in Sweden is accompanied by a concrete plan of action featuring verifiable objectives and fixed time-frames.

Data Collection and Indicators

Introduction

The UN Committee on the Rights of the Child points out that the collection of data on children, disaggregated to levels which make it possible to identify discrimination and discrepancies in the realisation of children's rights, is an important element in implementing the CRC.⁴⁷ The data collected need to span the whole of childhood, i.e. up to the age of eighteen. The Committee wants to see detailed statistics and other information covering the whole spectrum of the Convention; and it is also important that data are used to evaluate progress, identify problems and provide an input to political decision-making. In order to make it possible to evaluate results, there is a need for indicators which are linked to all the rights enshrined in the CRC.

The Committee also emphasises that in many instances, it is only children themselves who can say whether their rights are being fully recognised and realised in practice. This means, for example, that interviewing children is a good way of finding out how far implementation of Article 12 has progressed.

In the concluding observations on Sweden's fourth report, the Committee expressed its concern at the shortage of statistics on the number of disabled children, the number of children aged between fifteen and eighteen years who have been subjected to mistreatment, and children who have been subjected to sexual abuse.⁴⁸

The Situation at National Level

There are in Sweden a large number of public bodies which between them gather a large volume of statistics and other information relating to children and various aspects of their life conditions. Statistics Sweden (the public agency with responsibility for official statistics, referred to in the following by its Swedish abbreviation, SCB) is responsible for cross-sector statistics, while some twenty-five authorities are responsible for producing statistics relating to their respective areas of operations.

Since 1998 SCB has produced annual statistics which provide an all-round picture of children's life conditions.⁴⁹ These figures relate to family circumstances, number of children from non-Swedish backgrounds, parents' occupations, etc. The statistics are published in SCB's database, which is freely available to the public, although the material is not easy for a statistics layman to grasp. SCB also publishes an annual report called 'Children and their Families'.

While some of the statistics are disaggregated to municipal level, SCB is planning to investigate, during autumn 2010, ways of obtaining more data that are broken down on a region-by-region or municipality-by-municipality basis. This work ties in with the government's instruction to the Children's Ombudsman to develop statistics and indicators as tools for evaluating CRC implementation (see under The situation at National level, page 30 above).

47 UN Committee on the Rights of the Child, 2003

48 UN Committee on the Rights of the Child, 2009

49 www.scb.se and interview

SCB also produces in-depth statistical studies of specific subject areas – for example, child welfare and poverty, or housing segregation. In their series called 'Living Conditions' they have published reports on topics such as children's health and children's leisure-time pursuits. These reports are based on an active contribution from children.

SCB also teams up with the Children's Ombudsman every three years to publish a report called *Up to Age 18*, a collection of data reflecting the everyday life of children in Sweden, spanning subjects such as children's health, leisure activities, family situation, and what children themselves see as important matters.⁵⁰

The National Board of Health and Welfare keeps a register of municipal authorities' work for children and young people, which includes statistics on outpatient care (for example, assignments of contact persons); however, the data in the register are not linked to individual people's national identity number, and that means that it is not possible to follow individuals over time. However, the statistics for young people placed in care outside their family home are based on ID numbers, and researchers may be granted access to this material (following an application procedure based on ethical criteria).

The National Board of Health and Welfare has, under instruction from the government, been examining the possibilities for developing statistics for out-patient care so that these figures, too, are linked to care recipients' national ID number. In its report from this study regarding the kind of information to be made available, the Board suggests that the data should include a statement of the grounds for each particular care measure provided, as well as recording the measure itself; the Board also finds that no data on cases reported to the social welfare services should be made accessible in the new system, despite the fact that this was something the government had wished to see introduced. Such information should continue to be anonymous, the Board explains, because of its sensitivity from the point of view of personal integrity.⁵¹

Again, acting on government directive, the National Board of Health and Welfare has compiled statistics on deliberate violence against children. And in 2007 the National Council for Crime Prevention introduced new codes for sex crimes, which make it possible to isolate statistics on sex crimes committed against children; it is now possible to separate out the figures for sex crimes committed against children under fifteen years of age, and crimes against children aged fifteen to seventeen.

With regard to disabled children and the UN Committee's concern at the lack of statistics, the government is of the opinion that advanced disaggregation of data in correlation with type of handicap risks damaging the integrity of the individual.⁵²

On the subject of children and school, the National Agency for Education compiles a wide range of statistics. In the 'Siris' database, for example, figures are available – per region, per municipality or per individual school – for the proportion of students who achieve pass grades in their last year at comprehensive school, average grades, pupil:teacher ratios, and so on. The SALSA analysis tool is a statistical model which includes parents' level of education, the proportion of students from non-Swedish backgrounds, and the relative distribution of boys and girls. By using SALSA, municipal authorities and individual schools can compare their performance with other schools, and gain new points of reference for their analyses.⁵³

50 Barnombudsmannen och SCB, 2007

51 Socialstyrelsen, 2009

52 Regeringen, 2007

53 www.skolverket.se

The National Agency for Education also carries out studies on various topics related to school education, such as attitude surveys in which students and teachers at comprehensive and upper-secondary schools can say what they think of school.⁵⁴ The attitude survey conducted in 2009 found that eight out of ten school students are happy with the way their school work is going, and nine out of ten are satisfied with their teachers. However, eight out of ten teachers feel that they do not have the knowledge or competence needed to identify pupils in need of special support.

At comprehensive school level (i.e. pupils aged between seven and sixteen), six per cent of pupils say that they are being or have been bullied; this figure has remained unchanged since the early 1990s. Another study found that the child:teacher ratio in Swedish nursery schools has moved from 5.3 children per member of staff in 2008, to 5.4 in 2009.⁵⁵ The child:teacher ratio has widened year for year since 2007, which is probably a reflection of the fact that ear-marked government grants to the municipal authorities for improving the staff:child ratio in nursery schools were withdrawn in 2007.

The Swedish Association of Local Authorities and Regions (SKL) publishes an annual set of comparative statistics ranking municipal authorities in terms of the final grades and examination results of students completing comprehensive education that year.⁵⁶ The 2010 report shows that just over ten per cent of students leave comprehensive school without having the grades necessary for entry to upper-secondary school programmes. The report also shows that the top three municipalities are Danderyd, Lidingö and Arvidsjaur (of which the first two are boroughs of Greater Stockholm). According to SKL, an analysis of the results shows that there are certain common characteristics in municipal authorities where students' performances have improved: clear instructions from the municipal authorities to their education departments and school managers that they are to work to improve academic results; better monitoring of students' work; and rewards to successful teachers.

The National Institute of Public Health has, for the first time, investigated school children's mental health, in a national survey in which 170,000 children in Years 6 and 9 answered questions on their mental well-being. The findings are presented in such a way that municipal authorities and schools can compare their results: "The findings provide an excellent basis for reflection, and hopefully dialogue between schools, pupils and parents", said one of the persons who carried out the survey. The findings do not reveal any particular clear pattern – among those schools where mental health was best there are large schools and small, schools in rural areas and inner-city schools. "What the findings demonstrate is that it is possible for schools to affect their scores. One theory we have is that schools which succeed in giving their pupils a belief in the future have fewer mental health problems. Psychological well-being also seems to be connected with academic performance: schools with high average grade levels also have better scores when it comes to their pupils' mental health."

The Situation at Local Level

At municipal level it is above all the larger authorities which carry out studies and produce their own data on their inhabitants' situation and views on various matters. Malmö, for example, produces an annual compilation of statistics on the health and welfare of the city's residents. The authority has also published a popular version of the welfare statistics, using a spider diagram.⁵⁷ The spider diagram shows the differences between men and boys, and women and girls, with regard to various welfare indicators such as the consumption of alcohol and drugs, stress and social involvement, illness and physical activity. The diagram also illustrates the wide discrepancies existing between different boroughs – Malmö is a segregated city.

54 Skolverket, 4 may 2010

55 Skolverket, 30 March 2010

56 SKL, 2010

57 Malmö kommun, 2009

Every third year, Malmö municipal authority also carries out a questionnaire-based survey of school students' habits and life status. The survey covers the pupils' views on safety and their sense of well-being, friends, the use of alcohol and drugs, sex and relationships, etc.⁵⁸ The study shows that these young people have a low level of interest for social issues, and that they feel they only have very limited opportunities to make their views known to those who govern the municipal authority. The findings of the study are used by the different administrations of the authority – for example, the questions and responses relating to interest in social issues and perceived opportunities for exerting influence, were isolated for use in the work to develop a strategy for improving young people's channels for democratic participation.

Partille municipal authority has also carried out health surveys among school pupils; a questionnaire was also sent to parents. Civil servants and elected councillors also keep a close eye on surveys carried out at national level: "It was, for example, a survey relating to children's mental well-being that triggered us to set up our 'joint action for children' function", the contact person for the function said. "If there is any particular area where we are short on data? I don't know: we have a good level of knowledge, and there are always surveys being done. Though of course we don't know everything."

In Arvika as well, none of the persons we interviewed could think of an area in which the municipality was short of statistics: "We are pretty well informed when it comes to children who need to be placed outside their own family, drug abuse, and so on. That's what things are like in such a little municipality – it's difficult for anyone to hide."

With regard to school and education matters, the authority's 'Board for Learning and Support' says that it keeps a close eye on the data compiled by the National Agency for Education. The municipality is just above average in the league tables for grades and the number of students who go on from comprehensive to upper-secondary school.

The inspections and reports of the Schools Inspectorate constitute a further stimulus for reflection. The 2009 report for Arvika showed that the degree of influence and participation accorded to pupils varied from school to school and teacher to teacher.⁵⁹ The quality report for that year mentioned the importance of providing competence development for teachers on methods for developing student participation.⁶⁰

Uppvidinge municipal authority was also subjected to criticism by the Schools Inspectorate, for not having factual information on how happy children are at school; consequently the authority will be carrying out a survey on this topic next year. The authority has also drawn up a plan of measures to improve its dialogue with students at the municipality's schools. Uppvidinge has a low ranking on the National Agency for Education's league tables for average grades, and of all the municipalities in the region of Småland it has the lowest percentage of young people who go on from upper-secondary school to higher education. "The level of education of children's parents is a major factor. One possibility could be to direct more resources to those areas of the municipality where a large proportion of the population is made up of immigrants with low levels of education", said the Director of the Child and School Office at the municipality. "But at the same time, it's easy to find a job straight after upper-secondary school around here, and that affects young people's willingness to go to university or college."

None of the persons from the Uppvidinge authority who we interviewed could think of an area where they had insufficient statistics relating to children and young people.

58 Malmö kommun, 2009b

59 Skolinspektionen, 2009

60 Arvika kommun, 2009

Discussion and Conclusions

Several of our interviewees expressed the view that, although there is a shortage of statistics in some areas – particularly with regard to disaggregated data for municipal and regional level – they do not consider it as a major problem. One thing that is seen as a problem, however, is the lack of overarching, summarising information – it is hard to see the wood for the trees. Sweden is a country where a lot of surveys and inquiries are carried out, and a lot of statistics are collected and compiled by public authorities, research institutes and so on. Considerable improvements have been made in the area of statistics relating to children – but there is still no-one whose job it is to have an overall, all-inclusive grasp of which data have been collected and which not.

The monitoring and review system which the government has instructed the Children's Ombudsman to develop, as a means for achieving more systematic follow-up of children's life conditions, will therefore be very useful. The follow-up system is to be used for measuring and describing those aspects of children's life conditions which the government judges to be of central importance from a child-rights perspective. The terms of reference for developing the system are rooted in the proposals put forward by a working party at the Ministry of Health and Social Affairs – and these proposals were in turn shaped in response to the criticism from the National Audit Office regarding the lack of measurable targets and indicators for the national child rights strategy. This is a problem which the Children's Ombudsman's work will not solve – but the new monitoring and evaluation system can be expected to lead to improved data in a number of other respects:

"It will for example give us much better opportunities for reporting to parliament", says one of the persons engaged in developing the system at the Office of the Children's Ombudsman. One aspect of the terms of reference is the instruction to locate areas where there are gaps or other shortcomings in the statistics. "One category which we know is poor is statistics on child participation – though that's an area where it's difficult to formulate factors which are measurable and quantifiable."⁶¹

The material developed by the Children's Ombudsman will be published on a web portal, where it will be accessible to anyone who wishes to use it.

Recommendations

- Ensure that the indicators currently being developed by the Children's Ombudsman and Statistics Sweden are clearly rooted in the CRC, and that they provide a true picture of the situation at local and regional level.

Visibility of Children in Budgets

Introduction

"No country can say whether it fulfils children's economic, social and cultural rights 'to the maximum extent of [its] available resources' (as Article 4 of the CRC requires) if it is not able to demonstrate what proportion of the monies in national and other budgets is allocated to the social welfare sector, and what proportion of this is in turn allocated to children, in ways both direct and indirect", the UN Committee on the Rights of the Child emphasises.⁶²

61 Save the Children Sweden has started work on developing a municipal index for gauging children's opportunities for exercising influence. A preliminary study has shown, however, that with the statistical material currently available it is not possible to measure children's participation at municipal level.

62 UN Committee on the Rights of the Child, 2003

Certain countries have claimed that it is not possible to analyse the national budget in this way – while other nations produce an annual 'Children's Budget'. The UN Committee points out that it needs to know what steps have been taken, at all levels of government, to make sure that a), economic and social planning, decision-making and budgetary dispositions have been effected with the best interests of the child as a central concern; and b), children – especially marginalised groups of children – are protected from any negative effects of economic policy or economic recession.

In its concluding observations on Sweden's fourth report, the UN Committee expressed its concern regarding the discrepancies in the availability of services to children in Sweden depending on where they live. The Committee recommended that Sweden should increase the availability of specific information, expressed in figures and as a percentage of the national budget, relating to implementation of the CRC. The Committee also recommended that Sweden should expand its measures for ensuring equal availability of and access to services for all children, irrespective of where they live.⁶³

The Situation at National Level

The Swedish national state budget does not contain a separate children's budget detailing what resources are being allocated to children and their needs.

"One year – I think it was 2005 – we collated all the money for the work done for children and young people and presented the figures to parliament in a separate supplement. 'Great', they said, 'but we want analysis, not figures.' Since then we haven't done it again", said a civil servant at the CRC Co-ordination Office at Government Offices.

The civil servant went on to add: "And anyway, presenting a separate children's budget skews the picture, because so much of the work and services that affect children take place under the aegis of the municipal authorities."

The annual national budget does, however, contain a section called 'Child Rights Policy',⁶⁴ which shows what resources are available to the CRC Co-ordination Office. In total, this year the Co-ordination Office has been allocated SEK 16 million (€ 1.7 m), to cover the cost of conferences, information material and other activities for strengthening children's rights. In recent years the Council of Europe, for example, has been provided with funding to arrange a conference, and the Karolinska University Hospital has received funding for preventive work to combat violence against infants. UNICEF has received a grant for developing a handbook on CRC implementation, and a number of Swedish NGOs received funding for spreading information on the CRC in connection with the Convention's 20th anniversary in 2009. Normally, however, the Co-ordination Office refers NGOs' applications for funding to the Swedish Inheritance Fund, which has far greater resources at its disposal.⁶⁵

The budget allocation to the Office of the Children's Ombudsman for 2010 is SEK 18 million.

None of the persons we interviewed can remember whether any specific questions concerning children came up for discussion when the 2010 budget was being voted through parliament; this is probably due to the fact that the budget did not envisage any funding cut-backs or reductions of services which would affect children. Similarly, no such cuts have been introduced as a result of the financial crisis. "However, when families are hit, then it hits children too", says the chairperson of the cross-party children's affairs group. "We need to take a closer look at the whole subject of child poverty."

63 UN Committee on the Rights of the Child, 2009

64 Prop 2009/10:232

65 The Swedish Inheritance Fund ('Allmänna Arvsfonden' in Swedish) administers monies from deceased persons who die intestate and with no next of kin. The Fund uses these monies to support private organisations seeking to develop activities for children and young people, and disabled people of all ages.

The Situation at Local Level

Few municipal authorities in Sweden draw up separate children's budgets or carry out child rights audits. "It's a difficult area – but a very interesting one", says a representative of the Office of the Children's Ombudsman. "How do we think about resources? Are children and young people given the chance to take part in the planning process? After all, they're important, with sixty-five to seventy per cent of municipal authority spending being related to children."

The Swedish Association of Local Authorities and Regions (SKL) has no over-arching picture of the work municipal authorities do in this field, but there are examples of municipalities which strive to make children visible in their budget processes. The municipality of Borlänge, for example, has developed a child rights audit. However, none of the four municipal authorities included in this study have started to produce a children's budget or child rights audit.

That being said, Malmö's budget for 2010 does name children and young people on several occasions, which is only logical bearing in mind that the city markets itself as the 'City of Youth', and was designated 'Youth Municipality of the Year' a few years ago by the Swedish National Board for Youth Affairs. A passage in the budget reads: 'Malmö is a European centre of youth culture and vibrant self-confidence. The city is home to people from over 170 different countries, a place where knowledge, creativity and youthful energy are nourished by impulses from all the world's cultures.' A diagram in the budget shows that just over forty per cent of the municipal budget is allocated to the school sector (i.e. nursery, comprehensive and upper-secondary schools). The budget does not, however, give any account of what proportion of the money allocated to health services, the social services, culture and leisure activities etc. can be said to reach children.

Partille municipal authority says that approximately half of its work relates to children and young people. They have not considered introducing a separate children's budget, or a child rights audit. Neither have they considered cut-backs during the financial crisis: the municipality has a stable tax base, and had pursued careful policies during the preceding period of economic expansion, so it was well-equipped to deal with the crisis.

Arvika, too, has to date been able to ride out the economic storm without having to make any cuts that might affect children. "Unemployment is high enough as it is, without the municipal authority adding to the jobless figures by making people redundant. But we have been forced to cut back on certain investments that had been planned for 2010. And we'll have to see what things look like next year, when we won't be getting any extra grants from central government", says the chairperson of Arvika's Board for Learning and Support.

In the municipality's budget, education and the health services each account for about thirty per cent of costs. The authority has never considered drawing up a separate children's budget.

Uppvidinge is a scarcely populated rural municipality with considerable economic problems, primarily caused by depopulation as people move away, with an ensuing fall in the authority's tax income. The structure of the municipality also contributes to the economic difficulties: there are four small towns of roughly equal size which compete for services and investment. The topic of children's budgets or child rights audits has not been up for discussion in the authority.

Discussion and Conclusions

When the speech-making is over and the media glare has died down, it is the actual allocation of resources that clearly shows which issues are accorded highest priority, which areas are to be supported, and where cuts are going to be made. And yet, specific children's budgets and child rights audits are questions for

which there only appears to be very limited interest; among all the people we interviewed in connection with this study, both at national level and in four municipal authorities, not one person expressed any real enthusiasm for the subject. Those who have any opinion tend to hold that having a separate financial statement for the funding that goes to meet children's needs is difficult to do and risks being misleading, at the same time as it does not say very much about the quality of service that children gain from the money.

If there were good examples of children's budgets and child rights audits it would be possible to train the spotlight on them and use them as a starting point for debate, in the aim of overcoming the fairly solid lack of interest in the issue prevailing today. It is probably, however, considerably easier to generate interest in specific questions relating to the national budget or the budgets of municipal authorities – such as: what resources are set aside for the support of children who have been subjected to violence; or how much money is spent on helping school pupils with learning difficulties – than in more general patterns of resource allocation over time.

The Children's Ombudsman has drawn up a guide on how the CRC can be used as a tool for auditors at municipal and regional level.⁶⁶ The guide contains examples from various municipalities where auditors have identified instances of uneven resource allocation, insufficiently clear objectives in certain areas of work, inadequate reporting, etc.

Recommendations

- Development work is needed to create practical models for making children visible in budgets at both national and local level.

Co-operation with Civil Society

Introduction

The UN Committee on the Rights of the Child emphasises that, while states are under the obligation to implement the CRC, implementation is a process that also needs to involve all sectors of society, including children themselves.⁶⁷ Even if states are the only kinds of actors to have ratified the CRC, and thereby have the ultimate responsibility for ensuring that it is observed, all members of society – individuals, families, the local community, inter-governmental and non-state organisations, civil society and the private sector – bear some responsibility for implementation.

The Committee also points out that the state needs to work alongside NGOs in the widest sense, while respecting their independence. These organisations include groups working for human rights, organisations led by and for children and young people, parent and family groups, religious organisations, academic institutions and professional associations. NGOs played a very important part in the drafting of the Convention, and it is necessary to involve them in the process of implementation. The Committee therefore asks states to support NGOs and build up positive relationships with them.

The Situation at National Level

There is at present no regular forum for contacts between the CRC Co-ordination Office (which is based at the Ministry of Health and Social Affairs and is responsible for Government Offices' work on implementing the UN Convention) and civil society. A number of years ago the government introduced a new 'Child Rights Forum', conceived as providing an interface between Government Offices and civil society, and a forum for structured dialogue. The Child Rights Forum was composed of the Minister for Health and Social Affairs, five under-secretaries of state, and ten leading representatives of NGOs. However, only one meeting of the Forum was ever held. According to a civil servant working on the CRC

⁶⁶ Barnombudsmannen, 2007

⁶⁷ UN Committee on the Rights of the Child, 2003

Co-ordination Office, this was primarily due to the Forum's being so ambitious in scale, for example with so many under-secretaries of state; as a result it was extremely difficult to find suitable meeting times. In Sweden's fourth report to the UN Committee, the government said that it had the intention of developing the Child Rights Forum into a more open and inclusive platform for all the actors concerned, including children and young people themselves.⁶⁸

In 2009 the government launched an initiative for thematic dialogues to be attended by the Children's Ombudsman, NGOs, public authorities, and SKL. The first meeting identified the most pressing thematic areas on the basis of the recommendations of the UN Committee, and in spring 2010 the first thematic dialogue – on legislative issues – was held. "It was a good meeting, but it needs to be followed up", said a representative from one of the NGOs taking part.

In addition to such formalised meetings there are a large number of informal contacts between Government Offices and NGOs – and while some representatives of NGOs feel that there has been a reduction in the dialogue in recent years, others think that there has been more: "It might feel like there's more dialogue because we ourselves have become more active at seeking dialogue than previously", said one representative.

The NGOs also have positive contacts with the parliamentary cross-party children's affairs group, which they see as providing them with a useful channel into parliament. Similarly, there are good links between the Children's Ombudsman and civil society: "We work closely together. The NGOs do important work, and we are often involved in the same conferences and round-table discussions as them. We complement each other well", said a representative of the Office of the Children's Ombudsman.

When Sweden is preparing its official reports to the UN Committee, NGOs such as Save the Children Sweden and ECPAT put together 'alternative' reports of their own. The CRC Network – a network of a large number of Swedish NGOs which work with and for children – also produces a report, based on the views of children and young people.

In isolated cases, the CRC Co-ordination Office can grant financial support to NGOs to help them fund initiatives aimed at promoting children's rights, although usually, enquiries about and applications for such funding are referred to the Swedish Inheritance Fund.

To ensure that the views and opinions of children and young people reached government, in the past the Minister for Health and Social Affairs consulted a children's reference group. However, the meetings between the reference group and the Minister were not felt to be particularly fruitful, one of the members of the CRC Co-ordination Office told us, and as a result no meetings of the reference group have been held for a number of years.

The CRC Network organises an annual hearing with the government relating to implementation of the CRC, with children and young people putting the questions. The Minister for Health and Social Affairs usually attends, and sometimes one or more other members of the government.

The Office of the Children's Ombudsman has a broad spectrum of contacts with children and young people. As well as visiting schools and youth activities, the Ombudsman sends questionnaire surveys to what are called 'contact classes' two or three times a year. The Children's Ombudsman also receives advice from a number of children's and young people's councils, and from an expert panel of children and young people who have been placed in care homes. As part of the process of preparing a response to the bill for a new School Education Act, the Children's Ombudsman arranged a meeting with disabled school pupils.

68 Regeringen, 2007

Nevertheless, among children and young people in general, the Children's Ombudsman is not at all well known. Most of those we asked had heard the term, but did not know what the Children's Ombudsman does. One girl in Arvika had an idea of what the job is about: "I guess it's like, well, the prime minister, but for children."

The Situation at Local Level

None of the four municipal authorities embraced by this study has any formal structures for consultation between the authority and NGOs on overall issues relating to implementation of the CRC. In Partille certain NGOs are, however, represented in groups which work on various subjects, such as support to parents.

In Malmö the authority is very interested in exploring co-operation and collaboration – for example with regard to the provision of training on how the CRC can be implemented in practice. "A lot of the staff of the authority know about the principles, they know what the CRC stands for – but they don't know what to do to implement it", said an employee of the authority. "I asked the Children's Ombudsman if they could provide training of some kind, but they only advised me to contact the NGOs."

At Malmö there is also interest in co-operating with NGOs on current issues, such as child poverty. The latest of the child poverty reports Save the Children Sweden has been publishing since 2002 shows that Malmö has the highest rate of child poverty in the country, at just over 30 per cent.⁶⁹ In the borough of Rosengård, 62 per cent of all children and young people live in poverty, according to the study.

Save the Children volunteers in Malmö have expressed dissatisfaction at the shortage of information provided by Malmö municipal authority – they have, for example, received no information relating to the strategy for promoting young people's democratic participation which the authority is supposed to be developing. Save the Children volunteers also say that they themselves need to pursue a policy of more active lobbying of the authority: "We've worked on providing homework help, which is something there's a very big need for. There are a lot of children who need extra assistance, and some schools are crying out for help from volunteer organisations. But we think that the municipal authority should make sure that there are enough teachers and other staff at school to ensure that pupils get the support they need there."

In Arvika and Uppvidinge, the municipal authorities are very appreciative of the work done by volunteer groups: "We wouldn't manage without the efforts put in by volunteers", said the chairperson of one authority board, while another authority representative said: "The volunteer groups play an important part in making sure the municipality maintains a good quality of life." For organisations such as Save the Children there are, however, a number of dilemmas associated with their relationship with the municipal authorities: one such question is, how much of the organisation's resources and efforts should be channelled into being a helping hand or provider of relief staff for the municipality – in other words, doing work the authority perhaps should be doing itself? The role of championing rights, working as a pressure group, risks being overshadowed when volunteers are busy taking part in courses, helping children with homework, running youth clubs, and so on.

A further problem is the shortage of members who are able and have the time to commit themselves to volunteer work. It is a more or less endemic scenario that NGOs and charities are struggling to recruit new members who are prepared and able to do active work; in practice, these groups are often obliged to rely on the commitment of a small group of people, perhaps no more than a few individuals – who are often pensioners. In one of the four municipalities, a representative of the authority expressed the somewhat critical viewpoint that the volunteer organisations are not always able to take on any new or demanding tasks.

⁶⁹ Rädde Barnen, 2009

On the question of young people's participation, Malmö has set up a central forum consisting of some fifteen active young people aged between thirteen and twenty-five. In addition, six of the city's boroughs have youth councils; these have developed in differing ways, and have somewhat differing functions in the different boroughs: some of them are invited to meetings with the municipal authority, while others have designated contact persons who listen to their views. "In some cases I suppose it is a bit for appearance's sake – but some of these youth councils, at least, have worked out methods and channels of their own", a spokesman for the authority said. "They communicate via Facebook, for example, and don't have meetings in the traditional sense."

In its CRC strategy, Partille commits itself to expanding the opportunities children have to exercise their right to democratic participation; that being said, the authority is still not decided on how best to achieve this objective: "One needs to be prepared to work in unconventional ways, and to look at the needs of each particular situation."

Neither Arvika nor Uppvidinge have any formal structures for regular consultation with children and young people. Both authorities point out that they have pupils' councils as fora via which children can express their views, and in Uppvidinge the council has held thematic meetings to which the pupils' councils were invited. In Arvika, teachers have informed children that they, like all other residents, can submit 'citizens' proposals' to the municipal authority – and several pupils have done so. "Some of their suggestions have been taken up", said a representative of the authority: "We have put up a new climbing frame, and a sledging slope has been equipped with lighting so that it can be used in the evenings."

The young people we interviewed mentioned pupils' councils as their main opportunity for exercising influence. Some of them had positive experiences, and felt that the pupils' councils in themselves are a good forum – but that any proposals they put forward are always turned down by the authority, on the grounds that there is no money available. In one of the municipalities the young people we interviewed said that their pupils' council had not had a meeting for six months. In one of the municipalities where the pupils' councils do seem to function well, the pupils were also satisfied with the information they received from the authority regarding the way their proposals were dealt with; in another, the young people said that they would like to receive explanations when their suggestions are turned down: "As it is now, we don't get told anything. And that means it feels pointless to go to the pupils' council meetings."

Discussion and Conclusions

In Sweden it is customary for government, public authorities and municipalities to invite involvement from NGOs in various ways – involvement in activities, participation in meetings and conferences, hearings at which the organisations can present their views. The extent to which decision-makers really listen to the organisations and take their views on board must, however, be said to vary. Sometimes the organisations feel that the dialogue is a formality without any real content, an item on the agenda that needs to be ticked off before a decision or resolution can be finalised. That being said, generally speaking opportunities are given for putting the views of civil society across.

In the case of child rights issues, the representatives of national government have well-established personal contacts, and a thorough understanding of how NGOs work. Some of the civil servants working for the CRC Co-ordination Office at the Ministry of Health and Social Affairs, and in the Office of the Children's Ombudsman (including the Children's Ombudsman himself), have themselves previously worked for NGOs. Nevertheless, the dialogue seems to be rather tentative: there is no regular forum for consultation between government and NGOs; the structure of those meetings that do take place has been changed several times over recent years; there seems to be no clear formulation of how the meetings are to be followed up. It would perhaps be a good idea if both the CRC Co-ordination Office and the NGOs were to think through and clearly formulate the purpose of, and the potentially most fruitful forms for, their consultation meetings.

The same applies with regard to the purpose of and form for consultation with children and young people. The Ministry of Health and Social Affairs no longer has a young people's reference group, whereas the Office of the Children's Ombudsman is continually expanding its network of contacts with children and young people. There are probably lessons which Government Offices can learn from the Children's Ombudsman as a step towards infusing new life into their dialogue with children and young people.

At local level, the contacts between municipal authorities and NGOs is to a large extent based on being involved in or responsible for the same issues. However, structures for incorporating the views of children and young people into the work are for the most part non-existent, and there also appears to be an absence of clear, practical guidelines on how consultation can be organised.

Recommendations

- The most appropriate forms for dialogue and co-ordination between the CRC Co-ordination Office and NGOs should be developed, taking into consideration the needs and interests of all kinds of actors involved.
- The CRC Co-ordination Office should develop its contacts with children and young people.

International Co-operation

Introduction

The UN Committee on the Rights of the Child, in its 'General Comment No. 5' (regarding general measures for implementation of the CRC), emphasises that implementation of the CRC is a shared concern for the states of the world. Article 4 and others of the CRC highlight the need for international collaboration in achieving implementation.⁷⁰

The Committee advises states to use the Convention as their frame of reference when engaged in joint international development initiatives related directly or indirectly to children; it also points out that the programmes of donor states should be rights-based. The Committee goes on to urge states to meet the terms of international agreements, such as the target that 0.7 per cent of the gross domestic product of industrialised countries should be directed into development aid. The plans which developing countries themselves draw up for combating poverty and achieving the millennium development goals must include a strong focus on children's rights.

In the UN Committee's concluding observations on Sweden's fourth report, Sweden was praised for its commitment to aid and international development co-operation.⁷¹ The Committee hoped that Sweden would continue and indeed extend this commitment, for example by introducing child consequence analyses, and paying particular attention to the CRC and the concluding observations and recommendations expressed by the Committee.

The Situation at National Level

A number of policy papers and other government documents state that children's rights are to be integrated into Swedish development aid. In its 'letter of appropriations and directives' to Sida (the Swedish International Development Co-operation Agency) in 1999, the government instructed Sida "to continue to work on developing a systematic child rights perspective in its development co-operation, for example by monitoring and applying the CRC, and following up observance of the measures agreed on at UN conferences with regard to children's rights and life conditions."⁷² In addition, the government directs

70 UN Committee on the Rights of the Child, 2003

71 UN Committee on the Rights of the Child, 2009

72 Regeringen, 1999

Sida to work on creating methods and instruments which can be used in international development co-operation as tools for realising children's rights.

Sida's own guidelines from 1999 state that girls and boys are actors who are to be given the right and opportunity to participate in the development of society. Moreover, "It is Sida's responsibility to make children and their rights visible in Swedish development aid."⁷³

In the government's communication to parliament on the child rights perspective in international development work, there is a similar expression of the aim of making children and young people visible in society, and of ensuring that their needs and interests are taken into account in all decision-making.⁷⁴

The Swedish Policy for Global Development, which was adopted by parliament in 2003, is based on two perspectives: the rights perspective, and the perspective of those who live in poverty.⁷⁵ The Policy states that, with regard to both of these emphases, respect is to be given to children's rights and the child's perspective.

Despite the presence of ambitious expressions relating to children's rights in general policy documents, there is nevertheless a gap between these documents and the concrete measures taken at the level of practical implementation. Whereas there are specific policies and action plans for issues such as gender equality and the environment, there are no such documents for children's rights.

In the co-operation strategies which guide the work in every separate country, it is often mentioned that Sweden's initiatives are to be based on a rights perspective, or that children and women are to be the target group of specific operations. When Sida in 2005, on instructions from the government, presented a report on the results achieved by applying the child's perspective, it was shown that a lot remains to be done before the child's perspective can be said to be fully integrated into the organisation's work. The co-operation strategies often lay down initiatives or thematic areas which are to address children and their needs, and it is not unusual that these at least to a degree embody the child's perspective⁷⁶ – but none of the strategies contained an analysis which was rooted in the four main principles of the CRC, and which embraced the total situation of children in the country concerned.

At country level, there are often extensive cooperation programmes relating to health and education – but there are usually no figures showing what proportion of the money invested in these initiatives goes to children and their needs. Neither are figures available to show how much of the support given to strengthening democracy and human rights is directed to fulfilling children's needs in these areas. Sida is however preparing an overview of initiatives for child protection, which will be ready in August 2010.

Some of the support at country level is channelled via UNICEF – in all, UNICEF receives some SEK 700 m a year from Sida, and part of this funding is used for humanitarian aid. In addition, this year the Ministry of Foreign Affairs has granted UNICEF SEK 475 m in what is called 'Basic budgetary support'.

A large part of the aid Sida channels through NGOs concerns children's rights – for example, the funds directed through Save the Children and Plan International – but the child's perspective is generally speaking conspicuous by its absence from the poverty reduction strategy papers (PRSPs) which developing countries are to draw up as a precondition for being granted aid and debt relief. Sida has therefore given

73 Sida, 1999

74 Skrivelse 2001/02:186

75 Prop 2002/03:122

76 Sida, 2006

the National Council of Swedish Youth Organisations a grant to work on ways of helping young people in developing countries to formulate their own views on poverty, and convey these views to the decision-makers in their respective countries. Sida also provides funding to the Children's Ombudsman for use in running training programmes for participants from Africa, Asia and Latin America on how to promote children's rights in their countries.

The policy for humanitarian aid currently in place in Sweden does not mention children's rights.⁷⁷ The Ministry of Foreign Affairs is currently drafting a new policy, which is expected to be published in 2010.

In 2007, the government's 'letter of appropriations and directives' to Sida included a new directive, which concerned children's rights: Sida was directed to submit proposals for a revision of the government's communication to parliament concerning children's rights. Sida reviewed the communication, invited NGOs to submit their views, and formulated an extensive set of revision proposals.⁷⁸ The Ministry of Foreign Affairs then claimed that there would not be time to look at the issue before Sweden took over the chairmanship of the EU in autumn 2009. As of May 2010 no steps had been taken in response to Sida's proposals.

The resources available to the Ministry of Foreign Affairs to work with children's rights have been cut back; and the Ministry's 'Child Affairs Project', which worked to spotlight priority issues and groups of children, is no longer in operation. Sida, too, has seen reductions in its resourcing levels – there used to be, for example, a help-desk for child rights issues, manned by several employees, but now only one person works with these questions.

In its fourth report to the UN Committee, Sweden recognised that considerable work remains to be done before the child rights perspective can be said to be completely integrated;⁷⁹ for example, the subject of children's rights needs to be made a more systematic part of the dialogue with other governments and development partners than has hitherto been the case. Nevertheless, there are examples where children's rights have featured in bilateral dialogue; one such case is Tanzania, where the dialogue has highlighted issues such as stopping corporal punishment, and promoting girls' right to education.

Discussion and Conclusions

Despite all the many words written in policy documents about how the child's perspective is to suffuse all development aid, a great deal still remains to be done before the child rights perspective can be said to be fully integrated into Sweden's development assistance.

The government's communication to parliament concerning children's rights is in need of revision on several counts, but despite a set of revision proposals submitted by Sida in 2007, the Ministry of Foreign Affairs has not given the matter priority.

At both the Ministry of Foreign Affairs and Sida there have been cut-backs in the human resources that are deployed to work on child rights matters; this can probably be interpreted as indicating that these issues are no longer seen as new and challenging.

However, despite the inadequacies we note both in terms of the overall application of the child rights perspective, and with regard to specific child rights issues (such as when conducting dialogue with recipient countries), considerable amounts of aid money are directed into development initiatives which, in the broadest sense, strengthen children's rights. That being said, there are no exact figures for how much aid money is spent on children and their needs.

⁷⁷ Skrivelse 2004/05:52

⁷⁸ Sida, 2007

⁷⁹ Regeringen, 2007

Recommendations

- The government should, as soon as possible: a) carry out a review of its communication relating to the child rights perspective in development co-operation, since parts of it do not meet today's needs; and b) ensure that it grants Sida sufficient resources to integrate the child rights perspective in all its development cooperation.
- Sida should increase its efforts to place priority child rights issues on the agenda in its dialogue with the governments of recipient countries and other partners, as well as include the child rights perspective into the country strategies.
- The government should introduce priority child rights issues as a forth focus area in its development cooperation.

Independent Human Rights Institutions

Introduction

The UN Committee's General Comment No. 2 deals with the role of independent national institutions for the promotion and protection of children's rights.⁸⁰ The Committee points out that it considers the establishment of institutions of this kind to be inherent in the commitment made by signatory states when ratifying the Convention.

In General Comment No. 2 the Committee emphasises that it is important that institutions for children's human rights should be independent, and that their work should comply with the 'Principles relating to the status of national institutions for the promotion and protection of human rights' (known as the 'Paris Principles'), adopted by the General Assembly in 1993.⁸¹ The Committee also goes on to underline that these institutions are to be free from financial control that might jeopardise their independence, and are to have sufficient resources to be able to act effectively.

National institutions for the protection of children's rights should be able to report directly to the public and to parliament. States must also ensure that an annual debate is held in parliament, to give members of parliament the opportunity to discuss the work of the institutions and the question of how well their country is fulfilling the CRC.

The Committee also explains that the national institutions for children's human rights are to be physically and geographically accessible to all children, and that they are to be able to deal with individual complaints. They have a key role to play in promoting respect for children's views.

On numerous occasions - the most recent one being in its concluding observations on Sweden's fourth report - the Committee has expressed its concern at the fact that children cannot bring individual complaints before the Children's Ombudsman.⁸² The Committee also points out that it is important to ensure that the role of the Children's Ombudsman is free and independent vis-à-vis the government. The Committee recommends, too, that the government should consider giving the Children's Ombudsman the authority to investigate individual complaints, and should equip the Ombudsman with the wherewithal to establish local representatives. The Committee also suggests that the Children's Ombudsman's annual report should be presented to parliament.

80 UN Committee on the Rights of the Child, 2002

81 The Paris Principles emphasise the importance of independence for national institutions which monitor respect for human rights. Such bodies should have a broad mandate which is regulated in the constitution, their own premises and staff, and should be funded in ways which do not compromise their independence. They should be freely able to deal with all and any questions which fall within their mandate, and empowered to summon for discussions whichever persons they wish.

82 UN Committee on the Rights of the Child, 2009

The Situation at National Level

The Office of the Children's Ombudsman was established in 1993. The tasks and duties of the Office are laid down in the Children's Ombudsman Act, which enshrines the Ombudsman's duty to a), represent the rights and interests of children and young people with reference to the CRC, and b), to actively further the implementation, and monitor the observance, of the CRC.⁸³ The remit of the Office also includes: presenting the government with suggestions for changes in legislation and other measures; informing the public and shaping public opinion; collecting knowledge and compiling statistics; and following international developments.

In 1998 the government appointed a one-man inquiry to review the remit of the Office of the Children's Ombudsman; in his report, the inquiry officer suggested that the Ombudsman aspect of the role should be further strengthened, with a concomitant reduction in the Office's role as a public authority. As a consequence of the inquiry and report, a new clause was added to the act governing the work of the Children's Ombudsman, stating that government administration departments, and municipal and regional authorities, are, on instruction from the Children's Ombudsman, to present the Ombudsman's office with information detailing what measures have been taken in their respective operations to implement the rights of children and young people. These bodies are also required, if requested, to attend the Office of the Children's Ombudsman for discussions.⁸⁴

In 2007 the National Agency for Administrative Development was instructed to carry out a review of the structure of public-sector realisation of child policy. The review report presented a number of partly overlapping proposals which – although it was never said in as many words – could be interpreted as suggesting that the Office of the Children's Ombudsman should be closed down.⁸⁵ NGOs protested, and the Minister for Health and Social Affairs cleared the air by underlining that the Ombudsman's office would not be closed. The Agency also pointed out that there was a need to improve and develop the monitoring and evaluation processes relating to the implementation of the CRC. The result of this observation was that the government presented the Ombudsman with a more clearly formulated ordinance,⁸⁶ which instructs the Ombudsman to ensure that the Office systematically, and at regular intervals, monitors and evaluates how well state bodies, and municipal and regional authorities, are implementing the CRC.

The Children's Ombudsman is appointed by the government, and the Office of the Children's Ombudsman has a staff of some twenty employees. The instructing authority is the CRC Co-ordination Office at the Ministry of Health and Social Affairs. The budget for the Children's Ombudsman in 2010 is SEK 18 million. "The Ministry has an important role to play – for example, informing us of new inquiries and reports before directives are formulated", says a representative of the Ombudsman. "But it is we ourselves who decide the agenda for our work, and we have recently laid down a six-year plan with clearly defined interim targets."

In recent years the government's 'letter of appropriations and directives' to the Office of the Children's Ombudsman has featured fewer directives. The letter for 2010 does not contain any detailed steering, while the 2009 letter laid down three particular directives, and the letter for 2008 also contained several specific instructions.⁸⁷

83 Svensk författningssamling 1993:335

84 www.barnombudsmannen.se

85 Statskontoret, 2007

86 Svensk författningssamling 2007:1021

87 The government can issue 'letters of appropriations' without attaching any particular directives. Whether the fact that the 2010 letter of appropriations for the Children's Ombudsman is free from directives reflects the Ombudsman's relatively independent status, or whether it is part of a general trend in state administration, is a matter it is beyond the scope of this study to judge. It should however be noted that letters of appropriations are not the only medium through which the government can issue public bodies with directives: directives/instructions can be issued in the course of a dialogue between the respective ministry and authority – and such a dialogue can also come about on the initiative of the authority/public body.

Over recent years the Office of the Children's Ombudsman has increasingly moved away from carrying out general initiatives aimed at spreading information or gathering knowledge (such as questionnaires to municipal and regional authorities). Instead, the Children's Ombudsman selects specific areas in which the need is judged to be greatest – such as the situation for children placed in care outside their own family – and the Office carries out in-depth studies of what life is like for these children.

The Office of the Children's Ombudsman has close and frequent contacts with state bodies and with the municipal and regional authorities. For example, during the past year the Ombudsman has examined how well the child's perspective is expressed in the work of some sixty public authorities. One general conclusion reached is that, since government demands on public bodies in terms of their feedback reporting differ, it is hard to compare what they have achieved.

The Ombudsman also has wideranging contacts with NGOs; these contacts take various forms, such as participation at conferences, round-table discussions, and other arrangements organised by one or the other party; there are also joint information and publicity campaigns. An example of the latter is provided by the production and distribution of an educational package called 'I've Got Something to Tell You', which was sent to every school in the country in connection with the twentieth anniversary of the passing of the CRC.

The Children's Ombudsman has an expert panel of children and young people who have been placed in care homes; it was set up as part of the Ombudsman's investigation into the situation of children placed in care outside their own families and how well their rights are respected. In addition, when issues are circulated to the Ombudsman for referral, the Office frequently arranges meetings to hear the views of children and young people.

Although the Children's Ombudsman is not an authority which can deal with individual complaints, staff of the Office say that they nevertheless receive such complaints. The Ombudsman may then choose to deal with the issues raised from a more general perspective. For example, the Ombudsman protested against the fact that children could be registered as debtors if parents did not pay bills for their children's health care; the Ombudsman's initiative started in response to a letter received by the Office, and has now resulted in legislation which states that children must not be registered or treated as debtors if their parents fail to pay health-care bills.

The Children's Ombudsman submits an annual report to the government. The UN Committee on the Rights of the Child has stated the view that these reports ought to be submitted to parliament; the government has replied that the reports are an input to governmental decision-making, and that it is not customary practice in Sweden for material of that nature to be presented to parliament.⁸⁸

The Situation at Local Level

One issue that has been up for discussion is that of having local children's representatives, and the Children's Ombudsman carried out a study on the matter.⁸⁹ The report from the study was presented in 2003, but the government, unwilling to stick its neck out, responded by saying that since development at municipal and regional level must be an expression of local initiatives, it could not call on the country's municipal authorities to appoint local-level representatives for children and young people.

Nevertheless, in the early 2000s a number of municipalities launched trials of local children's delegates, with varying mandates and organisational structures, and in some cases working together with voluntary groups such as Save the Children. However, in recent years these initiatives have not been followed up.

⁸⁸ Regeringen, 2007

⁸⁹ Rädde Barnen, 2008

None of the four municipalities embraced by this study have local children's representatives; and none of them plan to introduce such a function.

Discussion and Conclusions

The structural framework within which child rights policy is pursued by public bodies is a subject that has been up for discussion on a few occasions since the Office of the Children's Ombudsman was founded in 1993. The reviews that have been carried out have resulted in the formulation of new instructions which have clarified and expanded the Ombudsman's mandate so that the Office is able to request information from other national public-sector bodies and from municipal and regional authorities. The task of monitoring and evaluating the implementation of the CRC in Sweden has also been given clearer expression.

At the same time, the Office of the Children's Ombudsman has on its own initiative assumed a slightly realigned role, with less emphasis on conducting general questionnaires and surveys, and a greater commitment to focusing on groups of vulnerable children, such as children placed in care homes.

The UN Committee on the Rights of the Child has also expressed its views regarding the status and role of the Children's Ombudsman in Sweden, and has called for the Ombudsman to be given a greater degree of independence vis-à-vis the government. The UN Committee also wants the Ombudsman to be able to deal with individual complaints from children. To date, the government has declined to meet these demands, citing among other factors Swedish governance custom.

NGOs such as Save the Children have picked up on the UN Committee's views and taken them as a platform for raising various issues; for example, Save the Children has called on the government to present the Ombudsman with a 'letter of appropriations without directives',⁹⁰ and to request the Ombudsman to stimulate the appointment of local representatives for children and young people. Save the Children has suggested that the government should look at the possibility of setting up a function for dealing with children's views and complaints within the framework of the regional administration boards.⁹¹

Recommendations

- The government should commission and fund work to develop a model for local representatives for children and young people.
- The government should instruct the regional administration boards to establish, within the existing framework of their duties, a function for canvassing the views and complaints of children and young people on various issues.

Information and Raising Awareness

Introduction

People need to know what their rights are – but it has traditionally been the case in most societies that children have not been viewed as holders of rights. In its General Comment No. 5 the UN Committee therefore underlines that it is particularly important that providing knowledge of children's rights, and of human rights in general, be made a part of schools' curricula at different levels.⁹² Similarly, knowledge relating to the CRC needs to be integrated into the education and further training of those who work with and for children. Indeed, the Committee also suggests that countries should develop comprehensive

⁹⁰ See footnote 87

⁹¹ Rädde Barnen, 2008.

⁹² UN Committee on the Rights of the Child, 2003

strategies for increasing knowledge and understanding of the Convention across the whole of society.

With regard to the reports submitted by signatory states, the Committee emphasises that the reporting process will probably not lead to any positive effects for children unless the reports are disseminated and debated at national level. The Committee's concluding observations should also be spread to the general public and debated in parliament. Independent human rights institutions and NGOs can play an important part in stimulating the debate.

In its concluding observations on Sweden's fourth report the Committee welcomed the Swedish-language version of the Implementation Handbook for the Convention on the Rights of the Child, published by UNICEF and financed by the government; and similarly, welcomed the establishment of the 'Swedish Academy for the Rights of the Child' at the University of Örebro.⁹³ The Committee did however express its concern that the level of awareness of the CRC is low among children in general, and that not all occupational groups which work with children receive adequate training in children's rights. The Committee therefore urged Sweden to do more to ensure that all children are aware of the Convention, and to provide systematic, continual education and training in human rights, including children's rights, to all those who work with or for children.

The Situation at National Level

Since the CRC was ratified by Sweden a wide array of initiatives have been carried out to disseminate awareness of it. For example, in the 1990s the state financed large-scale projects by NGOs to train CRC publicity officers, inform municipal authority employees about the CRC, and so on. NGOs also launched their own initiatives, for example to increase children's and young people's knowledge of the Convention.

This kind of large-scale campaign is now a thing of the past, as the CRC is assumed to be fairly well known – although the CRC Co-ordination Office at the Ministry of Health and Social Affairs still carries out special campaigns, such as when, in connection with the twentieth anniversary of the Convention, NGOs and the Children's Ombudsman were granted additional funding to enable them to distribute information material, especially to schools.

In June 2010 the government also decided to grant the Children's Ombudsman SEK 2 million to finance the production and distribution of information material for parents and parents-to-be on children's rights.⁹⁴ In its instructions, the government says that the material is to focus especially on the relationship between children and their parents, and is also to cover children's right to protection from violence, including corporal punishment.

The background to this initiative lies in the fact that Sweden, as the first country in the world, made the physical punishment of children illegal in 1979. Studies carried out since then show that the proportion of children who have at some time been beaten at home has fallen considerably. However, the most recent study of the subject, carried out in 2006, indicates that the incidence of physical punishment is no longer continuing to fall, and indeed, in some respects appears to be on the increase. The government therefore feels that it is important that there is information material which can help parents to develop a relationship with their children that builds on respect.

The Children's Ombudsman also spreads information to public bodies and municipal and regional authorities. Various kinds of material have been produced for this purpose over the years – information on how auditing can

93 UN Committee on the Rights of the Child, 2009

94 Prop 2009/10:232

be used as a tool for promoting children's rights, how to draw up child consequence analyses, what can be done to promote the democratic participation of children and young people, and so on.⁹⁵

Questionnaire-based surveys sent to bodies such as municipal authorities show that more and more people are aware of the CRC. The problem, though, resides in moving from awareness to practical implementation.

The Children's Ombudsman has also taken a step away from using some of the previous kinds of information material as models for child consequence analyses and child-rights checklists: "A lot of people want to see the perfect model – but that's not realistic. What we need instead is to stimulate deeper reflection, get people thinking in a process-oriented way about what the best interests of the child are", says a representative of the Office of the Children's Ombudsman. A similar development in approach is also discernible with regard to promoting the democratic participation of children and young people: "There has been a lot of talk about forms and structures – such as setting up youth councils, that kind of thing. Now, something of a reaction has set in: children and young people need to get involved themselves, a bit like workers who organise themselves into trade unions. Though of course, there's the question of age and maturity; younger children need help and support from adults."

To strengthen knowledge of children's rights among decision-makers and those whose occupation relates to children, the government instigated the founding of the 'Swedish Academy for the Rights of the Child' at the University of Örebro, in 2007.⁹⁶ However, after three years the government felt that the Academy should be able to generate its own funding, and has stopped supporting it with grants. The government's bill proposing a new strategy for children's rights nevertheless envisages that the Academy will be continuing its work.⁹⁷

In 2009 the Children's Ombudsman was instructed by the government to draw up proposals for a strategy for promoting the development of knowledge relating to the child rights perspective. The Ombudsman therefore sent a questionnaire survey to sixty-nine institutes of higher education, to find out more about the extent to which higher education programmes for teachers, police, nurses and social workers include the CRC into their core courses, and how well they convey to their respective students that the CRC can be a tool in their future occupations.⁹⁸ The responses to the survey show that all the core courses bar three teach students about the CRC; however, the survey also shows that short-age of time and insufficient knowledge among lecturers are factors which lead to the courses' not providing students with enough knowledge and understanding of how, after graduation, they can use the CRC as a practical tool in their work. The Children's Ombudsman therefore suggested that the government should direct the National Agency for Higher Education to look at ways of increasing the emphasis given to the CRC in the degree syllabuses for the occupational categories in question; the Ombudsman suggested that particular emphasis could be given to imparting to students knowledge and concrete methods relating to children's and young people's right to make their views heard.

The Agency has not, to date, received any such directive from government. It did, however, receive instructions from the government in 2008 to examine the extent to which human rights issues were included in higher-education degree programmes.⁹⁹ The Agency's study, while it showed that human rights did feature in most of the vocationally-oriented programmes it had been instructed to investigate, also identified a number of problems, such as the fact that there did not seem to have been any development in lecturers' competence in the field of human rights.

⁹⁵ Barnombudsmannen, 2007, and undated fact-sheets.

⁹⁶ www.barnrattsakademien.se

⁹⁷ Prop 2009/10:232

⁹⁸ Barnombudsmannen, 2009

⁹⁹ Högskoleverket, 2008

With regard to what school pupils know of children's rights, the Children's Ombudsman has carried out a number of studies in recent years, which show that the level of awareness is low. The findings of one of these surveys were presented in the Ombudsman's annual report of 2009; the survey found that no more than roughly twenty per cent of children aged between eleven and fourteen had heard of the CRC.¹⁰⁰ That being said, when asked more direct questions relating to rights which are included in the Convention, the children knew more: "Children know a lot about what rights children and young people have, but they do not generally connect these rights with the Convention and the Convention's weight as a binding document in international law", the Ombudsman elaborated.

Another study, its findings presented in the government's 2008 communication on child rights policy, showed that only twenty-eight per cent of children aged between ten and fifteen had heard of the CRC, twenty-one per cent knew what it was about, and fourteen per cent felt that they knew enough about the Convention's content.¹⁰¹

A Eurobarometer study carried out on instructions from the European Commission in 2008 does, however, suggest that there is a higher degree of awareness of the CRC among fifteen to eighteen year-olds.¹⁰² This survey asked respondents if they were aware of the fact that they had special rights; among the Swedish respondents, sixty-three per cent answered that they were aware of this – a figure which placed them below the average for the EU as a whole, sixty-seven per cent. It has been assumed that one reason for the low level of awareness among school students is that neither children's rights, nor the CRC, are included in any of the syllabuses for the subjects they are taught at school; although several of the syllabuses do deal with several of the rights embraced by the Convention, including the right to participation and the right to be free from discrimination, there is no explicit linking of them to the concept of human rights; instead, the syllabuses talk in more general terms of fundamental values and democratic principles.¹⁰³

The Children's Ombudsman has expressed the view that it is important for human rights and the CRC to be included in curricula and syllabuses at all levels of school education.¹⁰⁴ In its comments on Sweden's fourth report to the UN Committee, the youth group of the CRC Network also stated the view that the CRC should be made a compulsory element of the curriculum, and that teaching of the subject should deal with how the CRC is applicable in everyday life.¹⁰⁵

In June 2010 parliament adopted a new School Education Act. One of the new elements is a paragraph which establishes that the best interests of the child are to form the foundation of all education. The Act also says that children's views are to be elucidated, as far as possible.¹⁰⁶

The proposal for a new national curriculum says that every pupil is to develop a capacity to adopt and express consciously ethical standpoints based on an understanding of human rights. Human rights and the rights of the child are part of the Civics syllabus. The work of revising subject syllabuses at upper-secondary level is still in progress.

"The new, clearer formulation of the duty to teach about human rights has partly come about as a result of the views submitted to us by the Children's Ombudsman and various NGOs. And it also shows that questions relating to human rights are being seen to have ever greater significance", says a civil servant at the National Agency for Education.

100 Barnombudsmannen, 2009

101 Skrivelse 2007/08:111

102 Gunnarsson, A., Save the Children Sweden, 2008

103 Gunnarsson, A., Save the Children Sweden, 2008

104 Barnombudsmannen, 2009

105 Nätverket för barnkonventionen, 2008

106 Prop 2009/10:165

The Government Offices website includes a Swedish-language version of Sweden's report to the UN Committee. On one occasion, the CRC Co-ordination Office commissioned a child-friendly version of the Swedish report. Although the Committee's concluding observations are to be translated into Swedish, Save the Children Sweden is generally quicker at having a translation made, so that is the translated text used.

The Situation at Local Level

Awareness among adults

In Partille, where the municipal authority has a CRC strategy, politicians and senior civil servants are familiar with the strategy, as a result of courses having been provided. There are however some teachers, among others, who are still not aware that the municipality has a strategy.

The strategy lays down the objective that knowledge and awareness of the strategy is to be increased – for example, among parents and pupils. With regard to the task of spreading information to parents, an employee of the municipal authority explained that Save the Children, and other volunteer groups, are involved: "I don't see implementation of the strategy as being solely about the municipal authority; I think other actors, such as volunteer groups, should be involved as well."

None of the other three municipalities covered by the present study have carried out any major initiatives aimed specifically at increasing awareness of the CRC, but the Malmö authority is planning to provide training for politicians and civil servants in autumn 2010, perhaps in a joint initiative with Save the Children.

As for the situation in schools, Save the Children volunteers working on projects at schools told us that teachers are interested in working on the CRC in the classroom, but often do not have the time or competence required.

In Arvika, municipal civil servants are very interested, Save the Children reports: "I've been to talk to various groups when they have training days, for example", said one Save the Children representative, "but a lot of people don't actually know what the CRC is, so there's definitely a need for more information."

The situation is roughly the same in Uppvidinge. Save the Children is trying to spread information among teachers, parents' associations and so on. The need is there, but the necessary support 'from above' is not always forthcoming. Both politicians and elected volunteers have plenty on their plates, what with diminishing population, economic difficulties and rivalry between the different towns in the municipality; it is consequently hard for the CRC to get a look-in.

We can look to another municipality, Kungsbacka in south-western Sweden, for an example of the kind of use that can be made both of the reports submitted to the UN Committee, and of the Committee's concluding observations. The municipality has a CRC strategy, which is reviewed and revised every five years in the light of the UN Committee's response to Sweden's report. The departments of the municipality are also to take account of the concluding observations.

Awareness among children and young people

In a group of pupils from Year 9 (i.e. fifteen-year-olds) in Partille, knowledge of the CRC can be seen to be fairly limited as they reel off what children's rights mean to them: "Children should be allowed to be children. Everyone has equal value. Children's views should be listened to. Everyone has the right to go to school, and everyone has a right to food and health care." One pupil knew enough to add: "The Convention on the Rights of the Child is something to do with the UN. It's got paragraphs and articles, and it's been in existence since before we were born."

The pupils knew nothing about Partille municipality's work to implement the CRC, and neither did they

know who they could contact at the authority if they felt there were problems for children and young people in the municipality. After thinking for a while, one girl suggested that if there were problems, one could write a letter to the local paper. All the pupils said that if there were problems at school they would go to the principal or welfare officer.

A group of pupils in Uppvidinge quickly turned their focus to concrete, everyday issues: "The municipal authority ought to fix up the school here in Åseda. It's where we spend most of our time, after all. The walls need doing, the floors, everything. Everything's old and tatty." Their wish-list extends to a school cafeteria, school trips, and several other things to do with school. The youth centre is the first subject they mention that is not about school: "There is a youth centre, but it's only open on Fridays. There's nothing to do round here."

None of these pupils could say who they could contact if there were any serious problems for children and young people that were not related to school; "BRIS¹⁰⁷, perhaps", one of them suggested at length. Awareness of the CRC among these pupils was not particularly pronounced, either: "I've heard about it. But, like, just the name." In response to the question, where did you hear about it: "On the news on telly, I think. Not at school. It was something about Sweden being criticised because immigrants don't get health care."

After a little prompting they come to the conclusion that the Convention is mainly needed in countries where there is war or child labour. In Sweden the use of the Convention might be to encourage adults to listen to children, and to remind them that they are not allowed to hit children.

Discussion and Conclusions

Quite a lot of information material relating to the CRC exists, addressing varying target groups – public bodies, municipal and regional authorities, parents, schools, children etc. But in spite of this, there is a shortage of practically oriented material that gives clear and concrete guidance on how the Convention can be used in real, everyday situations. A further area where there is a short-age is up-to-date information on how to work to strengthen children's democratic participation.

The government has also decided to commission new information material for parents on children's right to protection from violence and physical punishment.

However, the biggest inadequacy in the area of information and awareness is the low level of knowledge of the CRC among children and young people. The new national curriculum, which states that pupils are to learn how to take ethical standpoints based on human rights, and the subject syllabus for Civics which mentions both general human rights and children's rights, should lead to an increase in pupils' awareness of these issues.

Recommendations

- The Children's Ombudsman should ensure that there is an availability of good information material on children's rights for all the relevant target groups.
- The CRC Co-ordination Office, the Children's Ombudsman and the Swedish Association of Local Authorities and Regions should ensure that practical and user-friendly material is available to municipal and regional authorities on the subject of young people's democratic participation.
- The Children's Ombudsman, the National Agency for Education or the Schools Inspectorate should monitor whether schools have suitable materials for stimulating pupils' interest, and whether teachers have the competence and experience required, to ensure implementation of the new curriculum and syllabuses with their instructions to give human rights and the CRC a clearer place in teaching at school.
- The government should demand the introduction of compulsory course modules on children's rights in all education programmes for occupations involving direct contact with children.

107 BRIS (Children's Rights in Society) is a charity that provides support and advice to children in distress

Finally...

[MAIN CONCLUSIONS]

National and Local Level

Change Takes Time

Many of the changes and improvements that have been made have evolved over a lengthy period of time. One example of this is the plan of action which the Swedish Association of Local Authorities and Regions will be drawing up, in accordance with the proposals presented by the government in June 2010 for a new strategy for strengthening children's rights in Sweden: the need to speed up the work of the municipal authorities has been a subject of discussion for many years. A further example is provided by the government's promise to carry out a review of how well Swedish law tallies with the CRC: the UN Committee on the Rights of the Child has long held the position that the Convention should be recognised as part of the law of the land, and NGOs have for a number of years been campaigning for it to be given this recognition.

A Move Away from General Models

If we look back a few years, we can see that a large part of the development work relating to implementation of the CRC was concerned with creating models for child consequence analyses, checklists, forms for young people's democratic participation, etc. The Children's Ombudsman is now saying that these models have not proved particularly successful, and that what we need instead is to stimulate deeper reflection and process-oriented thinking about what the best interests of the child really are. That being said, municipal authority employees and others whose work involves them in these issues are under such time pressure that the need for clear and concrete checklists and similar material has grown rather than shrunk. When such material is unavailable there is a risk that imperfect aids are replaced by nothing, and that as a result the process may grind to a complete standstill.

Strategy with no Follow-up – After Eleven Years

The national strategy for CRC implementation currently in place was adopted no less than eleven years ago, but there are still no concrete, operationalised targets and indicators for monitoring the progress made. The National Audit Office highlighted this lacuna as long ago as 2004, and since then a working party has worked, the Ministry of Health and Social Affairs has pondered, and the Children's Ombudsman has been instructed to identify and develop indicators and data that can be used to measure implementation of the Convention. This work is however no longer to take the national strategy as its reference point; instead it relates to other targets which the government has defined. The government has recently also put forward proposals for a new strategy for strengthening children's rights in Sweden; a central demand from NGOs and other interested parties should be that a model for monitoring and evaluation must be attached to the strategy before it can be adopted.

Dialogue with NGOs has still not found its ideal form

There is no fixed structure for dialogue between the Ministry of Health and Social Affairs and NGOs. Various different forms have been tried out, including 'dialogue fora' and 'thematic dialogues', but it does seem to be difficult to find a structure which helps make the dialogue meaningful for all parties. This may be due to the fact that the aims of the consultation meetings have not been clearly formulated. At local

level, as exemplified by the municipalities involved in the present study, co-ordination would appear to be functioning better – and the reasons for this are probably that at the local level there are practical, everyday issues on which the municipal authorities and NGOs join forces to reach a combined response, and that there is a certain degree of mutual dependence between the actors: the municipal authorities need the commitment and volunteer efforts of the NGOs, and the NGOs need a favourable attitude towards their work from the municipal authorities.

Young People’s participation is a problem area

The Children’s Ombudsman has well-established contacts with children and young people to canvass their views on various subjects, but at present the Ministry of Health and Social Affairs does not have a similar reference group or other forum for this purpose. Malmö has a youth council, and is currently working on formulating a strategy to promote the democratic participation of young people, but in the other three municipalities in this study there are no structures through which children and young people can influence decision-making. Finding suitable forms for enabling children and young people to exercise influence is a task which many actors see as very problematical; there is, it would seem, a need for examples of good practice, and also for further development work.

Lots of Statistics – but hard to gain an overview

No fewer than some twenty-five public bodies are involved in the collection of statistics and other data relating to children’s life conditions. In spite of this, there are claims that there are significant gaps in the figures, especially with regard to the situation at local level. A further problem is that some of the statistics that do exist are not used as fully as they could be, because nobody has an overview of all the statistical material available. The monitoring tool which the government has instructed the Children’s Ombudsman to develop, and which is to make it possible to follow changes at the local level as well as nationally, is therefore welcome, especially in light of the fact that when ready it is to be posted on a web platform, where it will be accessible to any- and everyone who is interested.

Low level of interest in preparing children’s budgets

The UN Committee on the Rights of the Child regularly explains that it would like to see countries drawing up children’s budgets, to show what amount of resources go to meeting children’s needs; interest in meeting this request is, however, very limited, both at national level, and in the four municipal authorities covered in this study. Nobody we interviewed felt that children’s budgets or child rights audits were necessary. It would seem that there is a need for development work which looks at how economic data relating to children can be identified, collected and used in ways that people feel are relevant.

Low level of awareness of the CRC among children

Surveys carried out by the Children’s Ombudsman in recent years have shown that as few as twenty to twenty-eight per cent of children aged between ten and fifteen years know about the CRC. Even if children are aware more or less of what rights they have, knowledge of the Convention as a binding act of international law gives an added dimension to this awareness. One reason for children’s not knowing about the CRC is probably the fact that neither human rights in general, nor children’s rights in particular, are mentioned in the current national curricula or subject syllabuses. That being said, new curricula and syllabuses have been drawn up, and this can be expected to lead to better levels of awareness among children and young people. No study has ever been made to produce figures for the proportion of adults who know about the CRC.

Children’s rights not yet integrated into all development assistance

Children’s rights in the broad sense – health, safety and security, protection and so on – are an element of many of Sweden’s aid initiatives, but a great deal remains to be done before we have reached the stage where

the child rights perspective, as laid down in policy documents, is integrated into all development assistance. And despite this shortfall, the human resources designated to work with child rights issues have been reduced in recent years, both at the Ministry of Foreign Affairs and at Sida. The Ministry of Foreign Affairs has not, either, given priority to revising the government communication on child rights from 2002, parts of which are now out-dated.

Factors which Facilitate Effective Implementation

- ❖ The presence of resources and people with the right competence.
- ❖ NGO advocacy.
- ❖ A wealth of experience to build on, at both national and local level.

Obstacles to Implementation

- ❖ The CRC has been in existence for 20 years, and is no longer seen as a new and exciting challenge.
- ❖ There is insufficient political will.
- ❖ Important issues can become bogged down for long periods of time in inquiries and working parties.

Recommendations

- In the aim of paving the way for incorporation of the CRC into Swedish law, the government should without delay initiate the investigation it has promised into how well Swedish legislation tallies with the CRC.
- The government should ensure that the new strategy for strengthening children's rights in Sweden is accompanied by a concrete plan of action, featuring verifiable objectives and fixed time-frames.
- The plan of action to be formulated by the Swedish Association of Local Authorities and Regions (SKL) should include municipal-level strategies and plans featuring verifiable objectives with fixed time-frames.
- The Swedish Association of Local Authorities and Regions (SKL) should make sure that children and young people are involved in the process of drawing up its plan of action for children's rights.
- The government should set up a permanent structure for consultation between the state and the municipal authorities on conventions and treaties on human rights that Sweden has ratified. NGOs should be represented in this structure.
- The follow-up tool that the Children's Ombudsman is developing should be simple to use and flexible enough for use by municipalities which have made differing amounts of progress in implementing the CRC.
- Ensure that the indicators currently being developed by the Children's Ombudsman and Statistics Sweden are clearly rooted in the CRC, and that they provide a true picture of the situation at local and regional level.
- Development work is needed to create practical models for making children visible in budgets at both national and local level.
- The most appropriate forms for dialogue and co-ordination between the CRC Co-ordination Office and NGOs should be developed, taking into consideration the needs and interests of all kinds of actors involved.
- The CRC Co-ordination Office should develop its contacts with children and young people.
- The government should, as soon as possible: a) carry out a review of its communication relating to the child rights perspective in development co-operation, since parts of it do not meet today's needs; and b) ensure that it grants Sida sufficient resources to integrate the child rights perspective in all its development cooperation.
- Sida should increase its efforts to place priority child rights issues on the agenda in its dialogue with the governments of recipient countries and other partners, as well as include the child rights perspective into the country strategies.
- The government should introduce priority child rights issues as a forth focus area in its development cooperation.
- The government should commission and fund work to develop a model for local representatives for children and young people.
- The government should instruct the regional administration boards to establish, within the existing framework of their duties, a function for canvassing the views and complaints of children and young people on various issues.
- The Children's Ombudsman should ensure that there is an availability of good information material on children's rights for all the relevant target groups.
- The CRC Co-ordination Office, the Children's Ombudsman and the Swedish Association of Local Authorities and Regions should ensure that practical and user-friendly material is available to municipal and regional authorities on the subject of young people's democratic participation.
- The Children's Ombudsman, the National Agency for Education or the Schools Inspectorate should monitor whether schools have suitable materials for stimulating pupils' interest, and whether teachers have the competence and experience required, to ensure implementation of the new curriculum and syllabuses with their instructions to give human rights and the CRC a clearer place in teaching at school.
- The government should demand the introduction of compulsory course modules on children's rights in all education programmes for occupations involving direct contact with children.

Appendix I:

Persons interviewed or consulted for this study

Agorastos, Vasilios: Partille municipal authority
 Alexandersson, Gun: Save the Children Sweden, Uppvidinge local branch
 Aronsson, Håkan: National Board of Health and Welfare
 Bränholm, Ante: Partille municipal authority
 Carlsson, Ulrika: the parliamentary cross-party children's affairs group
 Carlsson, Åke: Uppvidinge municipal authority
 Elofsson, Kalle: Children's Ombudsman
 Heilborn, Christina: UNICEF
 Heyman, Henrik: Malmö municipal authority
 Johansson, Gert: Partille municipal authority
 Käll, Anders: Uppvidinge municipal authority
 Lindskog, Ingrid: National Agency for Education
 Lindqvist, Kristin: National Agency for Higher Education
 Ljung, Kenneth: Children's Ombudsman
 Lundin, Marie: Save the Children Sweden, Arvika local branch
 Lögdström, Hanna: Save the Children Sweden Malmö, Rosengårds local branch
 Norberg, Mia: Malmö municipal authority
 Nygren, Camilla: Save the Children Sweden
 Odeholm, Bengt: Partille municipal authority
 Orstadius, Annastina: Save the Children Sweden, Partille local branch
 Palmstierna, Charlotte: Socialdepartementets barnkonventionssamordning
 Pelivani, Emira: Save the Children Sweden
 Rostock, Thomas: Sveriges kommuner och landsting
 Schlee, Margareta: Uppvidinge municipal authority
 Sjölander, Cecilia: Barnombudsmannen
 Stenmarck, Annica: Save the Children Sweden, Arvika local branch
 Stoican, Mihail: CRC Co-ordination Office at the Ministry of Health and Social Affairs
 Svedling, Eva: Save the Children Sweden
 Svensson Kåreda, Daniel, Save the Children Sweden's Youth Association
 Svensson, Sara: Save the Children Sweden
 Telander, Jenny: National Institute of Public Health
 Wåhlund, Aina: Arvika municipal authority
 Zlateva, Biljana: Save the Children Sweden Malmö, Södra Innerstadens local branch

Group Interviews:

Pupils of Björndammens School, Partille
 Pupils of Åseda School, Uppvidinge
 Girls from the 'Ellen' discussion group in Arvika

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The Project

Governance fit for Children

This report is part of an overarching project across five European countries and the EU institutions. Save the Children has received financial support from the European Commission's Fundamental Rights and Citizenship Programme to carry out the project Governance fit for Children to assess how far the general measures of implementation of the UN Convention on the Rights of the Child (UNCRC) have been realised at European, national and community level.



The general measures of implementation of the Convention on the Rights of the Child (articles 4, 42 and 44.6) concern the structures and mechanisms which need to be in place if the whole of the UNCRC is to be implemented holistically. The project focuses on the EU institutions and five European countries: Italy, Lithuania, Romania, Sweden and the United Kingdom.