

A young child with blonde hair, wearing a pink floral dress, is climbing a tree. The child is smiling and looking towards the camera. The background is filled with green leaves and tree branches.

Strategy to strengthen the rights of the child in Sweden



REGERINGSKANSLIET

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Strategy to strengthen the rights of the child in Sweden

On 1 December 2010, the Riksdag approved the strategy to strengthen the rights of the child in Sweden proposed by the Government in the bill 'Strategy to strengthen the rights of the child' (Govt bill 2009/10:232). This brochure contains the strategy approved by the Riksdag.

To strengthen the rights of the child in Sweden the following strategy will apply:

- All legislation concerning children will be formulated in accordance with the United Nations Convention on the Rights of the Child.
- The physical and mental integrity of the child will be respected in all circumstances.
- Children will be given the opportunity to express their views in matters affecting them.
- Children will receive information about their rights and what they mean in practice.
- Parents will receive information about the rights of the child and be offered support in their role as parents.
- Decision-makers and relevant professional groups must be knowledgeable about the rights of the child and put this knowledge into practice in relevant activities.
- Actors in different areas of activity that concern children are to strengthen the rights of the child through collaboration.
- Current knowledge about children's living conditions will form the basis of decisions and priorities affecting children.
- Decisions and actions affecting children will be followed up and evaluated from a perspective of the rights of the child.

This strategy aims to strengthen the rights of the child in Sweden. It replaces the strategy to implement the United Nations Convention on the Rights of the Child in Sweden which had applied since 1990.

The strategy comprises a number of principles. These express fundamental requirements for strengthening the rights of the child in Sweden.

The strategy is based on the human rights that every child up to the age of 18 is to be ensured under international agreements, especially the commitments

arising from the United Nations Convention on the Rights of the Child. These rights are to be ensured each child irrespective of age, sex and disability, among other things (Article 2, United Nations Convention on the Rights of the Child).

The strategy is intended to be a basis for public sector actors at central government and municipal level in their activities to safeguard the rights of the child. Consequently, it addresses the Riksdag, the Government, government agencies, county councils and municipalities. In this respect, the judicial system has an important role in safeguarding the rights of the child, based on current legislation.

The strategy aims to strengthen the rights of the child in all relevant areas and activities at state and municipal level. Any actions taken that are based on the strategy will differ for different actors and will change in pace with developments in society, global changes and knowledge concerning the living conditions of children. Follow-up and reviews of priorities, decisions and actions taken will also take place when necessary within the activities concerned.

Any actions initiated and implemented by the Government as part of its child rights policy will be based on the strategy and be followed up and reported to the Riksdag. The strategy will also be reviewed and followed up on a regular basis to ensure that it is effective and useful in strengthening the rights of the child in Sweden.

The United Nations Convention on the Rights of the Child expresses a child-centred approach to decision-making or actions that may affect an individual child or a group of children. This children's perspective means that before a decision or action is taken, the responsible decision-makers must consider whether it affects the child or children and if so in what way. Adopting a children's perspective is all about attitudes, knowledge and working procedures. It reflects the view of children as full citizens and competent individuals who are to be treated with respect in all circumstances. If the action or decision is expected to have consequences for the child or children, the human rights that children enjoy under the United Nations Convention on the Rights of the Child must be taken in consideration. Ensuring the rights of the

child in this way when actions or decisions concerning children are being taken is what is meant by having a child rights perspective.

Clear leadership is required at all levels of society to ensure that the rights of the child permeate working and decision-making processes. This means that laws and other ordinances and their application must be in harmony with the United Nations Convention on the Rights of the Child and that information on the rights of the child is disseminated to children, parents and relevant professional groups. Furthermore, knowledge about children's living conditions must form the basis of decisions and priorities affecting children. Decisions and actions that have consequences for children must also be followed up from a perspective of the rights of the child. Strengthening the rights of the child also requires collaboration between the different actors.

All legislation concerning children will be formulated in accordance with the United Nations Convention on the Rights of the Child

According to the United Nations Convention on the Rights of the Child, the state shall undertake all appropriate legislative measures for the implementation of the rights recognised in the Convention (Article 4).

The Committee on the Rights of the Child, which has a mandate to review national implementation of the Convention, has both in its General Comments and in its periodic recommendations to Sweden, among others, pointed out the importance of the relevant legislation agreeing with the United Nations Convention on the Rights of the Child (General Comments No 5, 2003).

Legislation is the state's main instrument for ensuring that the rights of the child are observed in activities, decisions and actions affecting the individual child and children collectively. All legislation affecting children should therefore be designed in accordance with the norms of the United Nations Convention on the Rights of the Child and other international treaties regulating the rights of the child. There is nothing to stop Swedish legislation from going further than international commitments with regard to the rights of the child (Article 41).

It is important that the entire legislative process, from committee terms of references to decisions in the Riksdag, is characterised both by a children's perspective and a child rights perspective. The formal consultative procedure is also an important part of the legislative process and involves both public sector

actors and civil society. In this respect, and based on their areas of activity, referral bodies have a responsibility to take the rights of the child into consideration when giving their opinions on various legislative proposals. The Ombudsman for Children in Sweden has a special role in drawing attention to whether laws and other ordinances and their application are consistent with the United Nations Convention on the Rights of the Child and in proposing necessary legislative amendments or other measures to the Government.

Legislation must promote and safeguard the rights of the child in an effective way. The fundamental principles of the United Nations Convention on the Rights of the Child should be observed in the formulation of all relevant legislation, regulations and general advice, regardless of policy area. These fundamental principles consist of the prohibition of child discrimination, the requirement that special consideration is given to the best interests of the child in all decisions concerning children, the right of the child to life and development and the right of the child to express his or her own views in all matters affecting the child (Articles 2, 3, 6, 12). Key to the legislative process is also the state's responsibility to respect and promote the rights and responsibilities of parents and legal guardians (i.a. Articles 3, 5, 9, 14, 18).

Government agencies, municipalities and county councils are to interpret and apply laws and ordinances in such a way that the commitments under the United Nations Convention on the Rights of the Child and other international agreements relating to the rights of the child are respected in practice, in decisions and in measures taken.

The physical and mental integrity of the child will be respected in all circumstances

The United Nations Convention on the Rights of the Child and other international human rights instruments acknowledge the right of the child to security and protection, human dignity and physical integrity. Under the United Nations Convention on the Rights of the Child, the child is to be protected against all forms of physical or mental violence, and against exploitation, maltreatment and negligent treatment. The Committee on the Rights of the Child has highlighted the responsibility of states to ensure that children are protected against all forms of violence (General Comments No 8, 2006).

Violence against children can occur in the child's relations with close relatives, with other adults and

other children. It affects children of all ages, from infants to young people. It can take place in different contexts, such as at home, at school, during free time and via various social media.

Violence against children must be prevented and combated using all available means. Several actors, such as schools, health and medical services, social services and the police service, have a responsibility to give children the protection to which they are entitled. To effectively combat all forms of violence, collaboration between responsible actors, based on the best interests of the child, is also required.

Early detection and provision of support to both the child and his or her family is important. It is also important that children who are subjected to violence in different contexts can get the support, rehabilitation and protection they need. The perpetrators also need support. This applies both to children who abuse or subject other children to violence and to adult perpetrators.

Children will be given the opportunity to express their views in matters affecting them

Under Article 12 of the United Nations Convention on the Rights of the Child, the state shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. This is one of the fundamental principles of the United Nations Convention on the Rights of the Child and must therefore be included in the interpretation of the other Articles. The Committee on the Rights of the Child has also highlighted the importance of strengthening the opportunities of the child to express his or her views (General Comments No 12, 2009).

Article 12 also states that the child be given the opportunity to be heard in various types of judicial proceedings affecting the child, directly, through representatives or through an appropriate body. The child must be given the opportunity to be heard in other administrative proceedings as well. This may concern decisions relating to the child's education, health and medical care and measures by the social services concerning the child. As a consequence, all relevant legislation must be formulated in such a way that meets the child's right to express his or her views.

In order to give the child the opportunity to express his or her views, the responsible actors need to be

aware of how this right is to be put into practice in their own activities. This means that they must have the knowledge and procedures in place to obtain the views of the child in the best way, based on the age and maturity of the child. It is important that the environment feels safe for the child and that methods and procedures are well suited to the child's circumstances. This means that the child's right to express his or her views and have the opportunity to be heard is not limited to speech but can be exercised through various means of expression (Article 13). In all decisions relating to children, the way in which the child's views were obtained and taken into account should be apparent.

Article 12 does not contain any specific age limits. Nor is the term 'maturity' defined. This means that in each individual case the child's ability to understand what he or she is expressing an opinion on must be assessed and the situation and information adjusted accordingly.

Article 12 of the United Nations Convention on the Rights of the Child not only requires that the child can freely express his or her views and have the opportunity to be heard in judicial proceedings, directly, through representatives or through an appropriate body, and also in other administrative procedures. It also requires that due weight be given to the views obtained. This means that when the views of the child have been obtained, an assessment is to be made whereby the views of the child are given due weight in relation to the age and maturity of the child. The situation of the child should be taken into consideration both in the obtaining of the views of the child and in the assessment of how they are to be used since a child may, for example, be in a difficult conflict of loyalties.

Children will receive information about their rights and what they mean in practice

Under the United Nations Convention on the Rights of the Child, states party to the Convention undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike (Article 42). The Committee on the Rights of the Child has emphasised the importance of children receiving knowledge about their rights (General Comments No 1, 2001). Under the United Nations Convention on the Rights of the Child, the child also has the right to have access to information, especially that concerning his or her well-being and physical and mental health (Article 17).

In order to provide for the rights of the child, children need to have knowledge of their rights and what they mean in practice. This requires that information about the rights of the child is available and adapted to meet the various needs and circumstances of children. Teachers and staff working at pre-schools, schools and in school-age childcare have a particularly important role in providing the child with knowledge about his or her rights.

The rights of the child are to be provided for, as citizens, patients, consumers or pupils. This requires that government agencies, county councils and municipalities, within their areas of activity, communicate and provide adapted information to children about their rights and how these rights can be met. This applies both in individual matters and in issues affecting children collectively.

Parents will receive information about the rights of the child and be offered support in their role as parents

The responsibility of parents includes giving the child direction and guidance when the child exercises his or her rights recognised in the Convention. Under the Convention, the state shall provide appropriate assistance to parents and legal guardians in the performance of their responsibility for the child's upbringing and development (Articles 5, 18). All public sector actors have a responsibility and an obligation to intervene when parents are not able to cope with their parental role and when the rights of the child are not fulfilled within the family (Article 19).

Parents are closest to the child and are those who must look after the child's needs and rights in relation to pre-school, school, health and medical services and social services, for example. It is therefore important that parents receive information about the rights of children and what these rights mean through the activities, mainly at municipal level, that come into contact with parents. The Committee on the Rights of the Child has also drawn attention to this (General Comments No 7, 2005).

It is particularly important to reach new and expectant parents. The maternal and child health care system has a special responsibility to communicate knowledge about children's needs and development in relation to the rights of children. Social services also have a responsibility through the support given to children and parents in vulnerable situations.

Decision-makers and relevant professional groups must be knowledgeable about the rights of the child and put this knowledge into practice in relevant activities

A key principle of the United Nations Convention on the Rights of the Child is that the best interests of the child shall be a primary consideration in all actions concerning children (Article 3). This means that consideration is to be given to the totality of rights enjoyed by the child under the Convention and to the needs and interests of the individual child. Before any decision or action is taken, responsible decision-makers must therefore consider whether the decision or action concerns the child or children and, if so, in what way; in other words, they must take a children's perspective. If the action or decision is expected to have consequences for the child or children, the human rights that children enjoy under the United Nations Convention on the Rights of the Child must be taken in consideration. Ensuring the rights of the child in this way when actions or decisions concerning children are being taken is what is meant by having a child rights perspective.

Knowledge of the rights of the child and what these rights mean in practice is therefore a prerequisite for living up to the commitments of the Convention in daily work. Consequently, decision-makers and professional groups whose work concerns children need to have a solid understanding of the rights of children, how these rights are expressed in Swedish legislation and how they can best be put into practice in their respective activities. The Committee on the Rights of the Child has pointed out the importance of training on the rights of the child for relevant professional groups (General Comments No 5, 2003).

It is important that professional training for those working with and for children includes training on the development, needs, conditions and rights of children.

Central government and municipal employers are responsible for offering relevant professional groups with continuous and appropriate skills development. These groups also have a responsibility to develop and maintain their knowledge about the rights of the child and what they mean in practice. Working procedures which in a systematic and long-term manner strengthen the rights of the child in decisions and actions concerning children are an important aspect of this.

It is imperative that existing experience and knowledge of working with the rights of the child and of the practical application of the United Nations Convention on the Rights of the Child in various activities is

disseminated and that there is dialogue and co-operation on these issues between actors at central government and municipal level. Dialogue between relevant actors can also help to reduce existing disparities between municipalities and county councils in the implementation of the Convention.

In addition, public sector actors should work for the exchange of experience and dialogue between relevant non-governmental organisations and with children and young people.

The exchange of knowledge and experience on the rights of the child also has an international dimension. The human rights of the child are the focus of many international bodies and are constantly evolving. Sweden's active participation is important for bringing about the improved practical application of the rights of children.

Actors in different areas of activity that concern children are to strengthen the rights of the child through collaboration

The United Nations Convention on the Rights of the Child conveys a holistic view of the child. The various Articles are interlinked and interdependent. Responsibility for activities concerning children is shared between central government and municipalities and between central, regional and local agencies.

Hence the importance of collaboration to enable a holistic view of the child (General Comments No 5, 2003 and General Comments No 7, 2005). This is to take place on the basis of the rights, needs and interests of the child. It may, for example, involve collaboration on vulnerable children or children with special needs.

Municipalities and county councils are responsible for most of the activities concerning the living conditions of children and the assurance of their rights. It is therefore essential to cooperate at municipal level and to exchange experience not only within municipal activities but also with other concerned actors on the basis of the rights of the child.

Government agencies working on issues and activities concerning children have in turn a responsibility to create the conditions for cooperation and coordination on the basis of the rights of the child within their own agency, in relation to other agencies and in relation to the cooperation with and control of municipalities and county councils.

Current knowledge about children's living conditions will form the basis of decisions and priorities affecting children

In order to take appropriate action and set priorities relating to children, it is necessary to have good knowledge of children's living conditions at local, regional and national level. The Committee on the Rights of the Child recommends that states conduct surveys and collect data on a continual basis (General Comments No 5, 2003).

The needs and conditions of children change over time, which makes it important to have up-to-date knowledge about the living conditions of children. This is obtained through qualitative and quantitative surveys as well as studies and research. It could, for example, involve information about the economic situation of different families with children, the situation of vulnerable children, children's physical and mental health, children's access to culture and opportunity to express their own creativity, and children's school results. Children's own views are a key source of information when surveys and other studies relating to children are conducted. In this way, children also become participants in the priorities being set.

To ensure that children do not suffer discrimination, under Article 2 of the United Nations Convention on the Rights of the Child, it is important the information obtained about the living conditions of children not only allows for comparison based on different underlying factors, but also comparisons between local, regional, national and international levels.

There is also a need to provide a complete picture and keep track of how activities in different fields work together to influence the development of children's living conditions. Collaboration and coordination in the collection of data is key to exchanging experience and enabling comparisons. It is also a basis for actions and the design of activities aimed at children.

Decisions and actions affecting children will be followed up and evaluated from a perspective of the rights of the child

The best interests of the child shall be a primary consideration in all actions concerning children (Article 3) and all the rights in the Convention must be respected at all levels of society. This requires continual analysis of the consequences of decisions, child impact assessments, and evaluation of the actual impact decisions and actions have had on children. This applies both to decisions and actions concerning the individual child

and to general decisions and actions concerning children as a whole. Through follow-up and evaluation, the need for new legal provisions and other measures to strengthen the rights of the child can also be identified.

The follow-up and evaluation of decisions and actions concerning children must always take place from a perspective of the rights of the child, in other words be based on the norms and principles established by the United Nations Convention on the Rights of the Child. This requires clear and active guidance at all levels. Decision-makers and officials whose work relates to children need to systematically acquire knowledge of how the rights of the child are met in their respective areas. This particularly applies to decisions and actions at municipal level concerning the individual child.

Agencies inspecting areas related to children contribute to the systematic follow-up of the rights and interests of the child. These actors are key to enabling the rights of the child to be met. Based on their reviews, they can highlight shortcomings within the activities concerned that need to be rectified in order to improve the living conditions of children and the application of the rights of the child. The task of the Ombudsman for Children in Sweden also includes systematically following up and evaluating the application of the United Nations Convention on the Rights of the Child in activities that concern children.

It is important that children themselves can express their views in connection with the follow-up and evaluation of decisions and actions affecting them, for example regarding the support or care they receive.

More information about the strategy is contained in the Government bill '*Strategy to strengthen the rights of the child in Sweden*' (Govt bill 2009/10:232) which can be found on the Government website at www.regeringen.se/barnetsrattigheter. More information about the Government's child rights policy can also be found on the website.



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