



Plan International

UPR submission

Sweden

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SWEDEN'S GLOBAL RESPONSIBILITY FOR ADVANCING CHILDREN'S RIGHTS

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INTRODUCTION

I. INFORMATION ABOUT PLAN INTERNATIONAL

1. Founded over 75 years ago, Plan International, Inc. (Plan) is one of the oldest and largest children's development organisations in the world. Plan works in 50 developing countries across Africa, Asia and the Americas to promote child rights and lift millions of children out of poverty. Plan is independent, with no religious, political or governmental affiliations. Plan Sweden was founded in 1997 with the mandate to raise funds for development aid and humanitarian assistance for children's rights and wellbeing in development countries. Plan Sweden supports programmes in more than 20 countries within the areas of child rights governance, child protection, child participation, birth registration, sexual and reproductive rights and disaster risk management. In addition, Plan Sweden conducts advocacy towards the Swedish Government, the European Union and the UN. It lobbies politicians and decision-makers in Sweden to strengthen children's rights in their international development cooperation and to maintain a high profile on children's rights in Sweden. Plan Sweden also raises awareness in Sweden about child rights, development and humanitarian issues.

II. MAIN ASPECTS OF THE REPORT

2. Sweden has a reputation of being a promoter of children's rights at the international level. It is true that Sweden was one of the countries that initiated and promoted the development of the Convention on the Rights of the Child (CRC), the first country that banned corporal punishment at national level and promoted its example for other countries to follow. Today however, children's rights do not seem to be high on Sweden's political agenda.
3. As a Member State to the CRC and two of its Optional Protocols - including the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict – Sweden has committed not only to implement the provisions of the Convention within its jurisdiction, but also promote the rights ensured in the Convention through Sweden's international development cooperation.
4. This report highlights some aspects of where Sweden fails to respect this international obligation that has a serious effect on the realisation of children's rights globally. It also highlights gaps in the realisation of the right of the child to remedies for the violation of his or her rights in Sweden.

III. ISSUES OF CONCERN:

a. ACCESS TO EFFECTIVE REMEDIES FOR CHILDREN AND CHILD RIGHTS LEGISLATION

5. Access to remedies is a precondition for the complete fulfilment of human rights (“no rights without remedies”)¹. If children are not given this opportunity they are not properly and fully recognized as rights holders and able to fully exercise their human rights. Children’s possibility to claim their rights under the Convention on the Rights of the Child through administrative and judicial proceedings are limited in Sweden. This is due to various factors including the non-incorporation of the Convention on the Rights of the Child in Swedish law, the lack of awareness about existing complaints and referral procedure among children and adults working with and for children. Furthermore, the Children’s Ombudsman lacks the mandate to receive individual complaints on violation of children’s rights by children and/or their representatives.
6. The Swedish government has neither signed nor ratified the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, giving children rights to effective remedies. This not only limits children’s access to remedies for violation of the whole range of rights included in the CRC and its optional protocols in Sweden but also limits their right to bring international complaints against the State’s failure to live up to its child rights obligations. In addition, this situation demonstrates Sweden’s resistance to adhere to international human rights law which seems to be in contradiction with its international long-standing reputation of as a human rights promoter; and may prevent the promotion of universal ratification of this piece of international law.
7. The Committee on the Rights of the Child expressed its concern in 2009 that children cannot address their individual complaints to the Ombudsman and that the Ombudsman’s role was not clearly independent from the Government, in accordance with the Paris Principles.² These concerns are still valid at the time of this report.

RECOMMENDATIONS

8. **Sweden should demonstrate its commitment to the enforcement of children’s rights globally by promptly signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3-CRC), granting children the right to lodge individual complaints against the State³.**
9. **Sweden should consider providing the Children’s Ombudsman with the mandate to investigate individual complaints.**

¹ CRC/GC/2003/5 paras. 24 - 25

² CRC/C/SWE/CO/4, June 2009, paras. 15,16

³ Save the Children Sweden, *Supplementary report from Save the Children Sweden to the UN Committee on the Rights of the Child regarding Sweden’s fifth periodic report*, 2014, p. 12.

10. **Sweden should systematically and continuously raise awareness among all children including those in schools and institutions, refugee children, children belonging to minority groups, adults and all professionals working with and for children, about children's rights and all available remedies and referral systems in cases of violations, in a language that is adapted to each target group.**

b. CHILD RIGHTS IN SWEDISH DEVELOPMENT COOPERATION

11. In the previous Universal Periodic Review of Sweden, many States commended Sweden's long-standing tradition of promoting human rights, democracy and providing international development assistance to countries in need and welcomed Sweden's commitment to contribute up to 0.7 per cent of its gross domestic product (GDP) to development assistance. Furthermore, the government of Sweden reaffirmed that promotion and protection of children's rights was a priority in the country, and explained that Sweden was one of the largest contributors to UNICEF and had a clear policy on implementing children's rights, based on the Convention on the Rights of the Child and other international standards⁴.
12. In relation to this theme, it was recommended that Sweden:
 - a. Enhance its cooperation programmes and its assistance to developing countries (Philippines);
 - b. Continue to provide overseas development assistance at the United Nations agreed level to help developing countries to realize economic and social rights (Bangladesh);
 - c. Improve data collection and statistics on violence against women (Portugal);
13. The Committee on the Rights of the Child has also noted Sweden's strong commitment to Official Development Assistance (ODA) as the country allocated more than 0,7 per cent of its GDP to ODA. However, the Committee also encouraged the Swedish Government to conduct child impact assessments and to "pay particular attention, in its bilateral cooperation with other States parties, to the Convention and the Optional Protocols and the concluding observations and recommendations made by the Committee in respect of those countries"⁵.
14. In past concluding observations to Sweden, the UN Committee on the Rights of the Child noted that the practical implementation of the CRC is a cooperative exercise for the States of the world.⁶ Art 4.2 of the Convention on the Rights of the Child emphasizes the importance of international cooperation for improving the living conditions of children in every country, in particular in developing countries. Sweden's role as a promoter of children's rights at the international level and in development cooperation seems however to be losing ground and children's rights are less of a political priority in the dialogues with developing countries.

⁴ A/HRC/15/11, p. 62

⁵ CRC/C/SWE/CO/4, 12 June 2009, p 24

⁶ CRC/GC/2003/5

15. During the early 2000s, children's rights were really high in the agenda of the Swedish development cooperation. In 2001, the Swedish government issued a Governmental Communication on the Rights of the Child in Development Cooperation which stated that children's rights should be mainstreamed in all activities of the government; and that children should no longer be perceived as passive recipients of support but as actors and rights holders in all sectors of development cooperation⁷. The guidelines given in the Government Communication were in the form of a ten-point program covering four strategic areas: Health and health services, social reform, education, and disadvantaged children. Since then however the interest, the focus as well as the activities from the Swedish Government have gradually declined. This however does not necessarily mean that the budget allocated to children's rights has declined, but children's rights are no longer high on the list in the bilateral dialogue or in the coordination with other donors.
16. The policy directives from the Ministry of foreign Affairs have diminished its ambition in the area of children's rights. In the recently developed Guidelines for Result Strategies within Sweden's International Development Cooperation (2013), the focus is on "poor peoples' perspectives on development and on the human rights perspective", but there is no specific mention of any target specific group such as children⁸. Children's rights are not in focus in the Letters of Appropriation⁹ for the Swedish International Development Cooperation Agency (Sida) during 2012-2014.¹⁰ In the Letter of Appropriation for 2013 children and youth are not mentioned at all.
17. In the Letter of Appropriation for 2014 the Swedish Government has given Sida the assignment to work with the Millennium Development Goals 4 and 5 through "Focused effort to reduce child and maternal mortality"¹¹. This assignment has little resemblance to the child rights perspective that was formulated in 2001 where children's rights should be mainstreamed in all activities and children considered as actors and rights holders in all sectors of development cooperation.
18. In 2011, an evaluation on how children's rights were supported in international development cooperation efforts was carried out jointly commissioned by Sweden and Norway¹². This evaluation aimed to summarize results of the efforts and resources invested in supporting child rights and identified a number of areas for improvement. On the basis of the recommendations made in the evaluation report a management response was developed by the Swedish International Development Cooperation Agency (Sida) including three major areas for improvement: "to make commensurate human resources available, to develop methods to ensure the integration of child rights in Swedish development cooperation supports, and to ensure that Sida's management assumes responsibility" for children's rights in development

⁷ Skr 2001/02:186

⁸ <http://www.regeringen.se/content/1/c6/22/08/95/74db47f4.pdf,2013>

⁹ The government's annual letter of appropriation sets out the objectives Sida should achieve in its work and how much money the authority is allocated. It also states how the money should be divided between the agency's various activities, such as national co-operation, regional co-operation, specific sector issues and administration.

¹⁰ <http://www.sida.se/English/About-us/How-we-are-governed/Letter-of-Appropriation/>

¹¹ <http://www.sida.se/English/About-us/Budget-and-annual-report/>

¹² Norad/Sida (Supporting Child Rights, Joint Evaluation 2011:1)

cooperation¹³. At the time of this report, however, no concrete action has been taken by the Government to implement these recommendations and implement the management response.

19. The evaluation also highlighted the fact that child participation and the right in itself to express views and be heard has not been promoted in Sweden's development cooperation despite the fact that participation is a fundamental principle of the CRC. Children themselves are often not included as advocates for their own rights. There is little evidence of children's direct involvement in decision-making. Children may be heard, but whether they are heard well enough to have any say on decisions is another matter. Child participation has been more tokenistic than substantial. Child and youth participation as a focus in its own right should be given more attention.¹⁴
20. Sweden provides support to children in its development cooperation programmes through bilateral sector support, focusing on education and to a certain extent health.¹⁵ However, since child impact assessments have not been conducted in a structured way by the Swedish government, it is not possible to see how Swedish development cooperation holistically and systematically addresses and supports the realisation of children's rights.
21. Tools for monitoring and reporting are not specific enough in order to ensure that a child rights perspective is permeated in result areas targeting children or in other result areas affecting children's rights in development cooperation.¹⁶ Lack of reliable, child specific data makes it impossible to see whether the support to children is increasing or not. Human resources and capacity in the field of children's rights have not been allocated to Sida to support the integration of a child rights perspective in Swedish development cooperation. On the contrary, such resources have been diluted. Since staff with knowledge in children's rights is scarce, the capacity to transform policy into practice, to interpret plans and projects with a child rights perspective and to conduct policy dialogues that mainstream children's rights, risks being very limited.
22. Considering the fact that children are particularly vulnerable to violence, disasters and poverty and compose more than half of the population in developing countries where Sweden has development cooperation agreements, we find of key importance that Sweden should for example stress the importance of child protection systems, children and young people's role in resilience to natural disasters and special needs for youth in their exercise of sexual reproductive health and rights in all its development and humanitarian policies.
23. Sweden has had a significant role in supporting other States and institutional mechanisms in disaster risk reduction. The advances made in disaster risk reduction in recent decades have however often not reached the most vulnerable such as women and children living in poverty. Children and young people make up 50-60% of those

¹³ (Management Response, dated 2012-09-05).

¹⁴ Norad/Sida, Supporting Child Rights, Joint Evaluation 2011:1, page 58, 86,92

¹⁵ <http://www.openaid.se/>

¹⁶ Open Aid is the official tool to be used in order to track how Swedish ODA is allocated.

<http://www.openaid.se/>

affected by disasters. Meanwhile, children and adolescents have unique opportunities in building resilient communities.

24. Freedom from violence is a fundamental prerequisite for development since exposure to violence, exploitation and abuse has long-lasting harmful and impeding effects on children, communities and societies. Of the 2.2 billion children, up to 1,5 billion are victims of violence every year. Sweden has significant experience of changing social norms on violence against children through legal reform, developing of child friendly services and national data collection systems, three key areas of a robust child protection system. There is therefore a need to articulate how Swedish International Development Cooperation aims to contribute to the protection of children from violence in its development cooperation.
25. Sweden has proven record of success in promoting sexual and reproductive health rights (SRHR) in its development cooperation, and is considered as one of the main promoters of these rights globally. However children and youth's specific needs and rights are not visible enough in policies relating to this theme, which mainly mention women's rights.

RECOMMENDATIONS:

We recommend to the Swedish Government to:

26. **Approach development cooperation from the perspective of the rights of the child in accordance with article 4 and 12 of the CRC. This implies, for example, that within the scope of bilateral aid more attention needs to be devoted to the promotion of the participation of young people, children and child rights organizations in the formulation of sector plans of relevance to children and young people (such as education, health care and law);**
27. **Make use of international law and human rights instruments and conventions - in particular the CRC, its Optional Protocols, regional treaties and related recommendations (General Comments and Concluding Observations) to inform national and international policy formulation, bilateral and multilateral political dialogues;**
28. **Ensure that child rights are mainstreamed in all development cooperation policies and interventions by systematically performing child impact assessments.**
29. **Ensure that disaggregated and reliable data and statistics on support to children's rights in international development cooperation programmes is available and easily accessible.**
30. **Develop, in full collaboration with children, young people, and civil society organisations, a Swedish policy on disaster risk reduction in international development cooperation, which highlights the importance of strengthening children's and youth's resilience to disasters.**

- 31. Promote the importance of children's and young people's sexual and reproductive health and rights in Swedish development cooperation policies and international political dialogues.**
 - 32. Develop a Swedish strategy on child protection in international development cooperation in which the key pillar is to strengthen national child protection systems; and provide financial and technical support to the development of child-friendly protection services and adequate national data systems on violence against children.**
 - 33. Continue to promote best practises and national policies banning corporal punishment with States and relevant international organisations.**
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