

About Save the Children

Save the Children's work saves and improves children's lives around the world. We work to ensure children have healthcare, food and shelter, as well as learning and child protection services when children need it most. We are committed to helping all children achieve their full potential by ensuring they grow up healthy, receive a good education, and stay safe.

Securing children's rights is the foundation of our work. Millions of children around the world are denied their rights, simply because of who they are or where they are from. We know that to ensure every child their rights upheld.

Through our programming, emergency responses and advocacy, we put the most vulnerable children first, tackling the barriers to survival, learning and protection.

UPR Submission – Save the Children Sweden General Measures of Implementation

The legal status and implementation of the CRC Convention on the Rights of the Child

The Swedish parliament has decided to incorporate the CRC into national law as of January 1st 2020. However, the Convention will gain legal status as national law and will not take precedence over national legislation in situations of law conflict. Furthermore, the optional protocols that Sweden has ratified are not incorporated. Due to this, there is a risk that the Convention will not prevail when provisions of domestic law conflict with the Convention.

Also, the capacity building initiative that was presented as one of the key measures upon incorporation has ended, although the needs are still demanding as many authorities have not been reached.

Recommendations:

- That the government identifies effective measures to be able to guarantee that the Convention and its optional protocols always prevail when provisions of domestic law conflict with the Convention.
- That the government will take necessary steps to promote long-term capacity building activities to ensure that the CRC is fully implemented in all decisions concerning children at local and national level.

Climate Change, Environment and Children's rights

Climate change and environmental degradation pose an increasing threat to children's rights and wellbeing. The climate crisis increases social and economic inequalities, poverty and vulnerability to disasters, and can induce migration and displacement. Children are disproportionately impacted, and the most marginalized – children with disabilities, children on the move, indigenous children and others – are often more vulnerable to different environmental hazards. The climate crisis and its multiple impacts on children can be seen in the global school strikes for climate inspired by Greta Thunberg, in climate-induced humanitarian emergencies and in various alarming reports. In the initiatives proposed by the government children have not been prioritized or addressed as a special target group. Sweden needs to have more ambitious and holistic climate policy in order to achieve the targets set up in the Paris Agreement.¹

¹ According to Sida's Child Right Report from 2016¹, the strategy for Environment and Climate had no focus on or inclusion of child rights. The Environment and Climate Change sector at Sida did not include children in any way and was all in all the weakest performing sector in that regard.

Recommendation:

- That the government ensures the participation of children and young people in decisions related to national actions against climate change and address children's rights and participation in its international cooperation.

Children in Armed Conflicts

Children are disproportionately suffering the consequences of armed conflicts. Almost one fifth of children worldwide are living in areas affected by armed conflict. In 2017, Sweden appointed an ambassador specifically for children and armed conflict, acting as a focal point across all government departments to ensure a consistent focus and investment in protecting children in conflict. This role has made a significant difference to the effectiveness of Sweden's work on this agenda, raising its profile within the Swedish Ministry of Foreign Affairs and strengthening the focus on children in armed conflict in multilateral forums.

After concluding Sweden's two-year term at the UN Security Council, the role of the CAAC ambassador has been discontinued due to lack of funding. There remains a lot of work on this agenda, not least to ensure the important resolution 2427 gets translated into reality^{2,3}.

Recommendations:

- That the Swedish government ensure the rights of the children in armed conflict by taking all feasible measures to protect and care for children affected by armed conflict including assisting their own citizens in conflict zones. In particular in relation to holding perpetrators of violations against international humanitarian law to account.
- That Sweden promotes the principle of non-recruitment and non-participation in armed conflict of children in its foreign policy, in particular related to the translation of resolution 2427 into reality.

Swedish Arms Exports and Children's rights

Sweden is one of the largest exporters of arms in the world, especially if measured as USD/capita⁴. Swedish export of arms is regulated by the UN Arms Trade Treaty (ATT), the EU Common Position on Arms Export and national legislation. The Swedish government has delegated to an independent Swedish Administrative Authority, The Inspectorate of Strategic Products (ISP) to control and ensure implementation of the legislation and to issue licenses for exports of military equipment, foreign cooperation in the development of military equipment, training etc⁵. However, the ISP does not make best interest of the child assessments before issuing export licenses. Sweden has, in spite of the mandatory considerations regarding human rights and democracy mentioned above, repeatedly and over the years exported arms to countries listed as responsible for grave violations against children⁶.

Recommendation:

- That the government of Sweden ensure that the principles in the CRC are considered and given due importance in the regulation and control of Swedish arms trade.

² <https://www.prio.org/Publications/Publication/?x=11264>

³ <https://resourcecentre.savethechildren.net/library/stop-war-children-protecting-children-21st-century-conflict>

⁴ <https://www.sipri.org/research/armament-and-disarmament/arms-transfers-and-military-spending/international-arms-transfers>

⁵ <https://isp.se/eng/about-the-isp/>

⁶ <https://childrenandarmedconflict.un.org/tools-for-action/monitoring-and-reporting/>

Child rights and business

General Comment no 16 urges states to promote the Child Rights and Business Principles (CRBP) and to take actions on respecting and supporting the implementation of the principles in different ways, both in national and international contexts. Although Sweden has developed a National Action Plans on business and human rights there is no reference to the UNCRC's Gen Com no 16. As a consequence the state's ambitions and focus on how to best promote and enhance responsible business operations, with the best interest of the child in focus, through active owner-dialogues with businesses funded or owned by the state, national regulations and monitoring/evaluation structures.

Recommendation:

- That the government provides material on what has been done to promote state compliance with the Committee's General Comment no 16 and bring attention to Gen Com no 16 in all dialogues with ratifying states, stimulating leverage on responsible business operations, within different sustainability calls and actions such as AGENDA 2030-priorities.

Children on the Move

Temporary Aliens Act

In recent years, there have been several changes in national legislation regarding asylum and protection. The Swedish Government decided in November 2015 to introduce a temporary Aliens Act with the purpose of reducing the number of asylum-seekers. This restrictive legislation was passed and has been prolonged until 2021. The temporary Aliens Act has affected children seeking asylum negatively in many ways, both unaccompanied children and children with families, specifically on the children's well-being.

In addition, the humanitarian protection ground for children has been restricted. The previous amendment initiated in 2014, enabled for children to be granted a residence permit in cases of particularly distressing circumstances. The national form of protection on humanitarian grounds, considers the state of health, level of integration, and situation in the country of origin of a child. This provision has now been limited in law to only cover situations when an expulsion would be in breach of a "Swedish convention obligation". Various reports demonstrates that the law has had serious consequences for children in vulnerable situations in need of protection^{7,8,9}. In connection to this, the right to family reunification has been severely constrained by this act. It is reported that negative reunification decisions lead to an increased risk of serious mental illness and that lack of decision entails a risk of inconsistent application of the law.

Recommendation:

- That Sweden presents what measures will be taken to assure that national legislation provides the possibility for asylum seeking children to be granted specific humanitarian protection in accordance with the principles of the CRC.

Age Assessments

⁷ <https://www.asylumineurope.org/reports/country/sweden/overview-legal-framework>

⁸ <https://www.redcross.se/contentassets/4902f3efe95149158fd3b55310ef2cb8/humanitarian-consequences-of-the-swedish-temporary-aliens-act-red-cross.pdf>

⁹ <https://sweref.org/wp-content/uploads/2018/10/Migrationsrattens-framtid-en-redogorelse.pdf>

In Sweden, age assessments are permitted where there is 'reasonable doubt' about an individual's age, however it is unclear how reasonable doubt is defined and defined by whom and what safeguards are in place to prevent abuse of the concept. According to statistics from the Swedish Migration Agency there has been a significant increase in the number of unaccompanied minors whose age has been changed to 18 without medical age assessments or other investigations. In a report examining a sample of 145 cases, the Swedish Migration Agency found that the child's age had not been investigated sufficiently in the majority of cases due to pressures on the asylum system. This is important to note since the consequence of an incorrect assessment is the total denial of the child's rights.

Sweden started to perform medical assessment in 2017 for asylum seekers based on dental and knee X-rays. The results have however shown a high margin of error and quality of the procedure has been questioned by experts. As a result, the procedure has been paused for assessing girls but the procedures continue to apply for boys as the margin of error was not considered as significant. The value of non-medical methods such as psychological and social assessments have not been considered as highly credible information to assess the age of a minor despite the recommendation of holistic assessments presented by the committee. The medical age assessment is not obligatory but a refusal to participate will automatically convert the age to over 18 years^{10,11}.

Recommendation:

- That the Swedish government informs on how they will ensure that age assessment procedures are child sensitive according to the committee's recommendations respecting the rule of law and the principle of the benefit of the doubt.

Asylum reception system

Restrictions have been imposed on the asylum system. The consequences have been especially harsh for unaccompanied youths who have turned 18 and are still in the asylum process as they lose their accommodation and instead have to move to the Migration Agency's accommodation centers in different parts of the country, or to arrange accommodation themselves. They lose a guardian, which further complicates the situation.

Individuals who have received a final rejection on their asylum application are left without any possibility of sustaining a livelihood or housing and end up on the street. It is a major concern for unaccompanied minors and other children in the asylum process who know this is waiting for them once they turn 18.

The risk that children in Sweden are exploited through crime, abuse, and sexual exploitation needs to be investigated and the government needs to develop an action plan for phasing out from childhood into adulthood. In addition, the question arises whether these children and youths are treated equally as Swedes and in such case if this is contrary to the non-discrimination principle in the CRC¹².

Recommendation:

- That Sweden presents a plan to prevent unaccompanied minors and young people from becoming homeless and being exploited after a final asylum settlement decision and further being discriminated.

Return and detention of children

Sweden has an explicit aim to increase the return of failed asylum-seekers to their countries of origin, including children. Meanwhile, no proper follow up of returns is carried out. A research from Save the Children on returns

¹⁰ <https://www.rmv.se/wp-content/uploads/Broschyr-medicinska-%C3%A5ldersbed%C3%B6mningar-Engelska.pdf>

¹¹ <https://www.ecre.org/sweden-case-against-the-state-on-medical-age-assessment-before-chancellor-of-justice/>

¹² <https://www.asylumineurope.org/reports/country/sweden/reception-conditions/housing/types-accommodation>

to Afghanistan demonstrates that existing safeguards of children's rights are not being fully implemented. In addition, a study from the Swedish Red Cross shows that children are still put in detention prior to return, often without a proper legal assessment. Alternatives to detention are rarely analyzed and applied despite studies showing that detention negatively affects the wellbeing of children^{13,14,15}.

Recommendation:

- That the Swedish government ensures that the best interest of the child is duly assessed and determined prior to returning any asylum-seeking child to his or her country of origin. Also, that Sweden aims at preventing detention of children regardless of their migration status and increase the use of alternatives to detention.

Children's right to be heard

There are serious restrictions both in legislation and practice for asylum seeking children to exercise their right to be heard in the asylum process. In its previous concluding observations the Committee has also recommended Sweden to amend the legal provision to ensure that a child is heard whenever a decision affecting him or her is made.

This has not been attended and the Aliens act still includes an exception clause allowing for children to be denied their right to be heard if considered inappropriate. In the latest annual report from the Swedish ombudsman for children the majority of the children interviewed experienced not being questioned or asked relevant questions in order to determine their need for asylum and protection.

Recommendation:

- That the Swedish government presents measures to be able to guarantee the right to be heard for children in the asylum process.

Standard of living, inequality and mental health

Equity and standard of living

For several years, the government and specifically the Ministry of Health and Social Affairs have had indicators for target fulfillment within the Swedish economic family policy. The governmental objectives measured is that the economic family policies should contribute to a good standard of living among all families with children, and decrease the economic differences between households. Although since 1998, we can see that the social transfers no longer have the impact they used to. The relative poverty and economic inequalities have increased among families¹⁶.

The economic family policies' share of the disposable household income have decreased over time. One of the explanations for this is that the labor incomes have increased more than the amounts disbursed in the form of family benefits. During 2018 the government made decisions on minor improvement concerning the child benefit and maintenance support, however these improvement do not reach all children.

Recommendation:

¹³ <https://resourcecentre.savethechildren.net/library/europe-afghanistan-experiences-child-returnees>

¹⁴ https://resourcecentre.savethechildren.net/node/15157/pdf/mdi_global_returns_full_report_final.pdf

¹⁵ <https://www.asylumineurope.org/reports/country/sweden/detention-asylum-seekers>

¹⁶ <https://www.forsakringskassan.se/wps/wcm/connect/c75e6803-5104-48e1-b562-2ec8c32075e4/socialforsakringsrapport-2017-09.pdf?MOD=AJPERES&CVID=>

- That the government secure that the improvement of social transfers, within the economic family policies, includes and reaches all children.

Health

The Public Health Agency report on health inequalities shows the connection between economy and mental health at young age. The report indicates that there are socio-economic differences in health among young children.¹⁷ The agency's new report "Inequality in mental health in Sweden" confirms the image Save the Children has long seen. Children in socioeconomic vulnerability run a considerably greater risk of suffering from various forms of decreasing mental health than other children in Sweden. As we highlighted in the report "A place to call home", the Public Health Agency of Sweden shows that uncertain housing conditions is a contributing factor.

In this context, the proposal in the Swedish Commission for Equity in Health's final report is very important: to restore the accuracy in social transfer system. "More concretely, we call attention to the fact that the resource allocation models, used for the distribution of public funds at central government, regional and municipal level should apply a socio-economic perspective greater degree."¹⁸ Save the Children Sweden agrees with this conclusion. It also points to improvements towards increased equality in school, as an important way forward to reduce mental illness among children.

Recommendation:

- That the government secure that the inequality of resources do not effect children's mental and physical health.

Housing

Another consequence of economic vulnerability is that the number of children being evicted and families with children in homelessness increases. Particularly vulnerable are single women with a foreign background and unaccompanied children and youths. Several civil society organizations report on how society has changed and that it is no longer mental health and addiction problems that are the main cause of homelessness, but rather low income combined with the lack of affordable housing.¹⁹

Recommendation:

- That the government ensure that all children have the right and access to a safe accommodation.

Educational equity

¹⁷ <https://www.folkhalsomyndigheten.se/contentassets/6db68e38e372406aab877b4669736eec/ojamlikhet-psykisk-halsa-sverige-kortversion.pdf>

¹⁸ Swedish Commission for Equity in Health 2017: *The next stop towards more equity in health in Sweden – How can we close the gap in a generation?* <http://kommissionjamlikhalsa.se/en/>

¹⁹ <https://urskola.se/Produkter/203553-Barnministeriet-dokumentar-Ingenstans-att-bo>, https://www.raddabarnen.se/globalassets/dokument/rad--kunskap/arbetar-for-barn/barnfattigdomsrapporter/barnfattigdomsrapport_enplatsattkallahemma_2017_radda_barnen.pdf, <https://www.stadsmissionen.se/press-och-opinion/pressmeddelanden/hemloshetsrapporten-2017-antalet-barn-i-hemloshet-okar>, <https://insynsverige.se/documentHandler.ashx?did=1930454>

The National Agency for Education states schools are not sufficiently able to compensate for pupils' social background, which is confirmed by the Swedish Schools Inspectorate.

In a report from the Swedish National Agency for Education the following is stated: "school segregation has increased for all socio-economic variables: the parent's level of education, income and socio-economic index²⁰.

The most significant differences between school results can be seen in suburban municipalities and large cities. SCS has focused our work on vulnerable socio-economic areas in and around metropolitan municipalities and can see a worrying trend that public services and schools are being depleted in these areas.

The new Education Act tightens up the requirements for equity in the education system and emphasizes the schools' compensatory assignment. SCS welcomes this. However, there is still a lack of measures to ensure equivalent education for all children regardless of background. The role of the school is fundamental, but a single actor cannot achieve this objective. The various actors and policy areas need to cooperate to ensure equity within education and the compensatory mandate.

Recommendations:

- That the government treat the reduction of equivalence in Swedish schools with the utmost seriousness and conduct an extensive analysis of the cause.
- That the government enable schools to achieve their compensatory assignment by means of carefully preconsidered systems for differentiated support.

²⁰ Skolverket: *Analyser av familjebakgrundens betydelse för skolresultaten och skillnader mellan skolor. En kvantitativ studie av utvecklingen över tid slutet av grundskolan. Rapport 467, 2018*