

Additional submission to
the UN Committee on the
Rights of the Child from
the Ombudsman for
Children in Sweden
focusing on Sweden's
response to Covid-19,
2020-06-15

Introduction

The Ombudsman for Children in Sweden (the Ombudsman) is a government agency established in 1993 representing children's rights and interests on the basis of the UN Convention on the Rights of the Child (UNCRC). The agency is an independent national institution based on the Paris Principles that monitors the implementation of the UNCRC in municipalities, regions and government agencies. We identify weaknesses in the implementation of the UNCRC, propose changes to laws and ordinances, collect and disseminate knowledge and information about the situation of children and advocate and participate in the public debate. In our work we regularly meet with children, in particular children in vulnerable situations.

On February 27 2020, the Ombudsman submitted a report to the UN Committee on the rights of the Child (the Committee) with proposals for questions for the Committee to include in the List of Issues Prior to Reporting (LOIPR) for Sweden. In this report, the Ombudsman is submitting additional information to the Committee. The information is focusing on Sweden's response to the Covid-19 pandemic and its effects and possible effects on the rights of the child in Sweden.

The report includes a brief description of the Swedish strategy regarding Covid-19, effects and possible future effects on children and their rights in Sweden and a list of proposals for questions for the Committee to include in the LOIPR for Sweden.

The Swedish strategy regarding Covid-19

The aim of the Swedish strategy regarding Covid-19 has been to "flatten the curve", enabling the health care system to take care of those in need of medical services, as well as to protect persons with increased risk of becoming seriously ill of the virus, primarily the elderly (70+) persons.¹

In contrast to most countries, Sweden has not been in "lock-down". There are restrictions on number of persons in one place (maximum 50 persons) as well as restrictions regarding restaurants etc.² The government and responsible agencies have given the general public firm recommendations to stay at home even with slight symptoms of any disease and to keep a distance on 1,5 to 2 metres³ when meeting other persons.

All who have the possibility, have been encouraged to work from home, as well as to avoid unnecessary travel with the public transport system and domestic travel.⁴

The primary schools, (age 6-16) as well as pre-schools (age 1-5), have remained open. The decision to keep schools open was based on a child rights impact assessment and of the best interest of the child. Most schools have however adjusted the ways of working due to less staff present in school (as the number of staff absent with symptoms/disease has been higher than normal) as well as to decrease the risk of spreading the virus. Pupils (as well as all staff) with any kind of symptoms, even mild symptoms, and need be at home for 48 hours after the symptoms stop. Upper secondary schools (gymnasium) (age 16-18) have

¹ <https://www.government.se/articles/2020/04/strategy-in-response-to-the-covid-19-pandemic/> (extracted 2020-06-04).

² <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus/restriktioner-och-forbud> (extracted 2020-06-04).

³ <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus> (extracted 2020-06-04).

⁴ <https://www.krisinformation.se/en/hazards-and-risks/disasters-and-incidents/2020/official-information-on-the-new-coronavirus/domestic-travel-and-public-transport> (extracted 2020-06-04).

used on line education since 18 March 2020. They can re-open on 15 June 2020, enabling summer classes and back to normal classes in the autumn.⁵

The government has introduced a number of measures to decrease the consequences of the restrictions in regards to Covid-19. There has been several financial measures to decrease the economic consequences for persons who need to stay at home with mild symptoms, short time furlough and other forms of support for private companies in financial distress, as well for supporting the regions and municipalities since their costs for health care, public transport etc. are increasing.⁶

Effects and possible effects on the rights of the child in Sweden due to Covid-19

Positive impact of the UNCRC in measures taken due to Covid-19

In some of the measures taken due to Covid-19 the Ombudsman is pleased to note that the incorporation of the UNCRC have had some effect. E.g.:

- The decision by the government to keep pre-schools and primary schools open was based on a child rights perspective, where the right of the child to education and protection as well as the best interest of the child has been in focus. The government has for example expressed that the pre-schools and schools are very important in particular for children in vulnerable situations, since this can be their safe haven as well as offer reliable adult contact outside of their home.
- For high school students there are a mix of consequences with on line education, some negative, others positive. In particular children with particular special needs, eg attention disorders, autism spectra diagnoses etc. have expressed that the on line education actually has been a positive experience that they would like to continue.
- The Swedish National Board of Institutional Care carried out a child rights impact assessment prior to their decision to restrict visits to institutional care homes and youth prisons. The assessment included children's own opinions. The assessment concluded that restrictions on visits were not in the best interest of the child, but necessary to decrease the risk of spreading the virus. Following the decision on restrictions, alternatives were offered for children to keep in contact with relatives and friends, primarily by providing the possibility of video calls.
- The Swedish Prison and Probation Service introduced similar possibilities for children to keep in contact with incarcerated parents, following a decision on restrictions on physical visits.
- At least one municipality has developed a process on how to carry out child rights impact assessment prior to deciding on measures related to Covid-19, including ways to involve children in the assessment.⁷
- The government has held several press conferences aimed at informing children about the situation in Sweden. During these, only children have been allowed to

⁵ <https://www.government.se/articles/2020/03/the-governments-work-in-the-area-of-education-in-response-to-the-coronavirus/> (extracted 2020-06-04).and <https://www.krisinformation.se/en/news/2020/may/upper-secondary-schools-can-reopen> (extracted 2020-06-04).

⁶ <https://www.government.se/articles/2020/03/economic-measures-in-response-to-covid-19/> (extracted 2020-06-04).

⁷ The municipality of Halmstad. See

<https://www.halmstad.se/barnutbildning/nyheterforbarnochutbildning/nyheterforbarnutbildning/barnkonsekvensanalyfranhalmsadskommunlyfts nationellt.31973.html> (extracted 2020-06-08).

pose questions. The Prime Minister held one of these press conferences, the others were held by the Minister for Equality⁸ together with other ministers and agencies.

- The situation for children is being highlighted by several actors – the government, state agencies, municipalities and regions as well as by the civil society.
- On 12 June the government gave the county councils an assignment to coordinate the situational awareness reports from municipalities and regions focusing on the possible risks for social problems and vulnerability for children and young persons. The assignment may lead up to actions to prevent negative impacts due to measures taken due to Covid-19.⁹

Measures with negative/potential negative impact on the rights of the child

The Ombudsman has received and gathered information regarding how measures impact the rights of the child from several sources. We have had discussions with the government and state agencies, as well as several meetings with representatives from the civil society. We have also received information from the public, who has turned to the Ombudsman for advice in different matters in relation to Covid-19. Based on this, the Ombudsman has identified situations where the support and protection for children has been or are at risk of being decreased due to measures in relation to Covid-19. In these situations there is a risk that the rights of the child will not be implemented.

- Many measures are taken at state as well regional and local level without a proper child rights impact assessment. Since the UNCRC is national law in Sweden since 1 January 2020, this is of particular concern.
- Student health care, in particular for upper secondary school, is less accessible when schools are closed or the staff is at home with symptoms.
- Appointments at child health facilities and child protection agencies are being postponed or cancelled due to restrictions of personal meetings. This has particularly been raised as regards the child and youth psychiatry, but also other parts of the health care system and the social services.
- Medical investigations of children with suspected neuropsychological disability are being postponed or cancelled in some facilities. Due to this, children might not receive the support in school they are in need of and have the right to, once they have been diagnosed.
- Visits by children to medical services and dental services have decreased dramatically as well as the number of reports to the social services of child abuse. This indicates that there are children who don't get the medical support that they would usually get, nor the preventive dental services. The decreasing numbers of reports on child abuse to the social services is of special concern – there may be new groups of previously properly protected children who due to the change in their families (parents losing their jobs, violence etc.) who are not detected.
- The Health and Social Care Inspectorate is changing priority to focus on evaluating health care institutions and homes for elderly, decreasing the possibilities to evaluate e.g. the social services and homes for children in alternative care.

⁸ Who is responsible for the politics on the rights of the child.

⁹ See press brief from the government (only in Swedish)

<https://www.regeringen.se/pressmeddelanden/2020/06/sammanstallning-av-kommunala-atgarder-for-att-minska-social-problematik-och-utsatthet/> (extracted on 2020-06-15).

- Planned operations for children have been postponed, since hospitals need to focus on Covid-19 patients.
- Children in locked institutions have decreased possibilities for maintaining contact with their families and friends.
- Children have been held at home by parents without being ill or having any symptoms, due to fear of the virus, hence losing important contact with other adults (who e.g. can discover abuse or assist the child with school work).
- There is a risk of higher exposure to online abuse and violations, since both children and adults are spending more time on line.
- Children living in socio-economic vulnerability are at special risk. Many already live in overcrowded apartments and for those doing school work at home it may be more difficult if e.g. parents and siblings are at home at the same time. For those with parents who have lost their work/are unemployed due to Covid-19, or are ill/stay at home with ill children, the already bad financial situation becomes even worse.

Possible future risks of child rights violations due to Covid-19

The Ombudsman has also identified that there is a risk that the rights of the child will not be fulfilled in the future, due to the pandemic. This is linked to the measures taken to tackle the pandemic, as well as to the financial crisis the pandemic has caused.

The Ombudsman would like to highlight the following risks linked to the measures taken:

- If child rights impact assessments are not carried out by actors before deciding on different measures, there is a risk that several rights of the child will be affected both short and long term.
- Children, in particular those in upper secondary school, are at risk of not reaching the goals due to online teaching lacking certain practical parts and due to time table changes.
- Children are at risk of developing poorer mental health due to the difficulties in accessing support through the student health care, the public health care and the child and youth psychiatry. The lack of access is due to the limits of physical consultations many of these institutions introduced.
- Medical investigations are postponed or cancelled for children with suspected neuropsychological disabilities. Without diagnoses these children are at risk of falling behind in school as a proper diagnosis is needed before the schools can offer support.
- Children in vulnerable situations are at risk of not being discovered and receiving support if they stay home from school (either due to online education, being ill or simply being kept at home by parents) and not having access to adults outside of their homes.

As regard the financial crisis we have entered due to the pandemic, the Ombudsman is particularly concerned that there will be severe cut backs for children, both regarding education, support and protection. We know from previous financial crises that municipalities and regions have done severe budget cuts in these systems once the economic situation has worsened. Some examples of this is that the number of children in pre-school groups and classes in schools have increased, social services are less accessible, the waiting period to receive support from the child and youth psychiatry has increased. As

you can see in our report from February this year, there already are problems with access to the social services and the child and youth psychiatry. The Ombudsman fear that this will increase following the financial crisis we are facing and that children in vulnerable situations will have more difficulties to receive the support and protection they are in need of and have the right to.

Proposals for questions

- How has the government ensured that a child rights perspective has been upheld in the measures taken due to the pandemic?
- What measures has the government taken to ensure that child rights impact assessments have been carried out at all levels (national, regional, local) prior to decisions on measures related to the pandemic?
- What measures are the government taking to ensure that the support and protection systems for children are in place in the entire country, even during the pandemic crisis?
- What measures are the government taking to ensure that the financial crisis caused by the pandemic have as little effect as possible on the rights of children, nationwide?