



Ministry for Foreign Affairs
Sweden

**United Nations Secretary- General's Study on Violence against
Children Reply by the Government of Sweden**

Question 1

Sweden considers it important to live up to any obligations under international human rights instruments and to implement any such instruments with due considerations to these obligations.

The acceptance of the United Nations Convention on the Rights of the Child has resulted in amendments in Swedish administrative law statutes, for example the *Social Services Act* and the *Care of Young Persons Special Provision Act*. Both of them are of great importance to the issue of the questionnaire.

As to the amendment in the *Social Services Act* and the need for clarification and a definition of the principle of the best interests of the child in the *Care of Young Persons Special Provision Act*, see p 39 in the Swedish third periodic report to the Committee on rights of the Child¹. Since the mentioned report the *Care of Young Persons Special Provision Act* has been amended to include a provision stating that the best of the child should be given full consideration in all decision under the Act. Thereby the Act expressly stresses that all measures taken under it, must be based on a determination of what is best for the child.

Since Sweden adheres to a dualist legal system² and since the principle of the best interest of the child is explicit expressed in the *Social Services Act* and the *Care of Young Persons Special Provision Act* the administrative courts generally do not have to refer to international instruments in issues specifically concerning violence against children. However, a general principle in Swedish case law is established to the effect that domestic legislation is to be interpreted in the light of Sweden's international

¹ Sweden's third report to the Committee on the Rights of the Child, On the measures adopted and progress made to implement the Convention on the Rights of the Child, 2002 [CRC/C/125/add.1]

² see Core document forming part of the reports of states parties Sweden, HRI/CORE/1/Add.4/Rev.1, paragraphs 77–80

Stockholm, 17 September 2004

obligations³. The Supreme Administrative Court's decision in case 4497-2000⁴ could probably be interpreted as a decision under this general principle.

The case concerned a provision in the *Social Services Act* stating that where the best interest of a child so requires, the social welfare committee may prohibit or limit the possibilities of a person who resides in the municipality to receive other persons' children into their home. The person who was prohibited under the provision in the Act had on several occasions invited children and offered them alcohol in his home. When the case was pending before the Supreme Administrative Court the person was convicted in a criminal case by a district court for sexual molestation taking place in his home and sexual exploitation of two minors visiting him in his home. In the case the Administrative Court of Appeal interpreted the provision in the light of the preparatory works of the Act and the United Nations Convention on the Rights of the Child. The Supreme Administrative Court agreed with the Court of Appeal's interpretation and found that the situation in the case was in the purview of the provision. The provision hereby generally was made applicable also to situations where a person receives other persons' children into his or her home just for temporary abode.

Question 2

In the Swedish constitution children are not treated separately from other citizens. All citizens, including children, are, in their relations with the public institutions, guaranteed certain fundamental rights and freedoms such as protection against capital and corporal punishment and other physical violation.

The Swedish Penal Code contains a number of provisions applicable to violence against children, e.g. assault, unlawful threat and molestation. The code also contains a specific provision, gross violation of integrity, which particular addresses situations of systematic violence against children. A recent governmental proposal, which contains specific crimes concerning sexual crimes against children has been presented, cf. questions 14 and 16.

According to the Children and Parents Code children shall be treated with respect for their person and their distinctive disposition and may not be subject to corporal punishment or any other humiliating treatment.

A child is to be protected from all forms of physical, psychological and sexual abuse and of neglect. Chapter 5, sections 1–3 in the *Social Services Act* provide the details of this responsibility. All services according to the *Social Services Act* are provided on a voluntary basis in cooperation with the child and his/her family. The *Care of*

³ see the abovementioned core document, paragraphs 81–82

⁴ RÅ 2001 ref. 26

Stockholm, 17 September 2004

Young Persons Special Provisions Act includes in its sections 1– 3 provisions for necessary care to be provided without the consent of the person or persons having custody of the child and if the young person is 15 years or older, with his or her own consent.

Question 3

Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
Protection of children from all forms of violence; and
Reintegration and rehabilitation of child victims of violence

Legislative provisions to protect children from all forms of violence are found in the Social Services Act and in the Care of Young Persons (Special Provisions) Act. (See comments on 2.) In these acts provisions for the reintegration and rehabilitation of the child victims are also to be found.

Legislative provisions on redress, including compensation, for child victims of violence

The general Swedish rules on liability in tort are found in the *Tort Liability Act* (TLA). According to the TLA a child who has been subjected to a violent crime has the right to full compensation from the person liable. The compensation includes non-pecuniary damage such as pain and suffering, and permanent disability or harm.

A child who has been subjected to a violent crime is also entitled to full compensation for damages, including non-pecuniary damages, from the state according to the *Criminal Injuries Compensation Act*.

Penalties for perpetrators of violence against children

Penalties for perpetrators are decided according to the provisions pertaining to the relevant crime. For assault for example imprisonment for at most two years is proscribed. For gross assault the punishment proscribed is at least one and at the most ten year imprisonment. In assessing the penal value and meeting out the punishment of a crime certain aggravated circumstances may be taken into account.

This is the case if, for instance, the perpetrator has manifested especial ruthlessness or if the perpetrator exploited someone's vulnerable position or difficulties in protecting himself. These, and other, aggravating circumstances are applicable in any case concerning crimes against a child. On 1 July 2003, a specific aggravating circumstance concerning children was also introduced. If a crime is considered to harm the sense of security and trust of a child in his or her relationship to a closely related person, this should be considered as an aggravated circumstance.

Stockholm, 17 September 2004

Question 4

The Swedish penal legislation is normally of a general character and does not contain provisions applicable to certain environments where a child might stay or be present. The provision on gross violation of integrity⁵ is, however, specifically directed towards domestic violence, which reads as follows:

A person who commits criminal acts as defined in Chapters 3, 4 or 6 against another person having, or have had, a close relationship to the perpetrator shall, if the acts form a part of an element in a repeated violation of that person's integrity and suited to severely damage that person's self-confidence, be sentenced for gross violation of integrity to imprisonment for at least six months and at most six years.

Question 5

Corporal punishment is prohibited in Sweden. Any person using corporal punishment against a child would be liable for e.g. assault or related crimes. The applicable punishment for assault is as mentioned imprisonment for at most 2 years, cf. question 2.

We would also like to refer to the booklet "*Ending Corporal Punishment*" produced in by the Ministries of Social Affairs and Foreign Affairs in 2000 describing Swedish experience of efforts to prevent all forms of corporal punishment on children, see attachment. It was produced as a contribution to the preparatory process leading up to the UNGASS on Children in 2002. This booklet also gives the background to the legislation and some of the results.

Question 6

Death penalty and corporal punishment are prohibited in the Swedish constitution for all persons, including children.

Question 7

There are a number of crimes in the Swedish Penal Code that may be applicable in those situations. These are e.g. assault, unlawful deprivation of liberty, unlawful coercion, unlawful threat, molestation, defamation, insulting behavior, sexual molestation.

Question 8

Female genital mutilation

All forms of female genital mutilation are prohibited by the regulations in the *Act Prohibiting Female Genital Mutilation*. Offences committed abroad can also be

⁵ Swedish Penal Code, Chapter 4, Section 4 a

Stockholm, 17 September 2004

convicted in Sweden if the offended girl has a connection to Sweden. The penalties are imprisonment up to four years or, if the offence caused danger to life or serious illness, or involved a very serious lack of regard in some other respect, imprisonment up to ten years.

Child marriage

In order to marry in Sweden the man and the woman have to be at least 18 years old. However, persons under the age of 18 may marry if they obtain permission from the County Administrative Board. Such permission shall be given only in exceptional situations, if there are special reasons for doing so. The fact that the child belongs to a group that has other traditions when it comes to early marriages is not a reason for obtaining permission.

A certificate showing that there are no impediments to the marriage must be presented to the person performing the marriage ceremony. A married person who enters into a new marriage or a single person who marries someone who is already married shall be sentenced for bigamy.

A foreign marriage is as a rule not recognized in Sweden

- if it should have been any impediments to the marriage according to Swedish law when the marriage was celebrated and at least one of the spouses was a Swedish citizen or had his or her residence here and
- if one or both spouses have been forced to marry.

Government initiatives to help young people at risk of crimes committed in the name of honour

The general criminal provisions in the Penal Code are applicable on violence in the name of honour. There are no specific provisions for these situations.

Increased attention has been given to the situation of girls and young women whose everyday lives are characterized by a lack of freedom, coercion, threats or violence. There has been a lack of adequate knowledge about the causes of violence in the name of honour. In order to improve the situation of the exposed women the Government has taken initiatives in areas such as education, health care and social services.

Measures in Sweden are mainly focused on prevention and improved protection for individuals. The Government has examined the protection available to young women and girls in order to identify shortcomings and to clarify the responsibilities of government authorities and agencies. If girls are to receive the right kind of help from the authorities, more insight into and knowledge about men's violence against women and girls is needed. While the Government is mainly concentrating its efforts on young women and girls, attention must also be given to the situation of boys and young men.

Stockholm, 17 September 2004

The Government has allocated SEK 60 million (in 2003-2004) for sheltered housing and other measures for young people at risk of violence in the name of honour. Acting on Government instructions the County Administrative Boards have investigated the need for sheltered housing. Their reports indicate that the authorities have been contacted by a substantial number of girls and young women seeking protection from their families for fear of being subject to crimes committed in the name of honour. There are also cases of young persons who are exposed to violence due to their sexual orientation. The County Administrative Boards have given financial support to the creation of sheltered housing as well as to projects aiming at educating staff at the social services, schools etc, and to change parents and communities attitudes where honour thinking is common. The Government is earmarking SEK 60 million for further action in 2005-2006.

Acting on government instructions, the Swedish Integration Board, in cooperation with the National Institute of Public Health, the National Board of Health and Welfare, the National Agency for Education, the National Board for Youth Affairs and the Office of the Children's Ombudsman, have highlighted good examples and methods for preventing conflicts between the individual and the family that may be caused by ideas about honour.

In 2003 the Swedish Integration Board distributed over SEK 3 million in government grants to projects relating to equality between women and men, where the conditions of young women and girls were given special attention. Projects along these lines will also receive priority in 2004. The conditions affecting girls in childhood and adolescence is a matter for special attention. The Swedish Integration Board has published "*Fruitful examples are there to make use of..., an evaluation of eight projects designed to promote gender equality and to prevent conflict*". In 2003 the Board published "*The way in - Voices on integration and gender equality*", which gives specific examples of preventive action, and "*Patriarchal enclaves or no-man's-land? Violence, threats and restraints towards young women in Sweden.*"

Measures by the Swedish National Agency for School Improvement

The Swedish National Agency for School Improvement has produced the report "*Stronger than you think: How schools support girls and relate to families*". The material has been distributed to all Swedish schools.

Question 9

All provisions in Swedish legislation that address violence against children are applicable to all children within Swedish jurisdiction – citizens and non-citizens, stateless children, asylum seekers and displaced children.

Stockholm, 17 September 2004

Children to asylum-seekers are entitled to free education, schooling, healthcare and dental care on the same conditions as Swedish nationals.

Unaccompanied minors are subject to special treatment according to national legislation in accordance with the EG-Directive on minimum conditions for reception of asylum-seekers. Children who arrive together with their parents are entitled to certain rights and provisions, which are in accordance with the same Directive. Unaccompanied children get a legal custodian to represent them while in Sweden. The legislation on the custodian was altered this year to better accommodate the children.

Sweden was the first State to include a provision in the national *Aliens Act* stating that all legal application of that law shall make sure that it is in compliance with the best interest of the child, in accordance with the principles of the CRC. The child is entitled to be heard and listened to during the asylum process. Sweden has since 2002 a special criminal legislation on trafficking of children and women, Cf question 16. Starting in October 2004, victims of trafficking may be granted temporary residence permits in order to ensure their participation in court-proceedings against their traffickers

The Working Group on Children at Risk in the Baltic Sea Region, a working group within the framework of The Council of the Baltic Sea States, has adopted an action plan to help trafficked children and has also established National Contact Points within 14 Baltic Sea States including Ukraine, Belarus, Moldova, Norway and Iceland. The objective is to establish contact between corresponding local authorities and NGO:s to make sure children are received upon arrival in their country of origin and to prevent trafficking.

The Nordic-Baltic Task Force against Trafficking in Human Beings is active in the field. It started in Stockholm on 27 November 2003

Question 10

The Swedish penal legislation is gender neutral. For example the provision on rape encompasses female or male victims (as well as female or male perpetrators).

Specific requisites on age or related criteria are contained in Chapter 6 of the Penal Code on sexual crimes, the current crime of trafficking for sexual purposes (to be replaced on 1 July 2004 by the crime of trafficking in human beings with a widened sphere of application) and the crime of child pornography.

Sweden has specific provisions geared at protecting children from sexual crimes, cf. questions 14 and 16.

Stockholm, 17 September 2004

Young perpetrators are treated separately in the penal system. According to the Penal Code, the court is not allowed to sentence to a sanction if the perpetrator is less than 15 years old. The age of criminal responsibility begins at the age of 15.

If a person under the age of 18 commits a crime, the court may only sentence the person to imprisonment under particularly circumstances. If a person between the age of 18 and 21 commits a crime the court may only sentence the person to imprisonment under special circumstances.

If someone has committed a crime before the age of 21, the age of the perpetrator should be regarded when the sentence is decided. The court is allowed to sentence to a milder punishment than is normally prescribed for the crime. However, the court is not allowed to sentence a person to lifetime imprisonment due to crimes committed before the age of 21.

The sanction closed juvenile care was introduced in January 1, 1999 for juvenile offenders between the age of 15 and 17. The intention was that this sanction should replace imprisonment for this category of juvenile offenders since prison is an unsuitable environment for young people. If someone commits a crime before the age of 18 and the court finds that the sanction would be imprisonment, the court should instead choose the sanction closed juvenile care for a limited amount of time unless there are particular reasons against it. Since the sanction closed juvenile care was introduced, only a few juvenile offenders have been sentenced to imprisonment.

On 1 January 1999, a possibility to combine transfer to care under the social services with unpaid work for at least 20 hours and at most 100 hours, was introduced.

As to the relation between victim and perpetrator there are as mentioned specific provisions directed at such situations, cf. question 4.

Furthermore the provision on sexual exploitation is applicable as set out below⁶.

A person who engages in a sexual act with someone under eighteen years of age and who is that person's offspring or for whose upbringing he or she is responsible, or for whose care or supervision he or she is responsible by decision of a public authority, shall be sentenced for sexual exploitation of a minor to imprisonment for at most four years. This also applies to a person who, in circumstances other than those mentioned previously in this Chapter, engages in a sexual act with a child under fifteen years.

If the person who committed the act exhibited particular lack of regard for the minor or if the crime by reason of the minor's young age or otherwise is regarded as gross, imprisonment for at least two and at most eight years shall be imposed for gross sexual exploitation of a minor.

The Swedish legislation on sexual crime is currently being reformed.

Question 11

⁶ Swedish Penal Code, Chapter 6, Section 4

Stockholm, 17 September 2004

Many significant changes of the legislation concerning children has been carried out during the last years.

Concerning the penal legislation the crime of gross violation of integrity, cf. question 4. Furthermore a specific aggravated circumstance has been introduced, cf. question 3. In addition the provision on trafficking in human beings has been enacted, cf. question 16.

In 2001 the Government amended the rules regarding the preliminary investigation procedure. The rules, as amended, provide that the preliminary investigation should be carried out as promptly as possible if the injured party is less than 18 years old, the criminal act is directed against the victim's life, health or freedom and the crime is punishable by more than six months imprisonment. It is also provided that the investigation shall be closed and decision as to whether or not to mount prosecution shall be taken within three months from the date on which a reasonable suspicion has arisen in respect of a suspect.

In 1999 a parliamentary committee of inquiry was appointed to investigate the issue of child abuse and related matters – the Committee on Child Abuse. The long-term aims of the inquiry were to improve the scope for preventing violence against children, to achieve better cooperation and collaboration between the various agencies that investigate and deal with child abuse, to enhance knowledge among the professional groups concerned and to develop better means of supporting and helping those involved. In its report, presented in 2001, the committee described a variety of means by which to improve work with abused children and their families, including for instance changes in legislation, better collaboration and suggestions for commissions to relevant authorities concerning for example a national strategy for collaboration concerning children at risk⁷.

Changes were made in 2002 in *the Care of Young Persons Special Provisions Act* in order to strengthen the child perspective and the rights of the child in this act. The best interest of the child must always be considered, the child has a right to be heard and the child's view shall be taken into account with due consideration to the age and maturity of the child whenever a decision according to this act is to be made.

Question 12

In 2003 The National Council for Crime Prevention presented a survey on sexual exploitation of children. The survey on different types of sexual exploitation of children was made by order of the Commission on knowledge of sexual exploitation of children in Sweden.

⁷ See summary of the report from the Committee on Child Abuse, SOU 2001:72

Stockholm, 17 September 2004

The National Council for Crime Prevention presented 2003 a publication with examples of measures supporting parents that have documented effect on youth criminality. Studies have showed that there is a connection between young peoples experiences in the family and development of a criminal lifestyle. The publication mainly turns towards crime prevention actors on local level.

The Committee on Child Abuse commissioned a study on children and abuse in 2002⁸.

Since 1995 the National Council for Crime Prevention every other year conducts a study based on cross-sectorial self-report surveys of theft, violence and other problem behaviors among pupils in year nine. The data collected provide a basis for studying the extent of participation in crime prevention and problem behaviors within the relevant group.

Question 13

In Sweden there are no special family or juvenile courts. The general courts and the general administrative courts are tasked with addressing cases concerning violence against children. The general courts deal with criminal cases and civil cases, while the general administrative courts deal with cases relating to public administration, for example decisions of municipal administrative authorities under the *Social Services Act* or the *Care of Young Persons Special Provisions Act*⁹.

There are, in some parts of Sweden, specialized teams of prosecutors and police investigators tasked with addressing violence against children.

Question 14

Engaging in a sexual act with a child less than 15 years is always considered a crime. According to the Swedish Penal Code, Chapter 6, Section 4, a person who, in circumstances other than those mentioned earlier in Chapter 6, engages in a sexual act with a child less than 15 years of age, shall be sentenced for sexual exploitation of a minor to imprisonment for at most four years. If the person who committed the act exhibited particular lack of regard for the minor or if the crime by reason of the minor's young age or otherwise is regarded as gross, imprisonment for at least two and at most eight years shall be imposed for gross sexual exploitation of a minor. The provision entered into force on 1 January 1965, but has been amended since then.

Cf. question 10.

⁸ See attachment Children and Abuse

⁹ see Core document forming part of the reports of states parties Sweden, HRI/CORE/1/Add.4/Rev.1, paragraph 25.

Stockholm, 17 September 2004

The rules are the same regardless of gender or sexual orientation.

Question 15

See answer to question 8.

Question 16

Procuring

According to the Swedish Penal Code, Chapter 6, Section 8, paragraph 1, a person who promotes or improperly financially exploits casual sexual relations for payment of another person shall be sentenced for procuring to imprisonment for at most four years. A person who, holding the right to the use of premises, grants the right to use them to another in the knowledge that the premises are wholly or to a substantial extent used for casual sexual relations for payment and omits to do what can reasonably be expected to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall, according to Chapter 6, Section 8, paragraph 2, be sentenced in accordance with the first paragraph.

According to the Swedish Penal Code, Chapter 6, Section 9, if the crime provided for in Section 8 is gross, imprisonment for at least two and at most six years shall be imposed for gross procuring. In assessing whether the crime is gross, special consideration shall be given to whether the accused promoted casual sexual relations for payment on a large scale or ruthlessly exploited another.

These provisions entered into force on 1 January 1965, but have been amended since then.

According to the Swedish Penal Code, Chapter 6, Section 10, a person who, by promising or giving recompense, obtains or tries to obtain casual sexual relations with someone under 18 years of age, shall be sentenced for seduction of youth to a fine and imprisonment for at most six months.

The provision criminalizes the customers of young prostitutes less than 18 years of age and its main purpose is to prevent young people from becoming or being prostitutes. The provision entered into force on 1 January 1965, but has been amended since then.

See below the relevant provisions.

Chapter 6 Section 8

A person who promotes or improperly financially exploits the casual sexual relations for payment of another person shall be sentenced for procuring to imprisonment for at most four years.

Stockholm, 17 September 2004

A person who, holding the right to the use of premises, grants the right to use them to another in the knowledge that the premises are wholly or to a substantial extent used for casual sexual relations for payment and omits to do what can reasonably be expected to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be sentenced in accordance with the first, paragraph.

Chapter 6 Section 9

If the crime provided for in Section 8 is gross, imprisonment for at least two and at most six years shall be imposed for gross procuring.

In assessing whether the crime is gross, special consideration shall be given to whether the accused promoted casual sexual relations for payment on a large scale or ruthlessly exploited another.

Chapter 6 Section 10

A person who, by promising or giving recompense, obtains or tries to obtain casual sexual relations with someone under eighteen years of age, shall be sentenced for seduction of youth to a fine or imprisonment for at most six months.

Trafficking in human beings for sexual purposes (e.g. in prostitution)

The Parliamentary Law Committee on Sexual Offences proposed (in a report delivered on 6 March 2001) specific new offences regarding trafficking in human beings for sexual purposes.

Following the Committee's proposal, the Government submitted a bill on the offence of trafficking in human beings for sexual purposes to the Swedish Parliament. The Parliament approved on the bill in May 2002. The new offence – trafficking in human beings for sexual purposes – entered into force on 1 July 2002. It has been introduced in the Penal Code in section 1a of Chapter 4. The punishment is imprisonment for at least 2 and at most 10 years or, in less serious cases, imprisonment for at most 4 years.

The area of application covers all cross-border trafficking for sexual exploitation in which the perpetrator exploits the vulnerability of another person. It includes criminal responsibility for the crime of trafficking in human beings for sexual purposes for anyone who

- 1) by the use of unlawful coercion, deception or of any other similar improper means, induces another to go to or to be transported abroad for the purpose of sexual offences, prostitution or other forms of exploitation for sexual purposes,
- 2) for such a purpose and by the use of such improper means as mentioned transports, harbours or receives someone who has arrived to a country under such conditions, and
- 3) commits any such act against a victim who has not attained 18 years of age, even if no improper means have been used.

Attempt, preparation and conspiracy together with failure to reveal such crime have also been criminalized.

Stockholm, 17 September 2004

The Parliament has recently adopted a bill proposing a widening of the scope of application of trafficking in human beings. The requirement that the crime should be transnational has been abolished and the exploitation purposes enlarged to encompass also forced labor, the unlawful removal of organs and other forms of exploitation.

Other forms of sexual crimes against children

There are different provisions in the Penal code that criminalize sexual acts committed against children. The chief provisions in this context are rape, sexual exploitation of a minor and sexual molestation, see below and question 10.

Chapter 6 Section 1

A person who by violence or threat which involves, or appears to the threatened person to involve an imminent danger, forces another person to have sexual intercourse or to engage in a comparable sexual act, that having regard to the nature of the violation and the circumstances in general, is comparable to enforced sexual intercourse, shall be sentenced for rape to imprisonment for at least two and at most six years. Causing helplessness or a similar state of incapacitation shall be regarded as equivalent to violence.

If having regard to the nature of the violence or the threat and the circumstances in general, the crime is considered less serious, a sentence to imprisonment for at most four years shall be imposed.

If the crime is gross, a sentence to imprisonment for at least four and at most ten years shall be imposed for gross rape. In assessing whether the crime is gross, special consideration shall be given to whether the violence involved a danger to life or whether the perpetrator caused serious injury or serious illness or, having regard to the method used or the victim's youth or other circumstances, exhibited particular ruthlessness or brutality.

Chapter 6 Section 7

If a person sexually touches a child under fifteen years of age otherwise than as previously provided in this Chapter, or induces the child to undertake or participate in an act with sexual implication a fine or imprisonment for at most two years shall be imposed for sexual molestation.

A sentence for sexual molestation shall also be imposed on a person who by coercion, seduction or other improper influence induces a person who has attained the age of fifteen but not eighteen to undertake or participate in an act with sexual implication if the act is an element in the production of pornographic pictures or constitutes pornographic posing in circumstances other than those relating to the production of a picture.

This shall also apply if a person exposes himself or herself in such a manner that the nature thereof gives offence or otherwise manifestly behaves indecently by word or deed towards the latter in a way that flagrantly violates a sense of propriety.

A review of legislation on sexual offences

A Parliamentary Law Committee on Sexual Offences was established in June 1998 with the aim of reviewing the provisions on sexual offences in the Penal Code and to consider whether the legislation needs to be more stringent in some respects. The Committee delivered its report on 6 March 2001. The Committee has submitted its proposed new regulation of sexual crimes. The report has been sent to relevant authorities and organizations for their opinions.

Stockholm, 17 September 2004

The government has very recently presented a draft bill to the State Council. In it, a reform of the sexual crimes is proposed. A specific provision on rape against a child is inter alia proposed. No pre-coercion or violence is required for the applicability of that crime. Furthermore, by widening the scope of its application and raising the minimum penalty, the prohibition of buying sexual services from youth, is strengthened. The sphere of application for the statute of limitation regarding sexual crimes against children is broadened and an abolishment of the requirement of double criminality for certain acts committed abroad is proposed. These two changes will apply to child victims under the age of 18.

Child victims of sexual crime and prostitution

Children who have been sexually exploited are not criminalized but are seen as children who are entitled to support and protection by the social services, physical and psychosocial rehabilitation. A committee of inquiry into knowledge concerning sexual exploitation of children in Sweden was appointed in 2003. According to its terms of reference the committee was to make an inventory of and compile knowledge about sexual exploitation of children and to consider the need for additional measures on the part of the Government to fulfil the work against sexual exploitation of children in accordance with previous undertakings. The committee 's report was published in June 2004¹⁰.

Question 17

Legislation on child pornography

On January 1, 1999 new legislation on extended criminal liability for association with child pornography entered in to force. Only ordinary statute law (mainly the Penal Code, Chapter 16, Section 10 a) is now applicable to child pornography. Virtually all association with child pornography images, including possession, constitutes a criminal offence. The legislation applies to all kinds of media and therefore also to the electronic environment. In addition, import and export of child pornography are prohibited. A person committing a child pornography offence shall be sentenced to imprisonment for at most two years or, if the crime is of a petty nature, to a fine or imprisonment for at most six months. A person committing an aggravated child pornography offence shall be sentenced to imprisonment for not less than six months and at most four years. In judging whether the offence is aggravated, special consideration shall be given to e.g. whether it has been conducted on a large scale, for profit reasons or whether the children in question have been subjected to particularly ruthless treatment. Negligent acts of dissemination are also punishable if they occur in the course of commercial operations or if they otherwise are committed for profit reasons.

¹⁰ See attachment Summary, SOU 2004:71

Stockholm, 17 September 2004

The relevant provision contains the following:

A person who

- 1 portrays a child in a pornographic picture;
- 2 disseminates, transfers, grants use, exhibits or in any other way makes such a picture of a child available to some other person;
- 3 acquires or offers such a picture of a child;
- 4 brings about contact between a buyer and a seller of such pictures of children or takes any other similar step to facilitate dealing in such pictures; or
- 5 possess such a picture of a child

shall be sentenced for child pornography crime to imprisonment for at most two years, or, if the crime is petty, to a fine or imprisonment for at most six months.

By child is meant a person whose pubertal development is not complete or, if it is apparent from the picture and its attendant circumstances, who is less than 18 years of age.

A person who in the course of business or otherwise for the purpose of making money disseminates a picture of the kind described in the first paragraph through negligence shall be sentenced as there stated.

If the crime described in the first paragraph is considered to be gross a sentence of at least six months and at most four years shall be imposed for gross child pornography crime. In assessing whether the crime is gross special consideration shall be given to whether it was committed in the course of business or otherwise for profit, was a part of criminal activity that was systematically practised or practised on a larger scale, or concerned a particularly large number of pictures or pictures in which children are exposed to especially ruthless treatment.

The prohibitions against depiction and possession do not apply to a person who draws, paints or in some other similar hand-crafted fashion produces a picture of the kind described in the first paragraph as long as it is not intended for dissemination, transfer, granted use, exhibition or in any other way be made available to others. Even in other cases the act shall not constitute a crime if, having regard to the circumstances, it is justifiable.

Measures against child pornography crimes

To tackle child pornography crimes, the National Criminal Investigation Department (NCID) has a Child Abuse Team, established in November 1995. The Child Abuse Team was then assigned the task of coordinating cases involving sexual abuse of children, child pornography, sex tourism and trafficking of human beings, when involving persons under the age of 18.

The NCID runs a reference library of child pornography. It was built up as an experimental project in 1997, with financial support from the EU STOP program. In 1999 it was decided to make this project permanent.

New material is now constantly being added to the database. Traffic on the Internet connected with child pornography has ballooned and the police find what appears to be newly produced, previously unidentified material more or less every week.

Once a search is performed in the database, the images found are ranked and shown in order of similarity compared to existing images. The search does not include

Stockholm, 17 September 2004

identification of the victims involved, but focuses on the background information available, i.e. similar colours and textures of walls, carpets, similar level of lighting, etc.

The Swedish NCID is probably the only police authority in the world that runs this kind of database. As a result, the Child Abuse Team has been helping colleagues around the world with information about child pornography. To help in setting up an international database like the one in Sweden, a member of the team has been seconded to Interpol Headquarters in Lyon.

Question 18

Legislation

In the Penal Code, there are provisions protecting children from harmful information. In Chapter 16, Section 10 c, of the Penal Code, the following is criminalized:

Any person who, intentionally or through gross negligence in the course of business or otherwise for the purpose of making money purveys to a person under the age of fifteen a film, video recording or other technical recording with moving pictures explicitly and realistically depicting violence or the threat of violence towards humans or animals shall be convicted of illicit purveyance of a technical recording and sentenced to a fine or imprisonment for at most six months.

The provisions of the first paragraph do not apply to films or video recordings approved by the National Board of Film Censors for showing to children under the age of fifteen. Nor shall they apply to a technical recording of moving pictures with an identical content to a film or video recording approved by the Board of Film Censors. In addition, the first paragraph does not apply to public showings of films or video recordings.

If a technical recording of moving pictures is furnished with a certificate confirming that a film or video recording with an identical content has been approved by the National Board of Film Censors for showing to children under the age of fifteen, no criminal responsibility exists under the provisions of the first paragraph. This shall not, however, apply if the certificate was false and the person who purveyed the recording realised or should have realised that this was so.

In Chapter 16, Section 12 of the Penal Code the following is criminalized.

A person who distributes among children or young persons a writing, picture or technical recording which owing to its content may brutalise or otherwise involve serious danger to the moral nurture of the young, shall be sentenced for leading youth astray to a fine or imprisonment for at most six months.

The National Board of Film Classification, under the Act on Examination and Control of Films and Videograms examines films and videograms, intended for public exhibition, in advance. Portrayals - whole films or parts of films - that can have a brutalising effect on people who see them must not be approved for showing. Films that have been examined and approved are also given age limits.

Under the *Radio and Television Act* programs containing explicit portrayals of violence of a realistic nature or pornographic images must either be preceded by an audio warning or contain a warning text continuously displayed on screen throughout the broadcast. These programs may not be broadcast at times and in a manner that

Stockholm, 17 September 2004

involve a considerable risk that children can see them. The license conditions for the public service broadcasters Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB (UR) and for TV4 AB, which is financed by advertising, contain more far-reaching conditions concerning consideration of the special impact of television. Compliance with these provisions is monitored ex post after broadcasts by the Broadcasting Commission and, in certain cases, the Chancellor of Justice.

Awareness activities

The Council on Media Violence is a committee under the Government, which has worked to coordinate action against harmful portrayals of violence since 1990. The Council's remit covers all media with moving images, such as film, TV, video, DVD, computer games, TV games and the Internet. The purpose of the Council's activities is to reduce the risks for harmful effects of the media on children and young people. The Council, which works in an active, outreach and result-oriented way, has to give particular attention to portrayals of violence and pornography and to apply a clear gender perspective in its work.

Self regulation – age rating of interactive games

The Pan European Games Information (PEGI) age rating system, developed by the Interactive Software Federation of Europe, applies to interactive games distributed in Sweden.

Question 19

According to chapter 14, section 1, of the Social Services Act anyone receiving information of a matter which can imply a need for the social services to intervene for the protection of a child should notify the social services. Authorities and employees in such authorities whose activities affect children and young persons and persons active within professionally conducted private services affecting children and young persons or any other professionally conducted private services in health and medical care or in social services have a duty to report to the municipal social services if the child may be at risk and in need of protection. The National Board of Health and Welfare has issued general recommendations and a handbook on the implementation of this duty as guidance to those professionals who are obliged to report.

Question 20

As mentioned earlier almost every form of violence against children are criminalized in Sweden. Hence, such crimes should be reported to the police. Complaints of violence could also be made to any other public authority which all are obliged to hand over the complaint to the police. This procedure is the same no matter where or in which institution the crime has been committed.

Stockholm, 17 September 2004

Question 21

The child is in the judicial process on administrative law given locus standi regardless of age. In administrative law the two most important acts on the issue of the questionnaire, the Social Services Act and the Care of Young Persons Act, give the child rights of advocacy at the age of 15. The child is, according to the *Care of Young Persons Special Provisions Act*, in general entitled to aid from a public counsel. A child under 15 years of age shall be legally represented in the process by that counsel.

Legal advice can be provided in all legal matters by a lawyer, or by a junior barrister at a lawyer's office, for up to two hours. If the person obtaining the legal advice is a child, he or she does not usually need to pay.

Legal aid means that a person can obtain assistance with part of the costs in matters that cannot be dealt within the legal advice time, for example cases or matters at court. Legal aid covers part of the costs for an attorney. You can also obtain help with expenses of presenting evidence.

To be eligible for legal aid one has to meet certain general conditions.

1. The applicant must have obtained legal advice for at least one hour.
2. The applicant must meet an income threshold.
3. The applicant must be in need of a legal aid counsel and it must be clear that such need cannot be obtained from somewhere else.
4. It must be considered reasonable for the state to contribute to the costs.
5. If the applicant has – or is considered ought to have had – a legal expenses insurance, such insurance has to be used in the first place.

Legal aid can be obtained in legal matters such as for example damages claims but is generally not available in administrative complaints procedures.

Special legal representation for Children

When there are reasons to believe that an offence on which prison may follow has been committed against someone below the age of 18 and the guardian is suspected of the crime against the child or when it may be expected that the guardian will not look after the rights of the child because the guardians relation to the suspected person, a special legal representative for the child will be appointed free of charge. The idea is that this person will safeguard the interest of the child during the preliminary investigation and during trial. In the first place, attorneys or lawyers should be appointed but also persons with sound knowledge in these matters may be appointed as special legal representative for children. The prosecutor makes a request for an appointment to the District Court

Stockholm, 17 September 2004

Question 22

The Crime Victim Compensation and Support Authority is a national governmental authority working for the needs and interest of crime victims. One of their tasks is to provide information about the possibilities to crime injuries compensation from the state.

Question 23

Whether a child shall be heard in court or not has to be decided on a case-by-case basis depending on the age and development of the child, his or her state of mind and health and on the possible damage that may be caused if the child is subjected to a court hearing. In Sweden it is very rare to hear a child in court. Instead other methods, such as the playback of videotaped interviews are frequently used. Another safeguard to avoid for the child to be confronted with his or her perpetrator in a court of law is the possibility for the court to order the defendant to be excluded from the courtroom during the hearing with the child.

In the judicial process on administrative law the child has, according to the *Administrative Procedure Act*, an unconditional right to be heard if the child has the capacity of advocacy. As mentioned above the child, under the *Social Services Act* and the *Care of Young Persons Special Provisions Act*, is given the rights of advocacy at the age of 15. *The Social Services Act* and the *Care of Young Persons Special Provisions Act* also prescribes that a child under the age of 15 may be heard in accordance with certain provision of the acts. Firstly, the hearing of the child should contribute to the investigation and, secondly, the hearing must not lead to harmful effect on the child.

Special procedural or evidentiary rules regarding proceedings with respect to violence against children does not exist in Swedish law. However, there are some general provisions that apply in proceedings that involve minors.

For instance, examination of anyone under the age of 15, may be held behind closed doors. However, the normal procedure in cases of child abuse is that the child's testimony is presented to the court by a video recording from the police investigation and that the child does not appear at the court hearings.

The general principle of free evaluation of evidence applies also in cases of violence against children. Accordingly, there are no rules on the value of different kinds of evidence.

Cf. question 13.

Stockholm, 17 September 2004

Question 24

In cases of imprisonment or probation, rehabilitation and motivating programs are practised. Some programs are especially designed for violence or sexual offences committed within the family. Other programs are more flexible and change depending of the committed offence.

Question 25

As mentioned earlier, cf. question 10, juvenile offenders are treated separately in the penal system.

Transfer to care under the social services is together with fine, the most common sanctions for juvenile offenders.

A committee is currently working with a review of the sanctions for crimes committed by juvenile offenders.

Question 26-30

There is a common understanding in our society that children are to be treated with respect and corporal punishment is no longer seen as a justifiable method of upbringing. Children are aware of their rights, partly due to the information about the CRC given in schools nowadays.

As described by the Committee on Child Abuse¹¹ 10 percent of all children have experienced violence in the home some time and approximately 5 percent of them often. In these cases interventions from the authorities are needed in order to protect the child and change the situation. This is where the responsibility of the social services comes in.

According to the *Social Services Act* it is the responsibility of the local social services to ensure that a child in need of protection and/or his or her family– whatever the reason for this may be – are provided with relevant services to fulfil their needs. There is a provision in chapter 5 section 1a of the act on collaboration between public institutions, organisations and others concerned in matters relating to children at risk. The National Board of Health and Welfare has been commissioned by the Government to form a strategy for such collaboration. It is important to note that collaboration shall take place in all cases where a child may be in need of support or protection and not only in cases of violence.

¹¹ see attachment Summary, SOU 2002:71

Stockholm, 17 September 2004

The local social services are under supervision of the county administrative board and the National Board of Health and Welfare has a national responsibility for supervision of social services throughout the country.

Question 31

In December 2003 the Swedish Parliament adopted a governmental bill defining Sweden's new policy for Global Development, "Shared Responsibility"¹². This new policy is based on two perspectives, the rights perspective and the perspective of the poor. Within the definition of a rights perspective on development, a strong emphasis is given to the rights of the child.

The rights of the child, has been integrated into Swedish development policy since 1999. The Swedish International Development Cooperation Agency (Sida) developed guidelines for the integration of children's rights in the same year. In order to continue defining strategic priorities within this area, the Government submitted a communication to the Swedish Parliament in May 2002¹³. The communication is intended to serve as a guide for further integration of the rights of the child perspective into development cooperation. In this communication the Government defines a ten-point program – based on the declaration adopted by UN General Assembly at the twenty-seventh special session in May 2002, "*A World Fit for Children*". Two of these identified issues refer to children and violence, to

- To protect children in war
- To stop exploitation of children

The communication also identifies focused input for disadvantaged children. The definition of disadvantaged children includes child labor, children subjected to sexual exploitation and children affected by war, armed conflict and refugee situations.

Working methods and arenas

Within Sweden's development cooperation, direct agreements with Governments are of strategic importance. This also includes cooperating with other governmental bodies such as the National Plan of Action on Children's rights.

The Swedish Government also cooperates with different bodies of the United Nations. In the area of violence against children UNICEF is the most strategic partner for Sweden and Sida. UNICEF received 340 MSEK as a core grant for 2004.

Sida's collaboration with UNICEF is in principle bilateral, i.e. Sida's country strategies are guiding the work and the projects are carried out with the cooperation of the national Governments. Approximately 25 projects and programs are supported as part of this bilateral work. In addition, 15 humanitarian interventions are supported

¹² Government Bill 2002/03:122

¹³ The Rights of the Child as a Perspective in Development Cooperation - 2001/02:186

Stockholm, 17 September 2004

in cooperation with UNICEF. Approximately 400 MSEK are spent for this cooperation on a yearly basis. Not all of the support is directed towards projects for combating violence against children, but quite a few projects have components that try to deal with violence since Child Protection is a prioritized area for both UNICEF and Sweden. Girl's education is another of UNICEF's prioritized themes supported by Sweden, and violence and sexual abuse related to schooling is being worked on, although that work needs to be further strengthened.

Sida also supports the UNICEF's Research Center in Florence, Innocenti, with the particular aim to strengthen the work on the rights of the child, including several areas dealing with violence.

Sweden is supporting the ILO/IPEC¹⁴ with regard to the elimination of the worst forms of child labor. Currently there are two agreements with IPEC amounting to 19 MSEK. Part of this support has been directed towards combating the worst forms of child labor in India and child domestic labor in Kenya and Tanzania.

Besides the UN-family, Sida is cooperating with various global networks and global NGOs combating different forms of violence against children, i.e. Global Initiative to End Corporal Punishment of Children, OMCT¹⁵, the NGO Group for the Convention on the Rights of the Child/Focal Point on Sexual Exploitation of Children, ECPAT-International¹⁶, Anti-Slavery International, and Save the Children.

Rädda Barnen (Save the Children Sweden-SCS) and ECPAT-Sweden are the most important Swedish NGOs seeking to combat violence against children. SCS is cooperating with NGOs and Governments on different levels. In 2004 SCS received MSEK 2 from Sida to finance its activities in relation to the UN Secretary General's Study on Violence against Children. Possible support is also foreseen for the coming year.

Interventions

Examples of interventions supported by Sida:

- promotion of security for children - Tanzania (City council of Dar es Salaam and UN Habitat)
- fight against female genital mutilation – which also includes actions against violence within and outside the family - support through African national NGOs

¹⁴ International Program on the Elimination of Child Labor

¹⁵ Organization Mondiale Contre la Torture

¹⁶ End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

Stockholm, 17 September 2004

- violence and neglect against children in the streets, within the family (domestic violence), in institutions, children lacking family support, children with disabilities and children with special needs – support is given to preventive actions, legal support and to the development of alternatives to institutional care – support through national NGOs, National Governments and Universities – ex. Central and Eastern Europe, Latin America, Africa (Zambia, Kenya, South Africa), Asia (Vietnam, Cambodia, China), Middle East
- sexual exploitation and trafficking of children (girls and boys) – programs supported through IOM, ECPAT and UNICEF
- child labor – elimination of worst forms of child labor – actions are taken through support to ILO/IPEC (India, Kenya, Tanzania – and some global work), UNICEF, World Bank and Anti-Slavery International
- demobilization of child soldiers and prevention of recruitment of child soldiers– Colombia, Liberia, the Great Lake district
- education and reintegration of children affected by war, conflict and occupation – ex. Uganda, Sri Lanka, West bank/Gaza
- juvenile offenders and young people in conflict with the law – support through defense centers, national governments and universities – ex. Vietnam, Zambia, Kenya, South Africa, Latin America and West bank/Gaza
- corporal punishment – support mainly through the network Global Initiative to End Corporal Punishment of Children

Question 32

The duties of the Children's Ombudsman do not include dealing with individual complaints. But if the Ombudsman, in the course of her work, receives information to the effect that a child is abused at home or it must otherwise be assumed that the social services needs to intervene to protect a child, she must without delay report to the social services committee.

Question 33

No.

Question 34

No.

Stockholm, 17 September 2004

Question 35-37

As described in the booklet “*Ending Corporal Punishment*” civil society and media played an important role in the 1970’s to put pressure on the Government to further investigate how the needs and rights of children could be better provided for. Still today, BRIS (Children’s Rights in Society), Save the Children, ECPAT-Sweden and other child rights organisations play an important role in the debate on all forms of violence against children.

Reports from the NGOs and debate in the media together with reports from the National Board of Health and Welfare and the National Council for Crime Prevention played an important role to initiate the Committee on Child Abuse that was appointed in 1998.

Public debate, reports and articles were also of great importance to initiate and create awareness of the issue of sexual exploitation of children that resulted in the Committee on Knowledge About Sexual Exploitation of Children¹⁷.

There is a continuous dialogue between the Government and the NGO’s with meetings and consultations taking place on a regular as well as an irregular basis. The NGO Network for the CRC organises a meeting with relevant ministers to follow up how the CRC is being implemented and respected. At these meetings issues on violence against children are always brought up. This dialogue with the NGO’s is much appreciated by the Government.

BRIS runs a Children’s Hot Line where children can call about their situation. Each year a report is published over these calls. Since 2001 there is also a mail address for children run by BRIS.

There is a system for government support over the state budget through the national authorities to NGOs both for their regular activities and special initiatives and projects.

The Swedish Inheritance Fund makes it possible for NGOs to apply for financing of innovative projects that aim at developing or improving activities or services for children, young people and people with disabilities. If a Swedish citizen dies without making a will and without leaving a spouse, child or other relations closer than cousins, the property goes to the Swedish Inheritance Fund. Approximately 20 million Euros per year are used to support different projects. Many projects targeting children in general but also specifically children in difficult circumstances have received support from the fund.

¹⁷ see Summary, SOU 2004:71

Stockholm, 17 September 2004

Question 38-40

There are no such activities involving children as asked for. Although it can be mentioned that children in Sweden from preschool-age are taught that they have the right to respect and that corporal punishment and other forms of violence against children are strictly prohibited. Several studies among children have shown that the awareness of the right not to be corporally punished is high. Reference can also be made to the Summary of the report from the Committee on Child Abuse¹⁸.

Question 41-43

The regulation in the Children and Parents Code stating that children shall be treated with respect and the provisions concerning children in the Social Services Act and the Care of Young Persons (Special Provisions) Act form a foundation for the work to protect children from violence. These principles are relevant not only regarding violence, but in all situations where children are concerned. Reference is made to the first report to the Committee on the Rights of the Child where the Swedish system is described more in detail. More information can also be found in the second and third reports to the committee.

Question 44

Sweden participates within the framework of the EU, the Council of Europe and the UN whenever the issue is discussed and dealt with, cf. question 31.

Question 45-48

The Committee on Child Abuse did extensive work on the topic and provides information in this respect¹⁹.

Question 49

There is no such system in place at present, but as a result of the suggestions made by the Committee on Child Abuse the Government has commissioned the National Board of Health and Welfare to develop the work with children in difficult circumstances. This includes investigating and analysing the conditions in order to create a system for child death reviews. The report is due on October 15, 2004.

¹⁸ SOU 2001:72.

¹⁹ see Summary, SOU 2001:72 and Children and Abuse

Stockholm, 17 September 2004

Question 50

As a part of the commission mentioned in question 49 the National Board of Health and Welfare is also to develop a system on how to report statistics on deliberate violence against children.

Question 51 and 52

Please see the attached diagram.

Question 53

It is not possible to bring forth statistics regarding the total number of conviction and reported cases for various categories of crimes of violence against children.

Question 54-56

An important part of the work of the Committee on Child Abuse was to engage in active and outreach activities²⁰. After the committee completed its work the responsibility for the Parents Book has been taken over by BRIS with financial support from the Swedish Inheritance Fund for a period of three years.

In the late 1990s the National Board of Health and Welfare initiated a project to create a quality assurance system for social workers in their work with children in need of support or protection, including assessment, planning and evaluation called "Children's Needs in Focus" (Swedish acronym: BBiC). This is a long-term project aimed at developing a uniform system of assessing, planning and reviewing in social work with children. The project has its roots in the British Looking After Children System but has been adjusted to Swedish conditions. It comprises two sub-projects; assessment, planning and reviewing systems and development of a basic statistical system for social services for children. During the project stage only a few pilot municipalities are active in the project, but according to the project plan it will be ready to be spread nationwide in 2005.

In order to create and strengthen structures for systematic knowledge production and effective knowledge dissemination within different areas of education/training, research and practical work The National Board of Health and Welfare was commissioned by the Government to implement a program of national support for knowledge development in social services in 2001. This is relevant for the whole sector and will, of course, profit the work with children who have been victims of abuse. Within this project a report on the need for competence within the social services for children in difficult circumstances has been produced describing what competence is needed in this work and how it can be built up and further developed.

²⁰ see Summary, SOU 2001:72

Stockholm, 17 September 2004

This report can serve not only as a base for the municipalities in their work to develop and guarantee quality in the social services but also as a help to the schools of social work education to plan basic and further education.

**Reported offences by type of offence
2000-2003**

	2000	2001	2002	2003	English
Misshandel (ej med dödlig utgång)	58'846	59'461	61'631	65'177	Assault (not resulting in death)
Misshandel mot barn 0-6 år	938	923	1'021	1'196	Assault against children of 6 years and under
Obekant med offret	151	137	151	148	Not acquainted with victim
Utomhus	93	86	92	101	Outdoors
Inomhus	58	51	59	47	Indoors
Bekant med offret	787	786	870	1'048	Acquainted with victim
Utomhus	108	104	120	126	Outdoors
Inomhus	679	682	750	922	Indoors
Misshandel mot barn 7-14 år	5'625	5'962	6'244	6'428	Assault against children of 7 - 14 years
Obekant med offret	1'613	1'632	1'682	1'710	Not acquainted with victim
Utomhus	1'228	1'241	1'297	1'286	Outdoors
Inomhus	385	391	385	424	Indoors
Bekant med offret	4'012	4'330	4'562	4'718	Acquainted with victim
Utomhus	1'490	1'513	1'721	1'615	Outdoors
Inomhus	2'522	2'817	2'841	3'103	Indoors
Våldtäkt, grov våldtäkt	2'024	2'084	2'184	2'565	Rape, gross rape
Mot person under 15 år	300	332	386	466	Against person under 15 years
Fullbordad våldtäkt	248	285	345	418	Completed rape
Utomhus	64	85	84	122	Outdoors

Stockholm, 17 September 2004

Inomhus	184	200	261	296	Indoors
Försök till våldtäkt	52	47	41	48	Attempted rape
Utomhus	30	35	19	31	Outdoors
Inomhus	22	12	22	17	Indoors
Misshandel mot barn 0-14 år	6'563	6'885	7'265	7'624	Assault against children of 14 years and under
Våldtäkt, grov våldtäkt mot barn 0-14 år	300	332	386	466	Rape, gross rape, Against person under 15 years
Summa våldsbrott	6'863	7'217	7'651	8'090	Total (assault + rape)

Summary

The terms of reference of the committee into knowledge concerning sexual exploitation of children in Sweden were, among other things, to make an inventory of and compile knowledge about sexual exploitation of children and to consider the need for additional measures on the part of the Government to fulfil the work against sexual exploitation of children in accordance previous undertakings. The committee has collected information from, inter alia, four networks made up of representatives of authorities, NGOs, parliamentarians and experts, from a number of study visits and from two studies carried out within the framework of the committee. One of the studies was carried out by the National Council for Crime Prevention. It refers to reported and processed sexual offences against children that includes elements of sexual exploitation. The other study is a survey concerning the sexuality of young people – attitudes to and experience of sexual exploitation – carried out by researchers at Lund University in cooperation with the committee of inquiry.

Sexual exploitation of children comprises trafficking in children, child prostitution/sexual exploitation for payment and child pornography. The report contains a description of these three problem areas, relevant legislation is reported and risk factors identified. Investigations, measures and treatment for both victims and perpetrators are reviewed as well as joint action at both national and international levels. The committee has also presented certain proposals for continued work on issues concerning the sexual exploitation of children.

Sexual exploitation in the form of human trafficking for sexual purposes is a relatively new phenomenon although sexual exploitation in other forms has long existed. Young girls with alcohol and drug abuse problems in particular have been sexually exploited. This is a well known fact but has not been the focus of attention in investigations and treatment. The exact extent of exploitation cannot be assessed, however the investigations and assembly of knowledge carried out by the committee show that the number of children exposed to sexual exploitation is considerable. As in the case of sexual abuse, the part of sexual exploitation of children that is visible, that is to say in criminal statistics and information from authorities and organisations, is probably just the tip of the iceberg.

Poverty, patriarchal structures and the sexualisation of society create a breeding ground for sexual exploitation

Children who have been subject to sexual exploitation have major social and mental problems. Many have been subjected to sexual violation/abuse before or in connection with sexual exploitation.

However, the models based on the individual are not sufficient to explain sexual exploitation of children and must be supplemented by factors of a structural nature. The problem must be seen in its social context. Poverty in combination with patriarchal structures constitutes a major risk of the exposure of women and children to violence and different forms of sexual abuse/exploitation. In cultures where women and children are not seen as individuals of the same value and with the same rights as men, they risk being regarded and treated like objects.

Another factor that makes sexual exploitation of children possible is the sexualisation of society. Erotic messages are communicated in advertising, TV programmes, films, music videos, fashion and on the Internet. Films and images that would have been classified as pornography are shown today on some TV channels and appear in certain evening papers and weekly magazines. Children are drowning in material with a sexual content which is a completely different situation from that which applied for earlier generations.

The consequences of the sexualisation of the public sphere can currently be perceived for example in changed attitudes to sexuality, changed sex habits and a strong increase in the consumption of pornography.

An exposed group

At the individual level, there are certain factors that imply children run a greater risk of being subjected to sexual exploitation. The risk factors are sexual and physical abuse and neglect. The youth poll shows that young people who have sold sexual services have many problems, which are expressed in different ways such as sexualised behaviour, alcohol and drug abuse, criminality and mental illness. Children who come to Sweden from other countries as asylum seekers with or without legal custodians, or because their mother is to marry a Swedish man and also children who are smuggled in or come on their own, may also run the risk of sexual exploitation.

Lonely, sad, lost and deserted children are exposed to the greatest risks since contacts via the Internet may be a compensation for other human company. Children, who have poor relations with their parents, have no friends or for other reasons feel lonely and excluded are particularly defenceless when an unknown person seeks contact with them via the Internet.

Children may be subject to sexual exploitation even if no real risk factors are present. It may, for example, be children who have been photographed secretly for pornographic purposes. The strategies used by many perpetrators can be difficult for children to see through, particularly if the perpetrator is someone they know, have faith in or see as an authority. Not all the children that have been caught up in sexual exploitation after making contact via the Internet have social problems. It may be a case of curiosity, innocence or of testing limits. Children may become involved in something they do not understand and cannot judge the consequences of.

Connections between child pornography and sexual violations

Pornographic pictures/films of children almost always mean that the child has been subjected to sexual abuse/violation that has been documented. It does happen, however, that pictures are not taken for pornographic purposes but are used in such a way that they appear to be pornographic. It may concern pictures that have been manipulated or included in a sequence

together with pictures of a pornographic nature. Viewing pornographic pictures/films of children may be temporary but it may also be part of a pattern of transgressing limits and sexual abuse.

Possessing, collecting and distributing child pornography is a crime in itself but attention should also be given to it as a risk factor for physical sexual abuse. The investigation by the National Council for Crime Prevention for instance shows that there is a connection between child pornography offences and sexual abuse. Thirty-eight per cent of those convicted of child pornography offences had also been convicted for sexual crimes against a child in the same case. Another link is that people who are members of one of the closed paedophile networks that operate on the Internet may be obliged to distribute new pictures in order to get access to the material of others. To produce these pictures the person may sexually abuse a child, photograph or film the abuse and distribute the pictures/film to people in the network. Hence, children are sexually abused because the 'market' continually demands new pictures.

The majority of people consider sex with children unacceptable but when the boundaries for what is normal shift, a breeding ground is created for degenerate variants such as sexual exploitation of children. Child pornography may influence attitudes so that what was previously inconceivable may be seen as a possibility, not just by paedophiles but also by people who would not normally exploit children. Another step in the process of normalisation is perceiving that many others are doing the same thing. Today, the Internet offers opportunities of feeling a mutual interest with others who are sexually interested in children. A further essential factor for lowering thresholds is accessibility. Pornography has above all become readily accessible. Those who are well acquainted with Internet can easily find what they want and the risk of being discovered is minor. Furthermore, the large supply of pornography and other material with a sexual content may have an effect on children and young people so that their limits are shifted. It may then be easier to persuade them to carry out sexual acts. Lastly, the thresholds are lowered considerably when it becomes easier to find victims. Previously, perpetrators had to find children in their nearest circles which could be difficult, risky and take time. With the protection of anonymity it is easier to find suitable victims.

A special problem connected with child pornography on the Internet is that the pictures/films never disappear. They are in circulation on the network eternally. This means that the violation of the child never ends.

After the criminalisation of possession of child pornography, there has been an explosive development of Internet opportunities for contacts between people. This has meant a radical increase in opportunities to commit child pornography crimes.

Trafficking in children for sexual purposes

Human trafficking for sexual purposes is a crime planned by criminal organisations and takes place well hidden from agencies, organisations and the general public. Operations are facilitated by the open borders in the Schengen area which imply border supervision without passport control and a chance to cross borders with juveniles without any questions being asked about their relationship or where they belong.

Most cases of human trafficking concern adult women over 18 but the victims may be juvenile girls, usually aged 16–17. These girls are mostly enticed to come to Sweden in the belief that they will earn money and in this way change their future. Sometimes they are forced or duped into believing they will get a regular job. Some are certainly aware that they

will be selling sexual services but believe it will be temporary, something they will be doing for a short time. In fact they become the victims of a modern form of slavery.

Through reports and contacts with the committee's network it has emerged that cooperation takes place between agencies and organisations, at both national and international levels on the policing side. On the other hand, regarding care of the victims of human trafficking for sexual purposes, there is a general lack of cooperation, coordination, knowledge and clear division of responsibility between the agencies and organisations concerned at both national and international levels. Furthermore, there is no clear child perspective in treatment of the victims.

Sexual exploitation for payment

The survey has mapped out the extent of selling sex among young people in the third year of the upper secondary school. The study (Svedin and Priebe 2004) shows that 60 young people – 1.4 per cent – had sold sex for payment. That is equivalent to about 1 000 young people in the third year of the upper secondary school.

Of the 60 young people, 23 were girls (1 per cent) and 37 boys (1.8 per cent). Boys with an immigrant background were over-represented. Characteristic of those with experience of having sold sex was an early intercourse debut, several sex partners, behavioural problems, criminality (especially among boys), mental problems and alcohol and drug abuse (especially among girls). Forty-nine stated that they had been subjected to sexual acts against their will. It was most often a question of someone pawing/groping them and of indecent exposure. Forty-two per cent (30 per cent of the boys and 60 per cent of the girls) had been subjected to sexual penetration.

To a remarkably high degree the young people who answered the questionnaire about attitudes to and experience of selling sex for remuneration/money accept that people sell sex or take part in pornographic situations. A majority of the young people in the survey had seen pornography on some occasion. Boys who sold sex viewed most. Forty-two per cent of them stated that they more or less daily viewed pornography. This group also considerably more often viewed sex involving violence, sex between children and adults and sex with animals. Many stated that they are affected by what they see and want to try it out which is alarming, not least bearing in mind that they have viewed child pornography and pornography involving violence.

The victims

The victims of sexual exploitation may be anyone from small children photographed for pornographic purposes without being aware of it, to teenagers forced into prostitution. The mental, physical and social consequences of having been exposed to sexual exploitation varies depending on factors such as the age of the child, the type of exploitation and the relationship to the perpetrator.

In the National Council for Crime Prevention survey of judgments pronounced in cases with an element of sexual exploitation, 70 per cent of the victims are girls. In the survey, the majority of those who had sold sex were boys. There is reason to assume that sexual exploitation of boys is even more concealed than exploitation of girls.

Over 80 per cent of the boys and 65 per cent of the girls in the Council's survey were under 15. Forty-six of the 60 young people who had sold sex stated that they were between 14 and 18 when they sold sex for the first time. The median value was 16.

The perpetrators

It is usual for perpetrators of crimes with elements of sexual exploitation to be sentenced for *crimes against several children*. In the National Council for Crime Prevention survey, about a quarter had been sentenced for crimes against two or three children and a quarter for crimes against four or more children in the same case. Ninety-five per cent of those sentenced are men.

It is also common that the perpetrators *have previously been sentenced for crimes*. In the National Council survey, 72 per cent had appeared before court on at least one previous occasion. One fifth had previously been sentenced for sexual crimes against children and more than a quarter had been sentenced for crimes of violence.

Very few of those who sexually exploit children for payment consider themselves to be child molesters. They try to deny, justify their behaviour and make it humane. Occasionally they also claim that the young people themselves should take responsibility for what has taken place. They imagine that sexual contact is something the child can consent to and benefit from. This attitude is apparent in some of the judgments studied in the committee. In Svedin's and Back's study of children exploited in child pornography (2003) there is a description of the intervju with the perpetrators. No one expressed guilt about hurting the children and they did not consider they had done anything wrong. They were usually unable to remember and diminished their role in the abuse. The majority of perpetrators had cognitive distortions; they distorted reality, redefined relationships of power and strength, reversed roles, etc.

The Internet as a risk and an opportunity

The Internet has meant a radical change in children's and young people's social and cultural environment. The majority of children aged 9–16 chat on the Internet but parents generally are not aware of this. The difference between what parents think children use the Internet for and what they do use it for is great. For example, children can easily find pornographic material or involuntarily open such material on the display.

Certain homepages have children and young people as targetgroups. There they can present themselves, write their own diaries or in the diaries of others, chat, send e-mails and take part in discussion groups. The new digital camera technology with web cameras and mobile telephones makes it easy to photograph and publish the pictures on the Internet. Like other pictures, the pictures become a "public property" and can end up on pornographic sites. The anonymity of the Internet offers an opportunity to talk about problems that children dare not discuss face to face, for example sexuality or relations. This can be positive but there are also risks with this open communication. You can never rely on the person you are chatting with being whom he/she claims to be. Contact through the Internet can lead to personal meetings that may be risky. The Internet has made it easier for paedophiles and other sex criminals to make contact with children.

Through the Internet children can be exposed to new risks. Parents have less control over their children's contacts and the perpetrators have obtained greater opportunities to find children to sexually abuse or exploit.

Investigations, measures and treatment

Sexual abuse of children is not new for *social services*. The matter has been given attention since the late 1980s. Thus, in training, research and practice, social services and other authorities have had several decades in which to develop methods for investigation and treatment. Sexual exploitation on the other hand has been given attention relatively recently and experience and knowledge is largely non-existent. To be able to identify the problem, increased knowledge is needed both in personal and family counselling and in institutional care.

Children who have been subjected to sexual exploitation have often experienced sexual violations, violence, neglect and abandonment. Abuse of alcohol and drugs is generally the most visible problem, which may mean that this problem is emphasised in investigations and treatment while other problems such as sexual exploitation are neglected.

Since children exposed to sexual exploitation are a heterogeneous group, generalisations cannot be made about *treatment needs*. Some children have been exploited without being aware of it, others have been subjected to serious violations in connection with exploitation. For some children exploitation was a single event, for others something that has gone on for many years. Some come from well functioning families and have not been exposed to any special psychosocial strains, while others are affected by several risk factors. Hence, treatment needs may vary from children who are not in need of any professional treatment at all to children with very extensive need of treatment.

With their shrinking resources and long queues child psychiatric *clinics* have prioritised children with serious mental problems. Exposure to trauma does not give entitlement to treatment automatically. It is not until the child shows serious mental problems that treatment is offered. There are examples where clinics have worked actively on questions concerning sexual exploitation but as a rule sexual exploitation is probably seldom given attention. To be accepted by clinics, in addition to the child showing serious symptoms, the child and parents must be motivated for treatment and contact the clinic themselves. Hence, these clinics are not a realistic treatment alternative for sexually exploited children, with the exception of clinics with a special focus on sexual assault.

The most vulnerably young people are to be found in *institutional care*. There is reason to assume that many of them have been exposed to sexual exploitation. It is therefore important to clarify whether this is the case and to develop knowledge and methods for giving these young people care that covers the area of sexual exploitation.

Adults that have committed sexual violations against a child have very few chances today of receiving adequate treatment. This applies to both open and closed psychiatric care. Persons sentenced for sexual crimes against children may, however, be given treatment at one of the prison establishments that have special treatment programmes for perpetrators of sexual crimes. There is no treatment in Sweden directly intended for persons sentenced for child pornography offences as far as we know.

Cooperation

Regarding suspected sexual offences against or abuse of children, cooperation groups have long operated in most municipalities. Their task is primarily to ensure that the child is protected and to coordinate work, particularly the investigations. Sexual exploitation is also a crime that calls for cooperation between different agencies. As there are similarities and connections between these different types of crime, there is reason for collaborating groups to deal with both sexual abuse and exploitation.

The fight against sexual exploitation of children requires well developed international cooperation. These crimes, especially child pornography and human trafficking, are cross-border crimes. Both formal and informal contacts between anti-crime agencies in different countries are needed.

Committee proposals

The committee suggests that:

- the Government investigate and clarify the issue of damages in connection with child pornography crimes
- the Government consider a review of the period of limitation for sexual assault when the crime is connected with child pornography crimes
- the Government review legislation regarding the age criterion in connection with child pornography crimes in cases where the Supreme Court affirms the judgment of the Svea Court of Appeal (Svea Court of Appeal, B228-03)
- that the Government consider how caching of child pornographic pictures in temporary files, as described in the report, shall be criminalized
- the working methods that have been used by Save the Children in their hotline project should be utilized by the police when the project is finished in 2005
- the Government consider the need of reviewing costs for delivering IP numbers and the issue of saving logfiles to facilitate police investigatory work with crime concerning sexual exploitation of children. Tracing mobile communication should also be considered in this connection.
- the Government raise matters concerning child pornography on the Internet in appropriate international contexts
- the Government consider commissioning the National Police Board, the Swedish Migration Board and the Swedish Customs to draw up guidelines for border control in order to prevent the sexual exploitation of children
- the judicial system's attitudes to and processing of cases concerning physical and sexual abuse and sexual exploitation of children be reviewed in a manner similar to that initiated by the Government for rape of women
- further training for the police and prosecutors concerning child physical and sexual abuse should also comprise sexual exploitation of children
- prosecutors at the international public prosecution office investigating crimes against children should have special qualifications for the task

- judges and lay assessors of cases concerning physical and sexual abuse and , sexual exploitation should have special qualifications for the task
- guidelines for how the police should deal with cases of sexual exploitation of children should be prepared by the National Police Board
- the Government consider whether the Law (2000:87) concerning testing by reference the criminal record of personnel in pre-schools, schools and school-age child care should cover more professional groups for example certain doctors, personnel at institutions for children and young people, contact persons in social services and guardian ad litem
- schools give priority to sex education and make great efforts to create an environment where no pupil is subjected to sexual harassment and act as a counter-force to the view of women and men that is spread through advertising, docusoaps and pornography
- the National Board of Health and Welfare should within the framework of the Government order regarding a national function for children at risk consider sexual exploitation of children. The need of regional competence centres should also be considered
- the National Board of Health and Welfare should in producing a documentation system for investigation and follow-up (BBIC, focus on children's needs) and a handbook for social investigations give attention to matters concerning sexual exploitation of children
- in connection with the ADAD (Adolescent Drug Abuse Diagnosis) interview, the National Board of Institutional Care in Sweden ask questions about sexual exploitation where relevant, and develop methods for treatment of young persons who have been subjected to sexual exploitation
- in its work, the Committee on a National Action Plan for Social services for Children and Young People (S 2003:06) give attention to matters concerning sexual exploitation of children
- the Government consider how knowledge compiled by the committee shall be spread nationally, regionally and locally

Summary

Issues associated with violence against children have again, in the past few years, been a focus of discussions at both national and local level. Child abuse has been addressed in parliamentary motions and public debate by the Child Ombudsman and child-rights organisations. The National Council for Crime Prevention (BRÅ) has shown that the number of incidents reported to the police involving assaults on children has risen.

This was the background to the Swedish Government's creation, in December 1998, of a parliamentary committee to investigate the issue of child abuse and related matters. The committee's members and secretariat were appointed and its investigation began in spring 1999. The committee adopted the title of the Committee against Child Abuse. Its assignment was to be completed by 31 March 2001, but it was to present an interim report on the working methods of the police and prosecutors - after an extension decision - not later than 1 May 2000. In April 2000 the interim report, '*Child Abuse - Case Handling Times and Working Methods of the Police and Prosecutors*' (SOU 2000:42), was issued. The deadline for the Committee's investigation has also been extended and its final report on the assignment is to be issued not later than on 31 August 2001.

We are now issuing herewith, in accordance with the directives, the Committee's final report. Its title is '*Child Abuse - Prevention and Protection*'.

Under the directives, the long-term aims of our inquiry were to improve the scope for preventing violence against children, to achieve better collaboration among the various agencies that investigate and deal with child abuse, to enhance knowledge among the occupational groups concerned, and to devise better means of supporting and helping those involved.

Under the same directives, the inquiry was to be permeated by a child perspective and based on the United Nations Convention on the Rights of the Child. The key articles of the Convention in our work are, above all, Article 3 (the best interests of the child), Article 12 (the child's freedom to express views and right to be heard) and Article 19 (protection from abuse). Articles 34 (protection against sexual exploitation) and Article 39 (rehabilitation) have also been important. We have based our proposals on the best interests of the child, and in several cases we propose measures to benefit all children, by the same token including children in distress or at risk.

Chapter 2. Child abuse in society - an introduction

This chapter describes the points of departure for our work. Starting with children's comments on violence, we discuss the concept of a 'child perspective' and the importance of social security for children and families. A brief history of child abuse and, finally, some observations on attitudes towards corporal punishment in other countries are included in this chapter.

The section containing children's comments provides a picture of how disadvantaged children may perceive their own situation. Every year, children make many telephone calls about child abuse on the special Children's Helpline of BRIS ('Children's Rights in Society'). Our quotations are examples of what these children have to tell.

Sixty-three per cent of the calls come from girls, and 37 per cent from boys. Most of the callers are more than 12 years old. More often than for 'average calls', the children who are subjected to violence live with a single father or in a stepfamily. The abuse usually takes place in the home. In more than eight out of ten cases, the assault is committed by a family member. This also applies, in more than half of the cases, to the considerably fewer calls concerning mental abuse.

The section entitled 'Focus on the child perspective' describes how the Convention on the Rights of the Child has gained ground throughout society. Children are seen as autonomous individuals, entitled to influence decisions relating both to their personal situation and to society as a whole. The child perspective is clarified, above all, in Article 3 (*on the best interests of the child as a primary consideration*) and Article 12 (*on children's right to express their views freely*), which together make up the foundations of a child perspective. The nature of a child perspective is not something defined once and for all. Its basic component must be respect for the full human dignity and integrity of the child. But children are also dependent on adults. They cannot be accorded a full right of self-determination, and they therefore need adults to assume responsibility for protecting their integrity.

One fundamental conflict of interests relates to the needs and rights of children in relation to their guardians' responsibilities and interests, i.e. the relative weights of parental responsibility and the child as an independent legal person. Moreover, when public agencies genuinely attempt to make the best interests of the child their primary consideration, their decisions may conflict with parents' interests.

The Convention expresses the signatories' view that the family is the natural environment for children's development and welfare. This is among the assumptions stated in the section on children's social security. The families should therefore receive support so that it can shoulder its responsibility. In some cases, public professional support - from healthcare or social services, for example - is required, and in some cases children need protection.

Children's welfare is affected by family circumstances, but also by the schools they attend, for example. Favourable factors at pre-school or school can offset other shortcomings in a child's social situation. The number of adults surrounding children as they grow up has evidently decreased, and this probably has the most harmful impact on disadvantaged children with weak social networks.

Should society concentrate on broad welfare systems or measures focusing on children growing up in 'risk environments'? Or are direct, individual inputs the way to achieve the best results? Regarding what measures are needed, the answer is to be found at every level. Many families get by thanks to a high overall standard of welfare. For children in disadvantaged areas, extra resources may be needed to prevent severe problems from arising. For the individual child who grows up in a risk environment, special attention from the adult world is required.

In the section on 'Child abuse in history', we find that violence against children is a timeless and international problem. Children have been beaten and assaulted in every epoch and in most cultures. In the past, parents' right to spank their children was regarded as self-evident.

Sweden's first legislation on child care was passed in 1926. Society then gained, for the first time, an opportunity to take into custody certain children who were subjected to abuse or neglect in the home. Violence against children for disciplinary purposes was still, however, accepted.

In 1962, the American doctor C. Henry Kempe coined the expression 'the battered-child syndrome'. Previous hypotheses about mysterious infectious diseases contracted by certain children could now be dismissed, and the patterns of injury typical of abused children were discerned. For the first time, the previously masked phenomenon of child abuse was emphasised as a major and real social problem. Awareness of child abuse was thus transformed during these decades: from being an amorphous affliction that belonged in the healthcare sector, it became recognised as a substantial social problem.

In Sweden, corporal punishment in schools was prohibited in the primary-education code of 1958. It would, however, be another 21 years before the Swedish Parliament, on 1 July 1979, adopted the 'anti-spanking law' (Chapter 6, Section 1 of the Swedish Code on Parents and Children). The provision lays down that children may not be subjected to 'corporal punishment or other humiliating treatment'.

In the section 'Some views of corporal punishment', we find that there are ten countries at present that have explicitly prohibited both physical and

mental abuse of children. Discussions and legislative work on this matter are under way in several countries.

At the UN General Assembly Special Session on Children in autumn 2001, Sweden will focus on child abuse by providing information in a report on implementation of the ban on corporal punishment in Sweden. The Swedish International Development Cooperation Agency (SIDA), too, is emphasising the Swedish attitude in its negotiations with countries that are candidates for economic assistance in the education sector.

For the first time, the statement that children have rights has been put down in writing in the EU. This took place in 2000 at the Nice summit, where member countries proclaimed a charter on fundamental rights that coherently expresses EU citizens' rights in various areas. Children are now regarded as an interest group in their own right, with needs and rights of their own.

Chapter 3. Definition of child abuse

We propose the following definition:

Child abuse is when an adult

- subjects a child to physical or psychological violence, sexual assault, humiliating treatment, or
- fails to meet the child's basic needs

A 'child' being defined as every human being under the age of 18 years.

We propose a comprehensive definition of the term 'child abuse' and believe that this kind of definition enables public agencies, organisations and others to give a practical, specific form to what the definition means in their own activities.

Defining child abuse as assault, as defined in the Penal Code, does not afford an accurate notion of what causes children's distress, what treatment they must not be subjected to or what measures must be taken in order to prevent a child from being maltreated or at risk. Our definition is thus broader than the definition of assault in criminal law contained in Chapter 3, Section 5 of the Penal Code.

Physical abuse may entail the adult striking the child with or without an instrument, pinching, kicking, shoving, throwing, shaking, scratching or biting the child, pulling the child's hair, trampling or stamping on the child, or forcing objects into the child's mouth. Poisoning, burning, scalding, scratching and trying to drown or suffocate the child are also forms of physical abuse.

Mental or psychological abuse includes, for example, unduly severe punishment, ridicule, criticism, scorn, disparagement, rejection, ostracism, unreasonable demands or constant refusal to listen to the child's views. Mental abuse can also be forcing the child to witness (see or hear) violence in his or her immediate surroundings, or to live in an environment in which violence or the threat of violence is a recurrent feature.

Humiliating treatment may, for example, entail making disparaging comments on the child's appearance, speech or intelligence, saying that the child is not good enough or that siblings are much more attractive and more successful, hitting or insulting the child in front of his or her friends or adults, reading the child's diary and so forth.

Physical neglect applies to all aspects of the child's physical health and development, i.e. hygiene, diet and care, clothing appropriate for the season, scope for rest and sleep, shelter and accommodation, supervision, preventive healthcare, medical and dental care, and protection against accidents.

Mental neglect may, for example, be inaccessibility and indifference to the child (verging on mental abuse), failing to give the child experience, and omitting to teach the child what is right and wrong.

Chapter 4. The incidence of child abuse

In January 2001 we presented a report entitled 'Children and Abuse' (SOU 2001:18). The report states that the use of corporal punishment as a method of upbringing has decreased, and that the increased number of reports to the police of child abuse is probably due to adults' greater vigilance and reduced tolerance towards violence against children.

In our study comprising interviews with parents year 2000, which is part of the above-mentioned report, 8.3 per cent of the parents replied 'yes' to the question of whether they had used any form of physical punishment in the past year. The corresponding figure in 1980 was 51.3 per cent. However, 4 per cent of middle-school pupils (aged 10-12) and 7 per cent of young adults still state that they have been subjected, on some occasion during their childhood, to severe physical punishment with the use of instruments of one kind or another.

Around 1 per cent of children and adolescents are subjected to very severe and unusual forms of punishment, such as knife and firearm threats. It is uncertain whether there has been any decrease in these very severe forms of punishment. This figure has remained broadly unchanged over the past few years.

In our report, we have also examined the repercussions on children of violence in close relationships. Our studies show that roughly 10 per cent of all children have on some occasion experienced violence in the home, and that around 5 per cent experience it frequently.

In this chapter, we also cite the numbers of reports to the police concerning child abuse during the year 2000; 938 incidents involving abuse of children aged up to six, and 5,625 incidents concerning abuse of children aged from seven to 14. In nearly three-quarters of cases, the abuse of young children reported to the police was committed by an unknown perpetrator indoors, against 45 per cent for the higher age group. Another difference is in outdoor abuse by a person unknown to the child, which makes up 22 per cent of the offences against children aged from seven to 14, against 10 per cent of those against children up to six.

It is essential to be aware that abuse of children is a crime that goes unreported to a high degree. Accordingly, crime statistics of offences reported to the police are a relatively poor indicator of the *actual scope* of child abuse.

It is also highly probable that a change in people's propensity to report the matter took place in the 1990s. This makes it even more difficult to draw conclusions about the actual trend.

Chapter 5. Collaboration

We propose that the Swedish Government commission the National Board of Health and Welfare, the National Police Board and the National Agency for Education to jointly draw up a strategy for collaboration in issues relating to children who are in distress or at risk. The strategy would be intended as support for local collaboration in particular, since we deem that the most important work for disadvantaged children takes place in the local community. Agencies concerned should have a statutory responsibility to collaborate.

We propose that new clauses concerning collaboration therefore be inserted in the Social Services Act, the Health and Medical Services Act, the Act on professional activities in the healthcare sector, and the Education Act. The Police Act already contains a corresponding clause.

We propose that the social services be given, by law, special responsibility to work for this collaboration. Based on their ultimate accountability and responsibility for carrying out investigations, the social services have a self-evident role as coordinator and hub of activities.

We propose, moreover, that the Swedish Government's Circular (1970:513) concerning cooperation between social welfare committees, schools and the police be annulled. The provisions in this circular appear not to have been applied for many years.

Local collaboration should take place both on a general level, to draw attention to situations and environments that entail distress or risk for children, and on an individual level - for example, in cases of child abuse. It is invariably local conditions and circumstances that govern this collaboration and determine which parties work together.

For a child subjected to abuse, for example, we consider that the working methods along the lines of a 'child conference' can be developed. A child conference is a form of joint meeting in complex child-custody cases, where the various principals collaborate with the child - as far as the child's age and maturity permit - and his or her family, and possibly with all those concerned. The purpose is to develop working methods and offer measures based on the child's needs, in which it is the responsibility of agencies concerned to participate. Development of methods and measures should take place in association with evaluation and research in social work.

This chapter poses the question of whether collaboration is a successful approach. Then follows a review of different preconditions for collaboration. Many people's needs and problems today are so complex that no principal alone can bring about a satisfactory solution. A variety of skills and resources are required for good measures of helping the abused or neglected child, and the child's family, to be identified. When a major accident or disaster takes place in society, various agencies show that collaboration is necessary to help the victims.

Chapter 6. Reporting to the social welfare committee

The results of various surveys show that only a small proportion of children suspected of being in distress are reported to social welfare committees. Reporting rates vary between occupational groups that have an obligation to report such situations, but are low in all groups.

Provisions concerning the obligation to report are contained in Section 71 of the Social Services Act (1980:620, SoL). On 1 January 2002 a new Social Services Act will enter into force (SFS 2001:453). Chapter 14, Section 1 of the new Act contains a provision that, in content, corresponds to Section 71 of SoL.

We propose that the word ‘protection’ in Section 71 of SoL (Chapter 14, Section 1 in SFS 2001:453) be replaced by the words ‘protection or support’. People who are obliged to report such matters have difficulty in determining when this obligation comes into effect. In the wording of the Act, the obligation is connected with a child’s need of protection. The preliminary legislative material states that a report should also be made when children may be assumed to need support or help. With the wording we propose, it should be easier for the people subject to this obligation to judge when a report should be made. The new wording has other advantages as well.

We propose that the National Board of Health and Welfare be commissioned to issue general recommendations concerning information for the person who has reported a matter according to Section 71 of SoL (Chapter 14, Section 1). Various surveys show that the absence of feedback may result in professionals refraining from reporting such matters. It is perceived as frustrating not to know what happens after a report has been made. The provisions of the Secrecy Act (1980:100), it is true, prevent the social welfare committee from freely disclosing information about the personal circumstances of individuals. However, some facts may be provided.

We propose that references to Section 71 of SoL be inserted into the Education Act (1985:1100), the Health and Medical Services Act (1982:763), the Dental Care Act (1985:125), the Act (1998:531) on professional activities in the healthcare sector and the Police Act (1984:387). Social welfare committees have an obligation to inform the public of their obligation to report these matters. Nevertheless, various facts show that these committees have difficulty in getting their message across in all quarters, and other measures are therefore also required to enhance awareness of the obligation and its implications in detail. The Social Services Act covers the work of social welfare committees. People who work with children in pre-school and youth education, child health services, dental care, etc may be assumed to be more familiar with their own legislation, and perceive that it affects them more, than other occupational groups. We also deem it likely that issues relating to the reporting obligation may be given more attention from executive management if the reference provisions are introduced.

We propose that a special inquiry be initiated to address the issue of a counterpart to official misconduct for people working in the private sector who fail to submit a report under Section 71 of SoL (Chapter 14, Section 1). The fact that many professionals fail to fulfil their reporting obligation is a grave problem. The view is often expressed that increased scope is needed for society to react in these cases. Today, at any rate, certain people obliged to report such matters who fail to submit such reports run the risk of being adjudged liable for official misconduct under the Penal Code, or incurring a disciplinary sanction under provisions of labour law. However, it is probably

not possible to cite official misconduct when staff in privately run activities fail to report a case.

We propose that the reporting obligation under Section 71 of SoL (Chapter 14, Section 1 of the forthcoming Act) be extended to apply explicitly to prison and probation agencies and their employees. The National Prison and Probation Service may have reason to react to children's circumstances in several different situations. We also propose that a reference to Section 71 be inserted in the Act (1974:203) on correctional treatment in institutions and the Ordinance (1998:642) on the execution of non-institutional correctional sanctions.

Chapter 7. Social services

We propose measures to enhance skills in the social services. The overall objectives of the Degree Ordinance for training in social work and public administration should, we propose, be supplemented by a requirement that the students must have acquired knowledge of children's life conditions and of the situation and circumstances of disadvantaged children. Staff who handle complex child-custody cases should have special skills. *We propose* that a programme for developing skills - supplementary training, for example - be drawn up within the framework of the National Board of Health and Welfare's national support for development of knowledge in the social services.

We assume that the cornerstones of social work include staff skills, good reception and collaboration. Bearing in mind the quality clause - that the social services' inputs must be of good quality, and that the work should be carried out by staff with suitable training and experience - we recommend skills-enhancing measures. Special knowledge is required for taking a child into custody and successfully tackling the complex problems this entails, and the crisis that the child and the family are in.

Every year, the county administrative boards examine the municipalities' social work. The National Board of Health and Welfare comments, and issues a report, on these observations. In its supervisory report for the year 2000, the Board states that the child perspective in the municipalities' inquiries has become more prominent, that comprehensive solutions to children's and families problems are aimed at, and that quality development and collaboration have improved. Local resources for non-institutional care have been developed, often in collaboration with other care providers. However, there are still shortcomings in administration and documentation. The municipalities have a tendency to tackle complex problems with local non-institutional care initially, but such measures do not always suffice. The supervisory authorities deem it worrying that the social services have

difficulties in recruiting and retaining competent staff. This, in turn, may have adverse repercussions on the individual, who is often in a disadvantaged situation.

We propose that, for two years, government funds of SEK 10 million be granted in each year for work to devise working methods and measures for children subjected to abuse or neglect, and work involving their families. This development work should be carried out jointly by the social services, schools, police, healthcare services and possibly other parties. The activities concerned should contribute funds corresponding at least to the amounts of project funds applied for. The projects should be linked to a research and development unit or an academic department of social work and public administration.

When a report is received by the social welfare committee there may, in some cases, be reasons to talk to the child without his or her guardian's knowledge. The Commission on the Compulsory Care of Young Persons Act pinpointed this need in the course of its inquiry. We concur with their assessments and we propose that this matter be investigated.

In cooperation with the county administrative board in Östergötland and this county's 13 municipalities, we have conducted a study of cases of child abuse reported during 2000. The intention of this study was to clarify not only the social services' work in response to these reports, but also their assessments and interaction with other principals that take place in connection with the reporting of a case. Our report includes a survey of measures taken in cases reported, who filed the reports, consultations, etc. More reports (20 per cent of the total) come from schools than from any other source. Child-health centres are the authority from which only a few cases are reported. The contributions of the police and prosecutors are included. Although the police give priority to cases of child abuse, decisions were taken during the year in only two-thirds of the cases, while information is lacking for the other cases. The study also demonstrates the need for a system of continuous statistical documentation. The statistics must be monitored over time to become an instrument for follow-up and analysis. In this study, too, the county administrative board cites the municipalities' heavy workload for caseworkers in child and youth care. The report conveys a picture of children's disadvantaged situation.

Chapter 8. Pre-schools, schools and after-school recreation activities

The introduction to this chapter discusses the importance of a comprehensive approach to pre-schools, schools and after-school recreation centres. We share the Pupil Welfare Committee's view that health and learning go hand

in hand. The Education Act (1985:1100) cites the category of *children in need of special support*. However, this phrase is not defined. We propose that the Education Act Committee consider, in its work, the group of children to which this expression refers and decide to include children subjected to abuse or other forms of assault as well. Moreover, *we propose* that head teachers' responsibility for these children be clarified.

We propose that the National Agency for Education be commissioned to carry out national surveys of children's influence and participation in pre-school and school education. Under the Education Act and the curriculum, children are entitled to participate and exert influence in their pre-schools and schools. We consider that pupils who exert influence on the everyday running of their schools develop good relationships with and attitudes towards the adult staff. This can also result in improved scope for detecting and remedying the situation of children in distress. In a school where pupils meet many adults in the course of the day and where procedure for adult-child dialogue is not highly developed, it is relatively difficult to detect children in distress.

We propose that the National Agency for Education be commissioned to issue general recommendations on the obligation to report to the social welfare committee. Our contacts with pre-school and school representatives have indicated the need for a plan or routine, devised for each particular school, for dealing with cases where a child is in distress or at risk. The plan should be designed to support and help staff who encounter disadvantaged children. In our view, each pre-school and school should have a plan of this kind.

We propose that, in their annual evaluation of the quality reports submitted to them, municipalities should examine how schools deal with children in distress.

We propose that special examinations concerning children's needs and development, with particular attention to children in distress, be inserted in teacher training, in the descriptions of aims contained in the Degree Ordinance. In our view, good skills are the precondition for detection of, and provision of help to, children in distress or at risk.

We propose that the municipalities' attention be drawn to their responsibility for developing the skills of staff in pre-schools, schools and after-school recreation centres concerning such matters as children in distress or at risk.

Chapter 9. Healthcare services

The healthcare services come into contact with child abuse in many different ways. Staff in some categories have reason to be aware of issues relating to children and child development although they do not even meet children. Examples of such activities are adult psychiatry and treatment of alcoholism and drug addiction. In all such activities, there should be routines to guide the staff in situations where it may be suspected that a child is being abused or neglected. Staff in the healthcare services that involve children are subject to other requirements. Besides the actual medical and nursing care provided, the way in which staff receive and respond to children is crucially important.

We propose that provisions concerning the best interests of the child be inserted in the laws that regulate activities in the sphere of healthcare, i.e. the Health and Medical Services Act (1982:763), the Dental Care Act (1985:125) and the Act (1998:531) on professional activities in the healthcare sector (LYHS). When measures relate to children, particular attention should be devoted to what taking the best interests of the child into account entails: these interests must always be ascertained, but need not be decisive. Although the various categories of health professionals encounter child abuse in widely varying ways, they have one thing in common: the difficulty of detecting which children are in distress and of reporting to the social welfare committee that a child presumably needs the committee's protection. A statutory child perspective is one way of drawing more attention to children and their needs and conditions. By the same token, scope for identifying children in distress is increased.

We propose, moreover, that LYHS be supplemented with a provision that acknowledges children's right to express their views. This kind of provision may be seen as part of the work of ascertaining what is best for the child.

We propose that the question of a guardian's sole right to decide on a child's care and treatment be dealt with in the overview, announced by the Government, of the 1998 custody reform. A perpetrator of child abuse is often one of the child's parents. It has come to our attention that the legislation on joint custody has had repercussions on children's scope for obtaining psychiatric care and treatment: if one of the guardians is opposed to the child receiving care or treatment, it is not unusual for the child to be turned away.

We propose that special examinations concerning children and the situation of disadvantaged children be inserted in training for midwives, doctors, psychologists, nurses and dentists according to the descriptions of aims contained in the Degree Ordinance. A good reception of children who are abused requires that healthcare staff possess knowledge of children's normal

development. Only those who have such knowledge can be expected to react to deviations from normality.

We propose that negotiations be commenced with the healthcare principals at the earliest opportunity regarding the development of routines in healthcare services. It is essential for the healthcare principals to devise routines of these kinds and train the staff in the same. Child-abuse cases are not particularly common in the healthcare sector, and staff are therefore unable to acquire specific experience of managing them. At the same time, it is paramount for the right measures to be taken and the case to be dealt with promptly. Good case management therefore presupposes routines at the workplace whereby the employee is given clear directives on which measures should be taken, and in which order, in response to child abuse.

Chapter 10. Psychological reactions and treatment in the event of child abuse

Access to prompt and expert support and treatment measures may be crucial to disadvantaged children's future quality of life. The injuries they have incurred can then heal, leaving scars, instead of always remaining open wounds.

Support and treatment measures for a child subjected to abuse are essential because they give healing processes a chance, and sustain and assist the child's further development. A child who has suffered physical abuse has not only visible bodily injuries but also inner, psychological damage. Abuse is a traumatic experience that can affect a child's whole personality, play and learning, and capacity to form relationships, and can also give rise to behavioural disturbances.

Witnessing violence or being subjected to mental abuse, too, is a traumatic experience that may have repercussions on the child's further development.

Chapter 11. Preventing child abuse

Nowadays professionals in every field agree that preventive efforts are important, in both human and economic terms. In our view, measures of this kind should play a more prominent part in everyday work with children.

The studies carried out by us and others show the complexity of the background to abuse, neglect or other forms of maltreatment of children. The complex nature of background variables means that work to prevent abuse of children requires a wide-ranging approach. The introduction to this chapter is therefore a rationale of the value of general inputs. One point made is that the category of children in the risk zone is variable over time; another is that if

measures are restricted to fewer children the majority of children affected are missed, even if the work is effective. There follows a rationale of the value of social-policy measures and legislation that also performs an educational function, and the importance of influencing society's norms and values and continuing to implement the UN Convention on the Rights of the Child.

We propose that the scope for setting up a national centre for children at risk be investigated. In a country with high ambitions to improve conditions for children and families, it is reasonable to have a national research centre at an academic department, with advanced interdisciplinary skills relating to disadvantaged children. A national centre for children at risk should be associated with active clinical work at regional level by professionals with expertise concerning children in distress or at risk. This would afford an opportunity for an active dialogue between research and clinical practice. A centre of this kind should also engage in close cooperation with higher education institutions and keep up with current research relating to disadvantaged children.

A national centre for children at risk could assume responsibility for epidemiological research; carry out expert evaluations of action requirements and of both short-term and long-term treatment measures; and collect data on cases of abuse and other forms of maltreatment that are particularly complex and unusual. The ultimate purpose of the centre would be to support and help children in distress. The existence of a national centre would enhance the research value of the issues concerned, and attract the best researchers in the field. A centre of this kind would also find it relatively easy to get key issues added to both a national and a European agenda.

We propose that the Government resolve to explore the scope for setting up 'parental-support centres'. We have found that child-health centres, schools and other authorities are in a position to support and help parents in many ways by means of their respective knowledge, but we consider that there is at present no official body with wide-ranging skills to which parents experiencing problems relating to children and adolescents can turn for help.

We discuss forms of preventive work involving prompt measures and support for children and adolescents, and also for families. We consider that pre-schools, schools and after-school recreation centres, just like the social and healthcare services, can play a key part in this work. Regarding the latter, we lay particular emphasis on maternal and child healthcare. In our view, the staff engaged in these activities have special responsibility for monitoring the parent-child bonding process, but also for mobilising parents' resources when necessary.

We are concerned to emphasise the valuable role of pre-school play groups and family centres in preventive efforts, and also the inputs of voluntary organisations.

Good support and treatment measures for children subjected to abuse and other maltreatment, and also rehabilitation of perpetrators, are in various ways important components of preventive work.

We propose that Statistics Sweden (SCB) be commissioned to survey, every three years, school pupils' experience of violence in the home, at school and in leisure activities. In our view, knowledge of children's and adolescents' own experience and perceptions of abuse and other forms of maltreatment should be used in both preventive and remedial work.

The report '*Children and Abuse*' (SOU 2001:18) finds that there is a great need both of epidemiological monitoring of children's subjection to violence and of special studies of the particular circumstances of certain children. *We propose* that SCB be commissioned to survey, every three years, parents' experience of and attitudes towards violence against their own children. Our 'Parental Survey 2000' is based largely on an Academic study of 1980. In the intervening years, no similar study was carried out. In our view, such studies should be conducted more often to permit satisfactory monitoring of trends.

We propose that the National Board of Health and Welfare be commissioned to issue a report every five years, in conjunction with its summary of public inquiries into children's deaths, on wilful violence against children. Special studies of such violence, based on the register of injuries and causes of death, should be carried out at regular intervals. Information from register studies and inquiries into child deaths can yield useful knowledge that can bring about improved preventive measures and care.

Chapter 12. Our outreach activities

Under the directives, the Committee against Child Abuse must engage in active and outreach work. We decided to implement this assignment in three stages and engage in three entirely different information activities. Our target groups have been parents and other guardians, children and adolescents, and also occupational groups that work with children.

For parents and other guardians we issued *A Book for Parents*, in an edition of 500,000, which was mainly distributed through pharmacies, child-health centres and post offices. Many orders have been received from schools and the social services, which can use *A Book for Parents* in discussions with and courses for parents. The booklet has been translated into seven languages besides English (Arabic, the two Kurdish dialects Kurmanji and Sorani,

Persian, Somali, Spanish and Turkish), and is also available in a simplified Swedish version. To disseminate information about the book, a video film and a variety of other material were produced.

The second information campaign, entitled 'Get a Grip', catered for schoolchildren in the fourth to seventh years of compulsory school (aged 10–13) - some 453,000 pupils altogether. Its purpose was to strengthen children's and adolescents' self-esteem and inform them of the means of obtaining help available in the community for children in distress or at risk. Petter and Ayo, two rap artists, wrote the text of 'Get a Grip' about children's and young people's rights. The rap song was recorded on a CD, and its wrapper also contained information on where to seek community support and help. When the material was sent out to schools, the CD was supplemented by a letter to the teacher in charge, with suggestions for using it in teaching. This CD was awarded a 'Golden Egg' by the Advertising Association of Sweden for the best radio advertising in the year 2000.

The rap song has also been recorded as a music video and shown at, for example, Svensk Film's cinemas around the country. The campaign was conducted in close cooperation with BRIS, Save the Children Sweden, the youth sector of the Cooperation Group for Immigrant Organisations in Sweden (UngSIOS) and Unga Örnar ('Young Eagles', a Swedish child and youth organisation).

The third and last campaign, 'Suspecting Child Abuse', was directed at occupational groups who work with children up to the age of 10. Here, the purpose was to inform them about signs of child abuse and make them aware of their reporting obligation under Section 71 of the Social Services Act (SFS 1980:620, from 1 January 2002 Chapter 14, Section 1).

This information campaign comprised a CD containing dramatisations of situations that may arise in a pre-school or school; material entitled 'Signs of Child Abuse and Neglect'; and a booklet entitled 'Helping Children at risk'. Teachers in years 1-3 of compulsory school, school health services, pre-schools, child-habilitation services and child-health centre have received the material. Altogether, some 70,000 'packages' have been distributed. Trade-union representatives at workplaces have also been informed of the material. This campaign was conducted in close cooperation with the Swedish Trade Union Confederation (LO), the Swedish Confederation of Professional Associations (SACO) and the Central Organization of Salaried Employees in Sweden (TCO).

Chapter 13. Child abuse in criminal law

In our estimation, neither further criminalisation of child abuse nor effecting any amendment of the provisions on sanctions for the same in the Swedish Penal Code is warranted.

We propose instead that special grounds for more severe penalties be inserted into Chapter 29, Section 2 of the Swedish Penal Code for cases involving offences committed by people who are, or have previously been, close relatives of the children concerned. Under the current provisions, in the assessment of culpability, the commission of an offence against a child is to be considered an aggravating circumstance. In some cases, the circumstances in which criminal acts against children take place must be deemed doubly aggravating. Here, we are referring first and foremost to cases where the offence is perpetrated against a child who is a close relative of the accused. In these cases, the circumstances may be regarded as aggravating not only because the offence has been committed against a child in a defenceless position, but also because the child is thereby deprived of his or her security. It should also be regarded as a particularly aggravating circumstance for an offence to be perpetrated in the presence of a child who is a close relative of the victim. A common situation is for children to witness the father abusing the mother. In this case, too, the security aspect is a salient one.

We propose, moreover, that the prosecution provisions of Chapter 3, Section 12 and Chapter 5 of the Swedish Penal Code be amended with respect to offences against children who are close relatives of the offenders. In these cases, it should be possible for prosecution by a public prosecutor to take place if it is called for from a general point of view. Today, prosecutors are obliged to initiate a prosecution for most crimes. Nevertheless, there are a few offences relevant here that may be prosecuted only after charges have been pressed by the victim, or which may be prosecuted by the victims only. If a crime of this kind is directed against a child, the child's guardian or a person close to the guardian must press charges or prosecute the crime. It is frequently the child's guardian or someone close to the same who has committed the offence against the child. The guardian may therefore have no reason to assist in bringing about prosecution. In such cases, public prosecutors should be enabled to initiate the prosecution.

We propose, furthermore - to emphasise the purpose of amending the prosecution provision in Chapter 5 of the Swedish Penal Code - that the provision in Chapter 14, Section 2, paragraph five of the Secrecy Act (1980:100) be amended to permit information to be submitted to the office of the public prosecutor or police authority in the event of suspicion of an offence under Chapter 5 of the Penal Code against a person below the age of 18 years.

Chapter 14. Public inquiry into a child's death

We propose that a system of public inquiry into a child's death be introduced on a trial basis for a three-year period, with the National Board of Health and Welfare as the principal. The Board should appoint an expert group for this assignment. We deem that there are several reasons why society should assume particular responsibility in cases where children have died as a result of violent acts by others. These crimes are particularly grave. The perpetrators are commonly parents and the victims small children. No one can give them their lives back, but a public inquiry can subsequently seek to determine what happened. This knowledge may then be used in preventive and remedial work.

The target group is restricted to children under the age of 18 who have died as a result of murder, manslaughter or abuse. On average, this entails some 10-12 inquiries annually. They thus include cases not only of classic child abuse, i.e. a parent's violence against a child, but also of violence between young people. It is our view that it is important to investigate all violence with a fatal outcome against children under 18, irrespective of who the perpetrator was. If special reasons exist, public inquiries into deaths that have not led to conviction should also be conducted.

Chapter 15. Rehabilitation of perpetrators in correctional treatment

During the year 2001, the majority of penal institutions will be able to offer their inmates the chance to attend the 'Support in Parenthood' study circle. This activity caters for all clients who are parents.

Since 1997, the National Prison and Probation Service has been engaged in the creation of national programmes focusing on the problems of convicts. One of these programmes is entitled 'Violence in the Family'. As things stand today, there is no section on children's needs and development or the short-term and long-term repercussions on children who have been subjected to violence or witnessed violence in the family.

We propose that the National Prison and Probation Administration be commissioned to draw up a treatment programme on children's needs and development, and also the consequences of being subjected to violence, for example within the framework of work to develop national programmes.

We propose that the National Prison and Probation Administration be made responsible for the requisite skills development of staff with respect to child abuse, in order for the treatment programme on children to have the desired effect and be properly administered.

We propose that the National Prison and Probation Administration should review the scope for using its existing organisation for local planning to place offenders convicted of violence against children in existing programmes dealing with sex-related and family violence.

Chapter 16. Financial and other implications

Overall, many of the proposals may be said to focus on preventive measures in the short and long term. The economic implications of such proposals are difficult to assess. With enhanced staff skills in the various activities concerned and a statutory responsibility to collaborate when children in distress are involved, the proposals should afford human, social and economic gains in the long run.

One proposal applying to all the various activities is skills development. However, our view is that measures of this kind may entail initial costs, but that it should also be possible for them to fit into the existing budget limits of the agencies concerned, and that they mainly consist in an explicit focus of existing in-service and further training. It is our conviction that preventive efforts, methodological development and skills enhancement will, in the long term, yield economic gains.

The arguments concerning the economic implications of the various proposals are reported under the respective chapter headings.

Collaboration

At present, it is difficult to predict or assess the cost implications of devising and implementing a strategy for collaboration comprising statutory responsibility and guidelines for cooperation at national and local level. This may be connected with the level of ambition. One option may be a remit for the agencies concerned to give priority, within their regular activities, to developing joint efforts.

Reporting to the social welfare committee

The proposals presented cannot be expected to entail an increase in the costs of activities on such a scale that these cannot be covered with regular funds.

Social services

Since the social services are given primary responsibility for ensuring that cooperation with the police, schools and healthcare services takes place, we propose that they too be enabled to apply for development funds for this

cooperative work. We estimate the government contribution at SEK 10 million a year for two years. The activities concerned should contribute an amount equal to the government grant. In our view, such projects should be connected with some R&D unit or academic department for social work and public administration.

Pre-schools, schools and after-school centres

We propose advancement of knowledge in pre-schools, schools and after-school recreation centres to improve these institutions' ability to perceive and support children subjected, or suspected of being subjected, to abuse. The costs of this advancement should, in our view, come within the National Agency for Education's grant for development work in pre-school and school education.

We also propose that the National Agency for Education be commissioned to issue a general recommendation on the reporting obligation, scrutiny by the Agency, internal monitoring in the municipality, and supplementing the descriptions of teacher-training aims in the Degree Ordinance.

Healthcare services

Devising routines to deal with cases of child abuse and training staff in these routines entails costs for the healthcare principals. Additional funds should be paid. The question of how much should be dealt with in negotiations between the Government and the healthcare principals.

The other proposals made here cannot be regarded as entailing any costs that should be covered by means of special grants.

Preventing child abuse

Costs of work to prevent child abuse usually come within the existing budget of the principal concerned. However, there are two proposals - those of a national centre for children at risk and parental-support centres - that must first be investigated, but which will in the long term need funds to become established. It is impossible at this stage to make any detailed pronouncements on the funds they will require.

The chapter proposes that SCB should conduct separate studies focusing on children and parents every three years. Corresponding studies in the year 2000 cost approximately SEK 800,000.

Public inquiry into a child's death

Our proposal that public inquiries be set up to investigate the deaths of children, with the National Board of Health and Welfare as the principal, requires an annual increment of funds for development and annual reports. We propose that the Board receive funds annually corresponding to one full-time post, with overheads.

Child abuse in criminal law

Our proposals are not expected to occasion anything other than entirely normal costs of the activities concerned.

Rehabilitation of perpetrators in correctional treatment

We propose that the National Prison and Probation Administration be charged with drawing up a treatment programme for perpetrators of child abuse. The introduction of such a programme should be followed by skills development for the staff concerned. We propose that the National Prison and Probation Administration should receive funds to cover the expense of developing this programme. The aggregate cost may be estimated at SEK 800,000.

Children and abuse

– corporal punishment and other forms of child abuse in Sweden at the end of the second millennium

A scientific report prepared for the Committee on Child Abuse and Related Issues, Ministry of Health and Social Affairs, Sweden.

English summary

Staffan Janson MD, PhD.,
Assistant Professor,
Karlstad University, Sweden.
staffan.janson@kau.se

In December 1998 the Government appointed a parliamentary committee with the task of investigating child abuse and related issues (Directive 1998:105). Several tasks were assigned to *the Committee on Child Abuse and Related Issues*, including an overview of preventive work concerning child abuse and co-operation between different authorities. An important reason behind the creation of the committee was the alarming increase in cases of abuse of children under fifteen years of age being reported to the police – a fourfold increase since the beginning of the 1980s.

Accordingly, the committee was instructed to:

- describe developments in the area of child abuse, as well as the underlying reasons for the changes over a period of time.;
- describe the current state of knowledge concerning the possibility of identifying causes of abuse in the individual family as well as significant background factors in society;
- describe and analyse the work being done for abused children within the health services and propose suitable measures to improve this work and how to increase the quality of support and treatment given to children and families;
- describe the current need for improvement of professional skills as well as the need for support to staff within pre-schools, schools and after-school recreation, in order to increase their capacity to deal with children who have been abused or where there are strong suspicions of abuse;
- propose different measures to improve the social services' work with abused children and their families.

This report deals with the questions raised above, with particular regard to the issue of developments in child abuse in Sweden, and with emphasis on trends over recent decades. The significance of social and familiar background factors is discussed to a certain degree, as is also the possibility for the health services, schools and pre-schools to investigate and report cases of confirmed or suspected child abuse.

Even though there has been an active and ongoing discussion about child abuse in Sweden since the 1950s, very few studies have been carried out which have been able to estimate the prevalence of abuse with a fairly high degree of certainty. In 1979, in connection with the introduction of the law prohibiting Swedish parents from spanking their children, a study was undertaken based on a nationwide interview of parents concerning the upbringing of children. In 1994/1995 the Ministry

of Health and Social Affairs carried out two questionnaire-based studies addressed to schoolchildren and to adults respectively, concerning their experiences of and attitudes to the corporal punishment of children. These studies, plus results from several local Swedish studies, have provided the reference material for the studies recently carried out by the committee.

Studies carried out by the Committee

Studies carried out by the Committee on Child Abuse and Related Issues in spring 2000 were:

- interviews with the parents of 1 609 children (of 2 000 intended) representing the whole nation, concerning their use of corporal punishment as a tool in the bringing up of their children;
- a nationwide class-room questionnaire completed by 1 764 children (of 2 250 intended), 11 to 13 years of age, about their experiences of and attitudes to corporal punishment and bullying;
- a nationwide postal survey completed by 1 576 young adults (of 2 500 intended), 20 years of age, about their experiences of and attitudes to corporal punishment, bullying and sexual abuse.

The results of the above-mentioned studies and of several other studies carried out in various places in Sweden during the last 30 years are described and compared briefly below.

The increase in child abuse reported to the police is the result of increased awareness

For natural reasons the prevalence of family violence against pre-school children is difficult to estimate, as younger children reveal to a very small degree violence or related problems within their families. For this reason the National Council for Crime Prevention (BRÅ) has made a specific analysis of child abuse against children 0-6 years of age reported to the police during the 1990s. The conclusion was that there had been an increased tendency to report cases to the police, whilst there was no concomitant increase in real physical abuse of pre-school children in Sweden during the period. The conclusion had several significant underlying factors.

- The number of serious injuries had decreased substantially in proportion to milder cases and cases without any established injury. The small absolute increase in cases classified as severe consisted of one single type of injury, namely biting, which was not reported at all before the 1990s. If there had been a real increase in severe cases, other forms of serious injury would presumably also have increased.

- It was considered highly unlikely that an increase in real physical abuse would have been most significant among wealthy families, particularly at a time when economic problems particularly affected those who were already poor. The fact that new sections of the population were being reported to the police more often was seen more as a sign of an increased tendency to report.

Corporal punishment as a method of bringing up children has decreased substantially

Available data on corporal punishment of children tells us that during the 1960s it was commonplace that parents spanked their children during the pre-school years. During the 1970s corporal punishment decreased and affected about half of the children. During the 1980s there was a further decrease to about one third and during the 1990s only one in five children had this experience. It is not only the absolute number of children subjected to corporal punishment that has decreased. The children who are subjected to punishments experience this much less often than before. There are still about four per cent of school children (11-13 years old) and seven per cent of young adults who state that they have been subjected to more severe corporal punishment with some sort of instrument on at least one occasion in their lives.

Comparable data from the parental interviews in 1980 and in 2000 indicates that the use of corporal punishment has decreased substantially, particularly when it comes to the beating of children with fists or some sort of instrument, or spanking them. The result is in concordance with the results of those of the other studies carried out by the committee. This means that violent corporal punishment of children which could potentially cause serious injury has also decreased substantially.

It is not known for sure whether or not there has been any real decrease in very severe or unusual forms of punishments like threats with, or the use of, knives and guns. If there has not been any decrease, the reason may be that very severe abuse is usually part of strongly deviant behaviour in an adult, due to personality disturbance or mental illness. Such personality factors are probably little affected by general changes in attitudes in the rest of the population.

Comparisons with data from other countries indicates that corporal punishment is less common in Sweden, often substantially less common. This may not be true for the more severe forms of punishments, which seems to be at the same level as in the other Nordic countries.

A problem which is underestimated and seldom brought to light is the consequences for children wit-

nessing violence in their homes, sometimes without being punished themselves. The committee's studies indicate that about ten per cent of all children have experienced violence in their homes at least once and about five per cent experience this quite often.

There are few cases of child homicide connected with child abuse in Sweden

There is insufficient information regarding child homicide and permanent disability due to child abuse in Sweden. The official statistics tell us that less than ten children under the age of fifteen are killed each year. Child homicide has probably decreased during the last twenty years, but the statistics are not perfect. Estimated per 100 000 children, child homicide seems to be as common as in Norway, but four times less than in the United Kingdom and the United States. The most common cause of child homicide in Sweden is when parents kill the whole family including themselves, i.e. extended suicides, while deaths connected with child abuse are rare.

Attitudes towards corporal punishment of children have changed greatly

The proportion of Swedish adults having a positive attitude to the corporal punishment of children was 53% in 1965 and 11% in 1994. Figures from our interviews in 2000 and a study from Gothenburg in 1999 indicate a positive attitude in about 10 per cent. Thus, there has been a sharp and consistent decrease in positive attitudes to spanking over a forty-year period of forty years.

Schoolchildren's attitudes towards corporal punishment have become considerably more negative, even during the 1990s. The proportion of pupils who will accept being hit by a parent has decreased from fifty to twenty per cent between 1995 and 2000. The cause of this dramatic change in attitude during the later part of the 1990s cannot be established with full certainty.

It is clear, however, that school-children are much more aware of their civil rights now than they used to be, partly due to information on the UN Convention on the Rights of the Child as provided in schools and by non-governmental organisations.

Important background factors

A weak family economy stands out as the background factor most closely associated with child abuse, sexual abuse and bullying. The worse the family economy, the greater the risk of abuse. Even so, it should be remembered that the majority of families with limited resources do manage to bring up their children without spanking them.

Children born abroad are physically punished more often than children born in Sweden, particularly during their early school years.

Girls born abroad are more exposed to sexual abuse than their Swedish school-friends, but the differences disappears when family economy is taken into consideration.

Gender differences are not so pronounced where corporal punishment is concerned, apart from girls being more exposed to family violence than boys during the pre-school years. Girls also indicate that they have witnessed violence between adults at home more often; this is particularly valid for foreign-born girls. Foreign-born girls also indicate that they have been bullied more often than others during their early school years. Girls are exposed to sexual abuse approximately six times more often than boys.

Children with chronic diseases or disabilities, particularly boys, are more exposed to bullying. There is not one single chronic disease, where the children suffering from it have indicated a lower exposure to bullying than healthy children. Those who seem particularly exposed to bullying are children with Attention Deficit Hyperactivity Disorders (ADHD), those with mental problems, intestinal diseases and children who are overweight.

Violence amongst children at school and during leisure time

In contrast to corporal punishment of children at home, we can see no tendency to a decrease in bullying at school or during leisure time during the last twenty years. Results available from other investigations, as well as from those carried out by the committee, do not indicate either that there has been any increase, but the problem is great and for many children it is serious.

- About one fifth of all pupils indicate that they are afraid of one or several other pupils at school.
- About 2–3 per cent of all schoolchildren are being bullied each week, ore more frequently.
- It is unusual that children who have never been bullied themselves bully other children.
- It is common that children who have been bullied themselves takes part in the bullying of others.

- Children from homes with a weak economy are bullied more often.
- Children who are exposed to violence at home are also more often bullied more often at school.
- Children with a chronic disease or disability are bullied more often.
- Girls perceive that they are bullied more often than boys, but severe physical bullying seems to be the same, irrespective of gender.

Findings and report

Even though there has been a very positive overall development resulting in less child abuse in Sweden and an increasing tendency to report cases, child abuse often still goes undetected. Children and teenagers themselves very seldom reveal the unsatisfactory conditions in which they live.

- One third of all children exposed to physical punishment before their teens have had no single person whom they could trust, to whom they could turn for comfort or in whom they could confide.
- More than half of all children exposed to sexual abuse have not had any person in whom they could trust, to whom they could turn for comfort or in whom they could confide.
- Only one pupil in ten has confided in a teacher, coach, school nurse or other professional on their own initiative if they have been abused.
- For every single case of physical punishment known to the health services, at least two more cases remained unknown.
- For every single case of sexual abuse known to the health services, at least four more cases remained un-known.

All available studies from recent years indicate that staff in both schools and pre-schools as well as in the health services have found it very difficult to report suspected cases of physical or sexual abuse to the social authorities. Staff within these services have in many instances taken on too much of the responsibility that falls within the domain of the social services and have thereby neglected to fulfil the mandatory obligation to report child abuse as required by Swedish law.



REGERINGSKANSLIET

**Ministry of Health
and Social Affairs, Sweden**

S-103 33 • + 46 8 405 10 00

Ending Corporal Punishment



Swedish Experience of Efforts
to Prevent All Forms of Violence
Against Children – and the Results



REGERINGSKANSLIET
Ministry of Health
and Social Affairs, Sweden



REGERINGSKANSLIET
Ministry for Foreign Affairs
Sweden



Ending Corporal
Punishment

Ending Corporal Punishment

*Publisher: Ministry of Health and Social Affairs, Sweden
Ministry for Foreign Affairs, Sweden*

Author: Barbro Hindberg

Graphical production: Ingmarie Holmegard

Printed by: Graphium Västra Aros, January 2001

*This publication can be ordered at
the Ministry of Health and Social Affairs (Social Services
Division), SE-103 33 Stockholm,
fax +46 8 10 36 33
E-mail adress: registrator@social.ministry.se.*

Article. no S2001.015

Contents

Preface 7

Corporal punishment and legal history 10

The passing of the law against corporal punishment 11

Not just corporal punishment 13

A provision to create opinion 13

**Strong support in Sweden for
the ban on corporal punishment 14**

Progressively fewer children beaten 15

Consequences of corporal punishment 17

Child rearing in different cultures 18

- 1. Authoritarian upbringing 19*
- 2. Authoritative pattern 19*
- 3. Permissive pattern 19*
- 4. Indifferent pattern 19*

Attitudes to corporal punishment in various countries 20

The UN Convention on the Rights of the Child 22

Concluding remarks 23

Preface

The child's right not to be beaten

Corporal punishment of children often becomes inhuman or degrading, and it always violates their physical integrity, demonstrates disrespect for human dignity and undermines self-esteem. The fact that it is seen as permissible to ill-treat children in manners which would not be allowed in relation to adults, breaches the principle of equal protection under the law. Children have had to wait until last to be given legal protection which the rest of us take for granted. It is extraordinary that children, whose developmental state and small size is acknowledged to make them particularly vulnerable to physical and psychological injury, should be singled out for less protection from assaults on their fragile bodies, minds and dignity.

These arguments surfaced in the late 1970's in Sweden, in particular after a shocking case became known about a child beaten to death by her own stepfather. They formed the basis for a movement for the protection of children against such assaults. The Parliament (Riksdag) responded by banning corporal punishment. This publication is about that discussion and what happened after the decision.

The Convention on the Rights of the Child deals with this issue. The Convention is the first international human rights instrument to address

the protection of children from violence expressly: Article 19 requires states to take:

“all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child...”

Given the holistic nature of the Convention, various other articles reinforce the child's right to physical integrity and protection of his or her human dignity. The Preamble recognizes the “inherent dignity and ... equal and inalienable rights of all members of the human family”. It also affirms that precisely because of their “physical and mental immaturity”, children need “special safeguards and care, including appropriate legal protection”. Article 37 requires protection from “torture or other cruel, inhuman or degrading treatment or punishment”. Also, the State must ensure that school discipline is “administered in a manner consistent with the child's human dignity” and in conformity with the rest of the Convention (Art. 28). States must recognize the right of the child to “the highest attainable standard of health” and “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children” (Art.24).

It is not surprising, therefore, that the Committee on the Rights of the

Child has consistently stated that legal and social acceptance of corporal punishment of children, whether in their homes or in institutions, is not compatible with the Convention. The Committee has recommended prohibition of all corporal punishment, including in the family, and has suggested campaigns to raise awareness of the negative effects of corporal punishment and to encourage the development of positive, non-violent child-rearing and educational practices.

As early as 1993, the Committee recognized the importance of the issue of corporal punishment in improving the system of promotion and protection of the rights of the child and decided to continue to devote attention to it in the process of examining States Parties reports. The Committee's Guidelines for Periodic Reports ask "whether legislation (criminal and/or family law) includes a prohibition of all forms of physical and mental violence, including corporal punishment, deliberate humiliation, injury, abuse, neglect or exploitation, *inter alia* within the family, in foster and other forms of care, and in public or private institutions, such as penal institutions and schools".

Just as the Committee on the Elimination of Discrimination against Women has been preoccupied with domestic violence to women, so the Committee on the Rights of the Child is now leading the challenge to violence to children. When representatives of these two Committees met in 1998 in Geneva to discuss action against family violence,

they agreed that 'zero tolerance' is the only possible target.

Also other UN human rights monitoring bodies have taken up the issue. The Committee against Torture has stated that corporal punishment is inconsistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights, emphasized in General Comments issued in 1982 and 1992, that the Covenant's bar on inhuman or degrading treatment and punishment (Art. 7) "must extend to corporal punishment, including excessive chastisement ordered as a punishment for a crime or as an educative or disciplinary measure".

Ten countries, so far, have explicitly banned all corporal punishment of children. In addition, Italy's Supreme Court has outlawed it, but this is not yet reflected in statute. In Finland, the ban on corporal punishment formed part of a comprehensive reform of children's law. The Child Custody and Right of Access Act 1983 begins with a statement of positive principles of care for children, and continues: "A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted". Here again, the reform in family law puts beyond doubt that the criminal law applies equally to

assaults committed against children by parents and other carers.

Norway and Austria implemented similar reforms in the late 1980s. In 1997, the Danish Parliament approved an amendment to the Parental Custody and Care Act which reads: “A child has the right to care and security. He or she shall be treated with respect as an individual and may not be subjected to corporal punishment or other degrading treatment”. In 1986, the Danish Parliament had amended its civil law to state that “parental custody implies the obligation to protect the child against physical and psychological violence and against other harmful treatment”. But this was interpreted as allowing milder forms of corporal punishment, and research found that they were still prevalent; hence the need for further and more explicit reform.

Cyprus, Croatia, Latvia, Germany and, most recently, Israel have also passed laws that prohibit corporal punishment and several others have proposals to do so. In Belgium, the government is now considering an explicit ban.

Globally, the end of corporal punishment in schools and the penal system is in sight. In addition to reforms led by legal challenges in Namibia and South Africa, recently Ethiopia, Korea, New Zealand and Uganda have banned it in schools and care institutions.

The legal provision in Sweden forms part of the family (civil) law: “Children are entitled to care, security and a good upbringing. Children are to be treated with respect

for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment”. One intention is to emphasize beyond doubt that the criminal code on assault covers corporal punishment, although trivial offences remain unpunished just as trivial assaults between adults are not prosecutable.

The purpose of criminalizing all corporal punishment is not, of course, to prosecute and punish more parents. It satisfies human rights by giving children equal protection of their physical integrity and human dignity. It gives a clear message that hitting children is wrong — at least as wrong as hitting anyone else. Thus it provides a consistent basis for child protection and for public education promoting positive forms of discipline. As attitudes change, so the need for prosecution and for formal interventions into families to protect children will diminish.

As this publication spells out, the goals of the ban were to alter public attitudes towards corporal punishment, establish a clear framework for parent education and support, and facilitate earlier and less intrusive intervention in child-protection cases. Public support for corporal punishment has also declined markedly since 1979. Public opinion surveys show that children themselves overwhelmingly oppose corporal punishment.

THOMAS HAMMARBERG
Ambassador
Personal Representative of the
Swedish Prime Minister for
the UN General Assembly
Special Session on Children

“Spare the rod and spoil the child,” the saying used to go. Also in Sweden corporal punishment was previously considered necessary in order for children to grow up into competent, responsible members of society. Beating children was even regarded as a parental duty. However, corporal punishment is no longer seen as a necessary or a justifiable method of upbringing.

Corporal punishment and legal history

Views on the legality of violence have varied in Sweden depending on by whom and on whom it was practised. In olden times, the husband/father was entitled to use violence both on his wife and on his children. The man came at the top of the hierarchy, followed by the woman and, furthest down, the children. The children counted for least, and accordingly, crimes against them were not taken very seriously. A commentary on the 1734 Law stated that if a father chastised his child to death, the crime must be considered less severe than, for example, if he had beaten his wife to death. A very serious view was taken, on the other hand, of crimes committed by children against their parents. The law consistently protected the rights of

parents and, accordingly, the strong against the weak. The same basic view was present in the 1864 Criminal Justice Act, which laid down that if anyone committed manslaughter against a linear relative, e.g. a parent or grandparent, against a guardian or against his or her master, this was to be treated as an exceptionally aggravating circumstance.

Corporal punishment could be administered not only to children but to servants as well. The Statute of Servants entitled the master to resort to corporal punishment. “Domestic flogging” was a means of maintaining morality and discipline among underaged servant girls and farm hands, but also of disciplining the wife and children. Following the repeal of this statute in 1920, servants no longer needed to acquiesce in being beaten or hounded at work, but children could still be beaten. The 1920 Children (Legitimate) Act entitled parents to chastise their children. Since then the law has been successively changed, and there is no Swedish law today entitling adults to use any form of violence on children. Mileposts of this development include the following:

- The very first ban on corporal punishment in schools was enacted in 1918 but only applied to the senior grades of elementary school. The prohibition was later expanded to other types of schools until finally, in 1962, it applied to the entire school system.
- The right of administering corporal punishment to children

was deleted from the Children and Parents Code in 1966, with the result that the provisions of the Penal Code on assault became fully applicable to corporal punishment of children as well.

- The ban on corporal punishment became part of the Children and Parents Code in 1979.
- Legislation passed in 1982 equated assault in private places, e.g. in the home, with assault anywhere else. Up till then, assault (except in aggravated cases) was a “complainable crime”. The victim had to personally report the offence to the police if the assault had occurred in a private place, as was most often the case when women and children were assaulted. The change in the law now made it clear that violence is never a private matter.
- In 1990 Sweden ratified the UN Convention on the Rights of the Child.

From the legal point of view, all loopholes in the law have now been closed, in such a way that nobody can any longer justify the use of violence by claiming that it was necessary or reasonable. But the task of making this known and of conditioning attitudes is a never-ending one.

1. Justitiedepartementet (the Swedish Ministry of Justice): *The Right of the Child . Prohibiting Corporal Punishment. (Barnets rätt. Om förbud mot aga)* (SOU 1978:10)

The passing of the law against corporal punishment

A tragic case of child abuse occurred in Sweden in 1971, when a four-year-old girl was battered to death by her stepfather. The public reaction was strong and this resulted among other things in the formation of Children’s Rights in Society (BRIS). The new organisation started a helpline for children in difficulty and campaigned for better conditions for children at risk. In 1977 the Government appointed a committee to investigate in which cases and how the needs and rights of children could be better provided for. The committee adopted the name of “The Children’s Rights Commission” and in 1978 presented an interim report entitled *Children’s Rights. Prohibiting Corporal Punishment*¹. Arguments advanced by the Committee in favour of a statutory prohibition of corporal punishment included the following:

At the beginning of the 20th century it was still implicitly assumed that the child should obey its parents and authorities without murmur. Children were ascribed no independent standing and as a rule were not allowed to voice their opinions. Corporal punishment followed in the wake of this insistence on unconditional obedience...

Gradually society has changed. Independent thinking and the sense of responsibility, both for oneself and for others, have come to be seen as increasingly important prerequisites of the democratic social order. The concept of the child as an independent individual with rights of its own has become more prominent. This calls for a form of child education based on interaction, care and mutual respect.

The report was referred for consideration to a large number of national authorities and NGOs, nearly all of which seconded the proposed ban on corporal punishment.

As a result of the statutory change in 1966, the Children and Parents Code no longer contained any wording that could justify corporal punishment of children. On the other hand there was no provision expressly prohibiting such punishment. The question was whether any such provision was needed. Commenting on the Government's Bill to prohibit corporal punishment² the Minister of Justice stated partly as follows:

Child psychiatrists and child psychologists have long agreed that all corporal punishment of children is inappropriate. This view has steadily gained ground among the general public as well. Even milder forms of punishments can jeopardise the child's harmonic development...

Tackling real assault against children can be difficult so long as it is not perfectly clear that violence may not be used in any form in the upbringing of children.

For these reasons the Minister of Justice took the view that corporal punishment of children should be expressly prohibited. He stated :

A provision of this kind will mark the end of a process of legal development whereby society has increasingly turned against corporal punishment as a means of upbringing. This development in turn reflects the now prevalent view of the child as an independent individual entitled to full respect for his/her person.

The Government moved for the addition of a ban on corporal punishment to the Children and Parents Code. The proposal was carried by a large majority (259 votes to 6), making Sweden the first country in the world to prohibit corporal punishment and other degrading treatment of children. The Section of the Children and Parents Code prohibiting corporal punishment has been enlarged since 1979 and now reads as follows:

Children are entitled to care, security and a good upbringing. They shall be treated with respect for their person and their distinctive character and may

2. Government Bill Prop. 1978/79:67 to prohibit corporal punishment

not be subjected to corporal punishment or any other humiliating treatment.

Not just corporal punishment

The law has come to be known above all for its prohibition of the corporal punishment of children, but it also includes other humiliating treatment. The Government Bill states that the ban is directed against treatment which endangers the child's personal development. The information brochure about the new legislation (see below) gives the following instances of humiliating treatment: locking a child up, threatening, frightening, ostracising or ridiculing the child. Putting it quite simply, humiliating treatment means words and actions threatening the child's self-esteem. Humiliating treatment can be insidious and is less easily discovered than corporal punishment.

A provision to create opinion

The prohibition of corporal punishment in the Children and Parents Code is unaccompanied by any penal sanctions. Milder forms of physical or mental violence to children is not punished under any special provisions. The assault provisions of the Penal Code have been

judged sufficient and apply equally to children and adults. So the purpose of the legislation against corporal punishment of children is not to punish those who beat their children but, primarily, to mobilise opinion. In the Government Bill, the Minister of Justice wrote as follows:

Information and education, to alter the attitudes of parents and others who deal with children and young persons is preferable to relying on penal sanctions...

A clear prohibition of corporal punishment in the Children and Parents Code would provide valuable pedagogical support for efforts to convince parents and others that no form of violence may be used in the upbringing of children. Like the Commission I consider it important that the change in the law is realized by effective, ongoing information about the new provision. If not, it is liable to become a paper product.

The Ministry of Justice did in fact take vigorous action to publicise the new law. It initiated and funded an information campaign on television and in other mass media. Information was printed on milk cartons and a brochure entitled *Can You Bring Up Children Successfully without Smacking and Spanking?* was distributed to all households with children and translated into English, German, French, Spanish and various other languages. This information campaign had the effect of acquainting a large majority of the

population with the new legislation and the reasons for it.

At the time of its enactment, the law against corporal punishment was considered a radical measure in the surrounding world. When commented on internationally, in some countries it was ridiculed or viewed as an intrusion on private life and a threat to the liberty of parents in bringing up their children. Since then, however, several countries have followed Sweden's example. The other Nordic countries, Austria, Cyprus, Croatia, Latvia, Germany and Israel now have laws banning corporal punishment, and other countries are in the process to follow.

Strong support in Sweden for the ban on corporal punishment

A survey in 1965 showed that 53 per cent of Sweden's population regard corporal punishment as an indispensable part of children's upbringing. Since then the percentage in favour has fallen steadily. In a survey by Statistics Sweden (SCB) in 1996³, only 11 per cent of the adults taking part expressed themselves in favour of corporal punishment of children, at least in its milder forms. The proportion of

middle school pupils in favour was even smaller, 6 per cent.

The latest survey of attitudes to corporal punishment was carried out in 2000 by the Committee on Child Abuse and Related Issues, a Government Commission⁴. The survey included a study of attitudes among school children. Only 2 per cent of children in middle school found it acceptable for a parent to box or slap a child's ears in the heat of the moment. The same response was obtained from 20-year-olds. The negative attitude of Swedish children and youngsters to corporal punishment can probably be put down to the information supplied in schools concerning the ban on corporal punishment and the UN Convention on the Rights of the Child. Children today are aware that adults are not entitled to hit them.

Parents are aware of this, too. The information supplied to the general public when the law against corporal punishment was first passed has since been followed by parental support/education. Expectant couples and persons who have just become parents are offered parental education in groups, the mother

3. Statistics Sweden, SCB): *Children and Corporal Punishment (Barn och aga)* 1996:1

4. Socialdepartementet (The Swedish Ministry of Health and Social Affairs): *Children and Abuse. Supportive Documentation for the Committee on Child Abuse and Related Issues. (Barn och misshandel. Ett kunskapsunderlag för Kommittén mot barnmisshandel)* 2000

and child health care clinics. Topics dealt with include aspects of child education and corporal punishment.

One finds that attitudes to corporal punishment in Sweden have become increasingly negative since the 1960s and are far more negative than in other countries. The ban on corporal punishment has strong support of the Swedish population; among children as well as adults.

Progressively fewer children beaten

Attitudes are one thing. What people do in practice may be another. Is there a correspondance between the attitude to corporal punishment and the use of it, or do Swedish parents use physical violence in bringing up their children, even though they disapprove of it? Several surveys show that the negative attitude to corporal punishment has also had an impact on parenting practices.

In a longitudinal Swedish study, 212 randomly selected children born between 1955 and 1958 were followed up from the age of one until they were 36. These children,

then, grew up before corporal punishment was made illegal. Recently, as adults, they were interviewed about their experiences of corporal punishment during their formative years⁵. The results show, among other things, that all the interviewees were subjected to corporal punishment at some time or other between the ages of one and 16. Corporal punishment was most common between the ages of 18 months and six years, peaking at four years. Repeated violence in the course of upbringing was most common at the age of 18 months. 32 per cent of the daughters and 46 per cent of the sons were corporally punished by their mothers every day at this age. Fathers beat their children far less often.

Another of the main survey findings is that mothers' experience of violence during childhood had some bearing on the extent to which they themselves hit their children. This connection did not apply to fathers. Their corporal punishment of children was instead explained as an enlargement of corporal punishment by the mothers. The maternal method of imposing discipline was infectious, so to speak. This survey indicates that, for children living in a Stockholm suburb during the 1950s and 1960s, corporal punishment was a part of everyday life.

Sweden is taking part in an international research project aimed at investigating the connection between attitudes and corporal punishment. One Swedish study in the project includes 272 students

5. Stattin, Hansson, Klackenberglarsson och Magnusson: *Corporal punishment in everyday life: an intergenerational perspective*. In McCord, J: *Coercion and punishment in longterm perspectives*. Cambridge University Press 1998

aged between 18 and 64 (M26)⁶. Some of these students, then, were born before corporal punishment was outlawed, but the majority of them grew up after the law was passed.

35 per cent of the students state that they were subjected to corporal punishment at some time during their childhood. This group is dominated by those who were subjected to slight violence on isolated occasions. This is a far smaller proportion than in the study mentioned above, and also far smaller than in the other countries in the comparative material. In practically all the other countries, twice as many students reported being corporally punished during childhood. Those students (22 per cent) who were subjected to severe corporal punishment at some time or other were among the older members of the survey population.

The results also indicate that corporal punishment is not an isolated problem but part of a pattern of family violence. In almost half the families where corporal punishment was practised, other violence occurred as well. The study also showed a connection between the family's socio-economic status and the parents' level of education. Those who grew up in families with poor finances and poorly educated parents received more corporal punishment than others. Those subjected to corporal punishment described their childhood in more negative terms and were less contented than those who had not been corporally punished. 95 per cent of the students in the survey population strongly opposed corporal punishment.

One year after corporal punishment was outlawed, a study was made of the extent of violence to children in Sweden⁷. A comparison between this study and the study carried out by the Committee on Child Abuse and Related Issues shows that the use of corporal punishment has declined considerably in the past 20 years. Asked whether the parent had used some form of physical violence in the last year, 8 per cent answered yes (1980 51 per cent) and 16 per cent that it had happened more than ten times (1980 40 per cent). Summing up, fewer children are being corporally punished, and those who do experience corporal punishment, do so less frequently than used to be the case.

A questionnaire study of school children in the survey carried out by the Committee Against Child Abuse and Related Issues (see note 4) shows:

86 per cent have never been corporally punished by either parent,

8 per cent have been corporally punished by their mothers and 7 per cent by their fathers on some isolated occasion,

1 per cent received frequent corporal punishment from their mothers and 2 per cent from their fathers.

6. Fäldt, Johan: *Student's Experience of Corporal Punishment and Violence in the Home. (Studenters erfarenheter av kroppslig bestraffning i barndomen.)* Department of Psychology, University of Stockholm. 2000

7. Edfeldt, Åke: "In as much as..." . *Final report of the SUSA Project on Corporal Punishment and Violence in the Home ("Allt vad i gören...". Slutrapport från SUSA projektet om åga och våld i hemmet)* Proprius Stockholm 1985

As regards background factors, the family's financial circumstances are the most critical factor deciding whether or not violence is used in the upbringing of children. Violence occurs more often in families with financial problems.

Summing up, this very recent study shows that a large majority of 10- and 12-year olds in Sweden have never been subjected to corporal punishment and that regular corporal punishment is very unusual.

Consequences of corporal punishment

Corporal punishment can cause slight corporal injuries. Violence causing more serious corporal injury is assault and has to be treated as a crime. There is, however, no clear limit between corporal punishment and abuse. One reason for also taking a serious view of slight violence is that corporal punishment tends eventually to give way to more serious violence. Accordingly, reduction of corporal punishment is one means of preventing abuse against children. The most serious consequence of corporal punishment, then, is not of a medical nature but concerns its harmful psychological effects.

Corporal punishment amounts to a violation of the child which can undermine its self-esteem and give

rise to feelings of guilt and shame. The effects of corporal punishment are especially serious and profound if it is combined with a frosty attitude, dissociation or a directly hostile attitude to the child.

It is common for children who have been corporally punished to become aggressive themselves and to have difficulty in feeling empathy. Children who bully others and commit criminal offences from an early age have often experienced violence and aggression in their families. In an article in the newspaper Dagens Nyheter (1996-12-21), the Norwegian child psychologist Magne Raundalen was interviewed concerning the importance of childhood experiences for "man's inhumanity to man". The article was headed: "Discipline is the Root of Evil". Among other things, Magne Raundalen had the following to say:

There are always people who stand up to evil. What they all have in common is that they grew up in a loving environment without too much discipline or punishment. Empathy makes people human, and it has to be encouraged in children. Research has shown domination and severe punishment to characterise the domestic climate of children who bully others.

The psychological consequences of corporal punishment have been poorly researched. The American researcher Murray A. Straus puts this down to the legal and moral legitimacy of corporal punishment in the USA and the fact of corporal punishment of children being more or less routine. The lack of empiri-

cal research into the connection between corporal punishment and mental problems like depression, Straus maintains, is probably no coincidence but the result of “selective inattention”. Straus has investigated the connection between corporal punishment of teenagers and depression and thoughts of suicide. The findings point to the existence of such a connection. The more corporal punishment young persons had suffered, the more depressive symptoms they presented and the more often they contemplated suicide. No difference was found between boys and girls and it made no difference whether the corporal punishment was inflicted by the mother or father.⁸

The existence of a relationship between severe upbringing and behavioural problems, antisocial behaviour and criminal behaviour is strongly supported by research.

Do the harmful effects of corporal punishment vary with the prevailing attitude to corporal punishment in society? Does corporal punishment in itself cause mental injury or does it only cause harm if the child feels rejected at the same time? Do the harmful mental effects vary according to the child's own attitude to corporal punishment?

These questions have been investigated in St Kitts in the West Indies, a former British colony⁹. The population studied comprised children between the ages of nine and 12. The results revealed a faint but significant connection between corporal punishment and negative psychological adjustment. They also

showed that the children's feeling of rejection was proportional to the frequency and severity of their punishment. The more rejected they felt, the poorer their mental state of health. Children regarding corporal punishment as an acceptable method of upbringing were harmed just as much as those who did not. Social acceptance of corporal punishment, then, does not alleviate its harmful effects.

Child rearing in different cultures

Affection and control are key words in the bringing up of children. Affection means the parent having a capacity for empathy, being responsive to the child's needs and responding adequately to its signals. Control means making demands on the child, defining limits and teaching the child socially acceptable behaviour. On the basis of combinations of affection and control, various patterns can be distinguished:

8. Straus, M.A.: *Corporal punishment of children and adult depression and suicidal ideation* i McCord, J (red.): *Coercion and punishment in long-term perspectives*. Cambridge University Press. 1998

9. Ronald P. Rohner, Kevin J. Kean, David E. Cournoyer: *Effects of Corporal Punishment, Perceived Caretaker Warmth, and Cultural Beliefs on the Psychological Adjustment of Children in St. Kitts, West Indies*. *Journal of Marriage and the Family* 53/1991

1. Authoritarian upbringing

This emphasises the importance of obedience to authorities. Unconditional obedience is required from the child, with no discussions or explanations. The authoritarian pattern of child rearing is also distinguished by lack of affection in the parent-child relationship.

2. Authoritative pattern

The parent has control over the child but exercises that control by arguing and explaining to the child. He or she is open to discussion and receptive to the child's viewpoints. The parent shows affection in relation to the child.

3. Permissive pattern

The parent exerts less control, does not demand obedience or compliance by the child with certain norms. The child is left very much to decide for itself and the parent avoids confrontation.

4. Indifferent pattern

The child is to a great extent abandoned and left more or less to its own educational devices. The parent gives priority to his or her own needs rather than to the child's and does not assume his/her parental responsibility.

The permissive pattern was common in Sweden during the 70s. "Free upbringing" was a reaction against the oppression which many children had experienced during the first half of the 20th century and against the belief in authority which had such disastrous consequences during the Second World War. Today the authoritative pat-

tern is most common. Parents have a close emotional relationship with their children and control is exercised through non-authoritarian methods. This means that parents trust that their children not always need supervision and strict limits but are able to cope with a fairly generous amount of freedom from a relatively early age.

This "Swedish freedom" is sometimes viewed by families of foreign origin as if principles and rules don't exist. They do not perceive any exercise of control when the methods differ from those which they are accustomed to from their countries of origin. Problems occur when children and young persons of foreign origin do not understand the meaning of non-authoritarian attitudes, e.g. in school and pre-school education, but believe that anything goes. Some parents also believe that Swedish schools are completely lacking in order and discipline.

Differences in the view taken of child education can cause certain parents to feel powerless. The methods that worked at home do not work in Sweden. The collectivist system, with its heavy pressure on the individual to adapt to the family, its norms and values, is eroded by Swedish society. This threatens the very foundations of child rearing. Research psychologist Anders Broberg writes as follows concerning the consequences of migration for parenthood:

Successful parenthood depends on the adults being rooted in a fabric of values, customs and habits which support their

parental authority and on how secure they feel in their parental role. A good parent is differently defined in every culture, and migration can threaten the parental role if the prerequisites for the maintenance of parental authority are removed in the new culture..¹⁰

In many cultures, the right to use corporal punishment is a part of parental authority, but in Sweden that authority has to be maintained by other means. As a result, many parents of foreign origin feel that they lack the necessary equipment for child rearing. They ask themselves what they are to do instead of hitting their children.

There are answers to this question, but they are not that simple. The use of corporal punishment is not primarily a question of methods of upbringing but is more concerned with the relationship between parents and children, with respecting the child as an individual and with the aims of upbringing. Having a collectivistic aim in a society where an individualistic view of human nature predominates is liable to lead to confusion, insecurity and perpetual confrontations with the community at large on the part of both parents and children. This is a highly complex problem, because fundamentally it is concerned with the formation of identity and the experience of one's own ego and its limits. The view of child rearing has profound historical and cultural roots which it takes a long time to change.

One Swedish study investigated different methods of child educa-

tion¹¹. 200 families with children between the ages of one and six were included in the survey, which revealed a wide variety of methods used by parents to make children obey them. Sharp admonitions, physically preventing the child from doing something and redefining the situation or problem were the most common methods. Upbringing is exercised more by verbal than physical methods. Use of threats or corporal punishment was the least common expedient. The researcher came to the general conclusion that parents who respect the ban on corporal punishment have not abdicated from their parental authority but exercise discipline and control by other means.

Attitudes to corporal punishment in various countries

Sweden is taking part in a research project, "Patterns of Child Education in Various Countries", in which comparisons are being made between attitudes to corporal punish-

10. Broberg, Anders: *Child rearing in Time and Space. (Barnuppfostran i tid och rum.)* Norges Barnevern nr 3-4 2000

11. Palmérus Kerstin: *Self-reported Discipline among Swedish Parents of Preschool Children.* Infant and Child Development. No. 8/1999

ment in various countries. [Footnote: Anders Broberg, Department of Psychology, University of Gothenburg, is responsible for the Swedish input]. The following are three of the studies which are included in the project.

The first concerns maternal views on corporal punishment in Sweden, where corporal punishment is disapproved of, and in Canada, where it is a legal and culturally sanctioned method of upbringing¹². 102 Swedish and 107 Canadian mothers of children aged between three and six years took part in the survey.

A minority of mothers in both countries admitted that corporal punishment was a normal element of their parenting (17% of the Canadians and 5% of the Swedes). Most mothers in both countries disapproved of corporal punishment, the Swedish mothers most of all, 80% of them considered corporal punishment unnecessary and harmful, and nearly 90% regarded it as an ineffective method in the upbringing of children. A minority of mothers in both countries expect-

ted corporal punishment to lead to greater obedience, more respect for the parent or to the child learning acceptable behaviour. Instead nearly half of the Canadian mothers and 65% of the Swedish mothers believed that corporal punishment had the effect of making the child more aggressive. 75% of the Canadian mothers and 85% of the Swedish mothers believed that the use of corporal punishment made parents feel guilty and remorseful.

One interesting difference between the two groups was that Swedish mothers considered corporal punishment to be excusable or acceptable if exercised when the parent was emotionally upset, while the Canadian mothers tended more to regard corporal punishment as acceptable if the punishing parent was calm and collected. From this we may conclude that corporal punishment is not a part of Swedish mothers' strategy of upbringing. If corporal punishment does occur it is due to the parent being frustrated and losing control.

In another study¹³ the same group of researchers inquired whether the use of corporal punishment was predictable from certain maternal characteristics. This study also took place in both Sweden and Canada. The researchers began with four factors:

- **Attitudes.** The results show, not very surprisingly, that the more parents approve of corporal punishment, the more often they use it. Parents' views of their children's behaviour are also found to be important. If parents regard disobedience and

12. Durrant, Rose-Krasnor, Broberg: *Maternal Beliefs about Physical Punishment in Sweden and Canada*. *Journal of Comparative Family Studies*. In press.

13. Durrant, J.E., Broberg, A.G. & Rose-Krasnor, L.: *Predicting use of physical punishment during mother-child conflicts in Sweden and Canada*. In C.C. Piotrowski & P.D. Hastings, Eds 1999, *Conflict as a context for understanding maternal beliefs about child-rearing and children's misbehavior*. *New Directions for Child and Adolescent Development*, No. 86

bad behaviour as intentional and as a major problem, they are more liable to punish their children physically.

- **State of mind.** Mothers who are not in good mental condition and feel irritated and depressed hit their children more than women who are in better mental shape.
- **Violence in the past.** Parents who were themselves hit during childhood hit their own children more often than other parents.
- **Cultural norms.** If the norms and legislation of society support the use of corporal punishment, it will be used more frequently than otherwise.

On the basis of these four factors, the researchers were able to predict corporal punishment by 87 per cent of the Canadian mothers but not by any of the Swedish mothers, due partly to corporal punishment being very infrequent in the Swedish material. One possible interpretation is that corporal punishment, when it occurs among Swedish-born parents it is related to difficulties in the parental role while, in Canada corporal punishment is a common ingredient in child rearing.

A third survey¹⁴ covered Sweden, Canada, Iran and the Cook Islands in the Pacific. One interesting difference emerging from this study concerned the perception of children's "naughtiness". Swedish mothers took their children's disobedience less seriously than mothers in the other countries. Swedish mothers generally tried to find ex-

planations and excuses for the child being awkward. Mothers in the other countries found their children disobedient more often than Swedish mothers did and considered their disobedience to be deliberate and serious. It therefore had to be corrected. The disobedient child must be managed. As Swedish mothers were patient and did not feel their children were disobedient very often, they did not see any need for authoritarian methods of upbringing.

The study indicates the existence of a connection between corporal punishment and our perception of children. If children are regarded as troublesome, deliberately bad and disobedient, this augments the risk of parents resorting to corporal punishment as a means of correction.

The UN Convention on the Rights of the Child

Although only a few countries have an explicit regulation against corporal punishment, all but two (the USA and Somalia) have ratified the UN Convention on the Rights of

14. Broberg, Anders: *Corporal punishment and other child rearing methods : a cross-cultural perspective. (Aga och andra uppfostringsmetoder: ett tvärkulturellt perspektiv.)*Föredrag vid Nordiska Barnavårdskongressen 1997)

the Child, Article 19 where article 19 states:

States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of corporal and mental violence...

The UN Committee set up to monitor compliance with the Convention has taken the provision of Article 19 to imply a prohibition of corporal punishment.

The Convention on the Rights of the Child has done a great deal to change attitudes towards children. More and more people regard it as self-evident that children are entitled to respect for their person and integrity. One of the basic ideas of the Convention is that children and adults have the same human dignity. Among other things, children are entitled to express their opinions freely and to be listened to. Corporal punishment of children is not in correspondence with the values permeating the Convention. An authoritarian upbringing which includes corporal punishment and degrading treatment is out of harmony both with the article of the Convention on the protection of children from all forms of mental and physical violence and with the articles concerning the best interests of the child and the right of the child to be listened to.

Concluding remarks

Sweden was the first country in the world to outlaw corporal punishment, and various surveys have shown this measure to be strongly supported by the Swedish population. In many countries, forces are at work to change attitudes to corporal punishment and to introduce similar legislation, and so people are interested to know how Sweden went about things. Why are attitudes to corporal punishment so negative in Sweden? Some explanations can be discerned:

- There is a tradition in Sweden of resolving conflicts by discussion and agreement. This applies, for example, in working life.
- A great deal of progress has been made with regard to the equality of women and men. Women occupy a relatively strong position both at work and in the family. As a result, their way of rearing children, which most often implies less authoritarian methods, has had a powerful impact. A stronger position for women also means a stronger position for children.
- Sweden is a relatively child-centred society. Many people work professionally with children, with the result that the community has a large fund of knowledge concerning children's needs and development. Great efforts are being made to offer children the best possible formative conditions, both within the family and in the community at large.

- The legislation has been successfully modified to indicate that questions of custody and access, for example, shall be decided according to the best interests of the child. Many changes have also been aimed at strengthening the role of fathers. Joint custody, for example, is the general rule today, even if parents are not married, and fathers have been given more scope for taking parental leave. Greater opportunities for men to take care of very young children probably lead to stronger emotional bonds between fathers and their children, which in turn presumably leads to less reliance on corporal punishment.

The negative attitude to corporal punishment in Sweden, then, is rooted in a variety of favourable historical and structural factors. Of course, not all the problems have been solved. There are still children in Sweden who are being maltreated and neglected. But we have made a good deal of progress towards children being treated with respect for their physical and mental integrity and regarded as full members of the community.

Modern Sweden makes strong demands on the individual. It is a matter of community interest that children should grow up into independently minded, socially competent, mentally strong individuals with powers of initiative. Such qualities are not promoted by a form of upbringing which suppresses and humiliates children. Thus, from both a human and a societal perspective, there are good reasons for campaigning against corporal pu-

nishment and other humiliating treatment of children.

“If you aren’t allowed to hit your children, what are you to do instead?” One Swedish study shows that parents have a whole arsenal of methods for bringing up their children.¹⁵ How different educational methods are perceived by and affect the child depend much on the parent-child relationship the researcher concludes. The relationship between parents and children, combined with the extent to which the child understands the parent’s methods of upbringing as legitimate, decide the child’s social and personal development.¹⁶

Summing up, the essential thing is not only to develop new methods of child rearing but also to transform attitudes towards children and the relationship between adults and children. Above all, children have to be granted with a fundamental human right – the right of being spared physical violence.

15 Palmérus Kerstin: *Self-reported Discipline among Swedish Parents of Pre-school Children*. Infant and Child Development. No. 8/1999

16. Palmérus Kerstin: *Patterns of Child Rearing among Swedish Parents*. (Svenska föräldrars uppfostringsmönster) Nordisk Psykologi 49/1997

Ending Corporal Punishment

Swedish Experience of Efforts to prevent All Forms of Violence Against Children – and the Results

International co-operation is important for the true realization of the UN Convention on the Rights of the Child. Each country has something to learn from experiences in other countries. The UN discussions on child rights aim largely to facilitate such exchanges. As a contribution to the preparations for the General Assembly Special Session on Children in 2001, the Swedish Government is publishing three small publications outlining efforts made to implement the Convention, progress made and difficulties encountered. They focus on areas which might be of particular interest to an international audience and are written by independent experts.

This publication on the Swedish efforts to put an end to all forms of violence against children describes legal reforms and other measures to put an end to corporal punishment – in institutions but also in a family context. It also outlines how attitudes towards children have changed as a result.

The text is written by Barbro Hindberg, former expert at the National Board of Health and Welfare. She now freelances in the field of child abuse and neglect. Preface by Ambassador Thomas Hammarberg.

The other publications are about child impact assessments and participation of children in decision-making. They can be ordered at the Ministry of Health and Social Affairs (Social Services Division), SE-103 33 Stockholm, fax +46 8 10 36 33.
E-mail adress: registrator@social.ministry.se.

Article no. S 2001.015

