

Our date: November 28, 2004

Office of the High Commissioner for Human Rights
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

Dear Sirs/Madams,

Report of violation of your Convention on the Rights of the Child

You may or may not know that Swedish law prevents an average family with children from making ends meet on only one average parental income. There are no tax allowances for dependants or childcare expenses and insufficient regard to the taxpayer's ability to pay tax in the first place. The latter in the sense that such a sole breadwinner starts paying approximately 32 % of income tax as of as low an income as US \$ 2,200 a year, i.e. well before having reached subsistence level. In addition, the income earner's spouse who lacks income in his/her own name is, in effect, "excommunicated" from Sweden's acclaimed welfare system by not qualifying for any social benefits whatsoever, not even basic welfare grants, regardless of how dire the need may be.

There is only one way for such a family to escape this politically constructed poverty trap and start enjoying the support of our welfare system and that is for the home-maker to hand over his/her children to the heavily subsidized municipal day-care centres and get a job. The monetary reward of so doing is substantial and fast-acting. Assuming that the average parent – statistically speaking – hands over 1.5 children for day-care on a full-time basis, (s)he will receive the following windfall:

(i) a *tax-free* childcare subsidy worth approximately US \$ 25,000 a year, (ii) a take-home pay perhaps in the region of US \$ 20,000 a year (in addition to the other parent's), and (iii) tax-financed, unemployment, illness, parental-leave and pension benefits.

As mentioned, a Swedish home-maker receives none of this, despite wide-spread consensus among economists that the contributions of home makers to the wealth of their societies are comparable to those of income-earners. There is also wide-spread awareness among economists in Sweden that so heavily subsidising a public service as Sweden does its day-care centres, makes the entire population poorer than it would have been without any public day-care services at all.

It would appear as if the above-described system violates your Convention on the Rights of the Child on many counts, e.g.:

From the Preamble:

The States Parties to the present Convention,

...

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

...

Here we would like to draw your attention to the fact that the concept of “the family” has been purged from our body of laws. Instead the terms “parents”, “guardians” and “children” are used. Consequently, no “protection” or “assistance” of “the family”, according to the letter and spirit of the Convention, can reasonably be expected from Swedish law.

On the contrary, we argue that Swedish family-related law has other objectives and, in fact, *suppresses* the existence of families, a statement which is confirmed by the fact that, statistically, we are world leaders in divorces, temporary cohabitation arrangements and single parents.

The wording, referred to above, covers parents’ responsibilities only cursorily, but the Swedish Parental Act of 1949 (Föräldrabalken (1949:381)) describes them more in detail. From it, it becomes clear that this responsibility includes the obligations to (i) care for the child physically and emotionally, (ii) provide good personal and social development guidance, and (iii) keep the child under observation. That is, wording which seems to agree well with the Convention’s.

However, it should be obvious already from the little said so far that Swedish law instead makes parents hand over their young ones to others for these important tasks, i.e. to people and institutions that legally do not carry the associated responsibility.

That the courts indeed place a heavier responsibility on parents for caring for children and keeping them under observation than they do on day-care staff is abundantly clear from Swedish court cases.

From Article 2:

...

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

By forcing single-income families into poverty, we argue that Sweden’s family-related law discriminates against such families, particularly their home makers. Since whatever happens to the parents has a tendency also to affect their children, we hold that said law also discriminates against them, thereby violating the above-quoted Convention clause.

From Article 3:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

...

In Swedish family-related law, “the best interest of the child” is not the primary consideration, women’s financial independence and gender equality are. The effects on children are seen as mere consequences. To be sure, our legislation has been promoted also with arguments that it is beneficial to children, e.g. that it is only at the municipal day-care centres that our young ones can get the social and intellectual training they need. The underlying implication is that parents are not competent enough to take care of their own offspring and that the family environment does not measure up to standards.

Since we do not want to discuss politics with the Commission or argue about whether or not our perception of this implication is correct, we limit ourselves here to noting that Sweden, by having ratified the Convention, has accepted the notion that parents in fact *are* competent enough and that the family environment not only is acceptable but is even *the best* environment for our young ones.

That the children of Sweden are not faring as well as they deserve, despite the country’s potential, should be obvious to any initiated person. But an analytical complication is that the problems tend to show up far later, usually in connection with puberty. Then it appears that we, once again, hit world record heights, this time in as unflattering aspects as the number of children who are plagued by depressions, have tried to kill themselves, or been put on antidepressants.

The expertise in child psychology seems to be all but unanimous in its identification of the lack of supportive adult contacts as a fundamental reason for this ill-being. As we see it, that lack of contact becomes an inescapable consequence of family-related law having gender equality as its primary objective and familial disintegration and large-scale, collective, childcare as recognized - and accepted - consequences.

From Article 4:

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Sweden does not lack resources but will in the political majority and courage among the political opposition and the courts to do anything about the matter.

From Article 7:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

...

As should be obvious from our writing so far, Swedish family-related law leads, inescapably, to the majority of our young ones’ being cared for by people or institutions other than their parents, thus violating the letter and spirit of the above-quoted clause.

From Article 14:

...

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

...

As should be obvious from our writing so far, Swedish family-related law leads, inescapably, to the majority of our young ones' being directed by people other than their parents, thus violating the letter and spirit of the above-quoted Convention clause.

From Article 18:

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

...

The above-described legal and social factors have made many Swedish parents view the responsibility for "the upbringing and development of the child" as being shared by the parents and the state. This attitude is reinforced by legislation limiting parent's authority as child rearers to a greater extent in Sweden than in any other country we know of.

These factors lead to an obvious danger that *neither party* assumes the responsibility called for by the above-quoted Convention clause. And we argue that, in our country, that danger has indeed materialized and led to parents' generally not shouldering their responsibility to the extent envisaged by the writers of the above-quoted convention text.

What is our government doing about the matter?

In March this year, in preparation for this submission, we asked Parliament for its comments to our findings. However, said organ found that it was not constitutionally obliged to reply, so we got none.

However, our letter inspired a few parliament members to turning it into a written interpellation to the cabinet minister (of social affairs) primarily involved, summing up their findings with the following question:

Which measures, if any, does the minister intend to take in order better to satisfy the intentions of the UN Convention on the Rights of the Child as regards giving the Family the necessary protection and assistance so that it can fully assume its responsibilities within the community?

The question was debated in the house on April 13 this year.

The minister's reply, which is documented in minutes of the house session as usual, can be summarized as the cabinet's not planning to change course in family-related matters. This means that the cabinet will continue to promote large-scale municipal day care of preschool children above all other forms of childcare, parental care included.

The cabinet's Declaration of Intent, read by the Prime Minister on the opening day of the current parliamentary year (September 14), contained a section which provides further indications of the direction our government intends to take in the matter of how better to comply with your Convention:

Sweden shall better satisfy the requirements of the UN Convention on the Rights of the Child. During the year 2006, one billion of tax money shall be spent on financially disadvantaged families with small children. The alimony guarantee will be improved on. The part of the housing allowance which is directed at families with small children will be raised. A child allowance for student parents will be introduced. The reception of asylum-seeking children will be improved on.

The election promises to the country's families with small children shall be delivered on. As of the year 2006, the general child allowance will be raised as will the multichild supplement. This supplement will be payable as early as of the second child. The maximum amount payable under the parental insurance scheme will be raised on July 1, 2006.

Next year, the efforts to hire more staff to the municipal nursery schools will commence. This will lead to smaller groups of children and to higher quality...

It is evident to us from the aforesaid that the government does not see the problems we see and consequently does not have any solutions to them to offer. On the contrary, since the measures the government intends to take will cost significant amounts of tax money and since taxation both reduces national income and shifts the balance in the state's favour, Sweden's parents can look forward to even greater dependence on the state and to finding it even more difficult in the future to shoulder the responsibility for the children that we find the Convention placing on them.

In case of a need for more proof...

In the interest of brevity and on the assumption of a prior knowledge on your part of Swedish law and society, we have exercised restraint in the submission of proof of the various statements we make and conclusions we draw. However, should the Commission find that further underpinning facts are required we would gladly oblige.

Final plea

From the above, we draw the conclusion that Swedish family-related law has objectives and consequences which sharply deviates from the letter and spirit of the Convention.

This conclusion leads to a number of questions, which we urge the Commission to answer, e.g.:

1. Who should decide how the children should be cared for, the state or the parents? (If you decide on "the state" then how do you reconcile that with the letter and spirit of the Convention, and how do we, parents, exact concrete responsibility from the state if/when it falls short?)
2. Is it reasonable that Swedish family-related law has objectives other than "the best interest of the child"?
3. Is it not obvious that Sweden can never satisfy the Convention, unless it recognizes the fundamental importance of "the family"?
4. Is it acceptable that the state obstructs parents that want to care for their children by themselves?

We, signatories, request a written statement from the Commission detailing the extent to which it finds itself able to confirm our observations and support our criticism of Swedish family-related law.

To save time, please see this complaint as supplemental to Ms. I. Jordebo's submission of July 25, 2002 (copy enclosed), i.e. as belonging to the same case. She has waited for two years for a sign of life from you. For obvious reasons, we would be pleased if we did not have to wait that long.

Yours faithfully,

Haro, Riksorganisationen för Valfrihet, Jämställdhet och Föräldraskap
(Haro, the Swedish NGO for Freedom of Choice, Gender Equality & Parenthood),
P.O. Box 113, SE-260 35 Ödåkra, Sweden.

Camilla Kronholm
Chair person

Föreningen Barnens Rätt Till Föräldrarnas Tid
(the Association for the Right of Children to their Parents),
(for address details, see below).

Christer Westerlund
Chair person

Enclosure: Copy of complaint by Ms. I. Jordebo, dated July 25, 2002.

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SWEDEN

2002-07-25

Office of the High Commissioner
for Human Rights
8-14 Avenue de la Paix
1211 Geneva 10, Switzerland

Report to OHCHR against the Swedish Socialdemocratic Government for violation of Article 7 of the Children Convention

The Swedish Government violates childrens' right to be cared by their parents.

In Children Convention, Article 7:1 you can read as follows: " The child shall..... as far as it is possible have the right to get to know about its parents **and to be cared by them.**"

Sickness, death and other unfortunate circumstances may frustrate the child's right to be cared by its parents. What happens in Sweden to-day is something quite different.

With its economic policy the Socialdemocratic Government has made it almost impossible for most Swedish parents to take care of their children by themselves. For this reason I report the Swedish Government for violation against the Article 7 of the Children Convention..

Sweden has an insurance for parents lasting 13 months from the birth of the child. After that time the child is offered a place in a day-institution for children, which is strongly subventionized by the community.

Those parents who wish to take care of their children in their home get no compensation for their work. The high taxis in Sweden make it impossible for most parents to live on one salary. Besides there is no tax-reduction for parents with small children . With this financial control of child care the Government violates the human rights of the children as of the parents.

A one-year old child is not socially, mentally ready for the group-life which day-institutions for children offers. The Göran Persson Government try to manipulate the reality by calling these day-institutions for " preparatory school ". In Sweden we have consequently "preparatory school" from one year and onwards....

The parents ability to care is called in question by so called "experts" who enforce the fact that parents are incapable of giving their one-year old child pedagogic stimulants - I mean ,that what a child of one needs until the age of 3-4 years is not in the first place pedagogic stimulants but nearness, care and daily contact with a few for the child well-known persons, preferably the parents, who can create a tender relation, from which the integrity of the child and its trust in the world around are growing.

The preparatory school can not give that contact. Changes in the staff are many. The groups of children are too large. At the present time they are extremely large in many districts. The reason for this is that the Prime Minister Göran Persson has introduced maximal charges in the " preparatory school" . It has become cheaper to have children there. Another unhappy consequence of this is that children are spending a longer period of time in the institution. There are one-year old children who are forced to stay ten hours a day in these very large groups of children. - A child psychologist, taking part in a TV- program, was calling this for " advanced assault of children " . I agree.

By getting the parents to work more hours a day, the Government wish to increase the income – taxes to the state. – The question is, if our very small children who can not plead their own cause, shall pay the price for this.

Scientists of child psychiatry in Sweden are very concerned about the increasing mental disturbances among children and young people. The resources for healing and helping these people are not enough. The result of this is often a long and many times unnecessary suffering for children who never got the chance to be cared by their parents

A government must be aware of the fact that children are different and that all sorts of care shall be financed in the same way.

Yours respectfully

Mrs Ingrid Jordebo
Retired headmaster, teacher and mother of 4 children