

Secretary General of the Council of Europe
Mr Thorbjørn Jagland
Avenue de l'Europe
F - 67075 Strasbourg Cedex
France
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cm@coe.int

Report: Child Removal Cases in Sweden and the neighbouring Nordic countries

Honourable Mr Secretary General, Honourable Committee of Ministers,

We, the undersigned, lawyers, former judges and law professors, professor of psychology and investigating psychologists, medical doctor in Sweden, including the lawyers, members of the Steering Committee of The Nordic Committee for Human Rights - NCHR - For the protection of family rights in the Nordic countries (Nordiska Kommittén för Mänskliga Rättigheter - NKMR - För skydd av familjers rättigheter i de nordiska länderna), are hereby sending this request to the Council of Europe, the Minister Committee and the European Parliament for a thorough investigation of the very prevalent and destructive Child Removal Cases that are being practiced, on a daily basis, in the neighbouring Nordic countries.

All of the judges, lawyers and law professors, professor of psychology and investigating psychologists and the medical doctor who endorse this report have worked with and publicly addressed the issue of the child removal cases and the NKMR/NCHR has participated actively in the government's "New plan of action for Human Rights 2006 - 2009", (Ny handlingsplan för de mänskliga rättigheterna 2006 - 2009), which is still in progress.

From our professional experiences, it appears that mostly young, sole parent families, economically and educationally weaker families, families with health challenges and immigrant parents are targeted by the social services in Sweden, Norway, Denmark and Finland. Also parents with religious and philosophical beliefs, which do not seem to be politically accepted, are often deemed as unsuitable parents, which invariably leads the social councils, acting upon the advice of the social workers, to remove the children from their families and place them in foster homes. However, even highly educated parents with high-profile professions have experienced social workers' interference in their private and family lives. Since the beginning of the 1980's, a great number of families have fled from Sweden in order to protect their children from being taken into care and placed in foster homes.¹ Many

¹ - Jacob Young, Joan Westreich and Donna Foote, **A Family's Flight From the Welfare State**, Newsweek, 1983, http://www.nkmr.org/english/a_family_flees_from_the_welfare_state.htm;
David Högstedt, **Hemskolefamilj flyttar till Åland**, (Homeschooling family moves to Åland),

rightfully upset critics even refer to these cases as the "child care and abduction industry", because of the large sums of money that are being paid to the foster parents, while others use the term: the "child abuse and family destruction industry", because the children and their parents are invariably traumatised.

It should also be noted, that lawyers in Sweden who believe in the rule of law and the supremacy of the European Convention on Human Rights and Fundamental Freedoms, and who work conscientiously to protect the rights of their clients, are harassed and persecuted by the staff in the administrative court system.

At the outset, we hereby request that we, the undersigned, should be granted a personal meeting with the Council of Europe, so that we can give you a briefing of the situation in Sweden and the Nordic countries. The number of signatories to this application makes it impractical for all of us to meet up at the Council of Europe, therefore we invite the Council of Europe to designate a Committee, for eg the Torture Committee, to meet with us in Gothenburg, Sweden for the purpose of find remedies for the non-existing Child-friendly Justice system in Sweden and the Nordic countries.

Background

Since the beginning of the 20th Century, Sweden and the Nordic countries all have laws² which give the social welfare authorities the power to forcibly remove children from the care of their parents - on what appears to be arbitrary grounds³ - and place them in foster homes, or institutions, among total strangers. From 1920 to the present day, more than 300 000 children in Sweden have been removed from their homes and placed in compulsory foster care. The statistics for Norway, Finland and Denmark are a little lower.

In 1957, the young and intrepid journalist, Ms. Lillemor Holmberg, wrote several articles about the Blomqvist family in the municipality of Vetlanda, whose eight (8) children had been removed from their home by the social services and placed in secret foster homes far away from their loved ones, hence Vetlandfallet⁴, the Vetlanda Case. The title of Lillemor Holmberg's first article that was published in a magazine is "Legaliserade barnaröv"⁵, (Legalised kidnappings).

The following year, 1958, Ms Lillemor Holmberg⁶ published her article, and the late

Världen idag, (The World today), February 10, 2012,

<http://www.varldenidag.se/nyhet/2012/02/10/Hemskolefamilj-flyttar-till-Aland/>

² - 2 § LVU. Vård skall beslutas om det på grund av fysisk eller psykisk misshandel, otillbörligt utnyttjande, brister i omsorgen **eller något annat förhållande i hemmet** finns en påtaglig risk för att den unges hälsa eller utveckling skadas. Lag (2003:406). (Law with special Provisions on the care of young persons (1990:52)). The strophe "**eller något annat förhållande i hemmet**" leaves children and their families open to the whims of the social workers.

³ - European Convention, Articles 5 and 8 forbid arbitrariness. Cf: **Case of Čonka v. Belgium** (Application no. 51564/99), Judgment Strasbourg, 5 February 2002 paras 39; 79; Case of B. v. The United Kingdom Application no. 9840/82 Judgment Strasbourg 8 July 1987, paras 60-65, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57453>.

⁴ - Vetlandafallet. En sammanställning av artiklar, <http://www.nkmr.org/vetlandafallet.htm> (The Vetlanda Case. A collection of articles)

⁵ - Lillemor Holmberg, Legaliserade barnaröv, Perspektiv, Tidskrift för kulturdebatt, häfte 9. 1957. Årg. 8. November 1957, http://nkmr.org/legaliserade_barnarov.htm

⁶ - Lillemor Holmberg, **Ett hems undergång i folkhemmet**, Särtryck ur Samtid och Framtid nr 4, 1958, http://www.nkmr.org/ett_hems_undergang_i_folkhemmet.htm

Professor Halvar Sundberg⁷ wrote his commentary: "Ett hems undergång i folkhemmet" (The destruction of a home in the welfare state). Both pieces were highly critical of the procedures employed by the state to remove the Blomqvist children from their home and break up their family.

Ten years later, in 1967, the publicist, Mr Jan Gillberg, interviewed Ms Holmberg on the topic of the Vetlanda Case. In the interview, "En mor frågar samhället: Var finns mina fem barn?"⁸ (A mother asks the state: Where are my five children?), Ms Holmberg quoted Ms Ulla Lindström, a government minister, who in a recorded conversation, said: "This is a scum family and they stick together like a clan!" ("den här familjen är ju tattare och håller ihop som en klan!")

We have focused here on the Blomqvist Case that took place in 1957⁹ in order to show that the taking of children into public care by the social authorities in Sweden and placing them in foster homes is nothing new, but instead, a long standing practice.

We must point out, however, that we are well aware of the fact that there are isolated cases where it is necessary to place children in compulsory foster care. However, in our collective professional experience, these cases represent only a minority of the LVU cases. In the other cases, there are parents who find themselves in temporary difficulties or who have had the misfortune to be in disagreement with a social worker¹⁰, for example, concerning entitlement to financial assistance and in fact, these temporary problems could - and should - have been solved with much less drastic measures¹¹ than the removal of the children, which invariably is a catastrophe for the families involved.

Relevant Domestic Law

The Social Services Act 2001¹² and the 1990 Act containing Special Provisions on the Care of Young Persons¹³

⁷ - Halvar Sundberg, **Ett hems undergång i folkhemmet**, Kommentarer. Särtryck ur Samtid och Framtid nr 4, 1958, http://www.nkmr.org/ett_hems_undergang_i_folkhemmet_kommentarer.htm

⁸ - Jan Gillberg, **En mor frågar samhället: Var finns mina fem barn?** Interview with Lillemor Holmberg, ORIGO nr 4/67, http://www.nkmr.org/var_finns_mina_fem_barn.htm

⁹ - The social services in Vetlanda never returned the Blomqvist children to their family. Instead, the parents moved to Norrköping and had more children, who were not taken into public care. 55 years later, four (4) of the Blomqvist children are on the list for compensation from the state, following the government reports. See below. On August 20, 2012, Lillemor Holmberg and Jan Gillberg were awarded the NKMR Diploma of Honour for bringing these public care cases to the attention of the general public and for their long involvement in the Blomqvist Case.

<http://www.nkmr.org/en/component/content/article/97-engelska/administrations/symposium-and-meetings/symposium-2012/115-the-program>

¹⁰ - Tom G A Hardt, **Observations on the training of social workers**,

http://www.nkmr.org/english/observations_on_the_training_of_social_workers.htm;

Röd sopis: klagomål mot socionomutbildningen under 1970-talet, (Red dump: complaints against the education of social workers during the 1970's)

http://www.nkmr.org/rod_sopis_klagomal_mot_socionomutbildningen.htm

¹¹ - The Social services Act (Socialtjänstlagen 1980:620) and LVU 1§ prescribe the use of voluntary measures in order to protect the individual's integrity and right to self-determination.

Cf Case of Saadi v. The U.K., Application no. 13229/03) Judgment Strasbourg 29 January 2008, paras 67 - 71

¹² - The Social Services Act (Socialtjänstlag 2001:453) is the latest revision of the 1980 Act that was previously revised in 1990

The basic rules on public responsibility for young persons are laid down in the Social Services Act. This Act contains provisions regarding supportive and preventive measures taken with the approval of the individuals concerned.

Compulsory care

Where the parents do not give their consent to the necessary measures, compulsory care may be ordered under the 1990 Act.

Section 1, paragraphs 1 and 2, of this Act read:

"Care is to be provided pursuant to this Act for persons under eighteen years of age if it may be presumed that the necessary care cannot be given to the young person with the consent of the person or persons having custody of him and, in the case of a young person aged fifteen or more, with the consent of the young person.

Care is to be provided for a young person if

1. lack of care for him or any other condition in the home entails a danger to his health or development, or
2. the young person is seriously endangering his health or development by abuse of habit-forming agents, criminal activity or any other comparable behaviour."

The law was made to protect children who are in danger, but very often it is used arbitrarily, by the social workers and by the administrative courts, where no legal grounds to remove a child are obvious and the law is even used disloyally in cases where children are given to childless couples, who instead should solve their childlessness through adoption. The phrase "or any other condition in the home" displays the extent of arbitrariness that is allowed in these compulsory care cases.

The law states that it is primarily the responsibility of the municipalities to promote a positive development for children and young people. For this purpose every municipality has a social district council, composed of lay members/politicians, assisted by a staff of social workers.¹⁴

If the social workers deem it necessary to take a child into care they make a report to the social council, which invariably decides in accordance with the social workers.¹⁵ The 1990 Act, section 6, specifies that the council can make an emergency decision and that it has to apply to the local Administrative Court for a confirmation of its decision to this effect. The parents can appeal decisions of the social council to the Administrative Court and further they may appeal to the Administrative Court of Appeal. An ultimate appeal lies to the Supreme Administrative Court - if it grants leave to appeal.

Once a decision on public care has been taken, the social workers (social council) has to execute the decision, take care of the practical details of where to place the child, what education and other treatment to give him, etc. The law requires the care of the child to be carried out in such a way as to enable him to have close contact with his parents and to be able to visit his home. In the majority cases, however, the social workers and the foster

¹³ - The 1990 Act containing Special Provisions on the Care of Young Persons (Lag (1990:52) med särskilda bestämmelser om vård av unga, (LVU))

¹⁴ - Observations On The Training Of Social Workers, [Application No. 10631/83 Lilja vs. Sweden, By Tom G. A. Hardt, Theol. Dr.](http://www.nkmr.org/english/observations_on_the_training_of_social_workers.htm)

¹⁵ - Cf: **THE ALEXANDER CASE** - A Confiscated Child, By Birgitta Wolf, Preface by Brita Sundberg-Weitman, http://www.nkmr.org/english/alexander_a_confiscated_child.htm

parents not only regulate the visiting rights of the children and their parents, but also forbid the right to correspondence, for e.g. telephone calls, access to the Internet and e-mail which totally isolate the children from their parents.¹⁶ The law requires the reunification of the child with his parents, but children who are taken into public care are very seldom reunited with their parents.

The social council is permitted, under Section 14 of the 1990 Act, to regulate visits to and by parents and also to decide not to disclose the whereabouts of the child to them. Such decisions may be appealed to the administrative courts by both the parents and the child.

It is very seldom that the child's public counsel takes any initiative to reunite the child with its parents.

According to Section 13 of the 1990 Act, the social council is obliged to monitor carefully the care of young persons who are in care under the Act and "shall decide to terminate care under the Act when such care is no longer necessary".

Other Relevant Laws

Chapter 1 section 9 of The Swedish Constitution, (Regeringsformen 1:9) reads:

"The courts and administrative authorities and others performing tasks within public administration shall in their fields of work consider everyone's equality before the law and observe objectivity and impartiality."

"Domstolar samt förvaltningsmyndigheter och andra som fullgör uppgifter inom den offentliga förvaltningen skall i sin verksamhet beakta allas likhet inför lagen samt iakttaga saklighet och opartiskhet".

Section 8 of the Administrative Procedure Act (Förvaltningsprocesslag (1971:291)) reads:

"The court shall ensure that the cases are investigated as its nature requires.

If necessary, the court should indicate how the investigation should be completed.

Unnecessary investigations may be rejected."

"Rätten skall tillse att mål blir så utrett som dess beskaffenhet kräver.

Vid behov anvisar rätten hur utredningen bör kompletteras. Överflödig utredning får avvisas."

This law invokes the administrative courts' responsibility for the investigations, but the said courts rely on the investigations that are produced by the social services or other authorities.¹⁷

¹⁶ - Sundberg, Fredrik, **Om ingripanden mot administrativt frihetsberövade i ett rättighetsperspektiv**, (Concerning actions against persons in administrative detention in a rights perspective), IOIR nr 47, 1982, Chapter 3, p 66-67.

Children and young people in Care, page 32: "**What happens if your rights are not respected?**" <http://www.coe.int/t/dg3/children/childrenincare/C&YP%20IN%20CARE-ANGLAIS%28web%29.pdf>

¹⁷ Hamlin, Anders. **Förvaltningsdomstols utredningsansvar vid mål om tvångsvård av barn** (The Administrative Courts' investigative responsibility in cases of compulsory care) Dissertation, Lund, 2008 <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=1558084&fileId=1564536>

The Procedure in the Administrative Court system

The administrative courts adjudicate the public care cases, but it is the social worker who suggests that a child should be taken into care, and this capacity to recommend does mean real, great power. The social councils and the courts only gain knowledge of the cases that are put before them because of the social worker's suggestions.¹⁸

The administrative courts seldom make decisions contrary to the decisions of the social councils to take children into care and place them in foster homes.

According to Section 39 of the 1990 Act, the parents and the children have the right to public counsel in the administrative proceedings before the court. Section 39 paragraph 2 of the 1990 Act provides that a joint public counsel should be appointed for the parents and the children "if there are no conflicting interests between them."¹⁹ The administrative courts very seldom appoint joint public counsel for the parents and the children; instead they appoint separate public counsels for the parents and the children. The appointment of separate public counsel for the children is often made upon recommendation from the social services, directly to the administrative courts, making the children the opponents of their parents and "allies" with the social council.

The status of the parents' legal representative is very often a matter of great concern. Article 6 of the European Convention on Human Rights guarantees everyone the right to a fair trial before an impartial tribunal and the right to choose one's own lawyer. It should also be noted, that lawyers in Sweden, who believe in the rule of law and the supremacy of the European Convention on Human Rights and Fundamental Freedoms, and who work conscientiously to protect the rights of their clients, are harassed and persecuted by the staff in the administrative court system.²⁰ For example, Mrs Siv Westerberg, the lawyer in the Olsson case, was rejected by the social council and the administrative courts in Gothenburg, but it was only the day before she was to leave for Strasbourg for the hearing of the Olsson case, that the Supreme administrative court issued two verdicts in which it was decided that she should represent the Olssons in the public care cases in Sweden.²¹

After Mrs Westerberg had won the Olsson case in the European Court of Human Rights, on April 26, 1988, Mr Hans Corell, Sweden's advocate, published an article in the leading Swedish newspaper, The News of the Day (Dagens Nyheter) in which he criticized Mrs Westerberg for fuelling animosity between the Olssons and the social council. Mrs Westerberg's reply: "The Child cases become mock trials"²² was published on May 10, 1988, and she asked: "Should lawyers who are critical towards the authorities be imposed work bans?"

¹⁸ - Sundberg-Weitman, Brita. The Alexander Case - A confiscated child, http://www.nkmr.org/english/alexander_a_confiscated_child.htm

¹⁹ - LVU 39§ 2 st "Behövs offentligt biträde både för den unge och för dennes vårdnadshavare, förordnas gemensamt biträde, om det inte finns motstridiga intressen mellan dem"

²⁰ - Cf Above page 2

²¹ - Verdict of the Supreme administrative court (Regeringsrätten), dated May 10, 1985, Case no. 872-1985 and Verdict of the Supreme administrative court (Regeringsrätten), dated May 10, 1985, Case no. 1092-1985.

²² - **Barnmålen blir skenrättegångar, DN Debatt, 10/5 1988**, (The Child cases become mock trials) http://www.nkmr.org/barnmalen_bli_r_skenrattegangar.htm.

Many lawyers who work to promote Human Rights in Sweden are harassed by the administrative courts even today. The situation is very eloquently described in professor Eric Brodin's article: "Limiting the rights of attorneys and denying the right to counsel"²³.

Transfer of guardianship

Chapter 6, section 8 of the Parents and guardianship Code, (Föräldrabalken 6:8) reads:

"Has a child been cared for and brought up in a private home other than their parents', and it is obvious that it is best for the child to the current relationship should continue and that custody should be transferred to the person or persons who have received the child or any of them , the court shall appoint him or them to such specially appointed custodians to exercise custody of the child.

Questions about the transfer of custody under the first paragraph is tried on the application of the social council."²⁴

The transfer of custody of foster children does not occur very often, but it is equivalent to a forced adoption.²⁵ The transfer of custody is a false adoption: a pseudo adoption. For the children, there are all the disadvantages of an adoption, but none of the advantages. For example, they do not become the heirs of the foster parents. The transfer of custody of the foster children from their parents cuts all ties between the children and their parents, and the parents lose all say in the lives of their children. For the foster carers who are given custody of their foster children, they have all the advantages of an adoption, but none of the disadvantages, and, they can count on the steady foster care income from the municipality.

Cases in the European Court of Human Rights

As mentioned above, in 1988, Mrs Siv Westerberg, lawyer specialised in medico-legal cases, and one of the founders of the NKMR/NCHR, won her first compulsory care case (LVU), *Olsson v. Sweden*²⁶ in the European Court of Human Rights, ECHR. Mrs Westerberg was yet to win *Olsson No. 2 v Sweden*²⁷, *Eriksson v. Sweden*²⁸, *Andersson v. Sweden*²⁹, and a few more cases. Mrs Westerberg has had a total of nine (9) cases declared admissible in the European Commission and the European Court of Human Rights and she has won seven (7) cases in the European Court and Commission.

In his partly dissenting opinion in the Case of *Olsson No. 2 v. Sweden*, the Judge Pettiti, joined by Judges Matscher and Russo wrote:

"The social welfare authorities displayed what was almost contempt both for the national courts and the European Court. It is somewhat surprising that neither the courts nor the

²³ - Prof. Erik Brodin, Limiting the rights of attorneys and denying the right to counsel, http://www.nkmr.org/english/limiting_the_rights_of_attorneys.htm

²⁴ - Chapter 6, section 8 of the Parents and guardianship Code was introduced in 1983, (SFS 1983:47), when the Code was re-written, in the wake of the Social services Act (Socialtjänstlagen 1980:620).

²⁵ - Westerberg, Siv. **Pseudoadoptioner av fosterbarn i Sverige.** (Pseudo adoptions of foster children in Sweden), keynote speech, Gothenburg, 2000, http://www.nkmr.org/siv_westerbergs_goteborgsforedrag.htm

²⁶ - *Olsson v. Sweden*, Case no. 10465/83, verdict, 24/03/1988

²⁷ - *Olsson No. 2 v. Sweden*, Case no. 13441/87 verdict, 27/11/1992

²⁸ - *Eriksson v. Sweden*, Case no. 11373/85, verdict, 22/06/1989

²⁹ - *Andersson v. Sweden*, Case no. 12963/87 verdict, 25/02/1992

governmental authorities managed to force the "imperialism" of the social services to give ground.

At no time did the social welfare authorities take the least account of the love for their children that the parents sought to express, a love that was demonstrated by the years of struggle in proceedings to seek to obtain the return of the children and the respect of their most sacred rights."³⁰

In the Eriksson Case, the Norwegian delegate in the European Commission, Ms Gro Hillestad Thune, declared in her concurring opinion: "Finally, I find it very surprising that under the Swedish system a social council can in practice disregard and even obstruct the judgment of the Supreme Administrative Court without resulting sanction."³¹

Despite the verdicts delivered by the ECHR against Sweden the practices have not changed.³² On the contrary, they seem to have become more draconic. The European Court has found Norway³³ and Finland³⁴, too, guilty of violations of children's and their parents' Human Rights.

In the Grand Chamber verdict in the Case of K and T v. Finland, the European Court wrote in its assessment, *inter alia*:

"What is striking in the present case is the exceptionally firm negative attitude of the authorities."³⁵

Documentary "Stolen Childhood"

On November 27, 2005, Swedish TV broadcasted the documentary, "Stulen barndom"³⁶, (Stolen childhood). The documentary focused on Kent Sänd and his peers, whose childhood years were spent in an institution in Gothenburg. In the debate that followed, a member of the government announced that a Commission would be set up to investigate what the children in

³⁰ - **Note 24 above: Partly dissenting** opinion of Judge Pettiti, joined by Judges Matscher and Russo, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57788>

³¹ - Eriksson v. Sweden, Case no. 11373/85 - Concurring opinion of Gro H. Thune, http://www.nkmr.org/eriksson_v_sweden_concurring_opinion_of_gro_thune.htm

³² - Recent legislative changes have not made any difference. The Government Bill according to which young people should be given relevant information has not made any difference in practice, because the social workers still fail to ascertain the children's or young people's views.

Cf: Social services Act (SoL) 3 kap 5 § 2 st: "När en åtgärd rör ett barn skall barnet få relevant information och hans eller hennes inställning så långt det är möjligt klarläggas. Hänsyn skall tas till barnets vilja med beaktande av dess ålder och mognad. Lag (2007:1315)."

Cf also: LVU 1 § 6 st: Den unge skall få relevant information och hans eller hennes inställning skall så långt möjligt klarläggas. Hänsyn skall tas till den unges vilja med beaktande av hans eller hennes ålder och mognad. Lag (2007:1312). Both laws came into force on April 1, 2008.

³³ - Johansen v. Norway, Case no. 17383/90, verdict, 07/08/1996

³⁴ - K and T v. Finland, Case no. 25702/94, verdict, 27 April 2000; Grand Chamber verdict, 12/07/2001, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59587>; K.A. v. Finland, Case no. 27751/95 verdict, 14 January 2003; R. v. Finland, Case no. 34141/96, verdict, 30.5.2006; Hokkanen v. Finland, Case no. 19823/92 verdict, 23 September 1994 and H.K. v. Finland, Case no. 36065/97, verdict, 26.9.2006

³⁵ - K and T v. Finland, Case no. 25702/94, Grand Chamber verdict, 12/07/2001, paras 177-179, pages 40-41, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59587>;

³⁶ - Stulen barndom, Documentary produced by Thomas Kanger, Sveriges Television, November 2005.

foster homes and institutions had suffered at the hands of their paid carers. The directives to the Commission were the following: the investigation should cover the period 1930 -1980³⁷, the focus should be on what the former foster children narrated, and there was no need to investigate who the wrong-doers were.

On December 20, 2005, the undersigned lawyers Ruby Harrold-Claesson and Siv Westerberg, wrote to the Minister of social welfare, informing him that the situation for foster children and children in institutions in Sweden today is no different from - if not worse than - that which was described in the documentary. We requested him therefore to extend the Commission's investigations to our present time, viz 2005-2006.³⁸

The NKMR/NCHR's request did not gain the Minister's favour.

In 2006 former Chancellor of Justice, Mr Göran Lambertz, published the report "Felaktigt dömda", which revealed that a great number of innocent men were serving prison sentences in Sweden. Encouraged by the impact that the Chancellor's report had made, a delegation from the NKMR/NCHR comprising of the lawyers Siv Westerberg, Peter Haglund and Ruby Harrold-Claesson were granted a meeting with the Chancellor in view of obtaining an investigation into the social services' practices of taking children into care without due cause.

On May 2, 2007, the NKMR/NCHR sent a formal request³⁹ to the Chancellor of Justice, signed by 23 lawyers including a former judge in the Administrative court of appeal in Gothenburg and a former prosecutor, to undertake an investigation of the very prevalent child care cases. In a missive dated June 24, 2008, a member of the Chancellor's staff replied: "The Chancellor did not find sufficient grounds to initiate a special inquiry on care orders under LVU. The case will be terminated and notification and submissions will now be filed without further action."⁴⁰

On August 18, 2008, the NKMR/NCHR requested the Chancellor to reconsider the decision not to open an investigation.⁴¹ The request was accompanied by a copy of former Chief Justice Mrs Brita Sundberg-Weitman's newly published book, "**Sweden and the Rule of Law in the 21st C**" (**Sverige och rättsstaten på 2000-talet**)⁴² which was a study of 169 decisions delivered by the Ombudsman of Justice in public care cases. There has been no further communication from the Chancellor's office.

On September 6, 2007, after the change of government, Ruby Harrold-Claesson and Siv Westerberg sent a missive to the present Minister for youth and elderly, concerning the need

³⁷ - The reason for dateline 1980 seems to be because the 1924 Child care law (Barnavårdslagen, 1924) was replaced by the Social services Act in 1980 (Socialtjänstlagen (1980:620))

³⁸ - NKMR:s brev till Socialförsäkringsministern ang. utredningskommissionen m m, den 20 december 2005, http://www.nkmr.org/nkmrs_brev_till_socialforsakringsministern.htm .

³⁹ - NKMR:s missive to the Chancellor of Justice was observed by several important news media for eg Svenska Dagbladet. http://www.svd.se/opinion/brannpunkt/barn-omhandertas-utan-saklig-grund_227047.svd

⁴⁰ - Chancellor of Justice reply to NKMR, <http://www.nkmr.org/reply.html>

⁴¹ - Request for reconsideration to the Chancellor of Justice, http://www.nkmr.org/lvu_utan_saklig_grund_uppfoljning.htm

⁴² - **Sverige och rättsstaten på 2000-talet**, http://www.nkmr.org/sverige_och_rattsstaten_pa_2000_talet.htm

to set up an impartial investigation.⁴³ The NKMR/NCHR's suggestion was ignored. In 2006, a government investigation was set up to survey how children from the 1920s to the 1990s experienced their childhood in public care.

Many of the foster and institution children having died prematurely, the Commission, called Vanvårdsutredningen, (Neglect and abuse inquiry) interviewed ca 400 of the survivors who had applied to be heard.⁴⁴ The government investigation, which so far, has delivered three reports, found that the former foster and institution children had suffered severely at the hands of the staff at the institutions and the foster parents. The report shows that the children were removed from conditions that the authorities deemed to be unfavourable, but instead of receiving better living conditions, they had been brutalised, harassed, insulted, mentally, physically and even sexually abused. The chairman of the Commission said that he and his team of interviewers were shocked by the information that they had gleaned from the former foster and institution children. The report suggested an official apology and pecuniary damages to be awarded to former foster and institution children.

A new Commission, Upprättelseutredningen, (Redress inquiry) which was set up in 2011, suggested that the former foster and institution children should be awarded 250 000 SEK in compensation for the abuses that they suffered during their childhood. An Apology ceremony was held in November 2011, and a law is expected to be passed for the granting of pecuniary damages to the victims of abuse in state care.

The violations of children's and their families' Human Right to private and family life and the non-adherence to the rule of law exhibited by the social services - and in the wake of the findings of the government investigations and due to the experiences of abuse of power and violations of Human Rights of members of the NKMR/NCHR and our clients, on February 7, 2012, on behalf of the NKMR/NCHR, the undersigned lawyer Ruby Harrold-Claesson, president of the NKMR/NCHR, sent a missive to the present Minister for youth and elderly, concerning the need for a total reform of the LVU with a list of 12 points that needed to be addressed urgently⁴⁵.

The NKMR/NCHR has still not received a reply from the Minister in question.

At the outset, we pointed out that "We (The NKMR/NCHR) find it difficult to understand that this activity based on substandard social studies, statements ordered from child psychiatry and perhaps even corrupt foster care is allowed to continue, and we deem that the government must intervene and stop the entire operation."

Several points were addressed in the missive to the Minister for youth and elderly:

1 - the fact that we are several lawyers who work with LVU-cases helping parents whose lives and whose children's lives are being devastated, and that we, in our daily professional work and our voluntary work in the NKMR/NCHR, receive first-hand information about serious abuses in the foster homes. The stories come partly from the parents, in the event they are allowed to meet their children in private or the children are allowed to write letters to their parents, making reports of neglect and abuse, and also, these stories come from the slightly

⁴³ - NKMR:s brev till folkhälsoministern angående tillsättande av en oberoende granskningskommission den 6 september 2007, http://www.nkmr.org/nkmrs_brev_ang_oberoende_granskningskommission.htm ; http://www.nkmr.org/nkmrs_brev_ang_granskning_av_tvangsvarden.htm

⁴⁴ - The aim of the Commission is to hear evidence from 1,000 interviewees in total.

⁴⁵ - NKMR:s skrivelse till barn och äldre ministern gällande en total översyn av LVU, http://www.nkmr.org/NKMRs_skrivelse_till_barn_och_eldre_ministern.htm

older foster children who have managed to escape from bad foster homes and flee back to their parents.

2 - The exorbitant fees that are being paid to the foster homes and the dazzling expansion of the foster home industry, which totally disregards the best interest of the child, as called for in Article 3, of the United Nations Convention on the Rights of the Child - UNCRC. We gave a few examples for eg the Sävsjö Case in which the municipality of Nybro paid the Qvists in Sävsjö 10 000 SEK per day, i e 3 650 000 SEK per year for the foster care of a youngster,⁴⁶ and former social democrat MP, Jan Emanuel Johansson's lucrative foster home business.⁴⁷ On February 17, 1998 Swedish television, TV 2, broadcasted the program Striptease in which Lars Lilled, the head of the municipal foster home bureau on Hisingen, was shown to have financial interests in the company, Foster Center AB. Lars Lilled's wife, a social worker employed by the City of Göteborg, was also involved in foster care placements of children to people in her husband's business. Lars Lilled was involved in the placement of Liz Edner's⁴⁸ daughter in 1991.

3 - The social councils invariably refuse to deliver the investigation made on the foster homes (fosterhemsutredningen) or to divulge information about the fees that are being paid to the foster parents (fosterhemsavtalet).⁴⁹

4 - Remuneration of public counsels in LVU cases is a major problem because the parents are often denied the right to choose the lawyer they trust. Article 6 of the European Convention on Human Rights and Fundamental Freedoms, which became Swedish law through the incorporation of the Convention in Swedish law on 1 January 1995, a pre-requisite for Sweden to become a Member State in the European Union, guarantees everyone a fair trial under a number of criteria. A legislative amendment was introduced in January 2010, which should make it easier to choose a lawyer from another location - but with the restriction that the court can refuse to pay for the additional costs, such as travel cost and loss of time. The idea is that the lawyer is to demand payment from the client for travel and wasted time if the court does not grant these items. However, it is not possible for the lawyer to do so in LVU cases, because the clients rarely have the economic ability. This can lead to the client not

⁴⁶ - Smålandstidningen - 2002-02-22, **Svårt för kommun reda ut ansvarsfrågan**
http://www.nkmr.org/solhem_svart_for_kommun_reda_ut_ansvarsfragan.htm

⁴⁷ - Svenska Dagbladet Näringsliv - 2011-09-20 "Ungdomsvård kassako för Jan Emanuel Johansson", http://www.svd.se/naringsliv/ungdomsvard-kassako-for-jan-emanuel-johansson_6483568.svd

⁴⁸ - Below page 13, See also **The Rhetoric Case**,
http://www.nkmr.org/english/the_rhetoric_case_by_linda_arlig.htm and **The Edner Case**,
http://www.nkmr.org/english/case_study_the_edner_case_by_ruby_harrold_claesson.htm

⁴⁹ - Social councils almost always refuse to deliver the foster home investigation and the foster home contract, which in our opinion is the kind of information that should be given to the parents or their legal representative. The parents should have the right to know what kind of people have been chosen by the state to host their children, and the terms of the contract. Upon appeal of these decisions the administrative court of appeal often allows access to the foster home investigation, sometimes censored with several blank pages, but refuse to release the foster care agreement with the statement that "Information about the personal situation and the remuneration to the foster home falls under the Secrecy Act." The Administrative court of appeal in Gothenburg delivered a seminal judgment on 19 September 2001 in **Case No. 4525-2001** (complainant AG) in which it was decided that the remuneration paid to foster parents can be released. The Administrative Court of appeal in that case based its decision on the fact that they deemed the disclosure to be harmless. The Supreme Administrative Court has never granted leave to appeal in these cases.

being able to obtain the services of the lawyer that he or she wishes, since the lawyer should not have to pay to do his/her work. In some cases, the courts have reduced compensation even for the expenses that the lawyer had for traveling to the court hearing. This is an absurd state of affairs since the lawyer has very limited resources in comparison to the authorities, and should not have to pay out of his/her own pocket in order to fulfill his/her important mission. Generally, the compensation to the parents' public counsel is a problem, because the administrative courts cut the lawyer's bills significantly.⁵⁰

The fees of the children's public counsels, who in most cases are regarded as the extended arm and the supporting lawyer⁵¹ of the social services, are paid without reduction.

Current cases

The remuneration to the foster parents is a major part of the LVU-problem as well as the social workers' often capricious case management after disagreements with the parents. Many parents have found themselves forced to flee from Sweden⁵² and the Nordic countries in order to protect their children from being destroyed in the foster home industry.

In support of our criticism of the system and our conviction that radical changes must be made without delay, below follows a selection of a few recent cases which illustrate how the procedures can go wrong. Many LVU cases have been reported to the European Court for Human Rights, but despite the fact that the violations of the children's and families' rights have been fully documented, the cases have been declared inadmissible.

⁵⁰ - The administrative courts have in many LVU cases stated that the compensation to the parents' lawyer, should not exceed 13 hours. It goes without saying that different cases require different levels of effort. The fact is that 13 hours are invariably not enough. This leads either to the obvious fact that cases will not be properly prepared, since most lawyers do not want to work for free, or that the lawyer spends several hours on work that will not be paid. The result is that not many lawyers want to work on these cases since they aren't paid for their work. It seems quite unreasonable that cases that involves children's future are not treated like criminal cases, where the payments to the public defenders are rarely questioned. Children in LVU cases in "administrative detention" (administrativt frihetsberövade, 21 § personuppgiftslagen), whether they are placed in a foster home or in an institution, where they may not be allowed to see the light of day for more than 30 minutes per day. There are many testimonies of such treatment of children and youngsters.

When the administrative courts reduce the remuneration that should be paid to the public counsels, they claim the desire to limit the government's expenses. However, every child that is sentenced to LVU and placed in an institution or a foster home that is paid over 100 000 SEK/month significantly increases the costs for the state. It therefore seems imprudent that the administrative courts cut the bill for the parents' public counsel, thereby limiting the parents' ability to defend their children from being forcibly taken into care and placed in foster homes or institutions. See: **Limiting the Rights of Attorneys and Denying the Right to Counsel**,

http://www.nkmr.org/english/limiting_the_rights_of_attorneys.htm

⁵¹ - Titti Mattsson, **Barnets mening i LVUprocessen**, Socialvetenskaplig tidskrift nr 1.98, page 50-53 <http://svt.forsa.nu/documents/forsa/documents/socialvetenskaplig%20tidskrift/artiklar/1998/barnets%20mening%20i%20lvu-processen%20av%20titti%20mattson.pdf>; Dissertation, 9 Nov., 2002, Chapter 6.3.2, p 268 - 270

⁵² - **The Dolhamre Case**, below, page 13. Alma Dolhamre fled from Sweden with the family's two youngest children shortly after the Administrative county court in Mariestad had delivered its verdict that all three children should be released immediately from public care. The social council requested the Administrative court of appeal in Jönköping stop the execution of the verdict to which the Administrative court of appeal acquiesced, so the eldest child was kept in foster care for yet another year. http://www.nkmr.org/kampen_om_barnen_gotenefallet.htm and http://www.nkmr.org/gotene_gt_granskar_gotenefallet.htm. Also see Note 1, above.

The **Domenic Johansson Case**⁵³, ECHR, Case no. 44415/10, the **Russian Refugee Case**⁵⁴, ECHR, Case no. 8807/12, the **Kumla Case**⁵⁵, ECHR, Case no. PM 298/99, 66886/01, PP10841/01 and 3224/09, the **Gueblaoui Case**⁵⁶, ECHR, Case no.8650/04, The **Dolhamre Case**⁵⁷, ECHR, Case no. 67/04, The **Pettersson Case**⁵⁸, ECHR, Case no. 41075/09, The **Koort Case**, ECHR, Case no. 62149/09; **Lindberg and Others**, ECHR, Case no. 22633/07, The **Marianne Sigström Case**⁵⁹, ECHR, Case no. 10460/03, The **Oriana and Angelo Cottard Case**, ECHR, Case no. 64519/09, The **Yordanos Abraha Case**, ECHR, Case no. 62734/10, The **Fryxelius Case**, ECHR, Case no. 40262/11, The **Liz Edner Case**⁶⁰, ECHR, Case no. 35120/97 and 44259/98, **Alfredsson and Others Case**, ECHR, Case no. 22844/93 and **Rodin Case**⁶¹, ECHR, Case no. 45479/99, to mention a few applications that have been declared inadmissible.

International Scientific Research

Although some children apparently survive separation from their parents reasonably well, it is established, from many years of international research⁶² (see for eg Kvilhaug 2005 and 2007,

⁵³ - **The Domenic Johansson Case: Home schooled boy snatched from plane in Sweden**

http://www.nkmr.org/english/domenic_johansson_case_home-schooled_boy_snatched_from_plane.htm,

Gotlandsfallet: Sjuåringen hämtades med polispådrag från flygplanet,

http://www.nkmr.org/gotlandsfallet_sjuaringen_polishamntas_fran_planet.htm,

The Domenic Johansson Case: India's media awake,

http://www.nkmr.org/english/domenic_johansson_case_indias_media_awakes.htm

Swedish Home-School Family 'Broken to Pieces'

<http://www.cbn.com/cbnnews/world/2012/March/Swedish-Homeschool-Family-Broken-to-Pieces/>

⁵⁴ - **The Russian Refugee Case,** http://www.nkmr.org/english/the_russian_refugee_case.htm;

LVU-ade ryska tvillingarnas rop på hjälp, [http://www.nkmr.org/lvu-](http://www.nkmr.org/lvu-ade_ryska_tvillingarnas_rop_pa_hjalp.htm)

[ade_ryska_tvillingarnas_rop_pa_hjalp.htm](http://www.nkmr.org/lvu-ade_ryska_tvillingarnas_rop_pa_hjalp.htm)

⁵⁵ - **Kumlafallet,** <http://www.nkmr.org/kumlafallet.htm>

⁵⁶ - **Oskarshamnsfallet,** http://www.nkmr.org/for_dumma_for_att_ha_barn.htm and

http://www.nkmr.org/oskarshamnsfallet2_invandrarpojke_tagen_av_socialen_i_oskarshamn.htm

⁵⁷ - **Götenefallet,** http://www.nkmr.org/kampen_om_barnen_gotenefallet.htm and

http://www.nkmr.org/gotene_gt_granskar_gotenefallet.htm

⁵⁸ - **Föräldrar fick inte föra sin son,** http://www.nkmr.org/foraldrar_fick_inte_fira_sin_son.htm and

http://www.nkmr.org/javig_domare_far_inte_doma.htm

⁵⁹ - **Daniel Sigströmfallet,** http://www.nkmr.org/tioarsminnet_av_daniel_sigstrom.htm

⁶⁰ - **The Rhetoric Case,** http://www.nkmr.org/english/the_rhetoric_case_by_linda_arlig.htm and **The Edner Case,**

http://www.nkmr.org/english/case_study_the_edner_case_by_ruby_harold_claesson.htm

⁶¹ - **The Rodin Case, Uddevallafallet,** http://www.nkmr.org/fortackta_adoptioner_tva_fall.htm

⁶² - Kvilhaug, Sverre: Atskillelse barn og foreldre. Hva internasjonal forskning sier om sammenheng mellom atskillelse i barndommen og senere fysiske og psykiske lidelser. (Separation of children and parents. What international research says about the relationship between separation in childhood and later physical and mental disorders) Cita forlag 2005

Kvilhaug, Sverre: Tidlig atskillelse fra mor og langtid utvikling av sykdommer. Tidsskrift for Den Norske Lægeforening (Early separation from the mother and long-term development of diseases. The Journal of the Norwegian Medical Association) 2007;127:461

Stilo, Simona A. et al: Social disadvantage: Cause or Consequence of Impending Psychosis? Schizophrenia Bulletin Advance Access published October 22, 2012

Tyrka, Audrey R. et al: Childhood Adversity and Epigenetic Modulation of the Leukocyte Glucocorticoid receptor: Preliminary Findings in Healthy Adults. Plos One 7 (1) e30148 2012

also Stilo et al 2012, Turk et al 2012, Crawford et al 2009, Pesonen et al 2009, Schuengel et al 2009 among many others) that a child's separation from its parents increases the risk that the child, often well into adulthood, will experience severe depression, psychosis or other mental and physical ailments, 2 - 3 times more often than persons without similar experiences. Separation from parents is therefore just as harmful to the child as another "adversity" and it falls even under the term "neglect". It seems obvious that one can not repair an allegedly serious neglect by subjecting the child to another serious neglect, namely, separation from its parents. There should therefore be set high standards for the severity of the alleged neglect, including the assessment of the evidence, before the social authorities should take such a drastic step as to remove the child from its parents' care. Unfortunately, this line of reasoning does not interest the social authorities or the other actors providing advice or making decisions in such cases. This leads to many harmful care orders.

Research conducted by Associate professor Bo Edvardsson and his dissertation students show that the social workers use persecutory strategies in their child protection investigations⁶³ (2009) and that they ignore or do not look for information or report extremely little information from the child. It is an established fact that, in Swedish social work child protection investigations and child custody investigations there is scarce or no information received from the child. It also seems to be the rule in both field and research contexts that the child is not encouraged to bring issues to the interview agenda nor asked about how he or she experienced the interviewing.⁶⁴

Associate professor Bo Edvardsson's research questions whether "Child protection investigations in the Swedish social services - are they really children's best interests?" and, "Is a "hunting the monster theory" influencing social work and decisions?" The reply to the questions are given in *Discussion*: "It will never be acceptable for any case according to the requirement for objectivity in the Swedish constitutional law to use the investigative practices here described. Children will be hurt and the parents and even society will be hurt when investigative practices based on "hunting the monster theory" are used."⁶⁵

The registered psychologist, Lena Hellblom Sjögren⁶⁶, PhD, has found through extensive

Crawford, Thomas N. et al: Early maternal separation and the trajectory of borderline personality disorder symptoms. *Development and Psychopathology* 21 (2009) 1013-1030

Pesonen, Anu-Katriina et al: Childhood separation experience predicts HPA axis hormonal responses in late adulthood: a natural experiment of World War II. *Psychoneuroendocrinology* (2009) doi:10.1016

Schuengel, Carlo et al: Children with disrupted attachment histories: Interventions and psychophysiological indices of effects. *Child and Adolescent Psychiatry and Mental Health* 2009, doi 10.1186/1753-2000

⁶³ - Edvardsson, Bo, **Persecutory strategies in their child protection investigations**⁶³ (2009) <http://oru.diva-portal.org/smash/record.jsf?pid=diva2:218783>

⁶⁴ - Edvardsson, Bo, **Factors in investigative communication with children** (2001) page 1, *What are the basic problems?.* <http://oru.diva-portal.org/smash/record.jsf?pid=diva2:228065>

⁶⁵ - Edvardsson, Bo, Child protection investigations in the Swedish social services - are they really children's best interests? Is a "hunting the monster theory" influencing social work and decisions? (2010), page 8, <http://oru.diva-portal.org/smash/record.jsf?pid=diva2:358080>

⁶⁶ - Sjögren, Lena Hellblom, Studentlitteratur, 2012, **Barnets rätt till familjeliv. 25 svenska fallstudier av föräldraalienation**, (The Child's right to family life. 25 Swedish case studies of parental alienation), <http://www.bokus.com/bok/9789144075426/barnets-ratt-till-familjeliv-25-svenska-fallstudier-av-foraldraalienation/>

research into 25 Swedish case studies of parental alienation that the Child's right to family life is being violated, with no redress, in Sweden.

The UN Children's Committee report, 2009⁶⁷

In its concluding observations, 2009, the UN Children's Committee expressed its concerns at the high number of children who have been removed from their families and live in foster homes or other institutions. The Committee recommended Sweden take measures to address the causes of the high number of children who are removed from their families, and to give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or institutions is used only when in the best interests of the child.

Russian report to the Council of Europe⁶⁸

Like in the other Nordic countries, parents in Finland are very often deemed to be unsuitable for their children (single parents, poor parents, immigrant parents, etc) and children who have some illnesses or disabilities or who have difficulties in school etc. may often be targets for the social workers.

There have been several cases involving Russian families, too. The most recent case is that of a Russian family with four children. The youngest child was brutally taken from his mother in September 2012, at the tender age of one week. The social workers made restrictions on the mother's access rights and the baby could not even have his mother's milk. Emergency care orders are often issued to coerce families and also in this case the whole family is forced to live in a rehabilitation centre under strict control.

Recently, the Orthodox Church in Finland made a declaration in which the case of the Russian family is described as exceptionally cruel. The Russian Children's Ombudsman, Pavel Astahov, has declared Finland extremely dangerous for families.

It has been brought to our attention that Russia has reported public care of children in Finland and the Nordic countries to the Council of Europe. The NKMR/NCHR supports the Russian initiative and we therefore submit this report to the Council of Europe, requesting a thorough investigation into the serious Human Rights abuses that are being perpetrated, on a daily basis, against children and their families in Sweden and the Nordic countries.

In an article published in Svenska Dagbladet on November 11, 1992, former Chief Justice at Solna District Court, Mrs Brita Sundberg-Weitman wrote: "**Samhället behandlar barn godtyckligt**. Missförhållanden bör utredas av Europarådsorgan"⁶⁹ (The society treats children

⁶⁷ UN Children's Committee report, Sweden, 2009, paras 34-35 <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf>. See also UN Children's Committee report, Norway, 2010, Section 5, Family environment and alternative care, paras 34-35, <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf>

⁶⁸ - **Russian report to the Council of Europe**, <http://nkmr.org/sv/svenska/69-svenska/administrations/121-ryssland-anmaler-tvangsvard-av-barn-till-europaradet> Sveriges Radio, Utrikeskrönika, Jenny Sanner Roosqvist, Norden, November 19, 2012, <http://sverigesradio.se/sida/default.aspx?programid=1650>, confirms that there is a problem between the Russian government and Finland, concerning Russian children residing in Finland.

⁶⁹ - **Brita Sundberg-Weitman, Samhället behandlar barn godtyckligt** http://nkmr.org/samhallet_behandlar_barn_godtyckligt_av_brita-sundberg_weitman.htm.

arbitrarily. The problems should be investigated by the organs of the Council of Europe).

It is indeed high time that the organs of the Council of Europe should investigate the violations of children's and their parents' Human Rights that are being perpetrated by the social authorities and the administrative court systems in the Sweden and Nordic countries.

We, the signatories, duly submit this report to the Organs of the Council of Europe, today, Human Rights Day, December 10, 2012.

Very truly yours,

Signatories

Lawyers, including members of the NCHR/NKMR

Ruby Harrold-Claesson⁷⁰, lawyer, Göteborg, Sweden, pres. NCHR

Jenny Beltrán, lawyer, Göteborg, Sweden, v. pres. NCHR

Leeni Ikonen⁷¹, lawyer, Kerava, Finland, v. pres. NCHR

Thomas Cohn⁷², lawyer, Sjöbo, Sweden, Board member NCHR

Tryggve Emstedt⁷³, lawyer, Gävle, Sweden Board member NCHR

Rigmor Persson⁷⁴, lawyer, Göteborg, Sweden, Treasurer NCHR

Siv Westerberg⁷⁵, lawyer, specialised in medico-legal cases, founding member NCHR

Madeleine Johansson⁷⁶, lawyer, Göteborg, Sweden, special resource NCHR

Peter Haglund, lawyer, Law Firm S.J.P. Haglund, Falköping, Sweden

Eva-Marie Wittberg, lawyer, Växjö, Sweden, CEO, Juristbyrå i Växjö AB

Mimi Strandell, lawyer, Stockholm, Sweden

Eddie Johansson, lawyer, Juristfirma Thomas Cohn, Sjöbo

Sverre Eskeland, lawyer, Rettsmedhjelper, Bergen, Norway

Ingegerd Lundberg Krook, lawyer, Vattholma, Sweden

Anders Barkman, lawyer, Law Firm S.J.P. Haglund, Falköping, Sweden

See also: **Brita Sundberg-Weitman**, Sverige och rättsstaten på 2000-talet,

http://www.nkmr.org/sverige_och_rattsstaten_pa_2000_talet.htm

⁷⁰ - Ruby Harrold-Claesson, 1997. **Tjänstemän bör kunna åtalas** (Civil servants should be prosecutable), http://www.nkmr.org/artikel_tjanstemen_bor_kunna_atalas.htm;

2003, **Ett grundläggande systemfel**, (A fundamental system failure)

http://www.nkmr.org/ett_grundlaggande_systemfel.htm

⁷¹ - Leeni Ikonen, **Leeni Ikonen mukaan huostaanottoja tehdään liian herkästi: "Ratkaisu ammattilaisten avuttomuuteen"**, Hämeenlinnan Viikkouutiset MA 30.10.2006,

<http://keskustelu.suomi24.fi/node/3619140> (Leeni Ikonen: it's all too easy to take children into custody : "Helplessness is the solution for professionals")

⁷² - Thomas Cohn, August 2011. **Villfarelsen om den svenska rättssäkerheten**. (The fallacy of the Swedish legal protection) http://www.nkmr.org/villfarelsen_om_den_svenska_rattssakerheten.htm

⁷³ - Tryggve Emstedt, January 2010. **Erfarenheter av 30 års arbete med LVU** (Experiences of 30 years of work with LVU), http://www.nkmr.org/erfarenheter_av_30_ars_arbete_med_LVU.htm

⁷⁴ Rigmor Persson, November 2000. **Rigmor Perssons brev till Justitieministern Thomas Bodström** (Rigmor Persson's letter to Justice minister Thomas Bodström)

http://www.nkmr.org/rigmor_perssons_brev_till_thomas_bodstrom.htm

⁷⁵ - Westerberg, Siv, **Straff utan brott**, CKM, 2004, (Punishment without a crime), **Barnmålen blir skenrättegångar**, DN Debatt, 10/5 1988, http://www.nkmr.org/barnmalen_blir_skenrattegangar.htm.

⁷⁶ - Johansson, Madeleine, Dalslandsfallet - Siv Westerbergs och Madeleine Johanssons anmälan till skolinspektionen, (The Dalsland Case - Siv Westerberg's and Madeleine Johansson's report to the school inspectorate)

http://www.nkmr.org/dalslandsfallet_siv_w_madeleine_j_anmalan_till_skolinspektionen.htm

Lawyers in the media

Kerstin Koorti⁷⁷, predominantly criminal, allround lawyer, Stockholm, Sweden

Svante Thorsell⁷⁸, lawyer, Advokatfirman Stationen AB, Göteborg, Sweden

Sverre Kvilhaug⁷⁹, lawyer, Author, Bergen, Norway

Venil Katharina Thiis⁸⁰, lawyer, Trondheim, Norway

Henning Witte⁸¹, lawyer, Rechtsanwalt Dr. Henning Witte. Sweden's first German law firm.

Former judges, law professors and other professors

Brita Sundberg-Weitman⁸², Ph. D Law, former Chief Justice at Solna District Court, former judge at Svea Court of Appeal, Author of "Sverige och rättsstaten under 2000-talet" (Sweden and the Rule of Law in the 21st C), Stockholm, Sweden and "Rättsstaten Åter!" (Bring back the Rule of law!)

Hans Hjortsjö⁸³, former judge at the Rent Tribunal, Göteborg, former judge at the Administrative Court of Appeal, Göteborg, Sweden.

Reinhold Fahlbeck⁸⁴, professor emeritus and author, Faculty of Law, Lund University, Lund, Sweden

Reinhard Helmers⁸⁵, former associate professor, Faculty of Law, Lund University, Sweden

Anita Ankarcrona⁸⁶, Associate professor, PhD, University of Stockholm, Sweden

⁷⁷ - Koorti, Kerstin, lawyer, http://sv.wikipedia.org/wiki/Kerstin_Koorti

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Agneta Pleijel⁸⁷, former professor, author and film writer, Faculty of performing Arts, University of Stockholm, Sweden. Film: "Guldburen" (The Golden Cage), 1991, Swedish Television

Investigating Psychologists and professors

Trevor Archer⁸⁸, Professor, Institute of Psychology, Gothenburg University.

Bo Edvardsson⁸⁹, Associate professor in psychology, associate professor in social work and registered psychologist, Örebro, Sweden

Lena Hellblom Sjögren⁹⁰, Ph D, registered psychologist, Testimonia HB, Fagersta, Sweden

Max Scharnberg⁹¹, Associate professor, Uppsala University, Author of "Textual analysis of a recovered memory trial assisted by computer search for Keywords"

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What are the basic problems?: "1. Ignoring or not looking for information or reporting extremely little information from the child is very common in some field contexts. For instance, in Swedish social work child protection investigations and child custody investigations there is scarce or no information received from the child. It also seems to be the rule in both field and research contexts that the child is not encouraged to bring issues to the interview agenda nor asked about how he or she experienced the interviewing." See note 68 above.

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Medical doctor

Bernt Lindelöf⁹², Professor, chief medical practitioner, Carolinska University Hospital, Stockholm, Sweden

This report will also be sent to:

Ms. Gabriella Battaini-Dragoni,
Deputy Secretary General of the Council of Europe
private.office@coe.int

Ms Regina Jensdottir
Head of the Children's Rights Division, Council of Europe
children@coe.int

Mr. Andrew Drzemczewski,
Head of the Legal Affairs and Human Rights Department of the Parliamentary Assembly of the Council of Europe, Strasbourg, France
Andrew.DRZEMCZEWSKI@coe.int

Mrs Marica Pirosikova, Office of the Government's Agent of the Slovak Republic before the European Court of Human Rights. pirosikova@euroiuris.sk

The President of the European Commission

Mr José Manuel Barroso jose-manuel.barroso@ec.europa.eu
Rue de la Loi 175,
B-1049 Brussels,
Belgium

The European Parliament and parliamentarians

Mr Martin Schulz, president@europarl.europa.eu
President of the European Parliament
Rue Wiertz/Wiertzstraat, 60.
B-1047 Bruxelles/Brussel
Belgique

Krisztina Morvai, krisztina.morvai@europarl.europa.eu

Anna Maria Corazza Bildt, annamaria.corazzabildt@europarl.europa.eu

Christian Engström, christian.engstroem@europarl.eu

Christofer Fjellner, christofer.fjellner@europarl.europa.eu

Gunnar Hökmark, gunnar.hokmark@europarl.europa

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Director of the Office of the Commissioner for Human Rights

commissioner@coe.int

Isil Gachet, isil.gachet@coe.intGiancarlo Cardinale, Giancarlo.cardinale@coe.intNikolaos Sitaropoulos, nikolaos.sitaropoulos@coe.intBojana Urumova, bojana.urumova@coe.intLauri Sivonen, Lauri.SIVONEN@coe.int

Thematic Coordinator/Coordinateur thématique

Ref correspondence (2009-03-15) with Ms. Gry Scholz Nærø, then vice president and Norwegian representative of the NCHR .

Report: Child Removal Cases in Sweden and the Nordic Countries Summary

The purpose of this report is to direct the attention of the Council of Europe, the Minister Committee and the European Parliament towards the laws of the Nordic countries regarding compulsory care of children and young persons, and the implementation of the said provisions.

The Nordic countries in general, and Sweden in particular, implement these provisions in a way that leads to unusually high numbers of children being removed from the care of their parents and being placed in foster homes every year. In the case of Sweden, this is the result of the Law with Special Provisions on the Care of Young Persons, which most often leads to compulsory care, on arbitrary grounds.

It is also our opinion that the administrative courts are reluctant to diverge from the position of individual social workers and social councils, when a case regarding compulsory care is put before them. The administrative courts thereby neither comply with domestic law, which provides an obligation for the said courts to ensure that cases put before them are properly and sufficiently investigated, nor do they comply with the European Convention on Human Rights, which guarantees the right to a fair trial.

In addition to the issues of arbitrary legislation and biased, or at the very least partial trials, the disproportionately high number of children being removed from the care of their parents can be attributed to the economic incentives for the *foster home industry*. These economic incentives also result in the placing of children under the care of unsuitable foster parents, whereby children who the social workers claim are subjected to neglect, are removed from their parents only to be placed in an environment where they become subjected to further, and often more serious neglect.

Despite numerous attempts to influence the Swedish government to investigate the legislation concerning compulsory care of children, and the implementation of that legislation, no measures have been taken to diminish the use of compulsory care. Aiming to rid the system of compulsory care of its flaws, we urge the Council of Europe to investigate these issues further and, should the Council find it appropriate, give a statement concerning the Nordic countries compliance with their international obligations.

Since the beginning of the 1980's, a great number of families have fled from Sweden in order to protect their children from being taken into care and placed in foster homes.

In its report, 2009, the UN Child Committee was critical of the large numbers of children in foster care in Sweden.