

Report to the European Parliament Petitions Committee

Child Removal Cases in Denmark, Finland, Norway and Sweden

We, the undersigned, lawyers, former judges and law professors, professor of psychology and investigating psychologists, medical doctor in Denmark, Finland, Norway and 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 petition to the European Parliament Petitions Committee for a thorough investigation of the very prevalent and destructive child removal cases that are being practiced, on a daily basis, in the 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 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 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 the Nordic countries who believe in the rule of law and

¹ - Jacob Young, Joan Westreich and Donna Foote, **A Family's Flight From the Welfare State**, Newsweek, 1983, <http://nkmr.org/en/import/2102-a-family-flees-from-the-welfare-state>;
David Högstedt, **Hemskolefamilj flyttar till Åland**, (Homeschooling family moves to Åland), *Världen idag*, (The World today), February 10, 2012, <http://www.varldenidag.se/nyhet/2012/02/10/Hemskolefamilj-flyttar-till-Aland/>

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 European Parliament Petitions Committee, so that we can give you a briefing of the situation in Denmark, Finland, Norway and Sweden. The number of signatories to this application makes it impractical for all of us to meet up at the European Parliament, therefore we invite the Petitions Committee to meet with us in Gothenburg, Sweden for the purpose of finding remedies for the non-existing Child-friendly Justice system in the Nordic countries.

Background

Since the beginning of the 20th Century, 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 Denmark⁴ seem to be 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, Sweden, 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 Vetlandafallet⁵, the Vetlanda Case. The title of Lillemor Holmberg's first article that was published in a magazine is "Legaliserade barnaröv"⁶, (Legalised kidnappings).

The following year, 1958, Ms Lillemor Holmberg⁷ published her article, and the late

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 - The NGO, Danmarks Børn, Denmark's children, states on their web site: "Denmark holds the world record: In placement of children resulting in double-digit annual billion expenditure for the public. About 1% of all Danish children are permanently placed outside their homes. 4-5% of the adult population have been subjected to child welfare interventions."

<http://danmarksborn.dk/public/index.php?menu=in>

⁵ - **Vetlandafallet. En sammanställning av artiklar**, <http://nkmr.org/sv/swedish-case/176-fallet-blomqvist> (The Vetlanda Case. A collection of articles)

⁶ - Lillemor Holmberg, **Legaliserade barnaröv**, Perspektiv, Tidskrift för kulturdebatt, häfte 9. 1957. Årg. 8. November 1957,

http://nkmr.org/legaliserade_index.php?option=com_content&id=446&catid=174&view=article

⁷ - Lillemor Holmberg, **Ett hems undergång i folkhemmet**, Särtryck ur Samtid och Framtid nr 4, 1958, http://www.nkmr.org/index.php?option=com_content&id=729&catid=174&view=article

Professor Halvar Sundberg⁸ 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?"⁹ (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 1957¹⁰ 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 worker¹¹, for example, concerning entitlement to financial assistance and in fact, these temporary problems could - and should - have been solved with much less drastic measures¹² than the removal of the children, which invariably is a catastrophe for the families involved.

⁸ - Halvar Sundberg, **Ett hems undergång i folkhemmet**, Kommentarer. Särtryck ur Samtid och Framtid nr 4, 1958,

http://www.nkmr.org/index.php?option=com_content&id=730&catid=174&view=article

⁹ - Jan Gillberg, **En mor frågar samhället: Var finns mina fem barn?** Interview with Lillemor Holmberg, ORIGO nr 4/67, <http://nkmr.org/sv/swedish-case/176-fallet-blomqvist/1985-var-finns-mina-fem-barn>

¹⁰ - 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>

¹¹ - Tom G A Hardt, **Observations on the training of social workers**,

<http://nkmr.org/en/import/2354-observations-on-the-training-of-social-workers>;

Röd sopis: klagomål mot socionomutbildningen under 1970-talet, (Red dump: complaints against the education of social workers during the 1970's) <http://nkmr.org/en/import/1590-rod-sopis-klagomal-mot-socionomutbildningen>

¹² - 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

Relevant Domestic Law

The system for child protection in the Nordic countries is built on the Swedish system. We will therefore describe the system by presenting the Swedish Social Services Act 2001¹³ and the 1990 Act containing Special Provisions on the Care of Young Persons.¹⁴

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.¹⁵

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.¹⁶ 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.

¹³ - The Social Services Act (Socialtjänstlag 2001:453) is the latest revision of the 1980 Act that was previously revised in 1990

¹⁴ - The 1990 Act containing Special Provisions on the Care of Young Persons (Lag (1990:52) med särskilda bestämmelser om vård av unga, (LVU))

¹⁵ - Tom G. A. Hardt, Theol. Dr, **Observations On The Training Of Social Workers**, Application No. 10631/83 Lilja vs. Sweden, <http://nkmr.org/en/import/2354-observations-on-the-training-of-social-workers>

¹⁶ - Cf: **THE ALEXANDER CASE** - A Confiscated Child, By Birgitta Wolf, Preface by Brita Sundberg-Weitman, <http://nkmr.org/en/import/2116-alexander-a-confiscated-child>

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 parents not only regulate the visiting rights of the children and their parents, but also forbid them the right to correspondence, for e.g. telephone calls, access to the Internet and e-mail which totally isolate the children from their parents.¹⁷ 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. Överflödiga utredningar får avvisas."

¹⁷ - 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>

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.¹⁸

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.¹⁹

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."²⁰ 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.²¹ 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.²²

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, later to become the Under Secretary General of the United Nations, published an article in the leading Swedish newspaper, The News of the Day (Dagens Nyheter) in which he criticized Mrs Westerberg for fuelling

¹⁸ 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>

¹⁹ - Sundberg-Weitman, Brita. **The Alexander Case - A confiscated child**, <http://nkmr.org/en/import/2116-alexander-a-confiscated-child>

²⁰ - 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"

²¹ - Cf Above page 2

²² - 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.

animosity between the Olssons and the social council. Mrs Westerberg's reply: The Child cases become mock trials"²³ was published on May 10, 1988, and she asked: "Should lawyers who are critical towards the authorities be imposed work bans?"

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"²⁴.

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 are tried on the application of the social council."²⁵

The transfer of custody of foster children does not occur very often, but it is equivalent to a forced adoption.²⁶ 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. Sweden²⁷ in the European Court of Human Rights, ECHR. Mrs Westerberg was yet to win Olsson No. 2 v Sweden²⁸, Eriksson v. Sweden²⁹, Andersson v. Sweden³⁰, 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)

²³ - Westerberg Siv, **Barnmålen blir skenrättegångar**, DN Debatt, 10/5 1988, (The Child cases become mock trials) <http://nkmr.org/sv/import/508-barnmalen-blir-skenrattegangar>.

²⁴ - Prof. Erik Brodin, **Limiting the rights of attorneys and denying the right to counsel**, <http://nkmr.org/en/import/2315-limiting-the-rights-of-attorneys>

²⁵ - 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).

²⁶ - Westerberg, Siv. **Pseudoadoptioner av fosterbarn i Sverige**. (Pseudo adoptions of foster children in Sweden), keynote speech, Gothenburg, 2000, <http://nkmr.org/sv/symposium/83-symposium-2000/1642-siv-westerbergs-goteborgsforedrag>

²⁷ - Olsson v. Sweden, Case no. 10465/83, verdict, 24/03/1988

²⁸ - Olsson No. 2 v. Sweden, Case no. 13441/87 verdict, 27/11/1992

²⁹ - Eriksson v. Sweden, Case no. 11373/85, verdict, 22/06/1989

³⁰ - Andersson v. Sweden, Case no. 12963/87 verdict, 25/02/1992

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 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."³¹

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."³²

Despite the verdicts delivered by the ECHR against Sweden the practices have not changed.³³ On the contrary, they seem to have become more draconian. The European Court has found Norway³⁴ and Finland³⁵, 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."³⁶

³¹ - 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>

³² - **Eriksson v. Sweden, Case no. 11373/85 - Concurring opinion of Gro H. Thune**, <http://nkmr.org/en/import/2236-eriksson-v-sweden-concurring-opinion-of-gro-thune-1>

³³ - 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 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.

³⁴ - **Johansen v. Norway**, Case no. 17383/90, verdict, 07/08/1996

³⁵ - **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

³⁶ - **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>;

Documentary "Stolen Childhood"

On November 27, 2005, Swedish TV broadcasted the documentary, "Stulen barndom"³⁷, (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 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 -1980³⁸, the focus should be on what the former foster children narrated, and there was no need to investigate who the wrong-doers were.

The NKMR/NCHR requests for thorough investigations

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 2005-2006.³⁹

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 request⁴⁰ 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."⁴¹

On August 18, 2008, the NKMR/NCHR requested the Chancellor to reconsider the decision

³⁷ - **Stulen barndom**, Documentary produced by Thomas Kanger, Sveriges Television, November 2005. Similar investigations have been made in Norway, for example, Bergens Guttehem in Bergen, <http://www.samfunnsmagasinet.no/Arkiv-2013/Art-Mai-2013/140513.Barnehjemsbarn-paa-Garnes-levde-i-konstant-livsfare.htm>. The Danish government has refused to give "Godhavnsdrenge" who were placed at the Godhavn Boys' Home (drengehjemmet Godhavn) a public apology for the abuses that they suffered during the 1960's, <http://www.information.dk/469501>

³⁸ - 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))

³⁹ - NKMR:s brev till Socialförsäkringsministern ang. utredningskommissionen m m, den 20 december 2005, <http://nkmr.org/sv/import/1325-nkmrs-brev-till-socialforsakringsministern> .

⁴⁰ - 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

⁴¹ - Chancellor of Justice reply to NKMR, <http://www.nkmr.org/reply.html>

not to open an investigation.⁴² 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**)⁴³ 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 to set up an impartial investigation.⁴⁴ 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.

The Neglect and abuse inquiry

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.⁴⁵ 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 NKMR/NCHR proposition for a total law reform

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, Ms Maria Larsson, concerning the need for a total reform of the LVU with a list of 12 points that needed to be addressed urgently⁴⁶.

⁴² - Request for reconsideration to the Chancellor of Justice, <http://nkmr.org/sv/import/1221-lvu-utan-saklig-grund-uppfoljning>

⁴³ - **Sverige och rättsstaten på 2000-talet**, <http://nkmr.org/sv/import/1811-sverige-och-rattsstaten-pa-2000-talet>

⁴⁴ - NKMR:s brev till folkhälsoministern angående tillsättande av en oberoende granskningskommission den 6 september 2007, <http://nkmr.org/sv/import/1321-nkmrs-brev-ang-oberoende-granskningskommission> ; <http://nkmr.org/sv/import/1325-nkmrs-brev-till-socialforsakringsministern>

⁴⁵ - The aim of the Commission is to hear evidence from 1,000 interviewees in total.

⁴⁶ - NKMR:s skrivelse till barn och äldre ministern gällande en total översyn av LVU, <http://nkmr.org/sv/import/1333-nkmrs-skrivelse-till-barn-och-eldre-ministern>

The reply from the Minister in question to the NKMR/NCHR was that her cabinet would be drafting new laws in 2013.

At the outset, we pointed out that "We (The NKMR/NCHR) find it difficult to understand that this activity (taking children into public care) based on substandard social studies, statements ordered from child psychiatry and perhaps even corrupt foster carers 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 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,⁴⁷ and former social democrat MP, Jan Emanuel Johansson's lucrative foster home business.⁴⁸ 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's⁴⁹ daughter in 1991.

3 - The social councils invariably refuse to deliver the investigation made on the foster homes (fosterhemsutredningen) or to divulge the terms of the contract, including the fees that the municipality pays to the foster parents (fosterhemsavtalet).⁵⁰

⁴⁷ - Smålandstidningen - 2002-02-22, **Svårt för kommun reda ut ansvarsfrågan** <http://nkmr.org/sv/swedish-case/177-s%C3%A4vsj%C3%B6fallet-solhem/1750-solhem-svart-for-kommun-reda-ut-ansvarsfragan>

⁴⁸ - 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

⁴⁹ - Below page 13, See also **The Rhetoric Case**, <http://nkmr.org/en/import/2521-the-rhetoric-case-by-linda-arlig> and **The Edner Case**, <http://nkmr.org/sv/import/595-case-study-the-edner-case-by-ruby-harrold-claesson>

⁵⁰ - 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

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 being able to obtain the services of the lawyer that he or she wishes, since the lawyer should not have to work pro bono. In some cases, the courts have reduced compensation even for the expenses that the lawyer has had for traveling to the court hearing. This is an absurd situation 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.⁵¹

The fees of the children's public counsels, who in most cases are regarded as the extended arm and the supporting lawyer⁵² of the social services, are paid without reduction.

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.

⁵¹ - 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: **Lawless Sweden: Using the Judiciary to Expand the Power of the Welfare State**, <http://nkmr.org/sv/import/1186-lawless-sweden> and **Limiting the Rights of Attorneys and Denying the Right to Counsel**, <http://nkmr.org/en/import/2315-limiting-the-rights-of-attorneys>

⁵² - 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%20omening%20i%20lvu-processen%20av%20titti%20mattson.pdf>; Dissertation, 9 Nov., 2002, Chapter 6.3.2, p 268 - 270

5 - 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 Sweden⁵³ and the Nordic countries in order to protect their children from being destroyed in the foster home industry. In 2011 and 2012 some Polish parents whose children had been removed from them by Norway's barnevernet / child protection services, and placed in foster homes employed private detectives to liberate their children.⁵⁴

Recent cases

During the past 10 years several Nordic cases have received both local and international media attention.

Here follows a list of a few recent child care cases for which the social authorities in the four Nordic countries have received media attention, both local and international.

Denmark

Heine Gude and Juliane Jensen Case, (2013), <http://www.bt.dk/danmark/far-hvad-ville-du-selv-have-gjort>; <http://www.bt.dk/danmark/familie-gaaet-under-jorden-baby-fjernet-paa-opdigtet-grundlag>; <http://www.bt.dk/danmark/advokat-utilgiveligt-hvis-det-er-sandt>
Fostermother attacks fosterchild, <http://nyhederne.tv2.dk/article.php/id-70047811:tv-plejemor-overfalder-sit-plejebarn.html>

The Solhavn Case. 12 employees prosecuted for ill-treating 21 youngsters between 2005 and 2012, <http://www.bt.dk/krimi/solhaven-leder-de-unge-bad-os-tage-deres-toej>

Fosterparents prosecuted for abuse of nine foster children, (2011)

<http://www.skanskan.se/article/20110718/MALMO/110719720/-1/-/fosterforaldrar-atalas-for-vanvard>

Four children in Århus removed without reason (2002),

<http://www.stiften.dk/artikel:aid=54177>

Finland

The Rantala Case, <http://nkmr.org/sv/finnish-case/121-rantalafallet/126-rantalafallet-swedish>
Over 50 Russian mothers have child custody problems in Finland, (2013)
http://english.ruvr.ru/2013_01_23/Over-50-Russian-mothers-have-child-custody-problems-in-Finland/

⁵³ - **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. **Kampen om Barnen Göteneffallet**

http://www.nkmr.org/sv/?option=com_content&id=1100&catid=174&view=article and **GT granskar Göteneffallet** <http://nkmr.org/sv/swedish-case/90-gotenefallet/961-gotene-gt-granskar-gotenefallet> .

Also see Note 1, above.

⁵⁴ - Please see **Recent Cases**, below

Private foster homes is good business, (2011),
<http://svenska.yle.fi/nyheter/sok.php?id=226792>

Norway - Stavanger

Despairing parents have engaged Polish 'Rambo' (Fortvilte foreldre har engasjert polsk 'Rambo'), (2012), <http://www.aftenbladet.no/nyheter/lokalt/Fortvilte-foreldre-har-engasjert-polsk-Rambo-2923862.html>

On the Bhattacharya Children case (2011-2012), <http://www.thehindu.com/opinion/op-ed/on-the-bhattacharya-children-case/article3772310.ece>; **The Confiscation of the Bhattacharya Children by Norwegian Authorities – A Case Study**
<http://kractivist.wordpress.com/2012/11/11/the-confiscation-of-the-bhattacharya-children-by-norwegian-authorities-a-case-study/>,

The Stavanger-Turkey Case, (Stavanger-Tyrkia saken) (2006-2013)
<http://nkmr.org/sv/import/1775-stavanger-tyrkia-saken>, in which two children removed from Turkey in violation of a Turkish court order. **Norway Refuses to Return Children to Turkish Family**,
<http://web.archive.org/web/20060618091040/http://www.zaman.com/?bl=national&alt=&hn=33782>

Child welfare staff abused and taped (2010)- **Three children and their parents disappeared with masked men.** (Barnevernsansatte mishandlet og tapet fast - Tre barn og foreldrene forsvant med maskerte men), <http://nkmr.org/sv/import/494-barnevernsansatte-mishandlet-og-tapet-fast>

Sweden

The Domenic Johansson Case (2009-2013): **Home schooled boy snatched from plane in Sweden**, <http://nkmr.org/en/component/content/article/92-all-case/all-swedish-case/gotlandsfallet/2223-dominic-johansson-case-home-schooled-boy-snatched-from-plane>
Gotlandsfallet: Sjuåringen hämtades med polispådrag från flygplanet,
<http://nkmr.org/sv/swedish-case/92-gotlandsfallet/146-gotlandsfallet-swedish>

The Domenic Johansson Case: India's media awake,
<http://nkmr.org/en/component/content/article/92-all-case/all-swedish-case/gotlandsfallet/2224-dominic-johansson-case-indias-media-awakes>

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

The Russian Refugee Case, (2010-2012) <http://nkmr.org/en/import/2480-the-russian-refugee-case>

Russian twins in foster care call for help, (LVU-ade ryska tvillingarnas rop på hjälp),
<http://nkmr.org/sv/import/1222-lvu-ade-ryska-tvillingarnas-rop-pa-hjalp>

The Donia Hassan Case, (2011) Not treated for her illness - died, (Blev inte behandlad mot sjukdomen - dog), <http://www.expressen.se/kvp/blev-inte-behandlad-mot-sjukdomen---dog/>

15 year old Donia Hassan died in foster home, **15-åriga Donia Hassan dog på familjehem**
<http://www.tv4.se/nyheter/artiklar/15-%C3%A5riga-donia-hassan-dog-p%C3%A5-familjehem-501eb8a504bf7261bf00004c>

Girl raped by foster father, Activists protest foster home teen rape acquittal,
<http://www.thelocal.se/20131104/foster-home-rape-case-acquittal-courts-controversy>

The Romanian children in Töreboda (2013)
<http://stirileprotv.ro/stiri/social/o-familie-de-romani-reclama-statul-suedez-ne-au-luat-copiii-din-casa-nu-stim-nimic-de-ei.html>

Foster child subjected to unnecessary medical examinations (2013)

<http://sverigesradio.se/sida/artikel.aspx?programid=161&artikel=5705498>

The European Court of Human Rights and public care cases

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 of Human Rights, but despite the fact that the violations of the children's and families' rights have been fully documented, and all other requirements have been met, the cases have been declared inadmissible.

The **Domenic Johansson Case**⁵⁵, ECHR, Case no. 44415/10, the **Russian Refugee Case**⁵⁶, ECHR, Case no. 8807/12, the **Kumla Case**⁵⁷, ECHR, Case no. PM 298/99, 66886/01, PP10841/01 and 3224/09, the **Gueblaoui Case**⁵⁸, ECHR, Case no.8650/04, The **Dolhamre Case**⁵⁹, ECHR, Case no. 67/04, The **Pettersson Case**⁶⁰, 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**⁶¹, 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**⁶², ECHR, Case no. 35120/97 and 44259/98, **Alfredsson and Others Case**, ECHR, Case no. 22844/93 and **Rodin Case**⁶³, 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 research⁶⁴ (see for eg Kvilhaug 2005 and 2007,

⁵⁵ - Please see Case above, page 13, Recent cases

⁵⁶ - Please see Case above, page 13 - 14, Recent cases

⁵⁷ - **Kumlafallet**, <http://nkmr.org/sv/import/1153-kumlafallet>

⁵⁸ - **Oskarshamnsfallet**, <http://nkmr.org/sv/swedish-case/178-oskarshamnsfallet-gueblaoui/1417-oskarshamnsfallet2-invandrarpojke-tagen-av-socialen-i-oskarshamn>

⁵⁹ - **Götenefallet**, http://nkmr.org/sv/?option=com_content&id=1100&catid=174&view=article and <http://nkmr.org/sv/swedish-case/90-gotenefallet/961-gotene-gt-granskar-gotenefallet>

⁶⁰ - **Föräldrar fick inte fira sin son**, <http://nkmr.org/sv/import/881-foraldrar-fick-inte-fira-sin-son> and <http://nkmr.org/sv/import/1073-javig-domare-far-inte-doma>

⁶¹ - **Daniel Sigströmfallet**, <http://nkmr.org/sv/import/1894-tioarsminnet-av-daniel-sigstrom-1>

⁶² - **The Rhetoric Case**, <http://nkmr.org/sv/import/1565-retorikfallet-innehall> http://web.archive.org/web/20130510034939/http://www.nkmr.org/english/the_rhetoric_case_by_linda_arlig.htm and **The Edner Case**, <http://nkmr.org/sv/import/595-case-study-the-edner-case-by-ruby-harrold-claesson>

⁶³ - **The Rodin Case, Uddevallafallet**,

http://www.nkmr.org/sv/?option=com_content&id=901&catid=174&view=article

⁶⁴ - 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 langtidsutvikling 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

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 and the interventions constitute gross violations of the principle of proportionality and the prohibition of arbitrariness that are prescribed in Article 3 of the European Convention. Research conducted by Associate professor Bo Edvardsson and his dissertation students show that the social workers use persecutory strategies in their child protection investigations⁶⁵ (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.⁶⁶

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."⁶⁷

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

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

⁶⁵ - Edvardsson, Bo, **Persecutory strategies in their child protection investigations**⁶⁵ (2009) <http://oru.diva-portal.org/smash/record.jsf?pid=diva2:218783>

⁶⁶ - 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>

⁶⁷ - 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>

The registered psychologist, Lena Hellblom Sjögren⁶⁸, PhD, has found through extensive 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, 2009⁶⁹

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 Europe⁷⁰

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. We fully support the Russian initiative and we are therefore submitting this report to the European Parliament Petitions Committee, requesting a thorough investigation into the serious Human Rights abuses that are being perpetrated, on a daily basis, against children and their families in the Nordic countries.

⁶⁸ - 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/>, **Psykolog utesluten för att hon tar barnens parti**, <http://www.d-intl.com/2013/04/03/psykolog-utesluten-for-att-hon-tar-barnens-parti/>

⁶⁹ 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>

⁷⁰ - **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.

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"⁷¹ (The society treats children arbitrarily. The problems should be investigated by the organs of the Council of Europe).

It is indeed high time that the organs of the European Parliament 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 Nordic countries. Children and their parents and relatives are being traumatised and they are suffering immeasurable pain at the hands of insensitive bureaucrats. Children and young people are dying unnecessarily, either because of criminal neglect or suicide. Even children under eight years of age, who are in public care, have threatened to take their own lives or attempted to do so.

We, the signatories, duly submit this report and request for immediate investigation to the European Parliament Petition Committee, today, December 23, 2013.

Very truly yours,

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⁷¹ - **Brita Sundberg-Weitman**, Samhället behandlar barn godtyckligt <http://nkmr.org/sv/import/1613-samhallet-behandlar-barn-godtyckligt-av-brita-sundberg-weitman>.

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

<http://nkmr.org/sv/import/1811-sverige-och-rattsstaten-pa-2000-talet>

⁷² - Ruby Harrold-Claesson, 1997. **Tjänstemän bör kunna åtalas** (Civil servants should be prosecutable), <http://nkmr.org/sv/import/400-artikel-tjansteman-bor-kunna-atalas>;

2003, **Ett grundläggande systemfel**, (A fundamental system failure) <http://nkmr.org/sv/import/728-ett-grundlaggande-systemfel>. Won ECHR Case Strömblad v. Sweden 2012,

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-110246>

⁷³ - Jenny Beltran: Årets hittills modigaste Kvinna! (**Jenny Beltrán: So far the most courageous woman of the Year!**) http://sourze.se/2008/01/15/jenny-beltran-arets-hittills-modigaste-kvinna_66281

⁷⁴ - 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")

⁷⁵ - Thomas Cohn, August 2011. **Villfarelsen om den svenska rättssäkerheten**. (The fallacy of the Swedish legal protection) <http://nkmr.org/sv/import/2045-villfarelsen-om-den-svenska-rattssakerheten>

⁷⁶ - Tryggve Emstedt, January 2010. **Erfarenheter av 30 års arbete med LVU** (Experiences of 30 years of work with LVU), <http://nkmr.org/sv/import/718-erfarenheter-av-30-ars-arbete-med-lvu>

⁷⁷ Rigmor Persson, November 2000. **Rigmor Perssons brev till Justitieministern Thomas Bodström** (Rigmor Persson's letter to Justice minister Thomas Bodström) <http://nkmr.org/sv/import/1584-rigmor-perssons-brev-till-thomas-bodstrom>

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⁷⁸ - Westerberg, Siv, **Straff utan brott**, CKM, 2004, (Punishment without a crime), **Barnmålen blir skenrättegångar**, DN Debatt, 10/5 1988, <http://nkmr.org/sv/import/508-barnmalen-blir-skenrattegangar>

⁷⁹ - 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://nkmr.org/sv/import/624-dalslandsfallet-siv-w-madeleine-j-anmalan-till-skolinspektionen>

⁸⁰ - Eskeland, Sverre, **Rettsikkerhet, barnevern og forandringer i lovverket**, föredrag

⁸¹ - Haglund, Peter, **Advokat beskylder hovrättsråd för lögn** (Lawyer accuses appellate judge of lying) <http://www.infotorgjuridik.se/premium/mittjuridiken/reportage/article154867.ece>

⁸² - Lindegaard, Søren Bernhard, **Tvangsanbringelse/tvangsfjernelse af born**, (Compulsary public care), <http://www.ret-raad.dk/Offices/Odense/Private/Tvangsfjernelse.aspx>

⁸³ - Kvande, Georg, **Sven (30): Fri etter 13 år**, <http://www.vg.no/nyheter/innenriks/artikkel.php?artid=578476>, Won the ECHR Case Bertelsen v Norway

⁸⁴ - Lagercrantz, Denise, Advokatfirman Lagercrantz AB

⁸⁵ - Koorti, Kerstin, lawyer, http://sv.wikipedia.org/wiki/Kerstin_Koorti

⁸⁶ - Thorsell, Svante, **Högre ersättning till oskyldigt häktade**, (Higher damages to innocent detainees) Göteborgs-Posten, Debatt, 2012-07-27, <http://www.gp.se/nyheter/debatt/1.1006295-hogre-ersattning-till-oskyldigt-haktade>

⁸⁷ - Kvilhaug, Sverre, **Atskillelse barn og foreldre**, 2005, (Separating children and parents), http://www.nkmr.org/boktips_atskillelse_barn_og_foreldre.htm; **Barnevernets livsløgn**, 2003, (The Child Protection delusion), http://www.nkmr.org/barnevernets_livslogn.htm; **Feil om barnevern** (Wrong about child protection), Bergens Tidende (BT), 31. oktober 1995; <http://www.r-b-v.net/forum/viewtopic.php?t=3573>; **Omsorgsovertakelse er ikke barnevern**, (Taking children into public care is not child protection), January 1997, http://www.nkmr.org/artikel_omsorgsovertakelse_er_ikke_barnevern.htm

⁸⁸ - Rambusch, Gry, **Jeg skulle have tæsk i 15 år, før det offentlige reagerede** <http://politiken.dk/debat/ECE1773582/jeg-skulle-have-taesk-i-15-aar-foer-det-offentlige-reagerede/>

⁸⁹ - Reikerås, Marius, **Læren om menneskerettigheter i praksis**, <http://www.nyhetsspeilet.no/2010/02/1%C3%A6ren-om-menneskerettigheter-i-praksis/>; **Marius**

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Reikerås Demonstrasjon Trondheim 3 mai - 2013,

<http://www.youtube.com/watch?v=iDL7VGXDBw0>

⁹⁰ - Thiis, Venil Katharina, **Advokat slakter barnevernet**, (Lawyer butchers child protection services), 10 December 2001, <http://www.adressa.no/nyheter/article185127.ece>; **Venil Thiis slutter som advokat:- Jeg har fått nok**, (Venil Thiis gives up her law practice: I have had enough), 10 January 2009, <http://www.adressa.no/nyheter/trondheim/article1224502.ece>

⁹¹ - Witte, Henning, lawyer, Rechtsanwalt Dr. Henning Witte is Sweden's first German law firm. He is also the producer of White TV.

⁹² - Sundberg-Weitman, Brita. Stockholm, **Sverige och rättsstaten under 2000-talet**, http://nkmr.org/sverige_och_rattsstaten_pa_2000_talet.htm; **Rättsstaten Åter!** 1985, http://www.nkmr.org/rattsstaten_ater_av_brita_sundberg_weitman.htm; **THE ALEXANDER CASE - A Confiscated Child**, By Birgitta Wolf, Preface by Brita Sundberg-Weitman, http://www.nkmr.org/english/alexander_a_confiscated_child.htm

⁹³ - Hjortsjö, Hans, **Blod är tjockare än vatten.**, (Blood is thicker than water), <http://nkmr.org/sv/import/541-blod-ar-tjockare-an-vatten>.

⁹⁴ - Fahlbeck, Reinhold, **Familjen - finns den?** (The Family - does it exist?), http://www.nkmr.org/familjen_finns_den.htm. Professor Fahlbeck is also the author of numerous books and articles on law and legal matters. Most recent publication is the book "**Ora et Labora - On Freedom of Religion and Religious Manifestations, in Particular at Places of Work and in Schools**, <http://www.kluwerlawonline.com/document.php?id=IJCL2004003&mode=abstract>

⁹⁵ - Helmers, Reinhard, http://www.eftacourt.int/index.php/cases/case_e_6_94 **Att utnämna bocken till (lunda-)trädgårdsmästare**, (Appointing the ramgoat as (the Lund) gardner) <http://nkmr.org/sv/import/425-att-utnamna-bocken-till-lundatradgardsmastare>

⁹⁶ - Roos, J.P. **Omhändertagande, mänskliga rättigheter** (Child removal, Human Rights) <http://www.mv.helsinki.fi/home/jproos/omhandt2.htm>

⁹⁷ - Johan Bäckman, http://sv.wikipedia.org/wiki/Johan_B%C3%A4ckman

⁹⁸ - Ankarcrona, Anita. **Många barn i motbjudande geschäft** (Many children in an appalling racket), Article published in Svenska Dagbladet (The Swedish Daily) 21 June 1996;

<http://nkmr.org/sv/import/384-artikel-manga-omhandertagna-barn-i-motbjudande-geschäft-av-anita-ankarcrona>; **Socialtjänsten skönmålar** (The social services pretences) Article published in Svenska Dagbladet (The Swedish Daily) 22 July 1996, <http://nkmr.org/sv/import/1728-socialtjansten-skonmalar-av-anita-ankarcrona>; **Socialtjänsten - en skyddad verkstad** (The Social Services - a sheltered workshop), March 1999, <http://nkmr.org/sv/import/1719-socialtjansten-en-skyddad-verkstad>;

University of Stockholm, Sweden. Film: "Guldburen" (The Golden Cage), 1991, Swedish Television

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⁹⁹ Pleijel, Agneta. Stockholm. **Och fjällen föll från mina ögon** (And the scales fell from my eyes), Article published in Medborgarrätt (Civil Rights) 3/1994, <http://nkmr.org/sv/import/1371-och-fjallen-foll-fran-mina-ogon>

¹⁰⁰ - Archer, Trevor, Professor of Psychology, Gothenburg University, http://www.psy.gu.se/kontakt/personal/trevor_archer/

¹⁰¹ - Edvardsson, Bo, http://www.oru.se/jps/bo_edvardsson; **Kritisk utredningsmetodik - begrepp, principer och felkällor**, (Critical assessment methodology: concepts, principles and sources of error) Liber Förlag, 2003. <http://www.bokus.com/b/9789147051717.html>

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

Edvardsson, Bo, **Factors in investigative communication with children** (2001) page 1, *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.

<http://oru.diva-portal.org/smash/record.jsf?pid=diva2:228065>

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, *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." <http://oru.diva-portal.org/smash/record.jsf?pid=diva2:358080>

¹⁰² - 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/>

¹⁰³ - Scharnberg, Max. Uppsala 2009, **Textual analysis of a recovered memory trial assisted by computer search for Keywords**, <http://www.yakida.se/max/start.html>

¹⁰⁴ - Bernt Lindelöf, <http://ki.se/ki/jsp/polopoly.jsp?d=23748&a=43876&cid=23768&l=sv>; Lindelöf and family v. Sweden (22771/93) Friendly settlement, 20 June 2000, http://www.nkmr.org/europadomstolens_beslut_mot_sverige_lvu.htm