**Sweden’s response to Human Rights Council Resolution 29/22 ­– “Protection of the Family” - By Issue Area**

**Families with children**

* **Social security system**

Social security is a fundamental element in the Swedish welfare system, applicable to all people who reside or work in Sweden. This governmental safety network provides extensive economic protection for families with children, people with disabilities, protection when falling ill, in old age and for and work-related disorders. The social security system provides various benefits; the most predominant ones directed towards parents and families include insurances, such as parental benefit in connection with childbirth or adoption, general benefits such as child allowance and means-tested benefits such as housing allowance. The same framework for social security benefits also apply for adoptive parents and adopted children and to parents regardless of gender.

* **Parental benefit:**

The right to parental benefit is divided equally between parents with joint custody of a child, thus promoting gender equality in the labour market as well as when it comes to caring and household duties. Parental benefit gives both parents the possibility to have compensation for income loss when staying at home with a child instead of working or seeking employment. The right to parental benefit is at the core of the Swedish safety network for families with children, giving economic support and allowing for the creation and enhancement of bonds between the child and both its parents. According to the Convention on the Rights of the Child, a child is entitled to both his/her parents, the fulfilment of a right by which the right to parental benefit and parental leave strive to facilitate. Parental benefit can be paid out with 480 days per child, the majority of the days must be used before the child is four years old. At the most 96 days can be saved for use when the child is older, up until the child turns 12.

**Source:**

Socialförsäkringsbalken (2010:110), 12 kap.

* **Parental leave and shortened working hours:**

The Parental Leave Act grants both mothers and father a right to be on parental leave from work until the child is 1.5 years old and the possibility to be on leave beyond this point when using parental benefit. Parents also has the opportunity to shorten his or her working hours up to one fourth of the normal working hours until the child has turned eight or until the child has finished the first year of school. The possibility of leave from work is extended to both parents, regardless of whether they live together or have shared custody, to divide the parental leave equally amongst them.

**Source:**

Föräldraledighetslagen (1995:584).

* **Child allowance**

Child allowance is a general financial support, automatically granted for all children who have residence in Sweden. Families with more than one child can receive a child allowance supplement. The general right to child allowance emphasizes the importance of providing families with children with good/appropriate financial living conditions, regardless of the parents’ financial capacity. (Government-funded child allowances ultimately aims to compensate for some of the costs of raising a child. Child allowance for children born after the 1 of March 2014 is divided evenly between parents who have joint custody of a child, unless they make a notification that the allowance should be paid out to only one of the parents.)

**Source:**

Socialförsäkringsbalken (2010:110), 15 kap. och 16 kap.

* ***Adoption***

The same framework for social security benefits also apply for adoptive parents and adopted children. In addition, adoptive parents are eligible to apply for adoption allowance. Adoption allowance is money you can receive to cover some of the expenses that arise when you adopt a child from abroad country, and aims to ensure that parents’ decision to adopt, regardless of which country their adopted children originates from, are not influenced by financial concerns.

**Source:**

Socialförsäkringsbalken (2010:110), 21 kap. 2-6 §§.

* **Caring for a sick or disabled child**

The Swedish welfare system provides an extensive right for both parents to stay at home and care for a sick child while receiving compensation for loss of income during absence from work. Temporary parental benefit can be paid out if a parent has to stay at home from work in order to for example care for a sick child or for visiting the doctor. Care allowance can be paid out if a child has an illness or a disability, the allowance can also cover extra expenses connected to the child’s illness or disability.

**Source:**

Socialförsäkringsbalken (2010:110), 13 kap. och 22 kap.

**Housing allowance**

Households with children living at home and young adults aged 18-28 with no children can be eligible for housing allowance. The size of the allowance depends on housing costs, housing space, household income and the number of children in the household. Housing allowance to families with children consist of two parts. One is a special allowance for children living at home, where the size of the allowance depends on the number of children in the family. The other part is an allowance towards housing costs for households who have a low income.

**Source:**

Socialförsäkringsbalken (2010:110), 94-96 kap.

**Children with disabilities**

* **Assistance compensation and care allowance:**

Both assistance compensation and care allowance are governmental-funded subsidies that families with children with disabilities are entitled to. Assistance compensation is money that can be granted to a child with disability in order to hire personal assistant, while care allowance is support for parents caring for a child with a disability or long-term illness.

Socialförsäkringsbalken (2010:110), 22 kap. och 51 kap.

**Maintenance Allowance and Maintenance Support**

* **Towards a child:**

Parents are responsible for maintenance of their children according to what is reasonable having regard to the child’s needs and the combined financial capacity of the parents. The obligation to provide maintenance ceases when the child attains the age of 18. However, if the child’s education is not then concluded, the maintenance obligation continues as long as the schooling continues, but at most until the child attains the age of 21.

A parent who is neither the custodian nor permanently lives together with the child should fulfil their maintenance obligation by paying a maintenance allowance that is to say usually a fixed amount per month. A parent who is a custodian jointly with the other parent may also be liable to pay a maintenance allowance. In general, a parent can be ordered by a court to pay a maintenance allowance if they neglect their maintenance obligation.

If the parent obliged to pay maintenance has a low income or do not pay maintenance for the child for some reason, the state can forward a maintenance support to the parent living with the child. Parents liable for maintenance then have to repay the State. The amount to be repaid is linked to the income and total number of children of the parent liable for maintenance.

Through maintenance support, society guarantees that a child of separated parents will receive certain maintenance even when the parent liable to pay maintenance (that is to say the parent who should fulfil a maintenance obligation through paying maintenance allowance to the child) does not perform their maintenance obligation.

**Source:**

Socialförsäkringsbalken (2010:110), 17-19 kap.,

Föräldrabalken (1949:381), 7 kap.

**Inheritance Code**

The Swedish Inheritance Code entails an extensive protection for family members, including surviving spouse, children in the marriage and from previous relationships. The order of inheritance states how inheritance from a person who has died should be divided in different cases. The person who leaves an inheritance may, however, have decided on another division by a will. The inheritance rights to the deceased’s estate of children from the marriage are pertinent upon whether the spouse of the deceased is still alive or not. Children from previous marriages are legally entitled to their share of the estate regardless of the existence of a surviving spouse.

**Source:**

Ärvdabalken (1958:637).

**Cohabitees Act**

* Cohabitees are the legal definition of two people, regardless of sex, who live together as a couple on a permanent basis and share a joint household but have not entered into a marriage. The Cohabitees Act aims to provide a minimum protection for the weaker part when a cohabitee relationship ends, and regulates the division of the cohabitees' joint home and household goods of cohabitees, a cohabitee's right to take over a dwelling not included in the division of property and limitations on the right to dispose of the joint home.

**Source:**

Sambolagen (2003:376).

**Same-sex marriage**

LGBT-equality is an important issue for the Swedish government. It is a matter of human rights. Human rights are universal and apply to all, irrespective if you are heterosexual, lesbian, gay, bisexual or transgender. Everyone must be able to live their lives in freedom irrespective of whom you love or who you are. This includes the right to private- and family life. Efforts to secure equal rights and opportunities regardless of sexual orientation, gender identity and gender expression has been and is being carried out through a number of initiatives in Sweden. Since 2009 the Swedish Marriage Code is gender neutral, meaning that two people of the same sex who enter into a marriage are entitled to the same rights, privileges and obligations as two people of the opposite sex.

**Source:**

Äktenskapsbalken (1987:230).

**Gender equality**

* **Sexual and reproductive health and associated rights (SRHR):**

Enhancing and promoting better sexual and reproductive health and associated rights for people in developing countries by *inter alia* advocating SRHR as a particular area of focus within the framework of efforts to promote coherence in combating oppression and promoting democracy, human rights and development is part of the Government’s objective to promote gender equality as a fundamental prerequisite for long-term democratic development and an equitable and sustainable global de­velopment. In Sweden, the Government’s ambition is to elevate the awareness of SRHR by promoting its importance in sectors such as education and care. To incorporate a SRHR perspective in every aspect of the school curriculum is to stress every child’s right to equal knowledge. Within the care sector, an emphasis on SRHR means that prevention, care and treatment, regardless of institution (gynaecologist reception, maternal health care or hospitals), should be carried out on non-discriminatory grounds with the predominant ambition to primarily protect the rights of the individual.

**Source:**

<http://www.manskligarattigheter.se/en/human-rights/what-rights-are-there/sexual-and-reproductive-health-and-rights-srhr>

**Forced marriage and child marriage**

In light of the “*Council of Europe Convention on preventing and combating violence against women and domestic violence”*, recent criminal and civil law provisions, such as the abolition of the exemption from impediment to child marriage and the introduction of more stringent recognition criteria for foreign marriages, stresses the importance to strengthen protection against forced marriage and child marriage. Criminalization of unlawful coercion or exploitation to marry further emphasizes the dire need to prevent the serious forms of violence women and girls are exposed to.

**Sources:**

“Council of Europe Convention on preventing and combating violence against women and domestic violence”, <http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>

<http://www.government.se/information-material/2014/06/greater-protection-against-forced-marriage-and-child-marriage/>

**Access to free education**

Access to education is a constitutional right. Education in Sweden is free of charge up until university and the right to education shall apply to all children attending preschool up to upper secondary school. The right to education in preschool creates preconditions for parents to distribute unpaid childcare and housework equally and for men and women to take part on the labor market on more equal terms.

**Source:**

Skollagen (2010:800), 3 kap., 15 kap. 30 §,

Regeringsformen (1974:152), 2 kap. 18 §.

**The prohibition of child punishment**

Thirty years ago, as the first country in the world, Sweden adopted legislation that prohibited child punishment. The rights of the child must prevail over the assumed privileged as a parent to raise their child employing whatever method they as a parent deems necessary for the child’s upbringing. Changing attitudes and introducing positive approaches as alternatives to physical and psychological punishment are part of the work to advocate global abolishment of child punishment.