



Summary of Barnrättsbyrån's Report "...And I Couldn't Breathe - A Report on Violence Against Children in Institutional Care"

Full report in Swedish, pdf:

<https://barnrattsbyran.se/app/uploads/2021/10/SiS-rapport-uppslag-1-1-1.pdf>

Executive Summary

Barnrättsbyrån's report "...and I couldn't breathe - a report on violence against children in institutional care" conducted in collaboration with researcher Maria Andersson Vogel exposes a disturbing pattern of extensive and systematic violence against children within SiS, especially in connection with seclusion. The report reveals concerning practices, including the use of police-like grips and pain-inducing techniques, with young girls being disproportionately affected. Lack of legal protections, discernible reviews, and discernible alternatives highlight the need for comprehensive reforms in SiS organization, leadership, and culture. The report calls for an immediate discontinuation of harmful physical intervention methods and emphasizes the necessity of empowering children to complain when their rights are violated. Beyond SiS, the report advocates for stronger, better-equipped forms of care that prioritize the needs and rights of children.

Introduction

In 2020, the Children's Rights Bureau (Barnrättsbyrån) encountered a number of distressing cases involving children placed under state-run compulsory institutional care overseen by the National Board of Institutional Care (SiS). SiS is mandated to provide care and treatment for children and youth grappling with psychosocial challenges, and the authority possesses unique powers under the Care of Young Persons Act (LVU), including the power to isolate children through seclusion.

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Background

Over the years, children and young people under the care of SiS have consistently testified to enduring violence during their care. Seclusion, a practice heavily criticized by entities such as the Children's Ombudsman, the UN Committee on the Rights of the Child, and the UN Committee Against Torture, continues to persist alongside associated issues. Engaging in discussions with government representatives, authorities, and child rights organizations reveals a lack of consensus and understanding regarding the extent and nature of the violence within SiS. This raises a poignant question: Could children under the direct care of a government agency be subjected to coercive measures and violence without a comprehensive understanding of its impact?

Report and Study Overview

To address this pressing concern, a comprehensive investigation was initiated in collaboration with researcher Maria Andersson Vogel. The study meticulously scrutinized 1,788 seclusion decisions spanning 2019 to 2020. Key aspects such as the duration of seclusion, if the child had been violent, initiation of physical contact, and staff's use of physical interventions were documented. The study specifically delves into SiS's internally developed method, No Power No Lose (NPNL), intended for use during seclusions involving specific grips to transport or restrain a child.

Systematic Use of Violence

The report and study's overarching finding is the extensive and systematic use of violence against children within SiS. NPNL techniques, described as police-like and pain-inducing grips, are employed in over 80% of all seclusions. This likely represents an underreporting, given the challenges in determining how children were taken to seclusion rooms. Furthermore, a notable impact is observed, with certain groups, particularly young girls, systematically bearing the brunt of this violence.

Legal Protection and Restraints

A crucial finding pertains to the legal protection of children. Approximately one-third of all seclusions seem to involve mere restraints, where physical force is exerted, but the child is not taken to a seclusion room. This underscores a

misalignment with current regulatory frameworks, as seclusion regulations primarily cover isolation. That means that if a child is not isolated but only restrained, the staff may have acted in contravention to the law. Additionally, over one-third of seclusion decisions lack discernible evidence of the child's violence, a prerequisite for justified seclusion. This too raises concerns about the potential use of coercive measures not supported by the law.

Multidisciplinary Perspective

To illuminate the study's results from various angles, experts in social work, law, medicine, psychology, psychiatry, and police conflict management, as well as former employees and a youth with insights into SiS operations, provides commentary. The consensus emphasizes that SiS, operating in a tension between punishment and treatment, faces complex challenges, particularly when applying a children's rights perspective. Making violence visible becomes crucial in order to make possible its proper handling and redressal.

Nature of the Violence

The study underscores that the techniques taught within SiS closely resemble those employed in police conflict management, constituting a form of violence requiring legal support. The use of the same grips and techniques in virtually all seclusion situations, as indicated by the study, raises concerns about routine handling without consideration for individual circumstances. Deliberately causing pain to gain control over a child, as emphasized in SiS educational materials, is deemed problematic and immoral, leading to potential severe post-traumatic problems for the child.

Risks

The study unequivocally highlights the risk of injuries, including fatalities, associated with the instructed grips involving pulling or pressing arms backward and applying significant pressure on joints. Notably, two common diagnoses among girls at SiS are post-traumatic stress disorder (PTSD) and autism spectrum disorder, linking their vulnerability to severe social challenges. Coercion by male staff can trigger panic reactions, re-experiencing previous traumas for these girls.

Responsibility and Alternative Approaches

Research and practical experience dispel the notion that the use of violence and coercion is solely a product of “problematic children”. Organizational aspects, training, gender distribution within staff, and care culture play crucial roles. A balanced gender distribution, older staff, and better education correlate with fewer incidents of violence and coercion. The study advocates for a shift in focus beyond the child to address the underlying causes of seclusion use and its recent increase, directing attention towards SiS organization, leadership, knowledge level, and culture. Importantly, the report emphasizes that proactive approaches exist to handle challenging behavior, currently implemented in various community facilities, foster homes, schools, and residential care homes.

A Legal Perspective

From a legal standpoint, questions arise regarding the legality and purposefulness of seclusion as a coercive measure. Legal experts question its alignment with the Convention on the Rights of the Child, raising concerns about potential violations of crucial articles, including the right to life and development, protection against violence and harm, the right to health, and protection against cruel, inhuman, or degrading treatment and punishment. The disproportionate seclusion of girls, as opposed to boys, brings the element of discrimination into focus. The Ombudsman for Children has demanded the abolition of seclusion as a special authority, emphasizing the need for children at SiS to have effective remedies in line with international conventions.

Necessary Change

This report serves as a critical exposé, shedding light on the systematic use of violence and coercion against children within SiS institutions in Sweden. Experts unanimously call for comprehensive reforms, emphasizing the urgency of transforming SiS organization, leadership, and culture. A paradigm shift in viewing children through a rights-based lens, grounded in research and knowledge, is deemed necessary. The immediate discontinuation of harmful physical intervention methods is urged, alongside the provision of better training and tools for staff interacting with children. Furthermore, the report advocates for empowering children to voice complaints when their rights are violated, ensuring

individual assessments, and directing attention beyond SiS towards other forms of care better equipped to meet the needs and rights of children.

In conclusion, the study paints a disturbing picture of systemic violence, urging immediate attention and comprehensive reforms to safeguard the well-being and rights of children within SiS institutions.

Key Findings:

- **Systematic Use of Violence:** The study reveals extensive and systematic use of violence against children within the National Board of Institutional Care (SiS), particularly in connection with seclusion. No Power No Lose (NPNL) grips, constituting police-like and pain-inducing techniques, are employed in over 80% of all seclusions, posing significant risks of harm.
- **Impact on Vulnerable Groups:** Certain groups, particularly young girls, are systematically impacted by seclusion and violence within SiS. One-third of all seclusions are initiated by staff escalating physical contact, and one-third appear to be mere restraints, not in accordance with current regulatory frameworks. Girls with post-traumatic stress disorder (PTSD) and autism spectrum disorder are particularly vulnerable, facing a higher risk of trauma due to coercive measures.
- **Lack of Legal Protections:** As much as one-third of all seclusions may involve coercive measures not supported by the law, especially when a child has not exhibited ongoing violent behavior. The study highlights a lack of discernible legal reviews of the methods used by SiS and questions the justifiability of the violence used.
- **Nature of Violence:** The techniques employed within SiS, resembling police conflict management, involve causing pain as a means of gaining control over the child. This poses not only physical pain but also the risk of severe post-traumatic problems for the child. Grips involving pulling or pressing arms backward and applying pressure on joints pose significant risks of

injuries, including fatalities.

- **Alternative Approaches Exist:** The report emphasizes that proactive methods, characterized by trustful relationships, empathy and understanding of children's difficulties are more effective in handling challenging behavior. Alternative approaches, already implemented in various community facilities, foster homes, and schools offer ways to reduce violence and coercion.