

SWEDISH CASE LAW

The following cases will serve as examples of The Inquisition against Swedish parents:

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1 - The priest in SÖLVESBORG.

Summary judgement (Strafföreläggande)

On December 20, 1978, i.e. before the passing of the anti-smacking law, the priest was given a summary judgement and fined 20 day-fines à 45 SEK.

The priest's crime was entitled: Assault, minor crime. (Misshandel, ringa brott.)

Description of the crime, which was signed by public prosecutor Magnus Eneroth reads:

"You have, in your home at Gammaltorp, inflicted your 13-year old daughter E a slap in her face with the palm of your hand and caused her pain, tenderness and a blue mark."

Time: 22-10-1978. Law: Chapter 3 section 5 Penal Code.

(Ni har i Ert hem i Gammaltorp tilldelat Er 13-åriga dotter E ett slag i ansiktet med öppen hand och tillfogat henne smärta, ömhet och blånad. Tid: 1978-10-22. Lagrum: 3 kap 5 § Brottsbalken.)

2 - Danish journalist in Linköping 1980

Towards the end of August 1980, two Danish parents were threatened with prosecution and public care of their five-year-old son, who had made a careless remark at his day-care centre. The boy had told of having been smacked on his buttocks and that "my mother tramples on my back."

The boy's story was reported to the social authorities in Linköping by the staff at the day-care centre. The mother, being a journalist, sent the story to Berlingske Tidende which published two very sarcastic articles under the heading "From great new Sweden" (Fra fagre ny Sverige) 28/8 1980 and "Husband and wife prosecuted. Smacked their son's bottom" (Ægtepar står til straf, gav son klask bagi) 30/8 1980.

The parents also challenged the social workers before Justitieombudsmannen and the case against them was closed.

3 - The Turkish father in Södertälje

On April 27, 1982, a Turkish citizen was sentenced and fined for having assaulted his two-year-old daughter while they were shopping at the supermarket Obs! in Södertälje. The father was shopping with his daughter and his mother-in-law. The child did not want to sit in the shopping-cart, so her father let her walk beside him. Then the child started taking things from the shelves and her father told her to leave the things alone or else she would have to sit in the shopping-cart.

When the little girl continued to take things from the shelves her father picked her up and put her to sit on the cart. The little girl started to cry and kicked off her boots. Her father picked up the boots and put them back on her feet. The father was accosted by a Swedish woman, who informed him that Swedish law forbids parents to slap their children. She reported the incident to the police. The father denied slapping the child and his version of the events was collaborated by the child's grandmother. However, the court found the father guilty on the basis of the story presented by the Swedish woman.

4 - Teacher Case I

The first case that received media attention world-wide dates from 1984. A father in Gällivare, in the north of Sweden, teacher to profession, was prosecuted for, and found guilty of assault of his 12-year-old son. Both the lower court and the Court of Appeals found the father guilty as charged, and he was convicted, fined and sentenced (suspended sentence), because he had smacked his son. The Supreme Court refused to try the case so the decision of the Court of Appeals "acquired force of law".

The Court of Appeals admitted that the father had all reason to be angry at his son because the boy had openly disregarded and disobeyed his parents' orders NEVER to toe his little brother on his bicycle. However, the Court of Appeals maintained that, no matter what a child does, the law guarantees that he should never be smacked by his parents.

The facts of the case are as follows: The boy had placed his little brother on the back of his bicycle several times that day and ridden off down the street. The father had warned him about the danger of taking his little brother on the bicycle and cycling through the Saturday morning traffic with him. He also warned that the spokes could injure the small boy's foot. But the boy took no notice of his father. After a while, the boy returned home with his little brother who was crying because his foot had got caught in the spokes. The father confiscated the boy's bicycle and locked it away. He then took the boy into the house and gave him three smacks on his bottom with some twigs.

Several similar cases were brought to justice in 1984 and 1985.

5 - The Hälsingborg Case

Hälsingborgs District Attorney issued an order of summary punishment on May 23, 1984 against a Swedish father for having slapped his 12-year-old son's face.

The boy's friends used to call the family's telephone so often that the parents decided to get a secret number. The boy was told not to give the number to his friends. On April 27, 1984, when a call came for the boy, his father accused him of having given the new telephone number to his friends.

When the boy denied doing this, his father accused him of lying and slapped his face. His mother saw what had happened and instructed the boy to report his father to the police. The family then sat down to dinner and an hour later the boy went to the police and reported his father.

The mother was interrogated by the police on May 14, 1984. The police asked her if she had been aware of the consequences of a report to the police. She replied: "I wasn't, but I thought that the police would talk to Dad, and give him a warning so that he wouldn't do it again. If we had known that it would go as far as this, we would never have reported the incident. It would have remained within the family." ("Får jag fråga, var du medveten om konsekvenserna av en anmälan till polisen?")

SS svarade: Det var jag inte utan jag trodde närmast liksom att polisen skulle prata med pappa, dom skulle ge honom en varning så att han inte tog till sådan tag och hade vi vetat att det hela går så långt som till .. då hade vi aldrig anmält händelsen, utan det hade stannat inom familjen så att säga liksom.")

6 - The Hungarian Case

Kristianstad District Court issued a suspended sentence against a Hungarian man for having smacked his seven-year-old son. The child was removed from their home and placed in social custody. The child had been fighting with the other children at school and had even bitten a teacher.

The District Administrative Court in Kristianstad upheld the decision of the social district council to take the child into public care. Psychiatric care was recommended both for the boy and the chastising father.

7 - The American Case

Solna District Court sentenced an American residing in Sweden for maltreatment of his 15-year-old daughter and the girl was taken into social custody. The father had smacked her on her bottom with the palm of his hand one morning when she had locked herself in the bathroom and prevented the other members of the family from getting ready to leave home for their daily routines.

The girl was raped while at the institution. Her parents reported the matter to the police, but the matter was not investigated.

8 - The Yavari case

The Yavari case took place in 1988 and was for several weeks recurring front-page news in the evening newspaper Göteborgs Tidningen (GT) and the Christian newspaper DAGEN "The Day".

A simple question from the little four-year-old Yavari girl to her day-carer gave rise to a nightmare experience for the Yavari family. The little girl asked her day-carer if her son would get a smacking because he had done something pretty nasty. The day-carer, employed by the community, came to the conclusion that the Yavari children must have been accustomed to being beaten i. e. "maltreated in their home". She therefore made a report to her employer, and the employer in her turn made a formal report to the social authorities in Götene. All three children in the Yavari family were immediately taken into social custody and taken to hospital for examination. A series of doctor's certificates stated that the children showed no signs of bruises or beating. The chairman of the social authorities refused to drop the case so the Yavaris' took their children and fled to England.

9 - The Polish family in Mölndal

On December 19, 1989, Mölndal's District Court sentenced a Polish father to 70-day-fines à 10 SEK for maltreatment of his 16-year-old daughter. He was charged for incidents which occurred in 1988 and 1989. The social authorities removed the girl from the custody of her parents and placed her as a foster-child in the home of the friend who the parents deemed as an unsuitable friend for their daughter.

The family moved to Sweden in 1984 and shortly after starting school and making friends the girl refused to obey her parents and respect their norms and values. She demanded the same 'freedoms' that her Swedish friends had. She had unsuitable friends and she wanted to go to discotheques and stay out late at nights. One evening when she

was to go to a party her father wiped off her excessive make-up and demanded that she put on suitable clothes.

One night in November 1988 the girl was given strict rules to be home by 11 p.m. When she had not returned by 1 a.m. her parents went out to look for her. When they saw her she tried to run away but her father caught her up after a race of 600 à 700 meters. He told the Court that she hit after him and he hit at her, and it was possible that she received a blow.

On one occasion the girl broke a window at home. Because she had reported her father to the police, the parents reported her for damages to their home.

10 - The case of the 'uncared' child in Stockholm

On February 2, 1987, a member of the social district council reported a mother, alleging that she was not taking proper care of her five-year-old child and that the child most likely was being assaulted by her mother. The woman claimed that she had spoken to the mother's neighbours who informed her that there was often noises and crying in the mother's flat. Following the report, the social workers started an investigation. The mother was visited by a social worker on February 9, 1987. The investigation was closed since the social worker found no grounds for the accusations.

The mother then sued the member of the social district council for seditious libel and won in both instances.

11 - The Sandviken Case

On April 28, 1983, the president of the social district council decided to take a five-year-old child into public care, alleging that the father had ill-treated the boy. The boy had blisters and scars on his body, which looked like cigarette burns.

The boy was placed in hospital for examination. The blisters appeared even there. The father was accused of sneaking into the hospital and inflicting wounds on his son. The child had a skin disease, Atopia. The father suffered from the same disease, too. However, no one listened to the explanations given by the parents.

The social workers forced the parents to divorce, if the mother wanted to get her child back. They divorced. After many medical examinations a specialist confirmed that the boy had a skin disease. The strain and stress of the custody and divorce cases induced a nervous breakdown in the father.

The father then sued the Swedish State, the Commune and the Health Board for the suffering he had been inflicted. The Courts granted him substantial damages but he had lost

12 - The Step-father in Malung

Karlstad's District Court sentenced the stepfather to one year's imprisonment for assault of his two stepsons aged 12 and 11 years old. The boys were in bad company and they were often caught stealing in the grocery stores and the petrol station. The stepfather slapped the boys' faces, smacked them and confined them to their rooms.

The sentence was confirmed by the Court of Appeals for Western Sweden. The Supreme Court refused to try the case and the Government denied him pardon.

13 - The Foster-parent Case

On May 20 1992, a foster father in Borås was convicted for assault (maltreatment) of two of his foster children in their late teens and sentenced to four months imprisonment. The foster home only took care of the "hopeless cases" ("worsties" as they are called in Sweden) and the home was known to give good results where the social institutions had failed.

The foster children had criminal backgrounds and they were very socially and mentally disturbed. They had often threatened to cut or kill the foster parents and their seven children, and sometimes they went raging mad and destroyed things in the house. One of them even burnt an out-house down to the ground, causing property damages for two and a half million SEK. The foster father had to overpower the teenagers when things got too rough and dangerous around the house. He was also accused by the foster children for saying Grace at the table.

The Court of Appeals for Western Sweden in Gothenburg confirmed the prison sentence and the Supreme Court refused to try the case.

14 - The Priest Case nr 2

On June 11, 1992 a priest in Sandviken was convicted and fined for ill-treatment of his 16 year-old daughter. The priest was charged for having slapped his daughter's face. The day in question she had thrown a log full of nails and an axe after her younger sibling. The girl used to be "Daddy's girl", she was very spoiled and bad tempered and reluctant to help around the house.

The priest never denied slapping his daughter, but he denies having maltreated her. This case was reported anonymously to the social authorities by someone who heard the girl screaming and slamming doors! The priest was suspended from his office. The Court of Appeal confirmed the District Court's sentence on December 22, 1992. This case was referred to The European Court of Human Rights. The ECHR however, did not examine the case because the priest had not appealed to the Supreme Court.

The Diocese had informed the priest that he would be dismissed from the priesthood if he appealed to the Supreme Court. To keep his job, he abstained from appealing. The priest was fired after the verdict had gained force of law.

The family has been badly damaged by the interference of the authorities. The girl has lost the affection of her sisters and brother and the father does not dare correct her, no matter what she does. The girl has therefore lost her family and the parental guidance of her father.

15 - Teacher case II

In September 1992 a teacher was convicted and fined for having maltreated his 12 year-old son. The parents - both intellectuals - had made certain rules as regards the tidying of the children's rooms and watching the Tele. The children were not allowed to watch TV all evening, and their TV-time was restricted to two hours per evening including

playing computer games. It was a controversy about watching the Tele that triggered off the happenings on April 9.

The father told his son to turn off the Tele and empty the garbage. The boy refused to comply, so his father turned off the Tele, removed the boy bodily from the sofa, put the garbage bag in his hand and shoved him towards the door. The boy cried and the following day he went to the police and reported being beaten and kicked - that he had been maltreated by his father.

The boy informed his father that he had reported him to the police, and the father explained what the consequences could be. The boy rushed off to the police station to withdraw his statement but instead, that resulted in the father also being charged for "interfering in due process". Because of the psychic press on the family, the father did not appeal the case.

16 - The Police Chief's Case

On October 23 1992, the chief of police in Lycksele, county councillor in Norrbotten for the Moderates was convicted as charged and fined by Umeå district court for ill-treatment of his 15 year old daughter. He has been convicted and heavily fined and he will have to repay the costs of the public defence counsel provided by the State.

The alleged assault took place in February 1992. The mother had given the girl's younger sibling a stereo tape recorder for his birthday. The girl became jealous of her brother, demanded compensation from her mother. Her mother refused any form of compensation for her brother's birthday gift, informing her that she had not been behaving in a suitable way and that alcohol was found in her closet. The girl pushed her mother so she fell down the stairs.

According to the prosecutor's writ of summons, when he had heard what his daughter had done, he grabbed a broad plaited cane used to beat carpets (mattpiskare) and whacked his daughter across her bottom. The girl went to the school-nurse who made a report to the social authorities, which in their turn filed charges against the father.

NB the girl, age 15, is punishable by law. None of the authorities have even thought of prosecuting her for assault or attempted assault on her mother. That is Swedish justice!

17 - The Refugee Mother Case

On December 10, 1992 a 23 year old sole-parent and refugee, mother of two girls aged seven and six years, was sentenced to one year's imprisonment for having smacked her younger daughter. The young woman came as a refugee from Eritrea and her children came to Sweden in May 1992. She was not informed about the existence of the anti-smacking law.

The younger daughter was very stubborn and kept on picking fights with her older sister, who was having an attack of asthma. The mother intervened and, at the end of her tether, when the little girl would not stop fighting, she smacked her. The smacking took place in September 1992. The child bore marks on her body the following day when she was taken to the childcare centre to be vaccinated. The children, who knew no Swedish, were immediately taken into social custody and placed in an orphanage from September 1992 to April 1993.

The mother was held in arrest for seven days. She was released on bail because she had refused to eat. However she was forbidden to make contact with her children for another six weeks. The children thought that the police had taken their mother and executed her, just like the Ethiopian police did with people during the war.

The case was appealed to The Court of Appeals for Western Sweden, where her sentence was mitigated - the verdict was: 6 months imprisonment. The Supreme Court refused to examine the case on May 14, 1993. The case was reported to the European Commission but it was declared inadmissible.

18 - The Pre-school teacher case

This is a case about a young Finnish mother who is accused of maltreatment her 12 year old daughter who always kept on stealing and running away from home. The mother and daughter have been living in Sweden for 6 years and the child was emotionally disturbed because of alleged sexual abuse from her father (the parents divorced before mother and daughter moved to Sweden).

Once when the girl had run away from home she was taken care of by the police and the social authorities in Falköping. The girl then said that she was afraid to return home because her mother would be angry with her for having run off once again, that her mother would perhaps smack her.

The policeman then advised the girl of her rights according to the law, that her mother was not allowed to even lay a finger on her - only talk to her. She was also encouraged to go to the police and report her mother if ever she should lay hands on her.

A few weeks later, the girl ran off once again and when she finally returned home late that night she was very provocative. Her mother became angry and slapped her face. The girl went to the police the next morning and filed charges against her mother.

The mother was found guilty of maltreatment and issued a suspended sentence on March 23, 1993. Neither the Court of Appeals for Western Sweden nor the Supreme Court changed the verdict. The case was reported to the European Commission but it was declared inadmissible.

19 - The Case of the African in Gothenburg

A father of African origin was charged for having 'boxed' his five year old daughter on May 6, 1993. The father, a former boxer, was accused of having thrown a punch that hit his daughter under her eye, causing pain, swelling and a black-eye.

The day-care centre reported the wounds on the child and she was immediately removed from the custody of her parents and placed in a children's home. The next day when the parents were allowed to take her home she ran into her father's arms. The father told the Court that he had hit out at the little girl because she was very provocative. She turned to run and stumbled over a chair.

The little girl said that Daddy had boxed her. It should however be noted that the family speaks English at home and the word 'box' does not have the same meaning as the Swedish 'boxa'.

On October 23, 1993 the father was found guilty as charged and he was sentenced and fined for assault and battery of his daughter. He was given a suspended sentence and fined 50 day fines à 80 SEK.

The family had suffered so much that the father did not appeal the verdict.

20 - The Case of the young Thai widow

On May 8, 1995, the young widowed Thai mother of four children, whose husband had perished in a restaurant fire two years earlier, was accused of slapping the face of her 14 year-old daughter and pulling the girl's hair. The mother confessed to having slapped her daughter's face, but denied pulling her hair.

Gothenburg District Court found that the girl had been very provocative towards her mother and that the assault came at a point where the mother no longer could control herself. The Court found that it would be unreasonable to sentence the mother.

On January 2, 1997, Gothenburg District Court found the mother guilty as charged for having assaulted her four children. She was sentenced to one month's imprisonment and the court awarded the children 67 000 SEK in damages. They were all removed from their mother's custody and placed in separate foster homes. The Court found that the mother had not been cured by the prosecution the year before.

21 - The Case of the Tanzanian mother

On September 21, 1995, the District Court of Åmål sentenced a Tanzanian adoptive mother to imprisonment for having assaulted her nine year old adoptive daughter and putting her in room-arrest.

The verdict was quashed by the Court of Appeals for Western Sweden on May 14, 1996.

22 - The Bosnian Refugee Case

On June 12 1996, Landskrona District Court sentenced a Bosnian refugee mother to a suspended sentence and a heavy fine, for having hit her 15 year old daughter with a belt on the evening of October 9, 1995. The mother admitted having hit her daughter. She did not appeal the sentence.

The social authorities removed the girl from the custody of her parents and placed her in a foster home. The address where the girl was placed was held secret from her parents. According to the information in the social investigation, the parents said that the girl could move back home to them, but that she would have to follow the rules set down by them and that they were going to smack her anytime she broke any rules.

The facts of the case are the following: The mother asked her daughter to go to the washroom in the basement of the apartment building they inhabited, to collect the family's laundry. A neighbour took the laundry basket up to the family and told the parents that there was no one in the washroom. The girl returned home a few hours later. She had gone to see a friend.

Her mother became angry with her because she had not done what she was told to do. After a short exchange the mother grabbed a belt hanging in the hall and hit the girl.

At the interrogation the father asked the police what they as parents should do when their 15 year old was disobedient and misbehaving. The police advised the parents to consult the social workers!

23 - The Eritrean Refugee case in Solna

On March 1, 1995, the District Attorney in Solna, issued an order of summary punishment for an Eritrean refugee father of four, for having slapped his eldest daughter's face. The prosecutor classed the assault as a minor offence and the father was made to pay 40 day fines à 90 SEK for assault of his daughter.

24 - The father in Gothenburg

On March 31, 1998 the District Court in Gothenburg sentenced a father for having assaulted his six year old daughter. The father was accused for having slapped his daughter's face whereby she felt pain and felt tenderness and developed a red mark on her right cheek. He admitted slapping the girl.

According to the verdict, the assault took place on August 10, 1997 when the family was returning from their summer vacations in Värmland. Travelling in the care were father, mother and three children. The girls fussed and fought with each other in the back seat from the moment they entered the car. After about one hour they stopped to fill up the car and the girls got to stretch their legs. The girl, who normally was very calm, was the one who was leading the fuss and fight and she received most of the rebukes. When the father, disturbed by the fighting in the back seat, turned around to rebuke them, he nearly had an accident. He became upset, stopped the car, got out and slapped the girl's face. She calmed down and cried a little. The fighting in the back seat stopped after that and the family returned to Gothenburg, safe and sound. The girl developed a red mark on her cheek. It disappeared after a couple of days.

25 - The parents in Stockholm

On December 10, 1998, the Southern Roslags District Court sentenced a mother and adopted father to two months imprisonment each for having smacked their six year old daughter between January 1, 1997 and November 27 1997. The shoe-horn that was used to smack the child was confiscated. The parents were also sentenced to pay a fine to the Crime Prevention Fund and to pay 15 000 SEK (£ 1111) in damages to their daughter. They were also sentenced to refund the State for the cost of their prosecution.

The mother is from Spain and the father is Swedish. They belong to a religious movement called "The Potters' House" (Krukmakarnas hus). The parents refuted the charges but both admitted smacking the little girl. The child was always given three warnings before she was smacked. They informed the Court that the reason why they used a shoe-horn instead of their hand, is because the hand represents love, not punishment. Both parents stated that they followed the teachings of The Bible on the question of child-rearing.

According to the verdict, the parents have decided to refrain from smacking their child because they are afraid that the social authorities will remove her from their care.

Southern Roslags District Court wrote in its verdict, the following:

"Children are very dependent on the adults around them, and especially their parents, to feel safety in their lives and environment among other things. That is the reason why the society must react strongly when children are subjected to ill-treatment. The ill-treatment of V has taken place in her home during a long period of time and it has been planned and systematic. Even if the injuries have been relatively slight, the deeds must be judged as assault and battery, due to the conditions we have stated above. Assault and battery is a crime of the sort that is punished by prison.

To this must be added the fact that the assault was perpetrated on a child by her mother and step-father for almost one whole year. The parents seem to live under good social conditions, so there is no reason to choose any other punishment. The parents should therefore be sentenced to a shorter prison sentence."

The reasoning of the Court concerning the damages awarded to the child is as follows: "Because of the outcome of the case (the parents) will have pay damages to (the child). The assault that she has been exposed to has, upon an objective evaluation, caused her a serious violation of her personal integrity. The fact that (she) is so young that it makes it difficult to make a closer evaluation of her subjective experiences of what she has experienced, does not exclude her right to be rewarded damages for the violation. Damages for the violation is set at a reasonable 15 000 SEK."

The sentence was appealed but the Svea Court of Appeals confirmed the verdict of the lower court. The Supreme Court refused to try the case.

The social authorities investigated whether or not the child should be taken into care, but the District administrative court decided that she should remain in her parents care.

26 - The Sunne Cases I & II Aggravated Harassment - Disturbance of Peace (2002)

On October 16, 2002, Sunne District Court sentenced a father to suspended sentence and 60 day fines à 70 SEK for aggravated disturbance of the peace of his two daughters born in 1989 and 1993.

"Opinion of the court

The father has admitted that he has slapped the children with open hand on the backside, taken hold of their arms and ears and shouted and sworn at them. He has emphasized however, that this has only occurred rarely and not at all in the way or as often as the children and the Prosecutor claim. Obviously there are difficulties in a case of this kind to determine the exact nature of the offence and its frequency. The Court finds however, that the testimony of the children is supported to a certain extent by the witnesses called by the Prosecution and that it is therefore proven beyond reasonable doubt that the father, on several occasions during the time stipulated by the prosecution, has assaulted the children and violated their integrity as stated by the Prosecution.

The Prosecutor pleads that the father should not be prosecuted for specific acts, but instead be sentenced for gross violation of personal integrity.

The background to the introduction of the charge of gross violation of personal integrity can be summarised as follows. It can be difficult, according to the rules of

the penal system, to estimate the severity of a crime in which a repeated, systematic violation of integrity is made up of acts which in themselves are petty. The penal system is based upon the judgement of specific acts identifiable in time and room. When such acts constitute a recurring pattern of harassment between unequal partners, the sentence may well fail to take into account the severity of the accumulated effect. The regulations concerning violation of integrity have been introduced to compensate for this. (See Holmqvist et al., *Brottsbalken*, p 4:16).

The father is guilty of violation of integrity and various types of assault. The particular acts themselves were of a less serious nature. However, this is a question of crime committed by a father against his children, who were living in his care and who were dependent upon him. Furthermore, the crimes have been committed on a number of occasions and over a long period of time. This leads the Court to the conclusion that each and every one of the deeds constitutes a part of a repeated violation of the children's integrity. Such a long and continuous form of cruelty to children as the father has subjected (XX and XX) (his daughters) to, is generally considered to lead to a seriously damaged self-image. The father must have been aware of this.

The Court is satisfied that all the requirements are satisfied for a verdict of gross violation of integrity.

The charge is proven and the father is sentenced for gross violation of integrity.

Sentence

The father has no previous convictions. A report about his social situation shows him to be stable. The local probation service feels that there is no need for a probation officer but suggests instead a conditional sentence with community service. The father has agreed to the recommended sanctions at the hearing.

The father's admission, that he used force and swore loudly on occasions when the children were fighting and would not listen to him, should not be ignored. The Court finds, taking all the evidence into careful consideration, that the circumstances of the crime are not such that a prison sentence is necessarily called for. On account of this and because there is no special reason to suspect that the father will continue these crimes, the Court has decided that a suspended sentence combined with a fine is a suitable and sufficiently severe sanction for the father.

27 - The Father of seven in Skåne "Gross Harassment" (2003)

On October 16, 2003, the social council in the southern Sweden municipality Svalöv decided to take seven brothers and sisters into public care. The seven children were born between 1990 - 1999. Their father had been accused and prosecuted for "gross disturbance of the peace" of his children. He was arrested and confined pending trial. The mother was not accused of any misdemeanours, yet five of the children were immediately placed in foster care. The two boys who were not taken immediately were at home because they were sick. One of them was suffering from ear-ache and fever and the other, the middle child who was born with spina bifida thus an invalid confined to his wheel-chair, had only just returned from the hospital after an operation. The social workers promised the mother that they would let the sick youngsters remain with her but a few hours later they returned with an ambulance and transported them to separate

destinations.

On November 27, 2003, the father was completely acquitted in the Criminal court. However, the social council proceeded in the care case and on December 18, 2003, three weeks after his acquittal, the Administrative County court ruled in favour of the social council and against the children and their parents. On April 21, 2004, the Administrative court of Appeal in Gothenburg confirmed the ruling of the lower court. The lawyers did not appeal the case to the Supreme Administrative court.

On June 30, 2004 the parents applied to the social council to have the care order lifted. The mother, who was then pregnant with child no. eight has had to keep out of the way of the social workers for fear that they would take the baby at birth and she has had to avoid meeting her other children. The baby was born in September 2004. In order to protect her newborn the mother moved to a neighbouring municipality, yet on January 19, 2005 the social council that decided to take the couple's seven children into care decided to take the newborn baby into care.

On March 8, 2005 the Administrative County Court in Malmö decided to prolong the care order for the seven children and on March 31, 2005 the same judge at the Administrative County Court ruled in favour of the social services taking the baby into care. The mother and baby were in hiding so the verdict was accepted and there was no appeal. The social services obtained police assistance and contacted all the child-care centres in Sweden in search of the mother and baby, but to no avail. After one month the verdict of the Administrative County Court could no longer be executed.

The parents appealed to the Administrative Court of Appeal in Gothenburg against the March 8 verdict. On June 28, 2005 the Administrative Court of Appeal in Gothenburg confirmed the decision of the Administrative County Court in Malmö.

The parents appealed to the Supreme Administrative Court but their appeal was rejected.

The parents are still (2007) fighting court battles to reunite with their children.

28 - The American father in Borås 2003

A father, an American married to a Swede, is suing his employers and a colleague for seditious libel. The incident took place August 2003 when his daughter - and only child - was 6 yrs old. The colleague had spoken to the little girl, who was visiting her dad at his work-place, and asked her if her Daddy smacked her. The colleague then contacted BRIS (Children's Rights in the Society) and after that she discussed the matter with the employer. The following week the Personnel Manager made a formal complaint to the social services that my client abused his daughter.

The social services made an investigation, but they found nothing to report to the police and no reason to take the child into care.

The father, my client, then turned on his employers and the colleague and sued them for seditious libel. He lost the first round in the Borås District court. The case is now in the Court of Appeal for Western Sweden.

29 - The Stepfather in Uddevalla whose 15 yr old step-daughter spat in his face

The step-family was out shopping at a Mall in March 2004. The 15 yr old girl wanted to buy a DVD. Her stepfather said no. Upset by his refusal to let her buy a DVD she spat in her stepfather's face. He in turn slapped the girl's face and pushed her so she fell in a mound of snow. Someone observed the incident and made a police report.

Varberg District Court found the stepfather not guilty of the charges of child abuse.

The case was appealed to the Court of Appeal for Western Sweden where the stepfather was found guilty. In the verdict the Court of Appeal cited from Chapter 6 section 1 of the Parent and Guardianship Code which stipulates that children should not be subjected to physical punishment or other belittling treatment, even if it is an isolated happening and not an integral part of their training methods.

30 - The Refugee father in Örebro (2004)

The father in this case is a UN-refugee. He fled from war in his home country in Africa and was given refugee status in Sweden. The father is a very articulate person, who knows his rights. He was accused of ill-treating his 12-yr old son, but he was not prosecuted. However the social services intervened and took his son into public care. The received a shock when the social services became interested in him. He said: *"I fled from one hell in my country, only to end up in an even greater hell in Sweden. They have taken my son from me."*

Believing that the rights that he knew were the same for everyone, the father contacted a member of the Swedish Parliament and complained about the treatment that he and his family had suffered at hands of the social workers. The MP recommended him to contact a lawyer in Gothenburg (R H-C), who he could request the court to appoint as his public defender in the case.

In three consecutive decisions the chief justice at the county administrative court refused to appoint the lawyer that the father had chosen as his public defender - claiming that the distance between the cities was too great. When the chief justice made the first decision, he appointed a local lawyer as public defender for the father, but he has refused to even talk to the local lawyer. Since the father could not pay the lawyer of his choosing to travel to the court and plead his cause and he had forbidden the local lawyer to even utter one word at the hearing, the father had to conduct his own case.

The court paid the local lawyer several thousand crowns for work that he hadn't done, whereas the lawyer who defended the father received no payment from the court.

It should be noted that it was the same judge, ie the chief justice, who delivered the verdict in the case according to which the boy should be taken into public care and placed in a foster home.

The County Administrative court has thereby committed a gross miscarriage of justice. This case is in no way unique.

One lay judge in the County Administrative court gave a dissenting opinion. He wrote the following.

"The youngster has been described by the school staff as clever and ambitious but with difficulties in distinguishing between right and wrong and in listening and coping with reprimands. He has shown anxiety and difficulties in concentration in school and has on several occasions told people around him that he has been exposed to assault by the father. It has not been shown, however, that any assault has taken place. In view of the enmity existing between the witness and the father, what the witness has claimed concerning the father's assault on the son leads to no other assessment. The father and his wife have limited economic resources and receive a maintenance allowance. The youngster is now placed in a foster home that appears to be affluent. In consideration of what has been revealed about the differences in economic circumstances, the youngster's wish to remain in the foster home need not in itself imply that the conditions with the father are such that residing with the father is not consistent with the youngster's best interests. The father has several times asked the Social Welfare Board for economic help so that the youngster could have the things that a boy of his age normally has, for instance, a bicycle and a cell phone. He has not received any help from the Social Welfare Board. In that case, the Social Welfare Board has not fulfilled its obligations to help the father in his role as a parent. In the case it has come out that the youngster is somewhat afraid of the father, and that there are some defects in the father's care of his son. In view of the existing cultural differences, and since the father's wife appears to have a certain stabilising function in the home, I find that there is no obvious risk of harming the youngster's health or development if he resides at home. Consequently, the fact that some criticism can be directed against the circumstances in the father's home does not, in my view, mean that it has been proved that the youngster's health or development is at obvious risk of being harmed because of them. The conditions for taking the youngster into care by virtue of §2 of LVU (The Law on the Ward of Minors) therefore do not exist. The Board's application should therefore be rejected.

- In other respects, I am in agreement with the majority.

The father appealed against the County Administrative court verdict but he lost in all three instances. His son is still in foster care.

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