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The Implementation of the Convention on the Rights of the Child
– A study of 3 municipalities in Sweden:

Örebro – Strängnäs – Borås

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Abstract

This research aims at discovering how the Convention on the Rights of the Child (CRC) is being implemented within three municipalities in Sweden. By doing so, the research will unthread obstacles as well as possibilities in the process of realising the CRC on a local level. The study takes its ground in the criticism from The UN Committee on the Rights of the Child, pointing at the disparities between the Swedish municipalities as to the implementation of the CRC. Therefore, the purpose of this study is to scrutinize:

1. The evidence of implementation of policy and practice in political decisions taken in Örebro, Strängnäs and Borås concerning children's rights. **2.** The disparities regarding the effects in policy and practice of the implementation. **3.** The evidence of children's participation (art. 12 in the CRC) in the implementation process.

The latter is related to research pointing at the significance of children's participation in the realisation of the CRC. The findings of this research have been compiled through interviews and text analysis. Theories related to implementation and implementation process, perspectives on children, and as mentioned, children's rights to participate have been examined and applied as theoretical framework.

Some of the main findings have been that the CRC seem rather complex to apply since there is a huge lack of knowledge amongst decision-makers and officials. Furthermore, evidence show that children are not often included in political decision making in a systematic way, rather on occasion which is often adult initiated.

Throughout the study there is also a discussion with a broader human rights perspective. As I believe that children's rights based work should not be separated from human rights as such seeing that there is much to gain if the perspectives are broadened.

Key words: Human Rights, The Convention on the Rights of the Child, Implementation methods, article 12, municipalities, children's rights.

Children are not our future – children are our present

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I truly hope that the by reading this thesis, not just answers will be given, rather also an apprehension for the complexities and the dichotomies, which will lead to own thoughts and ideas for the future work with human rights.

Sanaz Sheikholeslamzadeh

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Abbreviations

CRC - The Convention on the Rights of the Child

The Committee - The UN Committee on the Rights of the Child

NGO - Non Governmental Organisation

SALAR - Swedish Association of Local Authorities and Regions

UN - United Nations

“If we are ever to have real peace in this world we shall have to begin with the children.”

Mohandas K. Gandhi

1. Introduction

When the Universal Declaration of Human Rights was approved in 1948, a global ethical standard was established, aiming to invoke human rights continuously at a transnational, national and local level around the world. As Thomas Hylland Eriksen wrote:

“...the spread of human rights ideas and practices was one of the most spectacularly successful forms of globalization in the twentieth century”.¹

The globalisation of the human rights discourse is a reality, especially when looking at how Non-governmental organisations (NGOs), the United Nations (UN) agencies and governments frequently invoke human rights around the world. Evidence show, that the practice of human rights is continuously implemented in a local context by interconnecting universal principles with a local element, making the practice ‘glocal’.²

In the international context Sweden is commonly known for having a decent human rights record.³ However, despite the fact that human rights are in comparison to other countries respected, Sweden is still criticized for failing to comply with human rights. According to Abiri (et.al.), if Sweden as a wealthy country cannot fulfil the human rights conventions, then which country can? It is clear that the knowledge about human rights is absent in Swedish society. Not only among those who are to protect, promote and enforce the rights, but also among those who are to claim their rights.⁴

¹ Eriksen Hylland Thomas, “Globalization – The Key Concepts”, Berg, Oxford New York 2007, p.64

² *Ibid.* p.64-65

‘Glocal’ is referring to the term ‘glocalization’ which has been established when speaking of “local adaptations of global trends”, Eriksen, p.82

³ Abiri Elisabeth, Brodin Anna & Johansson Peter, “Mänskliga Rättigheter...? Jag vet att dom finns och jag tror att Sverige är bra på dom” – Handbok i mänskliga rättigheter på kommunal nivå, Fritzes, Stockholm, 2008, p.34

⁴ Abiri, Brodin, Johansson (2008), p.37

An example can be found in report by Mikael Spång from the University of Malmö in Sweden, where he mapped out sixteen Swedish municipalities on their realisation of human rights. The sets of rights which most Swedish politicians and officials claim to have most knowledge about, are children's rights and the UN Convention on the Rights of the Child (the CRC).⁵

The CRC was adopted by the UN General Assembly in November 1989 and came into force in 1990 when enough countries had ratified the convention. Children have since then been acknowledged in numerous global and regional human rights treaties.

Today 193 countries have ratified the CRC which makes it the most ratified international convention and also the first international, legally binding instrument to incorporate a full range of human rights, such as: economic, political, cultural, civic and social rights.⁶ The majority of all countries have ratified the CRC, but two countries remain: the United States and Somalia. However, Somalia declared in 2009 that they intent to ratify the CRC.

Sweden was among the first countries that signed and ratified the CRC in September 1990.⁷

Once the convention was ratified, Swedish legislation had to incorporate the sets of rights within the CRC to be able to ensure full protection for all citizens along with the implementation as well as the promotion of these rights. This means that all politicians, officials and public representatives have an obligation to comply with these rights.⁸ When incorporating human rights into national legislation two main principles can be applied:

“The first principle is based on the state in one step making various conventions a part of national law. The second principle is based on a two-step process in which national laws and international conventions are linked together, and this is the system we have in Sweden.”⁹

The two-step process which Sweden conformed to, results in that international conventions are not considered as domestic law documents that can be used in Swedish courts, as Swedish legislation is always given supremacy.

⁵ *Kommunernas ansvar för att förverkliga mänskliga rättigheter – en kartläggning av 16 kommuner i Sverige*, Mikael Spång, Docent i statsvetenskap, Institutionen för globala politiska studier, Malmö högskola.

⁶ UNICEF, available at: <http://www.unicef.org/crc/> (2011-05-13)

⁷ Brandin Berndtsson, Margareta. "Handbok om Barnkonventionen", UNICEF Sverige 2008, p.13

⁸ Abiri Elisabeth, Brodin Anna & Johansson Peter, "Mänskliga Rättigheter...? Jag vet att dom finns och jag tror att Sverige är bra på dom" – Handbok i mänskliga rättigheter på kommunal nivå, Fritzes, Stockholm, 2008, p.28

⁹ Abiri (2008), p.28-29

Swedish legislation is still to be conformed as much as possible to international conventions, and this process is made either by incorporating or transforming the convention at hand into Swedish legislation. Incorporation means that the government approves and include the convention into domestic law, which was done with the European Convention on Human Rights.¹⁰ In comparison, when transforming a convention, which Sweden did with the CRC, necessary changes are made to domestic law in order to harmonize Swedish jurisdiction with the articles in the convention, so that the rights are fully respected.¹¹

So with other words, the CRC does not have the status as being domestic legislation in Sweden, nonetheless, the provisions of the CRC is presumed to be supported in domestic legislation, such as the Discrimination Act, the Alien Act, the Education Act and more. This is however a conflicting issue seeing that evidence have proven that children's rights are not always being supported with national legislation, which has also been noted by UN monitoring systems.¹²

Once the convention is ratified it becomes legally binding, however, violations against the convention will not carry any legal consequences on an international level. Therefore, the UN has its own monitoring system which consists of a body of independent experts. The Committee on the Rights of the Child (the Committee) monitors the implementation of the convention.¹³ All states that have ratified the CRC are obliged to submit reports every five years on how the rights of the child are being implemented.¹⁴ The Committee examines each report and provides its concerns as well as recommendations to the State party.

One of the Committee's main criticisms of the Swedish government has been the disparities between municipalities, county councils and regions across Sweden concerning the implementation of the convention.¹⁵ Whether the rights of a child is met or not, depends on the decision-makers in the local council where the specific child lives. Sweden is viewed as a country where Children's rights are being fulfilled and democracy and human rights are highly valued, but the reality of the implementation is very different.

¹⁰ Abiri (2008), p.28-29

¹¹ *Ibid.* p.28

¹² "Governance fit for Children – How far has the CRC general measurements of implementation been realised in Sweden?", Save the Children Sweden, 2010, p.18

¹³ Committee on the Rights of the Child, available at: <http://www2.ohchr.org/english/bodies/crc/> (2011-01-18)

¹⁴ *Ibid.*

¹⁵ The Ombudsman for children, available at:

<http://www.bo.se/files/in%20english,%20publikationer,%20pdf/listofissuescsc09.pdf> , (2011-01-24)

However, many would disagree with this portrayal knowing that refugee children that come to Sweden often end up deported for reasons that go against the intentions of the CRC and the principle of the best interest of the child.¹⁶

Save the Children Sweden issued in 2010 their annual report on child poverty in Sweden, which indicated discrepancies amongst the different municipalities concerning children's economical welfare.¹⁷ Child poverty is one of the main areas of concern which has been brought to the government's attention by the Committee. For instance, in Malmö, Sweden's third largest city, child poverty has been measured up to more than thirty-one per cent of all children, while in other municipalities close by, the child poverty is estimated between four and five per cent.¹⁸ Seeing these enormous dissimilarities between the municipalities, the Committee has declared the importance of ensuring that no child is living below the poverty line, in particular those from "socially disadvantaged families, including single-parent households and of non-Swedish ethnic origin".¹⁹

Several factors have been included in the annual report by Save the Children when defining child poverty; however, two main factors were noticed: low income standard and social welfare.²⁰ The income standard is a family's disposable income divided with the standard cost of living which is regulated by the formation of the family. According to the report, two factors overlap since they both capture the essence of economical vulnerability.²¹

Furthermore, the Committee also expressed its concern regarding the disparities between municipalities pertaining to resources available to social services for children at risk, as well as the measures taken to insure asylum-seeking children their rights.²² Another concern expressed by the Committee was about the large amount of unaccompanied asylum-seeking children who disappear from reception centres and may become vulnerable to abuse and exploitation.²³

¹⁶ Lundberg Anna, Malmö Högskola, available at: <http://www.mah.se/Nyheter/Nyheter-2010/Anna-Lunderberg-kritiserade-Malta-utlamningar-av-barn/> (2012-01-23)

¹⁷ Barnfattigdomen i Sverige, Årsrapport 2010, Rädda Barnen Sverige, available at http://rb.se/SiteCollectionDocuments/Rapporter/Svenska%20rapporter/Barnfattigdom_2011.pdf, p.10

¹⁸ *Ibid*, p.10

¹⁹ CRC/C/SWE/CO/4

²⁰ *Barnfattigdomen i Sverige 2010*, Sammanfattning av Barns ekonomiska utsatthet i Sverige Årsrapport 2010, Rädda Barnen, p.28

²¹ *Ibid*, p.29

²² CRC/C/SWE/CO/4, para. 11

²³ *Ibid*, para. 62 -63

In order to monitor, coordinate and disseminate all of the issues, both raised and more, the Committee recommends each municipality or region to establish local children's Ombudsman, "with the aim of ensuring accessibility of all children to the Ombudsman, especially taking into account disparities in resources between counties and regions."²⁴

Some municipalities have already established similar positions, nevertheless, due to the self-governing of municipalities, an establishment of such a position is not mandatory.

Another matter raised by the Committee, which is related to the work of municipalities, is article 12 of the convention, the right of the child to be heard.²⁵ The Committee recommends all municipalities to "meet the requirements for active participation by children and regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes."²⁶

As mentioned, there are still many concerns that have been noted by the Committee, as well as by organisations, such as Save the Children, regarding the adherence to the CRC (the Convention on the Rights of the Child) in Sweden.

Spång found evidence which shows that municipalities in Sweden are lacking unanimous and uniform methods in their work towards the implementation of the CRC.²⁷

In terms of a wide range of global index ratings regarding health, education and political freedom, Sweden is ranked high. According to the organisation Freedom House, Sweden ranks highest in the world when it comes to the political environment (political participation, functioning government, freedom of expression and belief, associational and organisational rights, rule of law, and personal autonomy and individual rights).²⁸ It appears on the surface that the conditions are in place to ensure all children their rights. Sweden is indeed successful in the delivery of children's rights compared to many other industrialised countries. However, both evidence and concerns are emerging that Sweden is good at the goals and delivery of

²⁴ *Ibid.* para. 15 - 16

²⁵ Article 12:1 of the CRC; "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.", <http://www2.ohchr.org/english/law/crc.htm#art12>

²⁶ *Ibid.* para. 30c

²⁷ *Kommunernas ansvar för att förverkliga mänskliga rättigheter – en kartläggning av 16 kommuner i Sverige*, Spång Mikael, Institutionen för globala politiska studier, Malmö högskola

²⁸ Freedom House, available at: <http://www.freedomhouse.org/> (2012-01-23)

services, but lacking the knowledge and the processes of working with human rights (including children's rights) at all levels of governance.²⁹

Evidence suggests that the work between the municipalities differs quite substantially in Sweden. Therefore, this research will attempt to scrutinize the different methods of implementation of the CRC on a political level,³⁰ as well as analyse the discrepancies between the implementation processes and their outcomes by identifying obstacles as well as possibilities when fulfilling the CRC. This research will compare three different municipalities in Sweden; Borås, Örebro and Strängnäs.

The purpose of this thesis is to examine how the CRC is being implemented on a political level in three different municipalities in order to discover the possibilities as well as the obstacles in their work towards realising the CRC. My research also aims to describe how the implementation methods of the CRC and article 12 of the CRC is interconnected as I believe that without the voice of children, the effects of realising the child's rights will be nothing but inefficient and inadequate.

1.1. Objective and research question

The objective of this research is to review the methods of implementation of the content written in the CRC at the municipal level in Sweden. In order to compare, the following three municipalities have been selected to be compared and analysed; Örebro, Strängnäs and Borås. The selection will be further discussed under the section delimitations.

Article 12 of the CRC will be examined to be able to determine if children's views have been taken into consideration in the work of implementing their rights, since this right should also permeate the fulfilment of all the other rights.

²⁹ "Kommuners, landstings och statliga myndigheters arbete med mänskliga rättigheter – behovet av stöd", SIFO Research International – Rapport (2006)

³⁰ *This research is a part of a three-year project, run by a local Save the Children board in Sweden, Örebro. The objective of the project is to develop indicators which can be used within the municipalities as a follow-up instrument when monitoring the implementation of the CRC and its harmonization.*

The following research questions informed the research:

1. What are the measures/steps taken that are a part of the implementation process of the CRC in Örebro, Strängnäs and Borås?
2. What are the disparities (as well as the obstacles and possibilities) regarding the effects in policy and practice of the implementation of the CRC amongst the municipalities?
3. In the work of implementing the CRC on political level, what is the evidence of children's participation in relation to art.12 of the convention?
 - a) In what way have children been involved at the implementation level and regarding what kinds of issues?

1.2. Background

In the following section there will be a description of the background of different areas with regards to the research questions and the purpose of the study.

1.2.1. The self-governance of Swedish municipalities: an overview

Since the beginning of the 1990s, Sweden has been experiencing decentralisation, where the municipalities have received more power regarding self-governing. The decentralisation process was initiated once Sweden had ratified the *European Charter of Local Self-Government* in 1989.³¹ The high level of autonomy is exposed through, for example, the independent power of taxation. The municipalities are also: “...*responsible for practically all primary and secondary education. Childcare, preschools and schools account for over 40 per cent of municipal budgets.*”³²

The trend of self-governing municipalities, throughout Europe, has brought up the issue of local power versus accountability for human rights for discussion at various forums. At a seminar in October 2008, organised by the Swedish Association of Local Authorities and Regions (SALAR), the systematic work for human rights on a local and regional level was

³¹ European Charter of Local Self Government, available at: <http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=122&CM=&DF=&CL=ENG>, (2011-03-02)

³² Swedish Association of Local Authorities and Region, available at: http://english.skl.se/web/Municipalities_county_councils_and_regions.aspx, (2011-02-16)

discussed.³³ Thomas Hammarberg, a commissioner for human rights at the council of Europe, expressed that most of the problems he faces, concerning the fulfilment of human rights, are on the local level. Even though human rights and its provisions are global, the practice is local; consequently, local authorities need to be included in the process before States enter into international treaties.³⁴

Although municipalities in Sweden have been given clear directions in their work, there are still recognizable differences and inequities amongst them, especially regarding the implementation of the rights of the child. The effects of self-governing are evidently interconnected to the elected parties and their ideologies, nonetheless, human rights is “a principle lying above party politics”, as Hammarberg has stated.³⁵

The pros and cons of self-governance of municipalities in Sweden will not be analysed within this thesis, but it is still significant to note that self-governance, local politics, local democracy and human rights go hand in hand. As it have been stated:

“Local authorities have the autonomy to practice their self-governance for the enhancement of human rights and its realisation. Therefore, the linkage needs to be clarified as well as taken advantage of.”³⁶

Further, without local self-governance, there are no real prerequisites for people to have any influence on the decisions made that directly affect them, which determines how human rights are being implemented.³⁷

1.2.2. The Ombudsman for children

The rights of children are being recognised both on a national, regional and local level in Sweden in various ways. Three years after signing the CRC, the first Swedish Ombudsman for children was appointed.³⁸ ‘The Ombudsman for children in Sweden’ has been operative

³³ Systematiskt arbete för mänskliga rättigheter – en utmaning för kommuner, landsting och regioner, Dokumentation från seminarium 6 oktober 2008, Sveriges Kommuner och Landsting

³⁴ *Ibid.* p.5

³⁵ *Ibid.* p.8

³⁶ *Ibid.* p.8

³⁷ *Ibid.* p.8

³⁸ <http://www.barnombudsmannen.se/Adfinity.aspx?pageid=89> (2011-07-20)

since 1993 and has been given mandate by the government as an authority to monitor the implementation of the CRC.

“On July 1, 2002 the work of promoting the introduction of the CRC in government agencies and municipal and county authorities was made one of the Ombudsmen for Children’s permanent tasks.”³⁹ The Ombudsman has developed several methods for dissemination, coordination and implementation of the CRC. The agency has carried out several mappings of municipalities efforts with implementing the CRC. Methods have been developed which are in turn recommended to decision-makers to implement within government agencies, municipalities and county councils in their daily work. In 2007 the government developed the mandate by stating that the Ombudsman systematically and regularly have to follow-up and assess how municipalities, public authorities and county councils employ the CRC.⁴⁰ The government has assigned the Ombudsman, as one of its functions, to conduct professional training for relevant occupational groups on how to apply the CRC at work. However, this training has mostly been designed to be used within the healthcare services, social services and the judicial system.⁴¹ Other occupational groups that should be included are politicians and officials, who are in a position to implement decisions concerning children, as well as school personnel and adults that are in contact with children within their profession. This is undeniably a tremendous task which is not possible to be executed by solely the Ombudsman and this is why the role of the municipalities is so significant.

The agency of the Ombudsman for Children in Sweden has found that a more distinct connection between decisions taken regards to the CRC and the methods applied for implementing the CRC is required.⁴² Methods identified are impact analysis, annual accounts for children, checklists for children, mappings of children etc.⁴³ The Ombudsman for Children believes that the decisions and methods that have been applied within the municipalities require an improved assessment and a more structured follow-up.

In June 2010, the Swedish government and SALAR made an agreement, called “*Handslaget*” (The handshake), in order to develop and intensify the work with the UN Convention on Rights of the Child within municipalities, regions and county councils. This agreement is a

³⁹ *Ibid.* (2011-07-20)

⁴⁰ Strategi för att stärka barnets rättigheter i Sverige (prop. 2009/10:232), p.19

⁴¹ *Ibid.* p.22

⁴² “*Barnkonventionen i kommunerna – Ett steg till*”, Barnombudsmannen 2002, p.23

⁴³ *Ibid.* p.12

part of the new strategy within the child rights policy where SALAR and the Ombudsman for children are expected to conduct a mapping, to gain insight to the requirements and demands for training, and other assistance needed, to develop the work with the CRC.⁴⁴ Based on the results, SALAR will develop a plan of action with measures on how to improve the implementation of the CRC.⁴⁵ The agreement is valid until year 2013 and the objective is to find long-term and sustainable solutions.

1.2.3. The implementation of the CRC

Save the Children's report titled: "*Governance fit for Children – How far has the CRC general measurements of implementation been realised in Sweden?*" is part of a larger study that includes five European countries. The General Measures of implementation (general comment number 5) are interpretations of "*the content of human rights provisions, in the form of General Comments on thematic issues*".⁴⁶ In General Comment number 5 of the CRC the Committee has outlined several elements and steps States to undertake in their work with the CRC. In the Save the Children study, in addition to national actions, the organisation examined four different municipalities according to the different structures referred to in General Comment number 5. Save the Children acknowledge the responsibility of municipalities in Sweden due to the decentralisation process and the fact that most practices which affect children are executed on a regional or a local level.⁴⁷ Some of the shortcomings that are brought to attention by Save the Children are among others; the lack of data on children's living condition on a local level, the need for cooperation between municipalities and different NGOs, and the lack of coordination outside municipal boundaries.⁴⁸ Evidence also showed that child participation is mostly weak or non-existent across Swedish municipalities.⁴⁹

⁴⁴ *Ibid.* p.39-40

⁴⁵ *Ibid.* p.40

⁴⁶ General Comments, available at: <http://www2.ohchr.org/english/bodies/crc/comments.htm> (2011-04-30)

⁴⁷ "*Governance fit for Children – How far has the CRC general measurements of implementation been realised in Sweden?*", Save the Children Sweden, 2010, p. 5

⁴⁸ *Ibid.* p. 27 and pp. 55 - 56

⁴⁹ "*Governance fit for Children*", 2011, p.8

1.2.4. Article 12 – the right to be heard

Numerous studies have pinpointed the significance of children's participation, as well as the substantial effects on the development and enhancement of democratic values. Today authorities may include and inquire children in some areas of concern, yet it is not done systematically.⁵⁰ Article 12 can be viewed as one of the most controversial provisions of the CRC. For example, according to Lundy: "*Its perceived potential to undermine adult authority was a key reason why the United States did not ratify the Convention*".⁵¹ However, most researchers agree on the significance of article 12, "*not only for what it says, but because it recognizes the child as a full human being with integrity and personality and the ability to participate freely in society*".⁵² The Ombudsman for Children in Sweden has also emphasized the value of article 12 by saying that, children's participation and influence is fundamental for achieving the CRC to its full potential.⁵³ Article 12 is also one of the more general principals of the CRC, and those principles will be presented further on. Article 12 will be discussed in depth under the section *Theoretical Framework*.

1.3. Delimitations

Certain delimitations have been drawn for this study as regards to the choice of municipalities as well as the aim of the study.

Three municipalities have been chosen to be further examined in the research, which are **Örebro**, **Strängnäs** and **Borås**. They were selected according to various features that have been noted in relation to the work with the CRC. Something that has also been taken into consideration has been the geographical distance, since long travels have not been possible within this research.

The variation amongst the municipalities is significant to give a broad perspective on how municipalities in Sweden choose to implement the CRC and how to distinguish whether one method/approach is more successful than another. Örebro is well known for initiating partnerships with other municipalities to enhance the work with the CRC. Strängnäs is one of

⁵⁰ *Ibid.* p.11

⁵¹ Lundy Laura (2007), 'Voice' is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child, *British Educational Research Journal*, 33 (6), p.928

⁵² *Ibid.* p.928

⁵³ "*Kom närmare – Om att överbrygga avståndet mellan barn och vuxna*", Barnombudsmannen, 2009, p.78

a few municipalities which have appointed its own local Ombudsman for children and Borås was recently given an award for its work with article 12 within its community.

The purpose of discussing article 12 within this study is, to comprehend if children's views have been taken into consideration in the process of implementation. However, no children have been included in this study on whether they believe to be included in the process of implementation of the CRC. A delimitation is to exclude having children's opinions, which would have increased the reliability of this research. Still, the purpose of this study is to understand the adults' perceptions on how well article 12 has been met in the implementation process. The input and views of children would have been very important and interesting, but that would have been beyond the scope of this study, as well as broadened this research and would not have been within the purpose of the study. However, it is highly recommended doing similar research and including children's voices, which would undoubtedly bring about an interesting analysis and comparison.

It is commonly thought that the Swedish government has implemented the CRC, as it made necessary changes to domestic law after it was ratified. This study will not analyse if those changes are adequate and effective, as it will not have a focus on legislation. The purpose of this study is to review the methods of implementation of the CRC at the municipal level in Sweden, by among other things, analysing the tangible practice of the CRC, how the CRC is perceived and interpreted amongst politicians and officials, who are the decision-makers as well as the executors within the three municipalities.

As regards the choice of viewing implementation processes on a policy level, some aspects must be highlighted. The definition of implementation as well as how it is applied within this research, is emphasised under the section of theoretical framework. There has been an important delimitation made as regards the level of implementation.

Activities and decisions are daily made by front line workers in service delivery, or as Michael Lipsky have called them, street-level bureaucrats⁵⁴. Lipsky explains the dilemma of street-level bureaucrats, who are to meet their clients' needs while also ensuring that policies are properly implemented.

⁵⁴ Lipsky Michael, *Street-level bureaucracy: dilemmas of the individual in public services*, Russell Sage Foundation, New York, 2010.

The implementation of activities within authorities such as the social services, the Migration Board or public schools is very significant and would have been interesting as well rewarding to include within this research. It would enable to view hands-on effects of the implementation of the CRC not only through policy documents, yet also by viewing the street-level bureaucrat's role as policy executioners. Nevertheless, to include implementation on such levels is beyond the scope of this thesis.

2. The Convention on the Rights of the Child – an overview

The CRC is considered to be a foundation for the child's rights and is therefore essential in this research. However, the treaty as such has merely been a guiding framework in this research. Here follows a short introduction to the CRC.

It is important to acknowledge the wording of the title which says: *the rights of the child*, and not *children*. It is a significant statement that declares the importance of each and every child and not children as homogenous group. Every child is its own individual with its own different needs. According to the CRC, every human being below the age of 18 is defined as a child (article 1).⁵⁵ The terminology has left out the starting point of childhood, which means that those who drafted the article wanted to avoid taking a stand on issues such as abortion. According to Hodgkin and Newell, taken a stand would have “threatened the Convention's universal acceptance”.⁵⁶

The 54 articles of the CRC include a full range of civil, cultural, political and social rights, where the first 41 articles are the rights that have to be read together and are inseparable. The remaining articles embrace the implementation, monitoring and dissemination of the CRC.⁵⁷

Article 2, 3, 6 and 12 have been identified by the Committee as the general principles. These are presumed to pervade the whole convention as such:

Article 2: *Non-discrimination*

Article 3: *Best interest of the Child*

⁵⁵ Hodgkin Rachel and Newell Peter, *Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 2002, p.1

⁵⁶ *Ibid.* p.3

⁵⁷ The UN Convention on the Rights of the Child, available at: <http://www2.ohchr.org/english/law/crc.htm> (2011-10-31)

Article 6: *Child's rights to life and maximum survival and development*

Article 12: *Respect for the views of the Child*

The additional articles should be read together with the general principles. For example, article 17 on a child's access to appropriate information; it is important that no child is discriminated when receiving access to information and that the information is in the best interest of the child and etc.

Recognising the growing exploitation and abuse of children around the world, the United Nations General Assembly adopted two Optional Protocols to the Convention in year 2000. The Optional Protocols is an attempt and an important proclamation for increasing the protection of children from involvement in armed conflicts and from sexual exploitation.⁵⁸ Sweden has signed and ratified both of the protocols.

In May 2008, *the Convention on the Rights of Persons with Disabilities* entered into force, which benefits the enhancement of the rights of children with disabilities as well. Sweden has also signed and ratified this convention.⁵⁹

3. Sweden and the Convention on the Right of the Child

In this section some further examples will be given on how the Swedish government and municipalities work towards the realisation of the CRC.

3.1. National view – Sweden

Since the ratification of the CRC, the Government of Sweden has established several National Strategies aimed at realising children's rights.

The current government prepared its first communication on *child policy* in 2008, declaring their work with enhancing children's rights, where one of the priorities stated was to improve the implementation of the CRC more strategically.⁶⁰ Within *the child rights policy* (was re-titled in 2009), a strategy was developed to strengthen children's rights⁶¹, where a new version of that strategy was passed by the parliament in June 2010. The strategy consists of

⁵⁸ For further information see: <http://www2.ohchr.org/english/bodies/crc/>

⁵⁹ Convention on the Rights of Persons with Disabilities, available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en (2011-08-03)

⁶⁰ Pressmeddelande 18 mars 2008, Socialdepartementet, <http://www.sweden.gov.se/sb/d/10353/a/101176> (2011-08-03)

⁶¹ Strategi för att stärka barnets rättigheter i Sverige (prop. 2009/10:232)

nine different principals which describes among other things, that knowledge on children's rights should be spread amongst parents, children, relevant professionals and decision-makers. Furthermore, it emphasize that children should be given opportunities to express their views on issues that concern them, and that up-to-date knowledge about children's living conditions should be the basis for decisions and priorities relating to children.⁶² This strategy was intended to be a benchmark for public bodies at national and municipal level, which through their activities are to ensure children their rights. Therefore, it is focused on the parliament, the government, state agencies, counties and municipalities and intends to strengthen children's rights in all relevant areas and activities.⁶³

The new strategy does not contain any controversial ideas, according to Save the Children; nonetheless, they have noted a lack of assessment and a follow-up system of the strategy.⁶⁴

The government has acknowledged this criticism as well as the inadequate implementation of the CRC on governmental and municipal level. The government declares in the strategy that the responsibility of assessing and follow-up lies partly within the municipalities, yet also within the mandate that has been given the Ombudsman for children.⁶⁵

Other steps the government has taken towards realising the CRC has been an amendment in the new Education Act, where it is stated that the education system should be conformed according to the principles of the CRC. Furthermore, those who operate within the educational system must have the knowledge and share the values of the CRC to be able to convey this knowledge to children and pupils.⁶⁶

Other measures taken are:

- The National Board on Health and Welfare as from January 2010 responsible of supervising the Social Service bodies and to integrate a child perspective in their work.⁶⁷
- The Implementation Handbook for the CRC has been translated to Swedish by UNICEF Sweden and was funded by the government.

⁶² Strategi för att stärka barnets rättigheter i Sverige (prop. 2009/10:232), p.10

⁶³ *Ibid.*

⁶⁴ Governance fit for children – Sweden, 2010, p.12

⁶⁵ Strategi för att stärka barnets rättigheter i Sverige (prop. 2009/10:232), p.19

⁶⁶ *Ibid.* p.23

⁶⁷ *Ibid.* p.21-22

- Several conferences and networks have been funded by the government for the purpose of knowledge dispersion and exchange of experiences. Among others, a partnership between eleven municipalities aiming at cooperating and sharing experiences regarding the CRC on a local level.⁶⁸

The new child rights policy acknowledges the deficiencies regarding the CRC within municipalities but offers no clear methods for local politicians, in part, due to the self-governance of the municipalities. The Swedish version of UNICEF implementation handbook contains three pages on how to apply an impact analysis on the municipal level. This section is the only one directed towards local authorities and each article in the handbook has besides a thorough description, a checklist with important indicators to fulfil. Other measures have been taken, yet under the mandate of the Ombudsman for children.

3.2. Local view

In terms of methods for follow-up, measuring and assessing the implementation of the CRC in municipalities, various approaches are recommended and applied in Sweden.

One of the most common is a **checklist** (barnchecklista), which is generally applied by the different departments (förvaltningar), committees (nämnder) and municipal owned companies for the purpose of applying a child and youth perspective before making decisions. The checklists are designed differently and are applied in various municipal areas depending on the intention of each municipality, but the objective remains the same. For instance, the municipality of Kalmar, in Sweden, has designed their checklist by proposing some questions to be reflected upon in the process of decision making. Questions such as: in what way (direct and indirect) does the question/matter affect children and adolescence or, what viewpoints/interests have children and adolescence had in the matter, has been proposed in the checklist. Furthermore their checklist suggests a follow-up and feedback to the children and adolescence consulted in that particular issue.⁶⁹ The checklists can also be called impact analysis (barnkonsekvensanalyser).

⁶⁸ Strategi för att stärka barnets rättigheter i Sverige (prop. 2009/10:232), p.23-25

⁶⁹ Checklista - Avseende FN:s konvention om barnets rättigheter och Agenda 21 (kap 25), Kalmar Kommun, available at: <http://www.kalmar.se/Kalmar%20kommun/Demokrati/Styrdokument/Ovrigt/Barnchecklista.pdf>, (2011-08-15)

Other measures that have been taken can be exemplified from the municipality of Borlänge, in Sweden, that has for the past 12 years executed **children's annual accounts** (barnbokslut) and **children's annex** (barnbilaga). The annual account emphasizes the situation of children and youth living in the municipality, and usually certain areas are chosen in relation to the CRC, to be highlighted. In the annual account from 2009, Borlänge gave emphasis to children's perspective and the right to participation within their municipality, as well as identified areas where progress was made or needed to be improved.⁷⁰

The UN Committee for the CRC has stressed the importance of budget allocation for children, or as they express in general comment number 5, *making children visible in budgets*. They express among other things that:

“The Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of children as a primary consideration and that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of economic policies or financial downturns.”⁷¹

The children's annex is therefore applied by some municipalities as complementary information for the upcoming budget. The annex describes planned activities and achievements for children and adolescence and how the budget is to be allocated. However, most children's annexes are not usually as comprehensive as they could have been and also, they generally focus on cultural and recreational activities.⁷²

A common method within municipalities for measuring and follow-up is to carry out **annual welfare accounts** (välfärdsbokslut). The welfare accounts are usually broad descriptions of how activities and living conditions develop from a welfare perspective and areas such geography, age and gender are compared and analysed. The overall objective of welfare accounts is to create good societal conditions for all citizens on equal terms, and by

⁷⁰ Bokslut 2009 – för barn och unga i Borlänge, available at: <http://www.borlange.se/upload/55603/AssociatedFiles/Barnbokslut%202009.pdf> (2011-08-16)

⁷¹ General Comment 5 CRC/C/GC/2003/5, p.12

⁷² Bilaga för barn och unga till budget 2010, Borlänge, available at: <http://www.borlange.se/upload/18790/AssociatedFiles/Bilaga%20f%C3%B6r%20barn%20och%20unga%20till%20budget%202010.pdf>, (2011-08-16)

monitoring local accomplishments, municipalities intend to reduce disparities. Consequently, the accounts intend to give policy makers a basis for decisions and policies made.

Most methods for measuring children's views are in general designed for older children, and therefore, the views of the younger children at pre-school tend to be neglected. Nevertheless, the municipality of Karlskoga and Degerfors, in Sweden, have together with the Ombudsman for children, started a project in 2006 aimed at younger children with a method called **contented child-index** (Nöjt Barn-Index, NBI). The method has been applied earlier at a national and international level, but with older children. With this project they wanted to carry out the method with children at pre-school and school children at junior and intermediate level. Through this method, children are asked how satisfied they are with different parts of their lives. The younger children respond by showing drawn faces that illustrates different feelings (example: ☺ ☹), which is handed to them.⁷³ An index can then be calculated on the level of "satisfaction", classified according to age and various components.⁷⁴ The project has been known as successful and the Ombudsman is working on releasing a handbook on how to apply the method.

A part from particular methods such as checklists and annual accounts, the Ombudsman has also provided structural measures for municipalities to implement concerning children's rights. These steps have been proven successful in municipal, county and state agencies and are established in a report from the Swedish National Financial Management Authority (Ekonomistyrningsverket), announced in year 2000. The steps are based on experiences from organizations working with gender, health and environmental perspectives, and from other agencies working with a child perspective.⁷⁵ It has been proposed to take following measures:

- **Management's unequivocal support and commitment;** the acceptance and commitment among both management and staff is a crucial factor.
- **Incorporate the perspective in key policy documents;** decisions made about the work with the CRC must also be incorporated into key policy documents. It is a part of the anchoring process.

⁷³ Nöjt barn-index Karlskoga och Degerfors kommuner 2006 – 2008, Folkhälsoförvaltningen, available at: <http://www.karlskoga.se/download/18.1fe8611611d63c736bd800034405/N%C3%B6jt+Barn+Index.pdf> (2011-08-16)

⁷⁴ *Ibid.* p.4

⁷⁵ Att arbeta praktiskt med Barnkonventionen, Faktblad från BO, available at: http://www.bo.se/files/utbildning/utbildningspaket/faktblad1_arbetapraktiskt06.pdf (2011-08-24)

- **Education and information;** by disseminating information and educating employees, one can also achieve success. A basic prerequisite for change is that all employees are informed of the new objective. They should also have the opportunity to acquire factual knowledge about the CRC's history, content and legal status.⁷⁶
- **Build upon existing work processes;** by building on existing work processes, already existing knowledge and resources can be applied which will decrease the burden on the organization and the employees while working with new perspectives.
- **Financial and human resources;** changes may involve extra costs and regardless of the degree of change, it is important to give employees time to develop its work to include the new perspective.
- **Dialogue and experience allocation;** it is important to collaborate and to share experiences. The collaboration may also help to invoke a more holistic view of the child and the CRC.
- **Monitoring and evaluation;** explains the impact of decisions and actions taken and is important for future goals, to be able to detect where the work is deficient and progresses that need to be made.

These measures are based on the idea that children and young people are more vulnerable than adults and should therefore have access to special protection and assistance, but at the same time be seen as competent and resourceful individuals with the right to participation and influence in all decisions affecting them.⁷⁷ This means that children's perspectives need to be included at all levels within municipal, regional and state activities. And ways to do so is the measures mentioned above. However these measures are correspondingly significant in a broader human rights approach.

As for methods for participation for children and adolescents, the Ombudsman has suggested creating forums such as, youth councils and youth parliaments where children and youth are given the opportunity to participate in local and/or regional decision-making.⁷⁸ But then, these forums are mainly intended for older children. Unfortunately there are no recognised municipal participation forums for younger children available.

⁷⁶ *Ibid.* p.2

⁷⁷ *Ibid.* p.1

⁷⁸ Barns och ungas rätt till inflytande i kommuner och landsting, faktablad från BO, available at: http://www.bo.se/files/utbildning/utbildningspaket/faktablad3_inflytande06.pdf (2011-08-24)

3.2.1. Local practice of human rights – some examples

Three examples will be given on material available for the practice of human rights on regional and municipal level. Not all material involves children's rights, yet, there are discussions and material available on how to implement human rights which also include children's rights.

In 2010, SALAR issued a report on human rights indicators that can be applied on a municipal level. The material is provided for the purpose of facilitating the assessment and follow-up process of the human rights work.⁷⁹ The report highlights the significance of municipalities working more strategically, which would require a foundation where rights perspective is applied in all their activities.⁸⁰ The basic idea for SALARs model for human rights indicators has been taken from the Office of the High Commissioner for Human Rights (OHCHR) and their model for indicators for promoting and monitoring the implementation of human rights.⁸¹

The Institute for Human Rights at the University of Gothenburg issued a handbook on behalf of the Ministry of Justice, in 2008.⁸² The handbook is addressed to municipal activities as a support in their efforts to respect, protect and promote the human rights. The focus is on the right to protection against discrimination, the right to education, the right to housing and rights of people with disabilities, as well as the protection of the languages of national minorities. It is aimed at municipal officials and policymakers with the purpose to provide basic knowledge on human rights issues, perspectives on what a rights-based policy contain and to assist the willingness to act.⁸³ The handbook offers a basic overview of human rights through different perspectives such as: ethical, political and juridical, as well as an overview of the various conventions with a further description of national and local perspectives with given examples.

To conclude this section, one last study will be mentioned as regards human rights work on national and local level. In 2006 the government established the Delegation for Human Rights in Sweden, with the mission to support the long-term efforts of ensuring the full respect for

⁷⁹ *Indikatorer för mänskliga rättigheter – modell för systematiskt arbete på kommunal nivå*, Sveriges Kommuner och Landsting, 2010

⁸⁰ *Ibid.* p.8

⁸¹ *Ibid.* p.9-10

⁸² Abiri Elisabeth, Brodin Anna & Johansson Peter, "*Mänskliga Rättigheter...? Jag vet att dom finns och jag tror att Sverige är bra på dom*" – Handbok i mänskliga rättigheter på kommunal nivå, Fritzes, Stockholm, 2008.

⁸³ *Ibid.* p.4-5

Human Rights in Sweden. The Delegation was also given the mandate to submit proposals on how the continued support can be offered after their mission would be completed. In October 2010 they submitted their final report on the outcomes during their mission as well as various proposals with the aim to form a new structure for the protection of human rights.⁸⁴ The solid report discusses and suggests a wide range of human rights measures on both national and local level. In terms of municipal accountability for human rights, the Delegation declared that the Local Government Act⁸⁵ does not include a human rights provision, and therefore, they have recommended a provision being incorporated in the Local Government Act, stating that: *all local governments will conduct their activities with respect for individual human rights under the international agreements to which Sweden is committed to follow.*⁸⁶

4. Previous research

In general, when examining previous research on the implementation of human rights on a local level, not much can be found on the implementation methods per se. In a literature search in the human rights quarterly, a widely recognised journal in the field of human rights, most articles are related to the work of NGOs and especially in less developed countries. The implementation of human rights is often mentioned in relation to; inter alia, religion, culture and globalisation, and when exemplifying methods for implementation, measurements such as indicators are illustrated⁸⁷. Maria Green illustrates in her article the development of human rights indicators and how they are applied within different UN bodies, NGOs and scholars, as well as the distinctions made within the different stakeholders.⁸⁸ Applying indicators when measuring human rights is a method which is well-known yet, under constant development since discussions on how and what the indicators measure, and how requirements under a particular rights are defined. A discussion on human rights indicators is therefore important when mentioning the implementation of different conventions.

⁸⁴ *Ny struktur för skydd av mänskliga rättigheter*, Slutbetänkande av Delegationen för mänskliga rättigheter i Sverige, Statens offentliga utredningar, SOU 2010:70, Stockholm 2010

⁸⁵ Kommunallag (1991:900), available at: <http://www.notisum.se/rnp/sls/lag/19910900.htm> (2011-09-03)

⁸⁶ *Ibid.* p.421

⁸⁷ *What We Talk About When We Talk About Indicators: Current Approaches to Human Rights Measurement*, Green, Maria, Human Rights Quarterly, Volume 23, Number 4, November 2001, pp. 1062-1097.

⁸⁸ *Ibid.*

Few well assessed, concrete and evaluated methods are to be found. Neither has the effects and outcomes of these methods been scrutinized, nor discussed. It is somewhat difficult to evade the fact that when searching for human rights practices, most international journals contain articles concerning the gaps between human rights in theory and practice in less developed countries. Similar conclusions can be made concerning the implementation of the CRC.

In the bachelor thesis "*Measure, evaluate and follow-up the implementation of the UN Convention of the Rights of the Child in Sweden – An evaluation of methods*"⁸⁹, the author focuses on some of the most common methods in the follow-up processes of the CRC on local level. What she recognizes in her study, which has also been acknowledged by the Ombudsman for children in Sweden, is that these particular methods are not applied effectively amongst decision makers.

Senior lecturer Mikael Spång at Malmö University has carried out a mapping of sixteen municipalities in Sweden with regards to their work with human rights. There are some similarities with this research seeing that one of the objectives has been to identify obstacles as well as opportunities in human rights work at municipal level.⁹⁰

According to Spång, a *rights perspective* is generally implicit rather than explicit and human rights work is mainly aimed at specific groups and perspectives. Moreover, he states that in terms of human rights, the most common, by far, is to work with children and young people's situation. Nevertheless, other areas have also been noticeably recognised, such as diversity, equality, the work with disabled and domestic violence.⁹¹ The mapping has also proved that several municipalities have within their work developed solid rights perspective as well as a rights-based approach. Several projects have been identified where those affected by policies have been involved in the development, the clarification and focus of future policies, which applies particularly to projects relating to children's rights.⁹² Among the problem areas, Spång has identified a lack of knowledge concerning human rights as well as organisational problems. A fundamental problem within some of the municipalities has occurred to be the lack of financial resources yet, according to Spång; it is not an overarching problem.

⁸⁹ Gustafsson Ellen, "*Measure, evaluate and follow-up the implementation of the UN Convention of the Rights of the Child in Sweden – An evaluation of methods*", Bachelor thesis, University of Malmö, 2010

⁹⁰ *Kommunernas ansvar för att förverkliga mänskliga rättigheter – en kartläggning av 16 kommuner i Sverige*, Spång Mikael, Institutionen för globala politiska studier, Malmö högskola, p.3

⁹¹ *Ibid.* p.3

⁹² *Ibid.* p.3

Organisational problems are more challenging as the municipal sector requires a cross-sectorial cooperation which is not always an easy task since the question of responsibility of the implementation usually becomes an issue.⁹³ Other problems identified are related to the knowledge of human rights and how to integrate human rights in ordinary activities. The report has revealed that municipalities do not constitute comprehensive framework for linking policies and actions, however, a rights perspective and a rights-based approach has begun to develop within specific areas, activities and perspectives.⁹⁴ Spång has discussed human rights by applying a process perspective, which signifies that human rights work is being viewed through the different steps taken in the process of implementation. One of the steps is the participation and involvement of rights-owners. Spång mentions various channels where children and adolescence have been involved and participated in policy processes, such as youth councils, youth forums, hearings and so on.⁹⁵

However, it is important to make a distinction between the existence of such forums and the effects and outcomes. Spång conclude by giving some recommendations for municipals to implement, for example, that the rights perspective is clarified and that the opportunities for residents to claim these rights are given more emphasis.⁹⁶

Rebecca Stern's dissertation examines how article 12 of the CRC is being implemented and within that context applied a case study of India to illustrate how a state party can argue regarding possible obstacles for implementing article 12.⁹⁷ Stern emphasises democracy aspects of child participation and argue that child participation in social processes enhance democracy, and is therefore viewing the gap between theory and practice with regard to its implementation

Her analysis underline that children's right to participation is not reliant on different cultures, but rather, power structures in the society. She explicitly argues that:

“Children's participation rights – often seems to be regarded as something of a policy document, rather than as being the binding international law treaty and core international human rights instrument that it is. *These aspects of children's rights are simply not taken seriously.*”⁹⁸

⁹³ *Ibid.* p.4

⁹⁴ *Ibid.* p.110

⁹⁵ *Ibid.* p.111 - 112

⁹⁶ *Ibid.* p.4

⁹⁷ Stern Rebecca, “The Child's Right to Participation – Reality or Rhetoric?”, Uppsala University, 2006

⁹⁸ *Ibid.* p.256

Stern argues that it is of great importance that the prevailing attitudes of state parties to the CRC, institutions and of people in general change considerably, if article 12 is to be fully implemented.

Elisabeth Bakke's master thesis analyse the prerequisites of implementing the CRC within elementary schools in the municipality of Uppsala, in Sweden. According to Bakke, there is willingness and awareness to comply with the CRC; nonetheless, there is a discrepancy concerning the awareness and the willingness on the one hand, and the implementation and compliance, on the other hand.⁹⁹

Elizabeth Englundh's dissertation¹⁰⁰ explores implementation processes and learning processes of the CRC in general and within the county of Sörmland, in Sweden, noting that; with her background within NGOs, municipal, regional and national institutions, the CRC is being perceived differently. The study focus, therefore, on the implementation of the CRC on micro and macro level, where several examples are illustrated, discussed and analysed.¹⁰¹

The specific contribution in this research will be to add a comparative element by focusing on the implementation process, also identified by Spång. This will however, be completed with another perspective and by integrating the views on the child as well as their participation within public policy and the implementation of the CRC.

5. Research design and methodology

To be able to examine the research questions as thoroughly as possible, the research contains two methodological approaches. They are interviews and a qualitative comparative text analysis. Following there will be a description of these methods.

⁹⁹ Bakke Elisabeth, *Förutsättningar för att implementera FN:s konvention om barnets rättigheter inom grundskolans område i Uppsala kommun*, Stockholms Universitet, Institutionen för socialt arbete – Socialhögskolan, November 2005, p.3

¹⁰⁰ Englundh Elizabeth, *Folkrätt för barn som pedagogiskt åtagande – Statligt ansvar. Regionalt lärande?*, Stockholm University, 2008

¹⁰¹ *Ibid.* p.15-16

5.1. Interviews

Within this study, there have been eight interviews conducted with politicians and professionals who work with children's rights in various ways, within the municipalities. Four of the interviewees were politicians and four were public servants.

The interviews were semi-structured, and according to Peter Burnham, semi-structured interviewing is related to what he calls, *elite interviewing*¹⁰², which is defined by the target group as well as the research technique. The target group is supposedly an "elite", meaning that they are the experts at the specific subject. As the interviews purposes to unthread information beyond the data collection, it is vital that the interviewees are key targets.

According to Esaiasson's definition, the interviewees could also be identified as *respondents*¹⁰³, meaning that their own thoughts and ideas are studied, and since this thesis intended to analyse what the interviewees' personal thoughts were on certain issues, practically the same questions were asked to all of them.

When approaching the different municipalities, it was specifically asked to meet with those who were considered being the "child right experts" and working with these issues. The objective was simply to interview those who actually knew the most on the subject for the purpose of collecting as much information as possible, as well as having in-depth interviews. To be able to prepare the interviewees, a list of questions was prepared and sent beforehand, yet not more than three days in advance to be able to keep the responses somewhat spontaneous. But the interviews were as mentioned, semi structured, which in this case was chosen due to the selection of the interviewees. Given their high knowledge of the topic discussed, the semi structured interviews intended to allow the respondents to share their personal opinions that would lead to new questions. The questions sent to the interviewees were therefore merely a guideline giving them a notion of the subjects that would be brought up. The interviews also intended to reveal problem areas connected to this research, meaning, finding observations made by individuals, which are not to be found in documents or reports. In this case, the technique enabled the study to collect personal reflections from each interviewee on the implementation on the CRC, which are not stated in other documents. For viewing the specific questions, see appendix 1.

¹⁰² Peter Burnham, Karin Gilland, Wyn Grant and Zig Layton-Henry, "Research methods in politics", Palgrave Macmillan, New York 2004, p. 205

¹⁰³ Esaiasson Peter et al, "Metodpraktikan – Konsten att studera samhälle, individ och marknad", Nordstedts Juridik, 2007,p.258

5.2. Qualitative comparative text analysis

The comparative text analysis has been carried out on documents found from the three municipalities, as well as documents and reports that were provided while meeting representatives from the municipalities. These are, among other things, plans of actions, annual accounts and etc. Also similar material found on their webpages has been analysed. The purpose of the qualitative comparative study was to bring substance to the analysis. By comparing the documents it allowed me to contextualise the knowledge and to improve the classification of the work with the CRC.¹⁰⁴

When applying a qualitative text analysis the content of each document were systematised and classified¹⁰⁵, meaning that it was determined whether the content was of relevance for the study and if so, in what way. The issues scrutinized in this research cannot only be found in text, yet not merely by interviews. The text analysis was therefore chosen since it was a necessary complement to the interviews, by focusing on written documents and being able to detect different methods of working with the CRC. The text analysis enabled the study to detect what the municipalities aim at in the work of implementing the CRC, and the interviews made it possible to find out what has been done in practice and its outcomes. The choice of documents, such as action plans, annual accounts and other relevant steering-documents, were led by the same principle as the interviews. Meaning that, the most relevant ones were chosen, being somehow related to the work with children and their rights. In other words, main documents have been studied who have illustrated more than a onetime activity.

5.3. Methodological issues

Following there will be short description of methodological issues that need to be highlighted.

5.3.1. Choice of interviewees: their role and their political stands

As mentioned earlier, the interviewees were selected partly due to their level of expertise, but then also due to their volition knowing the purpose of the interview. This way of selecting brought both pros and cons to the quality of the interviews. The pros were that almost all of the interviewees were extremely positive towards working with the CRC and expressed the importance of children's rights. Likewise, all of them were hopeful seeing the future work in

¹⁰⁴ Burnham (2004), p.68

¹⁰⁵ Esaiasson (2007) p.238

Sweden with the CRC, since they believed that Sweden is progressing towards realising the CRC to the fullest. However, this viewpoint might have somewhat affected their critical perspective. Nevertheless, as one of the interviewees stated:

“Those who work with children’s rights in politics are often those who even outside work have the driving spirit and are therefore those who have the most knowledge about the CRC”.¹⁰⁶

This way of reasoning was also stated by other politicians who were interviewed, and therefore it was better to interview the ones who have the driving spirit since they are also able to identify the shortcomings in the work towards realising the CRC. All of the interviewees recognised themselves being dedicated to working with human rights and in particular children’s rights. The dedication is according to them, the driving force which is required when implementing the CRC since the comprehension of children having rights is still somewhat obsolete.

Another issue that emerged was the fact that almost all of the politicians (except for one) who were interviewed were left-wing politicians. Others were asked to participate, but declined. And due to the limited time of the participants, the interviews were chosen to be carried out despite the overrepresentation of political affiliation. Before the interview it was made clear to all of them that the purpose of the interviews was not to discuss their political stands or the ideals of the parties, regarding certain issues. They were asked to speak about the questions as local government commissioners, which they all were (except for one). But, due to my own curiosity and to be able to detect if their party affiliations were affecting their way of reasoning, a question were asked to all politicians regarding if they believed that the work towards realising children’s rights were affected by which party that rules within the municipalities.

All four politicians believed that children’s rights are crosscutting, and that all political parties want to achieve the CRC to the fullest, yet, what they also stated was that their different ideologies require different methods for fulfilling these rights. None of them had experienced that party affiliation had been an obstacle towards fulfilling the CRC. This perspective is important and interesting to view in future research and also from a broader human rights

¹⁰⁶ Lennart Bondesson, Örebro municipality, 2011-05-31

perspective, nonetheless, it will not be analysed in this research nor taken into account to any further extent.

6. Theoretical Framework

This research has scrutinized three different theoretical concepts. *Firstly*, a theory on implementation process will be viewed for the purpose of giving an insight on what is meant by implementation in this study, and how the process of implementation can be viewed. Furthermore, the theory on implementation will support the analysis of the work with children's rights within the chosen municipalities.

Secondly, theories on concepts such as child perspective and children's perspective will be discussed for the purpose of identifying the relatively new discourse within politics when making a connection between children and political decision making.

Finally, article 12 in the CRC is perhaps not a theory per se; yet, it has created a discourse on children's right to participation and to be heard, and is today possibly one of the most discussed articles in Sweden, both on a national and local level. This particular discourse is also interrelated to the previous mentioned theory on children's perspectives.

6.1. Implementation and Public Policy

In this study it has been stated that implementation processes will be analysed by looking at the activities of the implementation as well as the effects. To be able to achieve this, clarifications have to be made on how this will be carried out and what policy and implementation refers to within this research.

Studies on implementation developed during late 20th century, and two perspectives became dominating; top-down and bottom-up perspective. However, many scientists have throughout the years developed the debate and argued that no particular stands must be taken amongst the two perspectives and a combination is possible.¹⁰⁷ This study has not defined implementation by applying these two perspectives.

¹⁰⁷ Hill Michael, "Policyprocessen" (original title: "The public policy process") Liber Malmö, 2007, p.182

When speaking of implementation in general, one might associate implementation to synonyms such as: achieving, performing, operating or realising. Implementation is the outcome of a policy, and therefore a part of a policy process which commonly contain a goal and means for achieving that goal.¹⁰⁸ Policy documents are therefore a unit of analysis within this study for the purpose of distinguishing what is to be implemented as regards children's rights.

Hill asks regarding the establishment of policies: who is the policymaker, who is formulating the policies and who is the executor?¹⁰⁹ These questions are significant, since policies are not always formulated by the top decision-makers. Viewing municipal policy documents one will discover that most of them are written and formulated by officials from various departments but, commonly decided and adopted by politicians. Therefore this study has included interviews from both those who formulate the implementation and those who decide to adopt the implementation.

Most studies on implementation commonly identify a process where policies are converted into action and results, and one of the first who described public policy as a cycle to illustrate the complexity of decision-making processes was David Easton, who illustrated the different phases of a policy process.¹¹⁰ Easton's model has been developed by many, for instance, by William Jenkins, who categorised the policy process by stages such as: *initiative, information, deliberation, decision, implementation, assessment and closure*.¹¹¹ By dividing the process into several stages one might benefit when wanting to analyse in detail. It has also been argued that, although the model might be beneficial as a heuristic appliance, the division of the process might confuse when wanting to identify the actual activity.¹¹²

This research will not look into all of the stages within the policy processes; rather, identify the phases of the policies that have been found within the municipalities as regards children's rights. The implementation phase is however of great significance for this research, however, conclusions cannot be drawn regarding the effects of the implementation if a policy/decision has not been implemented.

¹⁰⁸ *ibid.* p.183

¹⁰⁹ *ibid.* p.183

¹¹⁰ *ibid.* p.183

¹¹¹ *ibid.* p.29

¹¹² Hill (2007), p.28-29

Elin Wihlborg from the University of Linköping, in Sweden, has advanced the theory on policy cycles by stating that implementation has its own complex loop within the whole policy cycle, which also identifies why implementation usually takes the longest time.¹¹³ In terms of the complexity of policy processes, Wihlborg states that the various phases of a policy process might not always be visible in practice, yet they are functional analytically. Therefore, she demonstrates the process of policy by applying the phases: *idea, decision, implementation and assessment*.¹¹⁴ Furthermore, Wihlborg has defined the implementation loop by stating that, when implementation of a new decision occurs which need to be implemented and assessed, generally the assessment leads to another decision and so on. Her theory is logical; however, might make the whole process even more complex, which has already been mentioned. Pressman and Wildavsky (in Hill 2007) states that the amount of links within a policy process may have an impact on the efficiency of a policy and its realisation, which could be compared to the game where children whisper a word to each other in a circle and usually turns out wrong in the end.¹¹⁵ To be able to analyse the policy process to detect if the CRC is implemented and if so, in what way, the policy cycle that Wihlborg has described will be applied as an analytical tool, in other words, the phases: idea, decision, implementation and assessment.¹¹⁶

6.2. Child perspective, the children's perspective, what are the differences?

Within the discourse of childhood, in particular in Scandinavia, distinctions are more often made between two concepts: a '**child perspective**' and '**children's perspectives**'. The concepts have primarily been discussed in the fields of sociology and educational studies; however, during past years it has been spreading amongst NGOs and the political sector.¹¹⁷ Politicians, teachers, officials et al. are nowadays advised to consider the significance of these two concepts in the process of decision-making whilst dealing with children. Why are these approaches important and what is the purpose of this discourse?

Before emphasizing and answering this question we need to find out what they implicate.

¹¹³ Wihlborg Elin, *Implementeringsloopen – om Projekt som organisationsform i Governance sammanhang*, Linköpings Universitet, avdelning för statsvetenskap, p.2

¹¹⁴ *Ibid.* p.3

¹¹⁵ Hill (2007), p.223

¹¹⁶ Wihlborg, p.5

¹¹⁷ Sommer, Dion, *Child perspectives and children's perspectives in theory and practice*, 2009, p.19

The term ‘child perspective’ is often “used loosely as a self-explanatory concept which leaves anyone free to read into it his or her own idiosyncratic perceptions.”¹¹⁸

But before moving on, the word ‘perspective’ needs to be clarified.

“The word stems from the Latin “perspectus”, which means to look at, look through, examine.”¹¹⁹

With this definition we could perhaps draw the conclusion that ‘child perspective’ would mean a ‘certain perception of children’. Professor of development psychology, Dion Sommer, notes that the term is too comprehensive for research and professional use since this definition opens up for practically any view of children.¹²⁰ According to Sommer, researchers from different disciplines attempt, because of these difficulties, to gain “insights into children’s experiences and perceptions and clarifying and systemizing adult perceptions of children’s perception.”¹²¹ Gunilla Halldén discusses in her article¹²² how the notion of child perspective has been adopted in the political sector as a tool, for the purpose of enlightening children’s perspective when making political changes.¹²³ Further she states:

“A child perspective may mean to pursue what is in the best interest of the child, but this is not the only possible meaning. In this context I am not going to propose any final definition of the term child perspective. The concept is unavoidably ambiguous.”¹²⁴

This quote illustrates how a definition is commonly avoided, which is reasonable since stating “a child perspective” would raise the question: what child or which children are we referring to?

Pedagogues Elisabeth Arnér and Britt Tellgren from the University of Örebro in Sweden, discuss in their book “*Barns syn på vuxna – att komma nära barnperspektivet*”¹²⁵ (“Children’s views on adults – getting close to the child perspective”), the principle of the

¹¹⁸ *Ibid.* p.19

¹¹⁹ *Ibid.* p.19

¹²⁰ *Ibid.* p.19

¹²¹ *Ibid.* p.20

¹²² Halldén Gunilla, “*Barnperspektiv som ideologiskt eller metodologiskt begrepp*”, *Pedagogisk Forskning i Sverige*, 2003, 8 nr 1–2, pp. 12–23

¹²³ Halldén Gunilla, p.12

¹²⁴ Halldén in (Sommer) *Child perspectives and children's perspectives in theory and practice*, 2009, p.21

¹²⁵ Arnér Elisabeth and Tell Britt, *Barns syn på vuxna – att komma nära barnperspektivet*, Studentlitteratur, 2006

best interest of the child and how respecting the child perspective in relation to that that principle would imply taking a stand in different conflicts of interest.¹²⁶

It is doubtful whether or not Sommer would agree with this statement since it appears as if he is more interested in finding the right definitions and how they are interconnected rather than viewing the discrepancies among them. Sommer quotes Uri Bronfenbrenner, saying that, a child perspective is "...a perspective that represents adults' relatively successful attempts at understanding children's thoughts about and perceptions of their own lives."¹²⁷ In other words, adults' construct perceptions of what they believe are children's perceptions and experiences of their living condition. The final definition from Sommer is:

"Child perspectives direct adult's attention towards an understanding of children's perceptions, experiences, and actions in the world. Thus, child perspectives are created by adults who are seeking, deliberately and as realistically as possible, to reconstruct children's perspectives, for example through scientific concepts concerning children's understanding of their world and their actions in it. This excludes all the theories on children and childhood that do not help adults understand the world from a child's point of view. But even though child perspectives attempt to get as close as possible to children's experiential world they will always represent adult's objectification of children."¹²⁸

Conclusions from this quote from Sommer is that, albeit, adults attempt to apply a state of mind which they believe would correspond with children, they will not be able to, for various reasons. Firstly, adults are not children anymore; secondly, all children are its own individual therefore cannot be perceived as similar just because they go under a certain age. Lastly, the views of a child cannot be guessed, merely be given from a child itself. However, we cannot avoid the fact that occasionally generalisations have to be made depending on the forum, or else the CRC would not have been drafted.

On the contrary, '*children's perspectives*' refer to children's own perceptions. Children develop knowledge about their social and physical environment at remarkably early age, therefore, children's perspectives "*are not fixed entities; they undergo qualitative changes throughout life.*"¹²⁹ Sommer defines following criterions for children's perspectives:

"Children's perspectives represent children's experiences, perceptions and understanding in their life world. In contrast to the child perspective, the focus here is on the child as a subject in his or her own world, the child's own phenomenology. This is what adults attempt to

¹²⁶ *Ibid.* p.35

¹²⁷ Sommer (2009), pp. 21-22.

¹²⁸ *Ibid.* p.22

¹²⁹ Sommer (2009), pp.22-23

understand through their child perspective, for example in attempts at child-focused interpretations of children's intentional acts and statements."¹³⁰

This research will analyse the definitions of "a child perspective" and "children's perspectives" amongst politicians and officials interviewed to be able to identify which one of these perspectives are commonly applied and how they are perceived. This is important to connect to the work with the CRC since the ones who actually implement children's rights are adults, and the views and perspectives of the adults are significant when making decisions about children. The stand point of this research is that a child perspective is required when children cannot be present and there are no other options. Nevertheless, when making decisions about children or which will affect children, children's perspectives are important to be able obtain the best results as possible.

To be clear, a child perspective is the view applied by adults, when trying to comprehend how a child or children would think or feel about certain issues. Children's perspective is on the contrary, views of the children, their own thoughts and ideas.

Definitions might be available, but the concepts are still not watertight and therefore, certain aspects still requires further analysis.

Elisabeth Arnér point out the importance of children's perspectives since she believes that adults tend to speak about children as a social category and when they do so, it is generally from their own experiences as children rather than attaining information from the children themselves. In other words, she believes it is important to speak to children for the purpose of receiving the right view.¹³¹ As each adult is an individual with different experiences, values and perspectives, it also affects our views and interpretations on how we perceive children's views.

This study argues that it is not to be forgotten that the same principle must be applied on children. Children as such, might be a category when viewing age; nonetheless, each child is its own individual with different thoughts and believes.

Hence, what this thesis will propose is that Children's perspective should in fact be called '*The Childs perspective*', as this phrasing emphasise the importance of each and every child

¹³⁰ *ibid.* p.23

¹³¹ Arnér and Tell (2006), p. 40

no matter age, background, sex, religion, disability and beliefs. This is however simply a recommendation and will not be followed up to any further extent.

6.3. Article 12 of the Convention on the Right of the Child – The Right to be heard

When mentioning children's perspectives, conclusions were drawn that children's own views and perceptions were significant. Nonetheless, the question is, do children have the opportunity to speak out and to be listened to? Are their views taken into consideration? Seeing that this is not common, an article is included in the CRC to ensure that children are not being disregarded. Article 12 is to protect the respect for the views of the child by stating:

- 1) *States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
- 2) *For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*¹³²

This particular provision has been given great global attention and is perhaps one of the most discussed articles in the convention. According to Laura Lundy, article 12 is one of the most commonly cited but “*frequently misunderstood of all the provisions of the CRC.*”¹³³ Discussions concerning the respect for children's views were initially strongly connected to pedagogical practice; yet, during past years it has been commonly debated and practiced within NGOs such as Save the Children and within political spheres, when developing steering-documents where it is common to state that a child perspective is applied when making decisions. Lundy points out the fact that respecting children's views is more than creating models of good pedagogical practice or policy making; it is nonetheless a binding obligation, and those who are working in, inter alia, the education sector need to be aware of its existence as well as its legal force.¹³⁴

¹³²The Convention on the Rights of the Child, available at: <http://www2.ohchr.org/english/law/crc.htm> (10/3-2011)

¹³³ Lundy Laura (2007), p.930

¹³⁴ *Ibid.* p.930

Nonetheless, the notion of participation is not applied in the convention, where article 12 rather stipulates that a child has the right to be heard under specific conditions. But this article is generally being referred to as “*the child’s right to be heard*” or “*the right to participate*”.¹³⁵ Lothar Krappman, who is also one of the independent experts of the UN Committee on the Rights of the Child, notes the significance of the connection between article 12 and the notion of participation. He believes that

“...participation is a very good term for that what results from expressing views, listening and giving due weight to the views, interests and goals of the child.”¹³⁶

Furthermore he argues, that including children in decision making processes clearly reveals that the notion of the child being protected in the convention diverges from past ideas that children are:

“...incompetent, lacking responsibility, in need of protection and, therefore still in phase of preparation for life – in short: The child is an incomplete human being.”¹³⁷

This conception of children being incomplete human beings, does according to Krappman, contradict article 12 of the convention. It is asserted in the article that participation is a worthy phrase for the global agenda of including children in the decision making process.¹³⁸

The notion of participation cannot be discussed without looking into how it correlates with the notion of autonomy and perhaps democracy. The CRC has enabled children as rights holders, if not always in reality, then at least theoretically, meaning that their rights have been acknowledged on paper yet not always in practice.¹³⁹

A dissertation by Rebecca Stern from Uppsala University, in Sweden, deals with the child’s right to participation in theory and practice. She discusses the fundamental idea of rights, which without them a person is, as she express, “*not free but a means to the ends of others – a slave, a commodity.*”¹⁴⁰ Rights-discourses have generally been used in relation to strengthening the situation of so-called “marginalised groups”, for instance, indigenous

¹³⁵ Krappmann Lothar, “*The weight of the child’s view (Article 12 of the Convention on the Rights of the Child)*”, International Journal of Children’s Rights, 18 (2010) pp. 501 - 513

¹³⁶ Krappman (2010), p.502

¹³⁷ *Ibid.* p.502

¹³⁸ *Ibid.* p.502

¹³⁹ Stern Rebecca, *The Child’s Right to Participation - Reality or Rhetoric?*, Uppsala Universitet, 2006, p. 81

¹⁴⁰ *Ibid.* P.81

people, ethnic minorities and women. The discussion expanded throughout the 20th century as children were comprised in this category.¹⁴¹

The overall discourse on article 12 may perhaps indicate that children have the right to participate in decision-making processes. However, the methods on how this right is applied are as expected, depending on the context.

“Democratic decision-making processes allowing for children to participate actively are less controversial (which does not mean to imply that they are completely accepted) when introduced in schools than in, for example, national politics.”¹⁴²

So in other words, children’s involvement in democratic processes is more accepted within schools than within other municipal activities. This is an interesting statement that will not be discussed in depth, yet would be significant to scrutinise in future research, since I believe that when speaking of democracy in schools, commonly it tends to be “sham” democracy.

Following there will a model illustrating the different forums in which children have the opportunity to participate and also grow and develop within and amongst them. The model is reconstructed from UNICEF’s report “The State of the World’s Children 2003”, and demonstrates as well as clarifies various possibilities where children are, or perhaps are not able to participate.

¹⁴¹ Stern R, (2006), pp. 81 - 82

¹⁴² Stern (2006), p.105

6.3.1. Children's Participation

Illustrating how opportunities for participation expand from private to public spaces and from local to global.

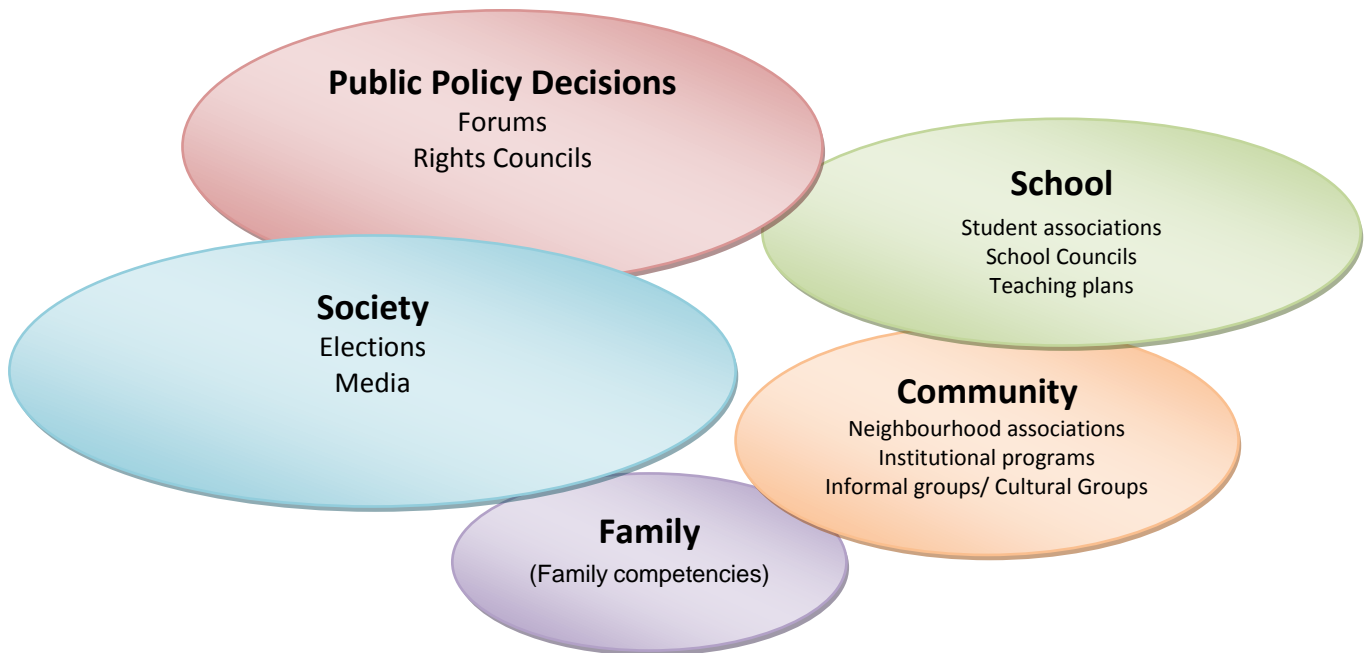


Figure 1. Children's Participation: influenced from UNICEF report: *The State of the World's Children* 2003, page 3

These forums have been identified for opportunities in participation, but, how can participation be viewed within these forums? The forum which this research will analyse is the one related to public policy decisions.

Roger A. Hart is known for developing '*The Ladder of Participation*', which illustrates different levels of participation as well as non-participation. According to Hart, the ladder is designed to function as a typology when viewing children's participation in projects, divided into different categories.¹⁴³

The first three steps are identified as non-participatory approaches. Following there will be a short description of each step.

¹⁴³ Hart A. Roger, "*Children's Participation – From Tokenism to Citizenship*", UNICEF International Child Development Centre, p.9, 1992

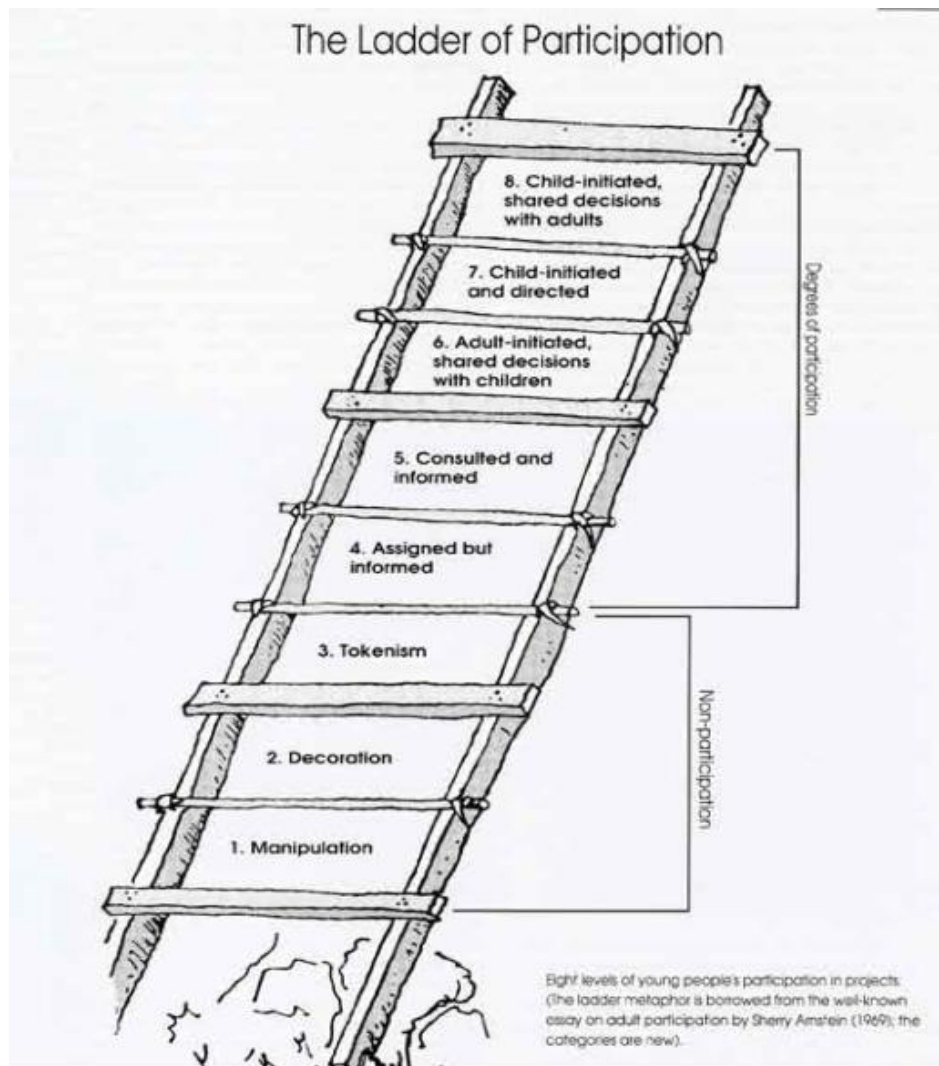


Figure 2: The ladder of participation. (Taken from "Children's Participation – From Tokenism to Citizenship", Roger A. Hart, (1992)

1. Children do or say whatever adults suggest and have no understanding of the issues or their actions. Children are consulted but not given any feedback. **2.** Children attend at some symbolic occasions or events without knowing what it is about or having a say in the organising. **3.** Children are questioned about an issue yet they have little or no opportunity of expressing their own opinions. **4.** Children volunteer for a project assigned by adults. They understand and have been informed regarding the premises, like their involvement for instance, and they have a meaningful role. **5.** Children are consulted, but then again assigned by adults. They understand the procedure and their views are taken seriously. **6.** Adult initiated project, yet children are involved in every step of decision-making and the implementation. **7.** Child initiated idea where children make decisions and are in control of

the execution, yet in cooperation with adults. **8.** Children initiate, set up the idea, plan the carrying out and invite adults to attend.¹⁴⁴

The ladder of participation has been used by many child rights organisations, researches and experts, and many have also altered the model. Harry Shier who has been working within the education system in England for many years, has removed the non-participatory steps and instead used the other five steps and provided questions for each step, through three different categories: openings, opportunities and obligations.¹⁴⁵ The questions can identify the current situation, the next step as well as how to increase the level of participation.¹⁴⁶ Shier's model include the steps: **1.** Children are listened to. **2.** Children are supported in expressing their views. **3.** Children's views are taken into account. **4.** Children are involved in decision-making processes. **5.** Children share power and responsibility for decision-making. According to Shier, the minimum one must achieve to endorse the CRC is between step three and four¹⁴⁷. Whereas Harts model illustrates the significance of climbing upwards to reach the top, which is the goal, Shier's model illustrates that each step is important depending on the situation and the conditions.

This study will view the level of children's participation in municipal decision-making processes by applying Harts model, yet not by ranking the highest levels as the preeminent; yet merely by detecting on what level municipal decision-makers commonly land.

Within this research the phases of Wihlborg's policy cycle will be applied to able to detect on what level and how CRC is practiced. Furthermore, the differences between a child perspective and children's perspective will be viewed to be able to distinguish the views on children within the municipalities on the political level, which will also lead us into the issue of participation. Harts ladder will benefit the analysis on children's influence and article 12 by detecting the level of participation in policy making within the municipalities.

¹⁴⁴ Hart A. Roger (1992), p.11-14

¹⁴⁵ Shier Harry, "*Pathways to Participation: Openings, Opportunities and Obligations*", *Children & Society*, Volume 15(2001) pp.107-117, p.111

¹⁴⁶ *Ibid.* p.110

¹⁴⁷ *Ibid.* p.111

7. Presentation of the three municipalities and the results

Subsequent a presentation of each municipality will follow, along with the results from the interviews and the material found.

7.1. The Municipality of Örebro and the CRC

With approximately 135 460 inhabitants, Örebro is Sweden's seventh largest municipality in terms of population.¹⁴⁸ Around 30 000 children and youth are enrolled at pre-schools and elementary schools, and around 17 000 students are enrolled at the University of Örebro.¹⁴⁹ Compared to other municipalities, the political system in Örebro is rather complex due to the amount of committees and amount of full-time politicians. There are 25 committees, whereas three of them are program committees with an overall responsibility in the municipality, and the others are operational committees, which are responsible for specific geographical areas within the municipality. The views regarding the CRC and Örebro are in general positive. Örebro is active through, among other things, cooperation with other municipalities and funding the Swedish Academy on the Rights of the Child¹⁵⁰ at Örebro University, where its mission is to monitor, disseminate and offer in-service training of the implementation the CRC. Örebro has been given much attention concerning their work with children's rights, but, has all not been positive. Save the Children's report from 2010 on child poverty, showed that the child poverty rate in Örebro had increased from 2007 to 2008 with more than 300 children, which was not received well in Örebro knowing that they already ranked low in the child poverty index.¹⁵¹ In an interview with Margareta Stenström¹⁵², she explains that the low ranking of Örebro concerning child poverty is somewhat due to the high quantity of children living in the municipality, and the fact that Örebro receive a higher amount of unaccompanied asylum-seeking children¹⁵³ compared to other municipalities, which affects the rating since

¹⁴⁸ Örebro kommun: <http://www.orebro.se/7173.html> (2011-09-03)

¹⁴⁹ Örebro kommun: <http://www.orebro.se/2360.html> (2011-09-03)

¹⁵⁰ Barnrättsakademin, available at: <http://www.oru.se/barnrattsakademin/> (2011-09-04)

¹⁵¹ Barnfattigdomen i Sverige, Årsrapport 2010, Rädda Barnen Sverige, p.42

¹⁵² Interview with Margareta Stenström, Organiser and responsible of Human Rights issues at Örebro municipality, 2011-04-15

¹⁵³ The Municipality of Örebro has agreed on receiving 22 unaccompanied asylum-seeking children. Information available at the Swedish Migration Board: <http://www.migrationsverket.se/download/18.63b7904d12ece36769a800011575/Aktuellt+om+ensamkommande.pdf#page=3>

those children stand without an income. She clarifies that the results of the ranking is not acceptable, but necessary, seeing the amount of asylum-seeking children in Sweden. The complexity of the problem is also related to other issues, such as unemployment. The municipality has recognized the problem and has recently announced that an administrator will investigate the situation of children in all areas of the municipality and from the results it should then be developed methods to combat child poverty.¹⁵⁴ Other steps taken recently within the municipality are based on the he number of reports of child abuse that has increased in recent years in Örebro. To ensure that the reports made to the social services, are investigated quickly, the west social welfare committee in Örebro has decided to employ four new social workers and a supervisor, and thereby strive to ensure that children continue to receive the support they are entitled to.¹⁵⁵

There are numerous of documents relating to children within the municipality, and clearly not all can be mentioned in this context, yet, main documents have been chosen, such as action plans, budgets, annual accounts and other policy related information, as well as information from the interviews.

7.1.2. Policy documents in Örebro relating to the CRC

The municipal assembly in Örebro decided in year 2000 to adopt a *child vision* based on the CRC, as guidance for the municipality. The vision says that:

"Every child in Örebro, without exception, are entitled to live and develop under conditions conducive to the child's own good and that, depending on their age and maturity, taking into account its own will and opinions."¹⁵⁶

Margareta Stenström explains that the vision is based on the general principles (article 2, 3, 6 and 12) in the CRC and is purposed to infuse all levels in the municipality.¹⁵⁷ This vision is also mentioned in a policy for children and youth activities, established by the Leisure, Recreation and Tourism Committee¹⁵⁸, yet, no further clarification is made on how the vision

¹⁵⁴ Nerikes Allehanda, *Örebros nya handbok mot barnfattigdom*, Göran Wärnelid, 2011-06-04, available at: <http://na.se/nyheter/orebro/1.1229999-orebros-nya-handbok-mot-barnfattigdomen>

¹⁵⁵ Örebro kommun, <http://www.orebro.se/10852.html> (2011-09-06)

¹⁵⁶ Barnvision för Örebro kommun, Antagen av kommunfullmäktige 2001-01-17,. Translated from Swedish.

¹⁵⁷ Margareta Stenström, Örebro, 2011-04-15

¹⁵⁸ Fritids- och turismnämndens policy för barn- och ungdomsverksamhet, Fastställd av Fritids- och turismnämnden, 2009-04-14, Ärendenummer Ft 25/2009

is to be encompassed within children and youth activities. But there are several guiding statements on what kind of approach organisations and associations must have and respect in relation to their activities with children and youth.

In year 2009, the municipality of Örebro established a **plan of action for children's rights**, to be in force until 2011.¹⁵⁹ The plan of action is partly based on the partnership which Örebro is engaged in. The work of the partnership will be described shortly.

It is stated by Margareta Stenström that the plan of action is time limited since it is not plausible to have a plan of action that is longstanding, and specified to one particular group or issue. Stenström says: "One cannot have a plan of action for public health, children, gender issues and etc...."¹⁶⁰ meaning that one particular issue cannot be prioritised since all issues are important and need to be integrated. The plan of action for children is therefore, valid throughout year 2011 and will then be further discussed regarding its continuation. Further she says that:

"A manager cannot lead its organisation if she/he will have lots of documents to consider...if an issue is to be up-to-date we should not nag about it, and that is how one can work strategically... not ad hoc yet with awareness".

Further Stenström explains that due to this way of reasoning, there are no political decisions taken in the municipality stating that they ought to implement the CRC as such. There are other steps that have been taken to assure that children's rights are taken into consideration, such as, the practice of an **impact and needs assessment**. Before any political decisions are taken, concerned officials must prepare and complete an analytical checklist (the impact and needs assessment) to be able to identify possible consequences. The checklists are supposed to be applied within all departments in the municipality, and Stenström explains that the checklist encompasses different dimensions, for example, to:

- a) Identify the consequences of the plan / case on the basis of ecological, economic and social perspective.
- b) Assess the need for environmental assessment and environmental impact assessment (MKB - miljökonsekvensbeskrivning) of plans under the Environmental Code and criteria under the Planning and Building Act for significant environmental effects.

¹⁵⁹ Örebro kommuns handlingsplan för barns rättigheter 2009 – 2011, Ks 514/2009

¹⁶⁰ Margareta Stenström

Most committees have received training on how to comprehend the checklist, but, they are to be applied by officials. Whether or not the checklists are frequently applied is not clear. However, one department who actively works with the checklists is the Urban Planning Department in Örebro, especially since urban planning has been identified by the municipality as one of the most important questions which affects children.

In the **annual budget for year 2010**, overall strategies are defined through the same dimensions mentioned above; ecological, economic and social perspective. Under the section where these dimensions are deliberated, it says:

- “Based on the municipality's vision of the individual being in the centre, three perspectives are always included in all municipal planning and decision-making: *child perspective*, where children's rights and opportunities, based on the CRC is focal. The *gender perspective*, pointing to an organization that gives everyone, regardless of gender, equal opportunities. *Diversity perspective*, where individuals with different preconditions and basis are given the same significance. These three perspectives are priorities in all municipal activities and have its basis in the UN Declaration on Human Rights.”¹⁶¹

The description illustrates that a child perspective has been chosen to infuse all political decisions, as well as all planned activities within the municipality.

The vision above was also explained during an interview with Lennart Bondeson¹⁶² where he said, that even though the municipality has agreed on integrating the three perspectives (child, diversity and gender) into the overall governance, they still require instruments for supporting decisions in order to always take the perspectives into account.

Further on, Lennart Bondeson expressed, that the most important step is to follow-up and carry out assessments. To be able to accomplish that, proper indicators must be available to measure both quantitatively and qualitatively. Although, he points out that everything has to be measured today when viewing result, “which makes it difficult to interpret and evaluate

¹⁶¹ Övergripande strategier och budget för år 2010 med flerårsplan 2011-2012, Örebro kommun, 2009-10-27, p.1

¹⁶² Interview with Lennart Bondeson, 2011-05-31.

Was at that time, inter alia, Chair of the Childcare and Education Committee, yet today he is engaged within numerous of political committees, such as the municipal executive committee, the municipal assembly and he is also a Deputy Mayor. He is responsible of human rights issues, and in particular the CRC. He represents the Christian Democrats.

where we are heading, and thus, we are pleased with *this*¹⁶³ (presenting a bookmark). The “bookmark” has been given to all politicians within the municipality and is considered to be a helpful tool for decision-makers concerning the involvement of children. The two-side bookmark refers to the CRC and contains five different questions, whereas three of them ask:

1. Does the decision imply that the best interest of children and youth have been a primary consideration?
2. Has children and youth been given the opportunity to express their views?
3. How do children and youth notice that we respect and their needs, wishes and opinions?

The questions on the bookmark have its ground in article 12 of the CRC and are supposedly to be practiced by all Committees (nämnder) in the municipality.

Furthermore, the budget mentions children repeatedly, and there are numerous planned activities described as regards children and youth. Some enhancement areas have also been mentioned, such as:

- The social services need to improve prevention and early intervention among children and adolescents to confine the need for subsequent actions.¹⁶⁴
- Develop cross-sectorial efforts to achieve results for better health among children and adolescents, but also to achieve cost-effective forms of collaboration.¹⁶⁵
- The continuation and development of Children’s House¹⁶⁶ (Barnahus), which is a care centre for abused children.¹⁶⁷
- Make the activities of *Sputnik*¹⁶⁸ permanent.¹⁶⁹

¹⁶³ Lennart Bondeson, 2011-05-31.

¹⁶⁴ Övergripande strategier och budget, p.7

¹⁶⁵ *Ibid.* p.12

¹⁶⁶ Children's House in Örebro is a collaboration between prosecutors, police, social services, paediatricians and the child psychiatry (BUP). The idea is that children and young people suspected of having been sexually abused and/or other violent crimes will only need to visit one place that is perceived safe and welcoming.

¹⁶⁷ Övergripande strategier och budget,p.29

¹⁶⁸ Sputnik is a support program for children and youth between 7 and 20 years who live or have lived with families with some sort of alcohol or drug addiction. The program is voluntary and for free.

Sputnik, available at: <http://www.orebro.se/2342.html> (2011-09-16)

¹⁶⁹ *Ibid.* p.31

- Enhancing cooperation among various institutions, among others, the social services. Nevertheless, cooperation between the political committees must improve in order to achieve early detection of children with various disabilities.¹⁷⁰

Seeing the **Annual Report from 2010**, not much within these areas is mentioned as regards measures to enhance. Regarding Children's House, the annual report only mention its existence¹⁷¹, however, an assessment has been made by the Social Services Department in the municipality of Karlskoga, saying that the collaboration within the Children's House is not functioning and that the overall objective has not been fulfilled.¹⁷²

Furthermore, seeing that collaboration between authorities and cross political sectors, appear to be an important area for the municipality; no clear examples are given on how it has enhanced children's rights. A cooperation network is mentioned called *Öreför*, which is collaboration between different authorities such as the police, schools and community youth centres. The various associates work together in several groups preventing alcohol abuse, vandalism and truancy at different districts in the municipality.¹⁷³

On the other hand, nothing is mentioned regarding how this project is related to fulfilling children's rights.

Viewing the **school program/plan** of Örebro, not much is mentioned with reference to the CRC. The municipality has however defined the program/plan as being an expression of values and desirable development of activities in the municipality.¹⁷⁴ Therefore, direct actions are not defined. However, as regards the CRC it says:

“Children and students should be encouraged and invited to participate in the development of our joint society. They should be able to come up with their own proposals and be given the conditions to express their views. This with respect, since everyone is different as individuals, and has different opportunities to learn and develop. The UN Convention on the rights of the child will infuse all preschool and school work and is characterized by the spirit of the CRC. Children and students' best interest will always be paramount.”¹⁷⁵

¹⁷⁰ *Ibid.* p.31

¹⁷¹ Årsredovisning 2010, Örebro kommun, p.26

¹⁷² Utvärdering av Barnahus i Örebro län, Socialförvaltningen, Karlskoga Kommun, Patrik Jonsson, 2011-08-09.

¹⁷³ Projekt och samverkan i Örebro län, available at:

[http://www.drogfokus2010.se/drogfokus2010/filer/Seminarium_B4 - Orefor - ett_samarbete_mellan_skola_polis_socialtjanst_och_fritid.pdf](http://www.drogfokus2010.se/drogfokus2010/filer/Seminarium_B4_-_Orefor_-_ett_samarbete_mellan_skola_polis_socialtjanst_och_fritid.pdf)

¹⁷⁴ Skolplan för Örebro kommuns förskolor och skolor 2008-2011, Örebro Kommun

¹⁷⁵ *Ibid.* p.6

It is evident that article 12 concerning participation and expressing own views, encompass the definition of how the CRC is perceived within schools. Although the wording is significant, it is not defined how these principles are related to the CRC in terms of children and students having rights.

7.1.3. Örebro - a child perspective or children's perspective?

It is decided within the municipality to apply a child perspective as one of the three prioritised perspectives when making decisions and planning municipal activities. Several documents have pointed out the importance of a child perspective, mostly by stating the inclusion of the perspective as such.

In a policy document on **guidelines for children's and student's health**, which has been decided by the Childcare and Education Committee in Örebro, it says, among other things, that schools activities are regulated through:

- On an international level: the CRC
- On national level: the School Act
- On a municipal level: the school plan/program of the municipality of Örebro, and more.¹⁷⁶

Although the CRC is mentioned in the latest Swedish School Act as well as several municipal documents, the distinction must be remarked, since the CRC is mentioned as an international document, which is clearly not incorporated at the local level.

The guidelines also states, that a shift should be made from an adult perspective to a child and student perspective.¹⁷⁷ The question is then, how is a child perspective perceived within the municipality amongst decision makers and officials?

During the interviews, questions were asked whether the interviewees knew the difference between a child perspective and children's perspective, and whether they believed that the perspectives were well established amongst politicians and officials. Lastly, they were asked, which one of the perspectives they believed were commonly applied.

¹⁷⁶ Barn- och elevhälsa Örebro kommun - Riktlinjer, Beslutat i programnämnd Barn och utbildning 2004-09-02 Diarienummer 234-04, p.2

¹⁷⁷ *Ibid.* p.3

Thomas Esbjörnsson, Chair of the Childcare and Education Committee, believed that his fellow politicians, as well as himself, are taking the terminology in consideration. But “there is one thing to imagine what children think, and another that they express what they think.”¹⁷⁸ He pointed out, that as a politician, there are several perspectives to take into account, such as, parental perspectives, citizen perspectives and judicial perspectives, and these different views end up challenging each other.¹⁷⁹ Stenström describes that to be able to make that distinction, we need to discuss the differences. Those who work within the childcare services might think that they have children’s perspective, which they do not always have. According to Stenström, a child perspective is not always applied, because a conscious choice has been made in favour of something else.¹⁸⁰ As stated by Bondeson, it is a cornerstone in the municipal activity to be able to distinguish between the two perspectives and therefore it must be included “in the training of elected political representatives and officials.”¹⁸¹ Bondeson says, that it is important to listen to children and young people’s opinions, but then again, when it comes into collision with other perspectives, it becomes a question of strength to be able to assert children’s perspective. If not possible, then it must be explained why, since there are constant conflicting objectives. During the interview with Bondeson, conflicting objectives were mentioned several times and therefore he was asked why different perspectives must be conflicting, where he explained that:

“...if you have not worked considerably with a child perspective or the children's perspective, one might experience it, in the beginning, as a clear conflict, but there is nothing that says that it is impossible to reconcile at long term. The idea is that children’s perspective must be compatible with growth and development and the economic quantitative measurements we have, and what's good for children are usually also good for adults, and also good for other perspectives, it is not mutually exclusive but can be reconciled”¹⁸²

What Bondeson is expressing is an awareness of how municipal activities and objectives as well as different perspectives can be interconnected. Margareta Stenström has a similar viewpoint by stating, that it is important to gather the sentiments of those who a decision might affect, but then it is not feasible at all matters and then it is up to the political

¹⁷⁸ Interview with Thomas Esbjörnsson, Municipality of Örebro, 2011-04-21.

At the moment he is the Chair of the Childcare and Education Committee, yet when interviewed he was the 1st vice Chair. He represents the Social Democratic Party.

¹⁷⁹ Thomas Esbjörnsson, Municipality of Örebro

¹⁸⁰ Margareta Stenström, Municipality of Örebro

¹⁸¹ Lennart Bondeson, Municipality of Örebro

¹⁸² Lennart Bondeson.

representatives to incorporate the perspectives of children. Regarding municipal activities, Stenström states, that those who work with children must be able to identify how a certain issue might affect children, such as the social services or school personnel, however, on a political level, it must be implemented in the steering documents.¹⁸³ Whether the children's perspectives are being applied, Bondeson finds it difficult to answer, since it is still perceived as a new discovery.

“...one might think of the CRC, and children's right to be heard, but the definable differences it is not really clear. The adult world has been so dominant. When you look at the activities within preschools, it is very common for adults to decide over the children. Planning within Urban Development is known for making the “wrong” decisions since they think they know what children think and want, and then it turns out the opposite.”¹⁸⁴

Bondeson clarifies how the terminology is not well known and therefore not conformed to. A child perspective is however recognised within the municipal policy documents as well as politicians and officials. But then again, if it is taken into account, is rather complex. More on this will be issued further on.

7.1.4. Örebro and children's participation - article 12

When discussing children's perspective, article 12 is often mentioned with reference to children participation and influence, in this case, within municipal activity and decision-making. Examples will now follow, on how Örebro has been applying article 12 within the municipality, as regards political decisions and activities.

A system that has been developed, yet is still being modified, is *dialogue with citizens*, where civil dialogues with decision makers are offered to be able to share opinions on present and future activities. Approaches and methods will evolve to broaden and include more groups of citizens. The intention is to eventually find the structure where all major decisions are preceded by public dialogue and the municipality intend to consider, in particular, youth and children's perspective.¹⁸⁵

¹⁸³ Margareta Stenström, Örebro

¹⁸⁴ Lennart Bondeson, Örebro

¹⁸⁵ Övergripande strategier och budget, p.9

There are five different strategic groups consisting of politicians and officials, who operate under the municipal executive committee (kommunstyrelse). One of them focuses on: democracy and the civil society, which Lennart Bondeson is a part of. Within this group, Lennart Bondeson explains, ideas are discussed on how the citizen dialogue can be developed. For example, youths from three different high schools were invited to be engaged in developing proposals for an investment budget for parts of the municipality.¹⁸⁶ Regarding younger children, more knowledge and training is required on how to take note and interact with children, according to Bondeson.¹⁸⁷

In terms of involving children in decision making and planning, summer internships have been offered to adolescents, in cooperation with the Swedish Academy on the Rights of the Child. The youth are given the opportunity to take part of municipal planning and also receive education in the CRC.¹⁸⁸ Margareta Stenström explained that during the summer (year 2011) an opportunity will be given to disabled children to take part in the planning of the new travel centre in Örebro, and which in retrospect, have been told that it was a success, since the youths involved felt highly engaged and shared good knowledge.¹⁸⁹

Children's participation is mentioned frequently in most policy documents, such as in the school plan of Örebro municipality, where one of objectives is defined as:

“Children and students should be able to influence the activities in accordance with the CRC.”¹⁹⁰ In the guidelines for children's and student's health, similar has been stated by saying that: “an important aspect is children's and students' opportunities to influence their learning and working environment”.¹⁹¹ One of the municipalities overall objectives has been “to increase citizens' influence over their daily life and of municipal operations and decision making”.¹⁹²

Seeing that the provisions of article 12 is somewhat incorporated in the steering documents which has been mentioned as crucial for the actual implementation, how then is it perceived by the interviewees?

¹⁸⁶ Lennart Bondeson, Örebro

¹⁸⁷ Lennart Bondeson, Örebro

¹⁸⁸ Årsredovisning 2010, Örebro kommun, p.21

¹⁸⁹ Margareta Stenström, Örebro

¹⁹⁰ Skolplan för Örebro kommuns förskolor och skolor 2008-2011, p.14

¹⁹¹ Barn- och elevhälsa Örebro kommun, p.3

¹⁹² Övergripande strategier och budget, p.56

All three interviewees in Örebro believed that that children and youth are able to have influence in the municipality; and they acknowledge that there must be a developing process, especially with regards to different methods in how to engage children and youth. Margareta Stenström explained that a process is on-going concerning finding good methods of participation, and all ideas will then be gathered in a methodological handbook. Further she explained, that youth actions such as youth parliaments has not been considered, but, a few times high school students have taken part in youth assemblies where they have been taught how to write proposals as well as defending them. Even though it has been highly educational, it is according to Stenström not real influence. She believes that within schools or social services, student/child influence is given, since the schools is a child's workplace and a child is a client when visiting the social services, like any adult. Nevertheless, in community planning, children and youth should be more engaged.¹⁹³

According to Bondeson, Örebro does not have an Advisory Council for Youth, seeing that the interest of youth in the municipality is to low, as he believes that they choose to engage in societal issues through other channels.¹⁹⁴

Thomas Ersbjörnsson emphasise the adult responsibility by stating that adults must ask children what their opinions are more often, but notes that it is not easy, especially by politician at his level, since they do not know how that could be achieved.¹⁹⁵

7.1.5. Örebro and the Partnership for the implementation of the CRC

Previously a plan of action for children's rights was mentioned as being based on a municipal cooperation called *the Partnership*. In year 2004, twelve Swedish municipalities engaged in a partnership to develop useful tools for implementing the CRC on a municipal level. The objective was to exchange ideas and support, monitor, asses and disseminate the work of implementing children's rights.¹⁹⁶

Three main focus areas were identified:

1. Developing methods to increase children and youth impact.
2. Assuring the impact of CRC in municipal steering documents.
3. Developing indicators to be able to measure the results of the Partnership.¹⁹⁷

¹⁹³ Margareta Stenström, Municipality of Örebro

¹⁹⁴ Lennart Bondeson, Municipality of Örebro

¹⁹⁵ Thomas Esbjörnsson, Municipality of Örebro

¹⁹⁶ Rapport om tre års samarbete kring barnkonventionen, 2005 - 2007

¹⁹⁷ *ibid.* p.7

Certain methods were chosen to be applied within the partnership. For example, municipalities have been challenging each other to take measures, either related to child and youth impact and participation or to the strategic work of the municipalities concerning the CRC. Another method has been, to share experiences at different levels since both politicians and officials from all municipalities are participating in the process. Furthermore, peer-reviews are made amidst the municipalities.¹⁹⁸

Örebro was the initiator to the Partnership and have therefore been involved since the start. In 2007 the Partnership decided to continue its collaboration and today eleven municipalities still remain. Since then, they have issued a report on the work during the first period, and in year 2010 another report was issued based on the completed peer-reviews.¹⁹⁹

When the municipal executive committee in Örebro decided in year 2008 to continue the engagement in the Partnership, they established an action plan for children's rights the next coming year. The plan is oriented through different principles, article 2, 3 and 12 (of the CRC, which are three of the guiding principles mentioned in a previous section), and article 42 on the dissemination of the CRC among children and adults.²⁰⁰ The plan is subsequently divided into challenges with developing areas, such as:

1. *Developing methods*, for, inter alia, children's participation
2. *Ensuring meeting points*, such as family centres.
3. *Training*, such as giving courses on the CRC to politicians, officials, managers and other people working with issues related to children.
4. *Cooperation*, within the municipal activities as well as with other organisations and external authorities.
5. *Knowledge support*, such as gaining knowledge from research and, for instance, by cooperating with the University of Örebro.
6. *Accountability*, the strategic group for democracy and the civil society are accountable for the implementation of the action plan for children's rights. The assessment and follow-up is the obligation of the municipal executive committee.²⁰¹ Furthermore, the overall work with the follow-up, assessment and revision of the CRC is according to

¹⁹⁸ *Ibid.* p.8-9

¹⁹⁹ Barnkonventionens genomförande i elva kommuner, rapport från Partnerskapets kollegial granskning, Stina Liljedahl och Cecilia Ljung, juni 2010.

²⁰⁰ Örebro kommuns handlingsplan för barns rättigheter 2009-2011, p.4

²⁰¹ *Ibid.* p.4-6

the action plan, presented in the annual account for sustainable development, or in the annual reports for each and every Committee.

When viewing the **annual account for sustainable development**, conclusions could be drawn that the information is based on, mostly statistics which are explained by giving examples of background and motives. Especially on the subject of children's participation and involvement, statistics are shown from surveys handed out to students at different schools. The account is rather explanatory and not much is mentioned on efforts made concerning the CRC, therefore, the information is not that rewarding when searching for information on the methods applied for implementation.²⁰²

The challenges Örebro agreed on to fulfil within the scope of the Partnership is that:

1. The Town management office was given then mission to test and develop methods for children's participation in decision-making, where children are concerned.
2. The CRC was to be remarked in all annual accounts within all scopes of practice in the municipality.

Concerning the first challenge, it was described, during the interview with Margareta Stenström, that the work is in progress with collecting data on how children can be involved in decision-making processes. The ideas will be gathered in a handbook to support officials working with children or child related issues.²⁰³ Previous experiences will also be described, such as, citizen budgets and working with GIS-maps²⁰⁴.

The second challenge is rather difficult to state whether it has been implemented so far or not, due to the time perspective. The action plan for children was adopted for the period between year 2009 – 2011, and most of the available annual accounts are from year 2009, which might be the explanation to why the CRC is hardly mentioned in any of them.²⁰⁵ The Committee for the Disabled are one of few that actually mention the CRC in their annual report and by what means the knowledge can support the activities.²⁰⁶ This committee is also the only one who

²⁰² Bokslut för hållbar utveckling 2010, Örebro kommun

²⁰³ Margareta Stenström, Örebro municipality

²⁰⁴ *GIS-maps* are digital maps with drawing tools and a built-in survey especially made for children to be involved in urban planning.

²⁰⁵ The annual accounts are available at: <http://www.orebro.se/5306.html> (2011-09-20)

²⁰⁶ Årsberättelse 2009, Nämnden för funktionshindrade, Örebro kommun, p.5

have adopted an action plan for the CRC, which is according to Stenström, up to each committee to decide whether or not adopt specific action plans or not.²⁰⁷

The latest peer-review of Örebro is from year 2009 and is based on interviews with politicians, executives and officials. In addition, surveys were sent out to youths, yet, only ten people responded. The interviews were focused on three different areas: steering processes, participation among children/youth and future prospects.²⁰⁸

Visions from the first review from year 2007 are mentioned to be able to compare with the content in the current review, and one of the visions was that all politicians would be trained in the CRC. As regards training in the CRC, Stenström informs that all members of the Municipal Assembly have been offered to take part of a basic training course in the CRC led by the local Save the Children, yet the courses are non-compulsory.²⁰⁹ Bondeson however clarifies that there are intentions within the municipality to integrate the CRC in the overall training for all new elected politicians.²¹⁰ He also states:

“You constantly need to put politicians on the track. But you could say that awareness of the CRC is very different, it's been quite a lot of enthusiasts among politicians and officials...but then you have to include everyone and the entire organization, and that require a lot of footwork and a good organization, so it can switch over from enthusiasts to the existence in the whole system. One constantly needs new knowledge of the CRC, but then again it is also about how to interpret the CRC, to separate the child's perspective and the children's perspective, there are many different steps, and the partnership has been a very good support for us to be at the forefront and highlight it on a regular basis.”

Bondeson explains how the work with the CRC is not simply a one-step solution through training of perhaps all of the articles; there are several perspectives to consider, such as, knowing how and why the provisions of the CRC can be applied in practice. What Lennart Bondeson also emphasise, is the fact that there are enthusiast who are the driving force within the municipal organisation who have more knowledge due to their awareness, nonetheless, the awareness need to be broadened and more widely spread amongst all who operate in the municipality, especially those who work with children and child related issues.

²⁰⁷ Margareta Stenström, Örebro municipality

²⁰⁸ Kollegial granskning 2009 – med fokus på Barnkonventionens genomförande i Örebro kommun, 2009-10-09, p.3

²⁰⁹ Margareta Stenström, Örebro municipality

²¹⁰ Lennart Bondeson, Örebro municipality

The final assessment of the review was that most of the interviewees recognised the overall steering documents and their connecting to the CRC. The revisers especially noted the establishment and the concretisation of the work with participation and impact of children and youth within the municipal activities. It was noted, that the work ought to be more systematised so that the work with the CRC is not dependent on the political majority within the municipality. To do so, follow-up systems must be established that are sustainable. The revisers also note that all three interviewed groups strive for in-depth knowledge and training on how to convert the CRC in daily work, as well as, training in how children's rights can be operated across administrations and cross-sectorial.²¹¹

The peer-review confirms that the integration of the CRC in policy documents is in this case not enough seeing that there is a gap between theory and practice. Meaning that one has to be aware and have the right knowledge concerning how to transform the words to action.

A last comment regarding the Partnership from Bondeson was:

“...One of the key success factors is that there has been a politician and an official from each municipality, and in particular, the fact that politicians were involved. Because then we have been able to hold together the work with the highest political leadership at the highest political level...”²¹²

Bondeson is referring to the fact that the implementation of the CRC must be at the highest political level as only then there will be a real effect. There need to be a common level of knowledge on *what* the CRC is and *how* to work with the principles. Furthermore, Bondeson identifies the peer-reviews as an effective tool since it assist with good insight on the municipal activities from the outside. He would like to see the same system amongst pre-schools and schools since, sometimes “one must step out of its role but while still being in it”.²¹³

7.1.6. Hindrances and possibilities identified by the interviewees

The interviewees were asked to identify what they believed were hindrances or/and possibilities within their own profession concerning the implementation of the CRC.

²¹¹ Kollegial granskning 2009 – med fokus på Barnkonventionens genomförande i Örebro kommun, 2009-10-09, p.10

²¹² Lennart Bondeson, Municipality of Örebro

²¹³ *ibid.*

According to Margareta Stenström the CRC is an issue among many others who are just as important. She explains that there are several conventions which all need to be taken into consideration, but when to execute, there is only a certain amount of space. Therefore, Stenström believes that there has to be a direction towards an overall human rights discourse and not only children's rights.

According to Bondeson, the obstacles are recognised as being the low level of knowledge as well as the awareness regarding the CRC. He also recognises the complexity of the municipal organisations as an obstacle since there are no simple ways of implementation. Despite the fact that Bondeson is a strong sympathiser with the municipal self-governance, he still believes that the CRC should be incorporated in the Swedish legislation, as it would strengthen the work towards achieving the CRC.²¹⁴

Possibilities are acknowledged as being, good assessment and follow-up methods, when improving that, he believes Örebro has reached quite far in implementing the CRC, therefore he describes them as being possibilities.

Thomas Esbjörnsson describes an obstacle as being the incapability of obtaining children's views. Nevertheless, he believes that the biggest obstacle is the adult view on children and says, that "the schools might operate by having a children's perspective, yet, I believe they do so with an ethnic hetero normative Swedish perspective."²¹⁵ Esbjörnsson believes that children are different and have different prerogatives which adults must take into consideration.

7.1.7. Concluding remarks

The municipality of Örebro is in an on-going process in the realisation of the CRC. Based on the interviews, one can ascertain that the municipality is focusing on the integration of children's rights in a broader perspective, meaning that few specific steering documents are directed towards the CRC as such, since the objectives within the municipality are to integrate the rights of children within the enduring human rights work in Örebro. However, seeing that the pragmatic work of children's participation is rather absent, the municipality has through the involvement in the partnership, attempted to reach certain strategic achievements, which they have to some extent. The awareness of the CRC has increased among politicians and

²¹⁴ Lennart Bondeson, Municipality of Örebro

²¹⁵ Thomas Esbjörnsson, Municipality of Örebro

officials, but, only by mentioning the CRC or a child perspective within some steering documents. Nevertheless, there are still much to be done and which will be further discussed in the analysis.

7.2. The Municipality of Borås and the CRC

Borås is Sweden's 13th largest municipality with approximately 103 000 inhabitants, where nearby 22 400 are children under the age of 18, and about 15 000 students enrolled at the University of Borås.²¹⁶ The city has recently experienced a reorganisation where it has been divided into three different districts and where the amount of Committees has decreased as well as the amount of elected politicians.

The objective is to gather the administrative service to be able to provide a more efficient operation, which consequently provides more opportunities for practice and development. It has been stated that in a long-term perspective, it will provide the citizens a higher quality of municipal activities, since the reorganisation will provide a scope to have specialised personnel with distinct skills.²¹⁷

Compared to previous years the child poverty rate in Borås has decreased. However, out of the 290 municipalities in Sweden, Borås were ranked 183, year 2008.²¹⁸

In an interview with Lena Palmén²¹⁹, one of the Deputy Mayors in Borås, responsible for areas such as education, social care and child care, she explains that the child poverty rate in Borås is high, but, the main reasons are because of decisions taken at national level, such as regulations for health insurances, unemployment and more.²²⁰

²¹⁶ Population prognosis of the municipality of Borås, p.5, available at:

<http://boras.se/download/18.30e3e01312f0c73b07d800013946/Befolkningsprognos+Bor%C3%A5s+2011-2015+.pdf>

²¹⁷ Municipality of Borås, available at:

<http://boras.se/startsidanslankar/aktuellt/aktuellt/borasstadsnyaorganisation2011.4.77a3d67712cdc6b0648800018010.html> (2011-09-22)

²¹⁸ Kommunbilagor, Sveriges alla kommuner, Rädda Barnen. Appendix for the report on child poverty 2010 from Save the Children Sweden.

²¹⁹ Interview with Lena Palmén, Municipality of Borås, 2011-04-19.

Her field of responsibility is education, social care and child care, leisure including association grants, culture, tourism and events, integration issues, public health, elderly care/child care and disability activities. Represents the Social Democratic Party.

²²⁰ *Ibid.*

In year 2010 Borås was awarded the title *Municipality of Youth*, which is elected every year by the Swedish National Board for Youth Affairs (Ungdomsstyrelsen).²²¹ The award was mainly based on the municipal work with youth participation and impact in the society.

According to Anita Spjuth²²², youths, officials and the political leadership has been pointing towards the same direction which has been of great benefit for winning this award. Spjuth notes that there is still much to be done, therefore, the award could also be seen as an incentive for future work.²²³ When meeting Anita Spjuth, she has just started her position as project manager or what others called her, a child rights strategist. Spjuth described that her position is focused towards the different departments with the ends to map the departments work concerning participation and impact amongst youth, as well as to gather requests for further development and support on the area concerned. She believes that the work of participation and impact is rather widespread amongst adolescents in Borås, and will therefore focus younger children on intermediary level and younger, since there is an immense absence of information from that level.²²⁴ The employment of Spjuth is according to Lena Palmén a step towards deepening and increasing the knowledge of the CRC amongst the administrators working at the various departments. An important fact is that the employment is placed directly under the municipal executive committee as the position is regarded as being a strategic important matter.²²⁵

In year 2008 the municipality assigned an audit bureau to review how the CRC, with special focus on articles 2, 4, 6 and 12 (the general principles) are implemented within the municipal organisation. Some of the main findings from the review are following:

- There is a lack of coordination between different policy documents and activities relating to the CRC.
- It is not clear regarding what department or committee who is responsible on the monitoring and following-up the goals and objectives.
- The committees do not apply child impact assessments before decision-making.

²²¹ *The Swedish National Board for Youth Affairs is a government agency that works to ensure that young people have access to influence and welfare.* Available at: <http://www.ungdomsstyrelsen.se/art/1,2072,8673,00.html> (2011-09-22)

²²² Interview with Anita Spjuth, Municipality of Borås, 2011-04-19.

Project Manager/Child Rights Strategist at the town management office, Focus on children's participation and impact.

²²³ Anita Spjuth, Municipality of Borås.

²²⁴ Anita Spjuth, Municipality of Borås.

²²⁵ Lena Palmén, Municipality of Borås

- There is no overall view on how the CRC is being implemented in Borås.²²⁶

According to Anita Spjuth, the review was regarded as a failure in the work with the CRC and therefore a strategic group was initiated called *Samlad Kraft* (Collective Force), with the mission to review the work with the CRC as regards the coordination and organisation.²²⁷ The group was also assigned to review the various steering-documents, especially the action plan on participation and impact for youths in Borås. More on the action plan will follow further on.

7.2.1. Policy documents in Borås relating to the CRC

As the municipality recently undergone a reorganization there are many documents and policies that are under the process of being revised, nevertheless, some of them will be mentioned with regard to the CRC.

Eva Andreasson, development strategist, explained during an interview that not many policy documents mentions the CRC, which is something that the municipality is making an allowance for. According to Eva Andreasson, the only document which actually mentions the significance of the CRC is **the annual welfare account** (välfärdsbokslut)²²⁸, but, when viewing the latest account from 2010, the CRC is not mentioned at all. The account for 2010 focus on children/youth and the elderly and therefore, children are mentioned frequently yet with focus on health, participation, results at school, swimming knowledge, social support and safety at school. The information is based on surveys and has only included fourth, fifth, eighth and ninth grade students, explaining mainly statistical facts of children within those areas.²²⁹ No real methods are explained where there is an obvious connection to the CRC, yet, under a section, the significance of having a structural instrument for children's participation and impact at schools is expressed that "it is also important to find procedures for quality assurance in this area, such as Children's Checklist."²³⁰ The quote explains an intention or a wish rather than an actual act. In terms of checklists, Andreasson explains that there is a bill

²²⁶ Revisionsrapport - Granskning av hur Borås kommun införlivar barnperspektivet i sin verksamhet, Borås Kommun, Mars 2008, Tove Strömberg and Monica Axelsson, Öhrlings PriceWaterhouseCoopers, p.2

²²⁷ Anita Spjuth, Borås municipality

²²⁸ Interview with Eva Andreasson, Municipality of Borås, 2011-04-19.

Development Strategist at the town management office (stadskansli).

²²⁹ Välfärdsbokslut 2010 - för ökad kunskap om hälsa och välfärd, Borås Municipality.

²³⁰ *Ibid.* p,23

which has been sent to the municipal assembly proposing children's checklist to be applied before every political decision.²³¹

There are statements made as well as activities explained in the welfare account, which could be connected to some of the provisions in the CRC. Child and youth participation and impact is given great attention, but no references are made to article 12.

The objectives for 2011 **from the Leisure, Recreation and Public Health Committee** (Fritids- och Folhålsnämnden), describes goals regarding the dissemination of the CRC by stating, that they intend to "...reach a community-wide vision of the CRC and the influence of children and adolescents."²³² This particular aim is the only one mentioning the CRC with an overall perspective, but then again, with a certain focus on participation. Furthermore, the appliance of a checklist is mentioned by stating that a pilot checklist should be tested before political decisions, yet first within one or two committees.²³³

In the **budget for 2011** there are no references made to the CRC whatsoever, but activities for children and youth have been described. Some of the measures that will be or has been taken is that the position of the youth co-ordinator will be expanded to full-time (more on the youth-co-ordinator will follow shortly).²³⁴

Since the **annual welfare account** has been developed towards becoming a quality and monitoring instrument two of the objectives concerning children for 2011, will be children's participation and influence in the society and children and young people's living conditions. Based on these aims, the Leisure, Recreation and Public Health Committee has been commissioned to establish a central meeting place for young people in Borås during 2011.²³⁵ The budget describes how the Leisure, Recreation and Public Health Committee support organisations by granting donations for the purpose of, inter alia, supporting youth and child activities.²³⁶ No conditions are made, such as informing children and youth within the organisations on the CRC.

Moreover, the budget focus on children's and youths opportunity to participate and having an impact on the planning, content and formation of the district they live in, and that each committee is to ensure that the schools find the right methods for participation.²³⁷

²³¹ Eva Andreasson, Borås municipality

²³² Inriktning av folkhälsoarbetet 2011, Fritids- och folkhälsonämnden, 2010-05-26, p.2

²³³ *Ibid.* p.2

²³⁴ Borås Stad Budget 2011, p.39

²³⁵ *Ibid.* p.52-53

²³⁶ *Ibid.* p.56

²³⁷ *Ibid.* p.91

Further objectives indicated are related to the Culture Committee who phrases that they intend to provide:

- Opportunities for individual creativity and active participation, local support and prioritisation of children and adolescents and efforts to accommodate disabled and groups with other mother tongues, should be guiding principles in the municipality's cultural work.

And that:

- Children and adolescents should be able to freely participate in the cultural and artistic life by early getting wide and age-appropriate cultural activities with support of committed adults, exercise culture in leisure time and get their voices heard.²³⁸

Both objectives above illustrate that children's participation is significant, but within the first objective certain groups of children has been brought to attention with regards to article 12, that has not been made in other documents analysed.

The Culture Committee is one of the few committees who established a specific culture program for children and youth. It is noted that the program is also a complement to the municipal assembly's work on culture and the school plan for the municipality of Borås (which will be mentioned further on). The program describes children's possibilities and accessibility to activities related to film, art, literature, music and theatre, with a reference to the CRC and article 31 on a child's right to leisure, play and culture.²³⁹

According to Lena Palmén²⁴⁰, the Culture Department is one of two departments who carry out a children's annual account, and the latest one is from 2009, assessing articles 2, 3, 4, 6 and 12, (article 2,3,6,12 are the general principles mentioned earlier) and article 4 which has not been mentioned previously and refers to the implementation of the CRC.²⁴¹ The document exemplifies previous definitions on measures for a successful work with the CRC which was following:

- Management's continued and unequivocal support and commitment.
- Children perspective is incorporated in the objectives and policy documents and existing work processes.

²³⁸ Borås Stad Budget 2011, p.70

²³⁹ Borås Stads Kulturprogram för barn och ungdom, 2003, p.9

²⁴⁰ Interview with Lena Palmén, Municipality of Borås

²⁴¹ See appendix for an in-depth description of the article.

- Economic and human resources.
- Training/knowledge and information.
- Collaboration, dialogue and dissemination of experiences.
- Follow-up and evaluation.²⁴²

Based on these measures, surveys was made amongst various institutions within the culture sector (museums and art/music centres), and parts of the results that was distinguished was firstly, the fact that all parts noted that collaboration is very important for the development and coordination of culture for children. Secondly, the steering-documents relating to children for the city of Borås were somewhat known to the respondents, who also expressed the desire to review them all as well as be provided with training based on the content along with the CRC.²⁴³ Finally, all respondents except from one, describes that children's voices have been taking into consideration which has on occasion resulted in changes within different activities.²⁴⁴

Results from the **annual account for 2010** has indicated rather similar results, yet with some minor alterations for instance, when asking about children's participation and impact within the survey, Hart's ladder of participation was illustrated for the respondents to able to identify on what level the participation of children would be positioned, regarding the activities of the different institutions. Moreover, the survey was more clearly connected to the articles seeing that the questions asked where defined by illustrating the related article.²⁴⁵

The school plan for Borås municipality was established by the municipal assembly in year 2000 and is valid until year 2013. The document does by no means mention the CRC and its main focus is clearly, student's educational development. Nevertheless, other guidelines are described which by indirect means can be interrelated to the provisions in the CRC.

To illustrate, selected aims have been chosen:

- Deal with bullying, discrimination, sexual harassment and exclusion faced by some children and students.²⁴⁶

²⁴² Borås Stad – Kulturförvaltningens institutioner: Barnbokslut 2009, Sammanställning, p.1

²⁴³ *Ibid.* p.2-3

²⁴⁴ *Ibid.* p.4

²⁴⁵ Barnbokslut 2010 – Från ord till handling, Borås Stad, Kulturnämnden 2011-02-23.

²⁴⁶ Skolplan för Borås Stad, november 2000, p.8

The defined aim could be interconnected to article 2 on non-discrimination or perhaps article 29 on the aims of education, which describes the above objective, but with a rights perspective along with a responsibility to assure these rights.

- Children/students and parents have a real opportunity to influence the planning, content and design of school activities.²⁴⁷

The above stated goals could be defined through article 12 on the respect for the views of the child. Correspondingly, the objective is not stated as a right which each child has. The same reasoning is also evident when stating in the school plan that all teachers and school principals are accountable of noticing all children/students and parents regarding the content and objectives of the school plan.²⁴⁸

Lena Palmén describes that one of the major municipal obstacles as regards realising the CRC is the fact that schools are operating their activities incorrectly since there are still many teachers and school principals who believe that the CRC is not an important element. The principals are, according to Palmén, accountable of training all its personnel and to ensure that everyone is aware of the CRC. Furthermore, she describes that the political committees are responsible of the development of activities (verksamhetsutveckling), yet the policy documents must then be pragmatic within schools and organisations.²⁴⁹

In the **quality report for pre-schools, schools and youth leisure centres**, article 12 has been mentioned in relation to children's participation, stating the significance of increasing the level of participation.²⁵⁰ No other provision of the CRC has been mentioned.

As regards children and students in need of special care, the report indicates the lack of mapping on what types of action programs that are being practiced, especially concerning children at pre-schools. There is also a divergence amongst schools in Borås on how to give support to children in need of special care, seeing that different programs are being practised at different schools.²⁵¹ The report points out areas which need to be enhanced such as, how unaccompanied asylum-seeking children's educational needs are being met,²⁵² yet, no references are made to how children have rights according to the CRC or seeing that

²⁴⁷ *Ibid.* p.9

²⁴⁸ *Ibid.* p.10

²⁴⁹ Interview with Lena Palmén, Borås Municipality

²⁵⁰ Borås Stads Kvalitetsredovisning för förskola, skola och fritidshem läsåret 2008–2009, fördjupad analys, Maj 2010, p.42

²⁵¹ *Ibid.* p.30-32

²⁵² *Ibid.* p.35

children's participation are given such value, nothing is stated on children's perspective, but a gender perspective is mentioned numerous times.²⁵³

In year 2004 a **Child and Youth Policy Program** (handlingsprogram) was established with focus on children's and youth's impact and participation, but, due to some criticism given in the review from the audit bureau mentioned earlier, the program is now under process of being revised.²⁵⁴ The document is based on children's and young people's own perceptions and is the municipal view on children and youth, and has also a symbolic value for all committees and boards. There are some main objectives with various targets which have been decided by children in seventh to ninth grade and upper secondary schools, and the program is designed for children and youth up to the age of 20.²⁵⁵ The various targets are related to issues such as education, housing, leisure and recreation, health, work, community planning, environmental issues, international issues, safety and equality. Examples of targets are:

- Schools and the community should encourage creativity, independent thinking and the power of initiative.²⁵⁶
- Involvement in student councils should be encouraged. Individual responsibility and influence in society should particularly be encouraged.²⁵⁷

Furthermore, the document includes a section on approaches for participation and impact for children and youth.²⁵⁸

7.2.2. Borås and children's participation - article 12

When Borås was awarded the municipality of youth in 2010, the Swedish National Board for Youth Affairs commended the municipalities' efforts on involving young people at a political level by establishing youth councils, having on-going dialogues between politicians and youths, and having a youth coordinator who is a significant support to school personnel, politicians and the youth council.²⁵⁹ Borås has recently appointed a new youth coordinator,

²⁵³ *ibid.*

²⁵⁴ Interview with Lena Palmén, Borås municipality

²⁵⁵ Borås Stads Inflytande för barn och ungdomar, 2004-03-18, p.1

²⁵⁶ *ibid.* p.6

²⁵⁷ *ibid.* p.8

²⁵⁸ *ibid.* p.12-14

²⁵⁹ The Swedish National Board for Youth Affairs, available at:
<http://www.ungdomsstyrelsen.se/art/0,2072,8518,00.html> (2011-10-12)

with the responsibility to coordinate the work with participation and impact of young people, supporting the youth council in their political achievements as well as organising training in the CRC and democracy training for politicians and student councils.²⁶⁰ Much has been invested in the youth coordinator seeing that the position has been given an overall political support. Lena Palmén explains that, when Borås were given the award for the best municipality for youth in 2010; the former youth coordinator initiated with a political support, the position of a child rights strategist. During the interview together with Anita Spjuth (the child rights strategist), who is positioned as project manager for six months, she describes that she is assigned to observe the work of the various departments and detect good practice. Spjuth is also to develop methods for participation and impact of children and, especially younger children since the youth co-ordinator already focuses on older children.²⁶¹ Palmén describes the work of the strategist as a short term effort that will have long term effect since the strategist is to train officials at the various departments as regards the CRC, participation and the aspects of child and children's perspective, which they are expected to be able practice after this period. Palmén states that there is an obvious political will in the municipality, where the new position of a child rights strategist is obvious evidence. Nevertheless, there is awareness among politicians and officials, but there is still a lack of knowledge which needs to be developed.²⁶²

7.2.3. The Borås Palette - A unique concept

The Borås Palette is a successful concept which was noted when giving the reward in 2010. When the Child and Youth Policy Program were established in 2004, methods and tools were developed for children and youth participation and impact. In order to give structure to the methods in areas such as school or leisure activities, the city of Borås developed a palette to illustrate how and what these methods consist of and how they are executed.

²⁶⁰ *Ibid.*

²⁶¹ Interview with Anita Spjuth, Municipality of Borås

²⁶² Interview with Lena Palmén, Municipality of Borås

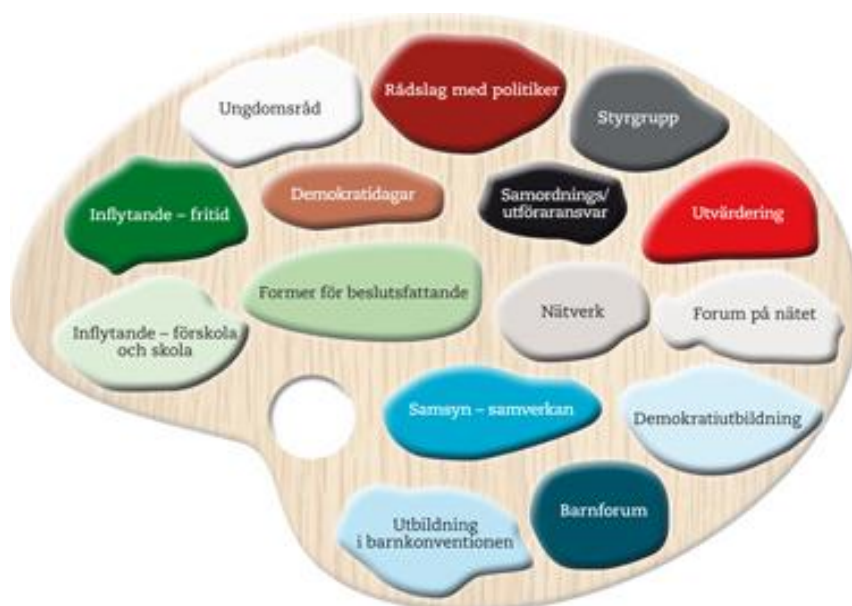


Figure3. Illustration from the homepage of Borås municipality, 2011-10-07,²⁶³

The work is to be executed until 2013 and the symbolic meaning is, according to Anita Spjuth, that the colours together will create new colours which are to illustrate that the work cannot be divided, but the work is on different levels and with different structures.²⁶⁴ The various wording on the colours describes the importance of: networks, democracy training, CRC training, children's impact in schools, youth council, assessment and etcetera. On the back of this palette different areas have been described (see footnote for exact information).²⁶⁵ Municipality of Borås have an operative Youth Council which acts as a referral body and has the same status as the Committees. Eva Andreasson explains that several ideas from the council have been implemented, yet, no concrete examples are given. Furthermore, there are

²⁶³ Available at:

<http://www.boras.se/forvaltningar/stadskansliet/stadskansliet/kvalitetochutveckling/inflytandeforbarnochunga.4.82f0a312665003f0d800023031.html>

²⁶⁴ Interview with Anita Spjuth, Municipality of Borås

²⁶⁵ **1. Democracy days** – where young people and decision makers in Borås meet in various ways such as, through the youth council, children's forum, informal consultations between young people and sponsor politicians or forums on the internet. **2. Idea carriers** – In order to assure the quality of the dialogue and reach consensus in the community there are *idea carriers* within all administrations. Administration managers have chosen specific persons who will support colleagues regarding how to apply a child and youth perspective as well as inviting young people to dialogue. **3. Strategic work with the Collective Force group** – In the work with the CRC and young people's influence is it is important that the work of the municipality is a natural part of the departments and activities; therefore a cross-sectoral team has been established to unify and develop this work. **4. Democracy Education** – There is a constant need to educate young people together with adults in schools, youth centres, youth and policy makers to increase influence the participation of young people in Borås. The dialogue is therefore strengthened by giving the similar education to everyone. The Borås Palette, available at: http://www.boras.se/download/18.30e3e01312f0c73b07d800040162/Palett_frilagd.pdf (2011-10-16)

lots of efforts made on training within the council as well as between the youths and politicians.²⁶⁶ One of the methodological trainings that have been applied is the *Trialog Method*. The method has been developed by consultant Ove Strand who practically works with a similar ladder of participation which was mentioned under the theoretical section.²⁶⁷ This particular method has been perceived as extremely successful within the municipality and has therefore been decided by the Leisure, Recreation and Public Health Committee to be continued within the municipality amongst youths and adults.²⁶⁸

In addition to the central youth council, there are two local youth councils who mainly focus on local issues within their residential areas. With regards to the youth councils, Lena Palmén expresses a concern, noting that she is aware of the fact that the youth councils might be considered as not all-inclusive since a limited amount of young people are representing the youths of the municipality. The city district committees must therefore, develop thoughts and ideas on how to include the voices of more children and adolescents.²⁶⁹ Eva Andreasson share this view by stating that some youths are good at including themselves and making sure they are being listened to, but then, the adult responsibility must be much more clear on how adults in reality include children, especially children from socially weak groups in the society. There are school councils available at every school, according to Andreasson, only one student per class is a representative which she does not believe is right and therefore points towards a development on the area.²⁷⁰

7.2.4. Concluding remarks

Analysing documents from Borås together with the interviews, a conclusion can be drawn that, the focus is mainly on youth participation and not necessarily in correlation with the CRC. When asking the interviewees on what they considered obstructing the implementation of the CRC several answers and thoughts were given. Eva Andreasson and Anita Spjuth expressed the necessity of changing attitudes amongst politicians and officials, saying that the priorities must be understood and defined. They noted the significance of adequate training, structural changes, better follow-up systems, anchoring the work at all levels of the municipal activity, and last but not least, the management and governance must be strong to be able to

²⁶⁶ Interview with Eva Andreasson, Municipality of Borås

²⁶⁷ Trialog, available at: <http://www.trialog.se/tmetoden.htm> (2011-10-16)

²⁶⁸ Inriktning av folkhälsoarbetet 2011, Fritids- och folkhälsonämnden, 2010-05-26, p.2

²⁶⁹ Interview with Lena Palmén, Municipality of Borås

²⁷⁰ Interview with Eva Andreasson, Municipality of Borås

demand accountability within these issues.²⁷¹ Furthermore, all interviewees noted the lack of knowledge at all levels within policy and administration. A notion of the CRC is present, yet, knowing how to transform the provisions into real work is not as clear. The municipality of Borås have the willingness to develop as regards the implementation of the CRC, and they certainly have youths within their municipality who are willing to claim their rights. However, their perspectives might need to be broadened.

7.3. The Municipality of Strängnäs and the CRC

Strängnäs is a rather small municipality with nearly 32 600 inhabitants where more than 7000 are children under the age of 18. Strängnäs consist of eight different municipal districts which were merged together about 40 years ago.

Viewing the report on child poverty from Save the Children, the municipality ranks rather high, more exactly on 175th place out of 290 municipalities.²⁷² When speaking to Tord Tjernström, one of the Deputy Mayors in Strängnäs, the children he identified as being the most vulnerable in Strängnäs were the ones living with addicted parents, further he stated, that there are no specific groups of children in the municipality who have been noticed as being distressing.²⁷³ Strängnäs is one of few municipalities in Sweden who have positioned a local children's Ombudsman since 2010. Tjernström was the politician who initiated the idea of appointing a local ombudsman for children since he believes it is a step towards a more effective implementation of the CRC.²⁷⁴ Strängnäs is cooperating with the municipalities of Botkyrka and Järfälla, in Sweden, since they also have local children's ombudsman, where they have established a network where politicians as well as the local ombudsmen meet to share experiences.²⁷⁵

When meeting Tjernström, he explained that the municipality does not have comprehensive training for politicians and officials, as regards the CRC, which has resulted in a few having more knowledge as regards the CRC and the majority knowing either some or nothing. When explaining why that is, he says that most politicians are focused on specific matters within

²⁷¹ Interview with Eva Andreasson and Anita Spjuth, Borås Municipality

²⁷² Barnfattigdomen i Sverige, Årsrapport 2010, Rädda Barnen Sverige, p.37

²⁷³ Interview with Tord Tjernström, Municipality of Strängnäs, 2011-04-20.

Deputy Mayor and responsible of cultural and social issues, represents the Social Democratic Party.

²⁷⁴ Tord Tjernström, Strängnäs municipality

²⁷⁵ Tord Tjernström.

their field of responsibility and cannot comprehend how and why the CRC is vital. There has also been an opposition as regards implementing child impact assessments, where some politicians have argued and questioned why children should have a “free zone” while other groups do not, such as disabled persons. Tord Tjernström remarks the fact that children under the age of 18 cannot vote, and have therefore, not the same possibility to influence which is an important aspect of this particular issue.²⁷⁶

7.3.1. Policy documents in Strängnäs relating to the CRC

Very few policy documents have been found for Strängnäs municipality, however, the ones available will now be reviewed.

In the latest **Annual Plan for year 2011** with an additional budget for 2012 -2013, there is nothing stated as regards the CRC. Some indicators are presented with reference to education, health and safety of children with given statistics.²⁷⁷

A **Strategic Plan for year 2011 – 2014** is available which describes activities and aims for children and youth somewhat more in-depth. Albeit the CRC is not referred to within the documents, statements have been made which could be connected to the provisions in the CRC. Amongst other things, it is stated that all pre-schools and schools have “zero tolerance against bullying and offensive treatment, we give priority to students in need of support.”²⁷⁸ This particular statement could have been cited with reference to article 2 on non-discrimination, or perhaps when stating that “girls and boys should have same opportunities to develop their abilities and interests”²⁷⁹, there could have been a reference made to article 6 on the child right to life and maximum survival and development.²⁸⁰

The above examples are given for the purpose of illustrating that the CRC is in this context absent or perhaps not noticed. Moreover, the schools cooperate with the social services to support children and young people at risk. The municipality also intend to provide young people with disabilities with training, work and support, to be able to start an active working

²⁷⁶ Tord Tjernström, Strängnäs Municipality

²⁷⁷ Årsplan 2011 med Budget 2012 -2013, Strängnäs Kommun, p.7

²⁷⁸ Strategisk Plan 2011 – 2014, Strängnäs Kommun, p.6

²⁷⁹ *Ibid.*

²⁸⁰ See Appendix.

life. The acceptance of refugees and unaccompanied asylum-seeking children and young people will also continue under the contract with the Swedish Migration Board.²⁸¹

The above mentioned examples illustrate either future plans, or the municipal visions and goals.

In May 2011 a **Municipal Action Plan/Procedures** in cases of suspected sexual harassment or abuse of children/students in preschool/school, was established with the purpose of being disseminated amongst children, parents and officials at the educational office in Strängnäs. The Action Plan provides guidelines on how the procedure ought to be carried through when discovering that a child is victimised of sexual harassment or abuse. Seeing that the document states that it shall be well known amongst children, nothing in document is actually directed towards children since it does not refer to the CRC as regards their rights on not to be sexually exploited (article 34). Also, there is no guidance of applying a child perspective during the process.²⁸²

In year 2006, Strängnäs municipality passed a **Plan of Action for children and youth influence** within the municipality. The plan is based on article 3 (in the CRC) and states that “a child's best interests will guide all decision made concerning children and young”, and article 12, stating that “children and young people should be given the opportunity to express and receive respect for their opinions on issues that concern them.”²⁸³ Furthermore, it is described that in 1996 the municipal assembly decided to include the CRC in the work of the municipality.

Children and young people's influence was to be the foundation of this work where various forums for influence are described, such as: school and class councils and parental boards for children at preschool.²⁸⁴

Moreover, the action plan offers a procedure for influence in school with focus on societal issues where two different steps are offered, illustrating both a top-down and bottom-up perspective, meaning that either an idea is initiated by politicians or students. The procedure describes how an issue can move amongst student councils, political departments, the youth

²⁸¹ Strategisk Plan 2011 – 2014 , Strängnäs Kommun, p.8

²⁸² Kommunövergripande handlingsplan/rutiner vid misstanke om sexuella trakasserier eller övergrepp mot barn/elever i förskoleverksamhet/skola, Utbildningskontoret, Strängnäs Kommun, 2011-05-06.

²⁸³ Övergripande handlingsplan för barn och ungdomars inflytande i Strängnäs kommun, Utbildnings- och kulturkontoret, p.1

²⁸⁴ *ibid.* p.2

councils and the local children's Ombudsman, which have a major part in this process. More on the ombudsman will follow shortly.²⁸⁵

According to Tord Tjernström, the municipality carried out an annual account for children and youth every year, but there were no interest and barely anyone read the account. A children's ombudsman was therefore positioned, with the purpose of giving the work a practical impact.²⁸⁶

When viewing the **annual account from 2008**, which is latest one, the content is comprehensive, where various political committees and schools have graded the level of influence among children and youth in relation to their particular activities, according to a ladder of participation. The ladder of participation has been developed by the municipality with a clear connection to Roger Hart's model, but with a different approach (see footnote).²⁸⁷ Six steps have been applied when valuing the level of participation of various activities in the municipality and within schools. By applying the numbers of the different steps, the level of participation can be detected. Additional information from the document states that politicians and officials have not been given training in the CRC since year 1999. There is a possibility if they wish to, but with a focus on the municipal plan of action for children's influence, which was mentioned earlier. Furthermore, the lack of influence amongst pre-schools is noticed where the municipality wish to apply a child perspective of preschool activities.²⁸⁸ According to Tjernström, politicians and officials do not commonly apply children's perspective in decision making. He explains that activities have occurred where politicians have among other things visited schools, which he believes and hope will enhance the mind-set. Moreover, he stated that knowledge on the CRC is efficient when one recognises how to apply the rights in its daily work.²⁸⁹

²⁸⁵ *ibid.* p.4

²⁸⁶ Tord Tjernström, Strängnäs municipality.

²⁸⁷ *1. Adults decide. 2. Adults inform and share information. 3. Children and youth share their opinions and are given feedback. 4. Children and youth participate at assemblies yet the adult decide. 5. Children and youth participate at assemblies and consensus is reached. 6. Children and youth decide.*

Barn- och ungdomsbokslut för 2008, Strängnäs kommun 2009, p.3

²⁸⁸ Barn- och ungdomsbokslut för 2007, Strängnäs kommun 2008, p.4

²⁸⁹ Tord Tjernström, Strängnäs Municipality.

7.3.2. Local Children's Ombudsman in Strängnäs

When meeting Helena Edvinsson, the Ombudsman for children in Strängnäs, she describes how she has been actively working with children's rights before given the position as the local Ombudsman in 2010.²⁹⁰ Edvinsson describes how politicians and officials are well aware of the CRC and especially article 12 on the respect for the views of the child, and article 3 on the best interests of the child. According to Helena Edvinsson, all officials should by now be aware of the general principles (articles 2, 3, 6 and 12).

With the recent decision on the implementation of **child impact analysis**, which will be executed within two departments to begin with (urban planning and the planning and building unit), Edvinsson believes that the strategic work with the CRC will be clarified, especially since the checklist mentions the CRC and the general principles as important for the interpretation of all articles. Likewise, the impact analysis will raise awareness as it must be applied before all decisions taken that by some means affect children. The departments that will practice the model have been chosen since children and youth in Strängnäs have been showing a great interest for issues related to the physical environment and urban planning in the municipality.²⁹¹ In terms of having comprehensive training in the CRC, Edvinsson is not certain it would be the most efficient approach, since she believes that politicians and officials have other priorities. In its place, she believes that the CRC must be mentioned and applied whenever it is required.²⁹² Edvinsson is also the contact person for the school student councils which she visits regularly to gather information and listen to the students concerning school and municipal issues.

“The reason for the establishment of my position was to not use the time to write reports or annual accounts, but rather to meet the children in the municipality more often.”²⁹³

On the role of the local children's Ombudsman, Tord Tjernström expresses the significance of having the title *Ombudsman*, since he believes that it gives strength to the work with the CRC, as well as status by having a person in authority.²⁹⁴ However, when speaking to Edvinsson regarding her role as an Ombudsman, she described that she does not want to function as, for

²⁹⁰ Interview with Helena Edvinsson, Municipality of Strängnäs, 2011-04-20, *Local Children's Ombudsman*.

²⁹¹ Helena Edvinsson, Strängnäs municipality.

²⁹² Helena Edvinsson.

²⁹³ Helena Edvinsson.

²⁹⁴ Tord Tjernström, Strängnäs municipality.

an example, the Swedish organisation BRIS (Barns rätt i samhället/Children's Rights in society), an NGO that supports children in distress and where children can anonymously contact to receive support.²⁹⁵ That kind of help is highly needed as she notes, but there are social workers and councils at schools that have that kind of responsibility. Nevertheless, there are no people in the community having the function to actually listen to children and give them feedback, and therefore, she believes that the work she is practicing is very important and will in a long-term contribute to children's health and wellbeing. She acknowledged that parts of her work could be carried out by teachers, yet they are too stressed and do not always know how to execute.²⁹⁶

Other activities related to the position of the Ombudsman is an annual gathering every spring under a special tree that is called the globe tree, where politicians meet together with younger children and talk about questions that have been sent to the children beforehand, relating to issues where the children's views are requested. This specific happening is arranged by the Ombudsman and is according to Edvinsson one of few activities that involves the younger children since they are frequently overlooked in the work with the CRC. However, when asking if the children at a later occasion receive any feedback, she replies that they do not, as the politicians inform them that they will take their opinions in consideration.²⁹⁷ This is according to both Helena Edvinsson and Tord Tjernström an example on how the municipality is interested in children's perspective and believe therefore that the work on applying a child perspective in their work will enhance.²⁹⁸

7.3.3. Strängnäs and children's participation - article 12

A number of examples have been given on how the municipality is working with children's participation and influence within their community. Perhaps Strängnäs Ombudsman for children is the strongest link in that particular area; however, the municipality established in year 2000 a **youth council** for children in the sixth grade up to high school. The council functions as a consultative body on issues that particularly affect children and youth in the

²⁹⁵ BRIS, available at: <http://www.bris.se/?pageID=61>, 2011-10-27.

²⁹⁶ Helena Edvinsson.

²⁹⁷ Helena Edvinsson, Strängnäs municipality.

²⁹⁸ Helena Edvinsson and Tord Tjernström, Strängnäs municipality.

municipality.²⁹⁹ Participation in the youth council is optional and the youth involved are from various schools and community youth centres. There is also an appointed official to support and coordinate between the council and the municipal politicians and officials.

Both Tord Tjernström and Helena Edvinsson commended the youth council and their work; however, they also identify some shortcomings, such as, the group being rather homogenous and need therefore to be expanded so that more children can be involved.³⁰⁰ Likewise, Tjernström notes that the commitment of the council varies depending on the youths involved and the level of activity is because of that, pending from time to time. Tjernström notes that the student councils at schools must be enhanced and developed as regards the students having an influence at school activities. The adults must also become better at listening to their students.³⁰¹ According to the annual account for children and youth from year 2007,³⁰² the youth council were consulted when the **Policy Program for Disabilities in Strängnäs** was established in year 2003, where all children and youths right to education is declared.³⁰³

7.3.4. Concluding remarks

Strängnäs is a small municipality which according to the interviewees do not have major difficulties working with children's rights. They acknowledge however that there is much more work to be done and they have high hopes, especially considering the establishment of a local Ombudsman. Even if the Ombudsman is for the most part focusing on article 12 and children's participation and influence, most of the municipal work within the CRC seems to have landed on her desk. This is confirmed when speaking to Tjernström and he states:

“We believe that we are heading towards the right direction now, we have implemented a local Ombudsman to secure the work with the CRC... I believe that the networking with other local Ombudsman is important where they can share experiences.”³⁰⁴

²⁹⁹ Strängnäs Youth Council, information available at: <http://strangnas.se/sv/Kommun-och-politik/Kommunens-organisation/Radgivande-organ/Ungdomsråd/> (2011-10-27)

³⁰⁰ Helena Edvinsson, Strängnäs municipality

³⁰¹ Tord Tjernström, Strängnäs municipality

³⁰² Barn- och ungdomsbokslut för 2007, Strängnäs kommun 2007, p.10

³⁰³ Handikappolitiskt Program för Strängnäs kommun, Dnr. 50/2002-770, p.18

³⁰⁴ Tord Tjernström, Strängnäs municipality.

Several times during the interview with Tord Tjernström, when speaking of the implementation of the CRC, he referred to the Ombudsman and the significance of her position, which gives the impression of that she is the only one the municipality working with children's rights.

In terms of the implementation process, Helena Edvinsson expressed, that one of the major obstacles is the time, meaning that the process of decision-making varies, which simply causes that children get forgotten in that process.³⁰⁵ Tjernström pointed towards conservative administrators who he believes view the CRC as a new phenomenon which is considered as troublesome to work with. The lack of knowledge and methods to apply is also an obstacle and therefore he believes in incorporating the CRC into the Swedish legislation to achieve a successful impact.³⁰⁶

8. Analysis

In the light of the theories and the results, an analysis will now be made with regards to the three municipalities, based on the research questions. The analysis is therefore divided in two sections: policy and implementation and a child perspective or children's perspectives - together with article 12.

8.1. Aspects of policy and implementation

During the interviews when asking for examples of methods applied when implementing the CRC, all municipalities replied that various activities were under progress. Real examples of de facto activities which were mentioned were mostly selective measures, meaning directed towards one issue and usually a one-time event or under a short time period. This is quite common when wanting to take action for children's rights and therefore, structural changes such as action plans or other steering-documents is a proof of a willingness to implement over time and to achieve a sustainable development.

³⁰⁵ Helena Edvinsson, Strängnäs municipality

³⁰⁶ Tord Tjernström.

When explaining measures taken for implementing the provisions of the CRC, Strängnäs and Borås exemplified children's participation and impact as actions taken within the municipality, whereas Örebro emphasised how children have been integrated in several steering-documents and policy programs. All three of the municipalities have some sort of action plans directed towards children and youth, but with a focus on children's participation. Örebro is the municipality having a general action plan for the CRC, consequently, a conclusion can be drawn that when viewing the policy cycle of: idea, decision, implementation and assessment, all three municipalities have been able to implement action plans for children and youth, however, the assessment of these plans as well as viewing if the aims and goals of these plans are actually implemented, is not always assured. Therefore, the implementation phase becomes complex in that sense, and Elin Wihlborg's idea on an implementation loop within the policy cycle becomes more clear. It becomes clear in the sense that implementation of policy documents is one step and the content within the policy documents, such as actions, are several implementation steps. This is the complexity of implementation and could therefore describe the inefficiency of implementing policies. For instance, the action plan for children's rights in Örebro states that all politicians are to be offered training in the CRC,³⁰⁷ yet, during the conducted interviews (two years after the established plan) it was ascertained that this was not the case; it is merely a wish that is under the progress of development.

None of the municipalities are lacking policy programs; but surprisingly, Strängnäs does not have a municipal school plan. A school plan is perhaps one of the most vital steering-documents, being a place who deals with children on a daily basis. Nonetheless, an aspect while studying the various policy programs is that activities for children are more or less mentioned, but no references are made to the CRC and its provisions. Hence, it becomes problematic to define the implementation of the CRC when the municipalities themselves have not been able to do that. This verifies that linking the provisions of the CRC with de facto activities is apparently not an easy task.

All of the officials interviewed were constantly pointing towards the integration of children's rights in the steering-documents as the most vital step for the realisation of the CRC. When wanting to assess or demanding accountability, the purpose of steering-documents is vital, however, what has been proven is that the steering-documents tend to be functioning as merely a vision. As mentioned earlier, implementation is the outcome of a policy, and

³⁰⁷ Örebro kommuns handlingsplan för barns rättigheter 2009-2011, p.5.

viewing the municipalities, the outcomes have been to establish documents, which is certainly an important step to take. On the other hand, evidence have shown that Wihlborg's idea on viewing these outcomes as a further implementation processes is necessary, since it would enhance the follow-up and reassure that measures are taken further than merely the establishment of document stating that children are important.

Örebro and Strängnäs have established impact analysis for children and youth in the process of decision-making. Borås informed that such a checklist was under development. It appeared that the adoption of these ideas on high political levels within the municipalities were rather uncomplicated. Strängnäs has recently implemented the idea; therefore an assessment on how it has progressed is not possible at this moment. In Örebro, it appears that almost the only department who apply the impact analysis is the department of urban planning.

The impact analysis is a step towards ensuring that children are taken into consideration, and according to Helena Edvinsson in Strängnäs, it is an approach to work strategically.³⁰⁸

This example illustrates likewise, that an idea has been adopted within the municipality and been put into practice. Yet, when asked how the assessment is completed, all municipalities recognise the fact that assessments are commonly lacking. So, the assessment step of the policy cycle is not commonly reached within the three municipalities.

The most common method when evaluating activities is by conducting surveys which demonstrates quantitative results. Wihlborg describes this problem by stating that an implementation process that is measurable seems rather simpler to control.³⁰⁹ Meaning, that by declaring implementation methods and activities through numbers, the actual means of the implementation tend to be overlooked and the emphasis is put on simply changing the statistics. And by merely viewing statistics, much can be overlooked, seeing that statistics may tend to exclude information and people as the involvement in surveys are usually optional. The results can then tend to generalise information which is not accurate.

Viewing the measures taken within each and one of the municipalities concerning the policy cycle (idea, decision, implementation and assessment), evidence indicate that the policy cycles are seldom completed. Ideas, decisions and the implementation phases may occur, but no proper assessments are made. Tord Tjernström from Strängnäs described how the municipality previously carried out a children's annual account, since nobody actually read it,

³⁰⁸ Helena Edvinsson, Strängnäs municipality

³⁰⁹ Wihlborg, p.4

a local children's Ombudsman was appointed so the work would be carried out practically.³¹⁰ Therefore, there are no real methods for assessment and follow-up at the time being, other than the words of the Ombudsman. The lack of assessments and follow-ups causes consequently that new policy cycles as regards ideas, decisions and implementation methods have a tendency to be proven unsuccessful. The children's annual account in Strängnäs could perhaps been developed and enhanced rather than abandoned.

The implementation phase is evidently reached within all three municipalities, when viewing the policy cycle. The lack of assessments has not just been proven by the material found, but also acknowledged by all of the interviewees. As almost all of the interviewees expressed, policy documents are vital for the acknowledgement of the CRC, but they all spoke on the establishment of the documents and not what the documents actually say.

This research has been studying policies concerning children and youth in various forms, and the conclusion by studying these policies are following:

Firstly, the policies are mostly not formulated in ways which clearly states measures that will be taken, but rather stating the will of the municipality. *Secondly*, the policies are not described with a rights perspective, meaning that the significance of *rights* is not defined and if so, it is not stated how and why. *Lastly*, the policies are formulated in ways which are difficult to demand accountability. I dare however to draw the conclusion, that most policies concerning children and youth, but also perhaps other vulnerable groups, are not formulated in ways which people can demand their rights. The policies rarely describe what the legislation is stating on the issue which the policy deals with, which have been demonstrated previously under the section where the municipalities are presented.

8.2. A Child perspective or children's perspectives - together with article 12

During this section of the analysis, the theories on a child perspective, children's perspective and article 12 will be combined. The purpose is to illustrate the misperceptions of these standings as well as the dichotomies when applying them.

³¹⁰ Tord Tjernström, Strängnäs municipality

Viewing how children's perspective and a child perspective is perceived and applied within the municipalities, it can firstly be stated that the terminology that is commonly applied within all three municipalities, is a child perspective. Some of the documents mentioned earlier describe the significance of a child perspective in the process of decision-making, in correlation with other perspectives such as an ecological and a gender perspective.

As the documents studied demonstrate the will of the municipalities to apply a child perspective, the interviews indicated that most politicians and officials do not know the real distinction between a child perspective and children's perspectives. Consequently, it seems to be a lack of factual knowledge on these concepts and a clear misperception.

A majority of the interviewees believed that the most common mistake is the perception of a child perspective as being children's own perspectives,³¹¹ meaning that politicians, officials and other relevant personnel believe that a child perspective is sufficient as they are considering what and how children would think and feel on certain issues. Although a child perspective is more widely known, according to the interviewees, it is difficult to conform to the viewpoint within political and administrative activities. As mentioned earlier, the interviewees all had high positions and good knowledge of the CRC; therefore, it is interesting that they all are aware of this dichotomy but do not seem to have any suggestions to how the viewpoints can change. They merely recognised the "problems" as being a lack of knowledge and the fact that other perspectives sometime prevail, especially regarding overall political issues.³¹² This viewpoint is shared by Thomas Esbjörnsson who explains, that the various perspectives strive against each other and the difficulty is for the politics to weigh them equally.³¹³ I will return to these viewpoints which could be called *perspective congestion*, under concluding comments.

Since evidence show that a child perspective is becoming more common to apply within municipal activities, the question is whether or not a child perspective is reliable to be applied at all. Given that there are risks when basing decisions on assumptions that a certain group of people have certain criteria and opinions. The first risk is that decisions might tend to homogenise groups, in this case children as being one entity due to their age and due to basic values set on how children are supposed to act and think. The second risk is that those who are to decide what a child perspective is or perhaps is not, are people with different values and personalities, adults who often believe they recognise what most children want and require,

³¹¹ Interview with Helena Edvinsson, Strängnäs municipality, Margareta Stenström, Örebro municipality, Anita Spjuth, Borås municipality

³¹² Margareta Stenström, Örebro Municipality.

³¹³ Thomas Esbjörnsson, Örebro Municipality

and so decisions are based on their own assumptions. Evidently, not all children can be inquired before all political decisions, but with a rights based approach where all children are assured to be treated equally and no child is discriminated, which goes for all human beings, then no distinction between perspectives are necessary. Conceivably one perspective is required, and that is a child rights perspective, where the rights of all children are respected within all municipal activities.

Evidence might indicate that children are rarely listened to, however, all three municipalities made the connection between children's perspective and children's participation as being vital. Seeing that children's perspectives as mentioned earlier, implicate children's own experiences and understandings and their own perceptions, I believe that it should be connected to article 12 which refers to children's right to be heard. The linking is as mentioned also clear to the interviewees, nonetheless, children's perspectives is rather not referred to within the documents studied. Expressions such as children's *participation*, *the right to have an impact* and references made to article 12 is more commonly made within all three municipalities. When speaking of children's own perspectives, it was mentioned as complicated and difficult from a majority of the interviewees. For instance, when asked whether or not children's perspectives were applied in municipal activities Tord Tjernström from Strängnäs replied that there is a lack with the implementation of children's perspectives, but when also asked, if children and youth have the possibility to have an impact in the municipality, he replied that he believed they could and referred to the municipal youth council.³¹⁴ There is perhaps a misconception concerning how politicians and officials perceive article 12 and children's perspectives. One explanation could be related to what Lennart Bondesson noted, simply that the distinction between a child perspective and children's perspective is still a new discovery³¹⁵ and can therefore create confusion. Still, I do not believe that his description is sufficient seeing that the understanding of the concept seem rather clear, but perhaps the phrase 'children's perspective' is perceived as being more immense, and by stating in steering documents that children's perspective will be applied, the perception might be that all children must be heard in all matters where children are to be affected. Whereas, when participation and influence are stated, it reflects parts of municipal activities where children and youth are and can be involved, yet, is largely controlled by adults who decide to which degree they are to be involved.

³¹⁴ Tord Tjernström, Strängnäs Municipality.

³¹⁵ Lennart Bondesson, Örebro Municipality.

This brings us to Hart's ladder of participation and the different levels of participation of children and youth. As mentioned earlier, the analysis build on Hart's model and will not be made with children's perspective, rather with a child perspective. Since the interviewees were asked if and how children and youth have the opportunity to participate and have influence in municipal activities, the responses as well the analysis can only give the adults views on that issue. Starting with my own observations on the three municipalities, it can largely be said that Borås and Strängnäs are working with children and youth participation on a more structural level. Whereas in Örebro, youth and child participation and impact is somehow lacking on a structural level, where there have been mostly selective measures on a level which Hart called "assigned but informed" (see figure 2). To be clear, by a structural level it is meant that article 12, children's right to be heard, is constant operative on the political level in the municipality.

In terms of child initiated municipal activities or child and youth involvement in political decisions, there are hardly any examples found from Örebro municipality. The examples given from the municipal politicians and officials illustrate that the activities executed, commonly are according to Hart's model, a step four or five. In other words, that they are adult initiated and controlled, but children are given opportunities to express their views. Evidence from the interviews also shows that politicians and officials find it difficult to listen to children and young people, and they lack methods for how to listen. It is, nonetheless, interesting that they all still believe that children and young people do have opportunities to impact and to be heard. This is among adult decision makers a discrepancy on how this right is perceived. One could also believe that adults do not take the responsibility to listen to children, yet the children do have the opportunity to make themselves heard, which may sound like they responsibility is on the children; if they want to be heard, they can.

Borås has incorporated article 12 quite strongly by having an active youth council, as well as the position of a youth coordinator to assist them in their work. The council has initiated their own activities and been part of municipal decision-processes and it could therefore be said that they have reached the highest step on the ladder.

However, Lena Palmén acknowledges an important aspect of the youth council which is the inclusion of the youth council, by other means; does the council really represent and include all children? The same view is presented by Helena Edvinsson from Strängnäs who believes that the youth council in Strängnäs is a rather homogenous group which should be broadened. These are challenges that youth councils face which the interviewees from the municipalities

are aware of. The question is, how do they overcome these challenges and is it even possible? This was not discussed with the interviewees, but my own perception is that the homogenisation of forums such as youth councils cannot be totally eliminated since the engagement in youth councils are voluntary. This does not mean that efforts to recruit other children and youths, which could bring other perspectives, such as children with disabilities, are not to be made. Evidence indicates that the municipalities (Borås and Strängnäs) who have established youth councils or some sort of a structural youth forum, have the opportunity to reach a higher level on Hart's ladder of participation, seeing that children and youth have a stronger chance to initiate own ideas.

Previously a model was illustrated on opportunities for participation within various spaces; the particular space that has been viewed within this study is *public policy decisions*. It appears that youth councils are a common phenomenon within public policy as regards opportunities for children and youth participation and impact on political decisions, and to express their views on municipal activities. Youth councils are important and necessary despite inadequacies, such as being too homogenised groups or not always being fully democratic. Although the children and youth within the councils have been given information on the CRC, it does not seem to be spread amongst other youths and children in the municipality. This could mean that by establishing youth councils, a municipality can claim that they work actively with youth and child participation, and that children have an opportunity to make an impact by joining, which is not always as easy as it sounds. Another shortcoming is the fact that most youth councils, and in particular those within the municipalities studied, consist of adolescents, which means that there is a lack of spaces for younger children. What has already been acknowledged is the fact that the perspectives have to be broadened so that other children and youths in the society are not to be forgotten. Every attempt for achieving democracy for all human beings is important, but it is not real democracy if not everyone has the same opportunity. Lastly, by stating that a municipality is actively working with article 12, does not mean that they automatically are implementing the CRC and vice versa. More important than for example establishing youth councils is spreading the consciousness of the CRC and human rights, since one cannot claim its rights if one is not aware of them.

What are then the short and explicit answers to my research questions?

As regards the measures taken as a part of the implementation process of the CRC within all three municipalities, it can be said that each and one of the municipalities have a strength in which the measures taken are visible. Örebro have mostly been taken structural measures through various policy documents by stating the importance of children's rights and the work with the CRC. While Örebro has reached far by comprehending the importance of structural measures which can be seen as their strength, their perhaps main weakness is the evidence of children's participation on a policy level, where mostly article 12 has been applied on occasion and not systematically.

As regards Borås, evidence has shown that the work of empowering the youth within their municipality is their strength, which they obtain by education relevant politicians, officials and the youth involved. Their strength is therefore the work with article 12 by for instance, having an active youth council and the establishment of a youth coordinator. Their weakness is the absence of structural work where the CRC is invisible within policy programs and documents.

Practically the same can be said as regards Strängnäs, where children's participation and article 12 is very clear within the work of the local children's Ombudsman. Yet, the strategic and systematic work with the CRC is not clear. Within all the three municipalities there is also a disparity as regards article 12 in relation to children's perspective and a child perspective, as the differences is not fully comprehended.

Seeing the disparities regarding the effects in policy and practice of the implementation of the CRC, a conclusion can be drawn of all three municipalities that albeit, there is a clear will and awareness, there are still difficulties with certain steps. Firstly, to be able to define policies and action plans in ways that is easy to convert into practice. Secondly, to be able to define and practice the policies in a systematic way which is also sustainable in the long run. Last but not least, to actually implement the policies in ways that is easy to follow-up and simplifies the detection of faults and development areas.

Not to be forgotten, a more clear connection to the CRC is also required, which would in many cases give a more distinct view on the actual work with the CRC.

9. Conclusion

This research has aimed at discovering how the UN Convention on the Rights of the Child is being implemented on a local level. By comparing three different municipalities, it has been found in this study that both the protection and the violation of human rights commonly appear on a local level. Most fundamental rights such as economic, social and cultural rights, more specifically, the right to education are commonly provided by local authorities at the municipal level. Having the kind of political system where Sweden is divided into municipalities who are to a great extent self-governing, a pronounced responsibility lies on the local politicians and decision makers to ensure the rights of the citizens.

According to the Swedish Government, the state has transformed its laws to coincide with the CRC, which seem to be thought to be enough and then say that the accountability lay with the municipalities. How come do municipalities continuously fail at guaranteeing both adults and children their rights?

This research has shown that the implementation of the CRC within municipalities, on a political level appears mostly through steering documents in various ways. However, these documents seldom demonstrate how the CRC is to be specifically implemented, instead only comment on the significance of the CRC and children. Documents have been found that contain specific measures to take for implementation, but at a closer look at whether the goals and activities have been accomplished they rarely have been. It appears that most of these documents are important proclamations, stating that children are visible within the municipal political level. These documents are important and highly needed, but there has to be clear follow-ups and discussion on the purpose of the documents as well as how and if they are applied as they were intended.

Another discovery within this research is that politicians and officials believe that there is a lack of methods for implementing the CRC, as there are many other human rights perspectives to consider, as many of them stated it in the interviews. Children are considered to be an important group within the municipality, as their existence is acknowledged in the steering documents. Methods that demand an action, such as children's checklists, are not being followed up properly by politicians and officials, which imply that, not only is the method being practiced properly, yet issues regarding children tend to be less prioritised than other political issues. Evidently, article 12 has been proven to be one of the most vital

provisions of the CRC for the three participating municipalities, as well as being the most well-known article. It appears that article 12 is simpler to grasp and be put in action, than other provisions. Seeing that article 12 is important and a core provision in the CRC, as well as highly recognised, there is still a lack of knowledge on children's participation and methods for how to include for instance younger children, as well as how to listen to children's views and their perspectives.

As the theories have shown, the implementation of article 12 is not always fully democratic, seeing that the actions are mostly led by adults.

There is not only a lack of knowledge regarding methods for the CRC, nevertheless, there is also a lack of knowledge concerning the perspectives that are required to be able to apply the methods, such as a child's perspective and children's perspective. Meaning that, to be able to make political decisions, the politicians in all three municipalities have been told to apply a child perspective, which they evidently cannot achieve fully due to their lack of knowledge on what the perspective is meant and how it is achieved. This research has argued and proved that there is a clear misperception amongst the decision makers with regards to a child perspective and children's perspective. Furthermore, this study has also claimed that a child perspective might not always be an accurate perspective to apply seeing that the adults might tend to homogenise children as a group. With other words, by applying a child perspective, decision-makers may ignore the step to ask children on their views and in its place, make decisions on incorrect assumptions.

With regards to policy cycles, evidence indicates that the phase where there is an enormous lack of achievement is the assessment phase, which is rarely realised. The conclusion is that policy cycles are seldom completed. One explanation could be, as Wihlborg has put it, that the complexity of the implementation causes a hinder in the cycle as the implementation starts its own cycle with new issues, questions and decisions to be made.

A final note, a shift in progress as regards the terminology of children's rights has been noticed, which is, *children's human rights*. This is an optimistic development since it acknowledges that we all have the same rights regardless of age, sex and background. The interviews indicated that, hinders identified may be abridged by integrating children's rights in a broader human rights perspective.

10. Concluding comments

In this last section there will be some final complementary aspects of this study, yet with a broader perspective.

During the interviews for this study, various answers have been given on how the CRC is perceived and why it is difficult to fully implement its provisions.

The CRC is still - twenty years after Sweden's ratification - regarded as a new phenomenon amongst numerous politicians and officials. The awareness and knowledge of the CRC is to a great extent, merely existent among those who are working with child rights issues. However, those who are accountable for enforcing the CRC within municipalities, claim not to know how to apply the CRC and not to have the knowledge of proper methods which in turn implies an inadequate training of the CRC. In terms of political willingness of working with children's rights, several studies, (e.g. Spång) as well as the majority of the conducted interviews for this research stated that the willingness exist, for the most part. Therefore I cannot stop wondering why politicians and officials claim they are willing to work with the CRC but still continue to claim that they do not have the proper knowledge to implement it. Knowledge and methods are obtainable; if not nationally good practices can be gained internationally. The difficulty is to comprehend how to apply the knowledge. Having knowledge on the existence of the CRC is one thing knowing what to make of that knowledge is another, and that is an emphasis which should be dealt with when arranging professional training of the CRC. A further aim, which is interconnected with the pragmatic approach that was just suggested, is the comprehension of when implementing children's rights it is equivalent with human rights, meaning that children rights and human rights must be interrelated. When dealing with issues such as disabled children, one is dealing with issues related to, proper education, healthcare, urban planning, public transport and etc. All of the mentioned areas also go for adult disabled persons. A rights perspective should therefore be included in all parts of municipal activity with the objective to include all human rights, yet being able to identify when some rights need to be enlightened and when.

This understanding has started to become clear in some municipalities. For instance in Örebro, the political will is to include all human rights together and not state children's perspective or women's perspective separately, rather to speak about a human rights perspective. However, in order to achieve such practice, it requires more than one person having the responsibility of being the human right coordinator within the municipality. I believe, all officials and politicians must have the same and proper training on how to

comprehend what and how human rights can be practiced, both practically and when formulating policies.

There are other aspects which I believe are important with regards to the lack of knowledge in methods. I believe there is a question of attitudes and norms in the Swedish society that cannot be ignored. The Swedish welfare model aims at being a security net where the notion is that everyone is taken care of. Sweden fulfils numerous of basic human rights which other countries still do not. Therefore, self-righteousness tends to appear when viewing international measurements amongst countries on the fulfilment of human rights, and not least children's rights. The rights perspective needs therefore to be more vibrant in a country such as Sweden in order for politicians, officials and all the way down to the street-level bureaucrats (teachers, health personnel etc.) comprehend that human rights is not just a phrase in less developed countries. The issue is therefore highly political on how the message on human rights is being disseminated as well as presented to government authorities, schools, the health care system and, last but not least to all individuals.

Another aspect or perhaps discrepancy is that, sets of rules and regulations sometimes violate human rights. At a seminar held by SALAR where a woman with a head scarf was refused to enter an indoor swimming-pool with her daughter due to hygienic reasons, which was a regulation at public baths. However, by setting this regulation, several rights of the child and the mother are violated, among others; the right to the child's development, by e.g. depriving the child's the right to learn how to swim.³¹⁶ This is an example which illustrates my thought on discrepancies concerning regulations and human rights. This also brings us to the issue on perspective congestion which was mentioned earlier. During the interviews that were carried out, the phrasing "perspectives" were repeatedly used, in relation to various perspectives that politicians and officials had to make allowances for in planning and decision-making. All these perspectives were identified as being demanding and in turn created a perspective of congestion, or perhaps rivalry among them. In simpler terms, by stating that municipalities are working from a human rights perspective may simplify congestion since it would indicate that all human beings are equal. There will always be more vulnerable groups in society, whether it is a child, an elderly, a disabled person or perhaps an immigrant, the municipalities are accountable to make sure that everyone has the same rights. And the example above

³¹⁶ Systematiskt arbete för mänskliga rättigheter – en utmaning för kommuner, landsting och regioner, 2008, SKL, p.15

illustrates how a human rights perspective could be viewed, where not just a child's rights is violated, but also an adults. The perspectives need therefore to be broadened and the superiority be put a side, cause Sweden has lots of work to do.

Here follows some final reflections on the work performed by the government; as it is accountable for the implementation of the CRC in Sweden.

Much of the responsibility lies on the agency of the Swedish Ombudsman for children. The monitoring of the implementation of the CRC on a national, regional and local level is very comprehensive. Viewing their responsibility it is clear that their focal point is on authorities and not as much on local politicians. This means that the Government is focusing on factual matters, such as child abuse and healthcare for children within authorities, rather than structural political changes, such as implementation policies. Conclusion is that when the focus lay on the implementation of the CRC, the Government focuses on knowledge dispersion, rather than the actual implementation of the provisions of the CRC. It is apparent that the dispersion of knowledge is not enough as many politicians and officials do not believe that they have access to the knowledge that they need.

To conclude, it has to be said that albeit the municipalities are self-governing, the government has to be clear on the importance of applying a human rights perspective within all governmental and municipal activities. One step is to set a common system of values that is mainstreamed through all government and municipal authorities, but also by proving that the Swedish legislation is set to coincide with human rights and not to violate them.

11. Further Research

For further research I would firstly recommend to carry out a similar research yet by including children's voices. This is the most important aspect I believe would enhance such a study as regards its credibility as well as the validity.

This could be done by interviewing children on their views on participation and impact and what their perceptions are as regards their opportunities to be heard and listened too. The research could be performed with special groups of children such as unaccompanied asylum-seeking children or children in general in various ages.

Another aspect would be to compare, what is then to be children's perspective with adult's perceptions, which would be a child perspective to discover any discrepancies.

In addition, more research ought to be carried on the development of methods of implementation for the CRC as well as human rights in general. Also, assessments and development of hands-on methods for dissemination and training as regards human rights among politicians and officials and other concerned professions.

One last proposal for further research is related to an issue that was discussed briefly under the section of delimitation. The implementation of the CRC is something that is on-going on several levels in the society. This study has viewed implementation on a municipal policy level, but there are street-level bureaucrats within authorities such as the Migration Board or the Social Services, who work daily with assuring children their rights. Therefore, a similar study can be made by analysing the implementation of the CRC within such authorities, with regard to their regulations and policies.

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Appendix 1.

Dear interviewee,

These interview questions are the ones that will guide our meeting. I want to be clear and assure you that my purpose is not to review your municipality with the intention to find faults. My interest lies in identifying opportunities and barriers to the implementation of the Convention the Rights of the Child (CRC) at the municipal level in Sweden.

The UN Committee for the CRC has repeatedly drawn attention to differences between municipalities in Sweden in the work of children's rights. Therefore I am interested in taking a closer look at how officials and politicians view their own activities and the daily work in relation to CRC.

As I have stated before, the interviews be recorded in order to be able to quote accurately, and to remember our conversations.

I look forward to seeing you!

Kindly /
Sanaz

Interview Questions:

Knowledge of CRC

1. Can you tell me about your area of responsibility?
2. How much knowledge has, in your opinion, municipal politicians and officials concerning the CRC?
3. How would you describe the work in your municipality with the CRC?
4. Can you describe what methods you apply in the municipality to implement the CRC?
5. Are you familiar with the concepts of child perspective and children's perspective?
6. Would you say that politicians and officials in your municipality are well established with these terms?
7. Which of them would you rate that politicians and officials in your municipality apply the most in their daily work?
8. Do you think that there are clear guidelines in your municipality for how you ought to work with CRC?

Implementation of CRC

9. Has the municipality made any decisions about the CRC and its application in the City Council / Board? If yes, can you give some examples?

10. How has the actual implementation appeared and have you seen any effects of these decisions?

11. How do you evaluate the methods you work with?

12. Has it been discussed in your municipality to have a local ombudsman? (If there is already a local ombudsman, how did the discussion before appear, and "who" took the initiative?)

13. At what level would you assess that you are working the most (implementing) in your municipality with the CRC? (Eg. political, administrative or operational level).

Article 12 - Participation and involvement

14. Can children and young people have a voice and influence in your municipality? If yes, can you give some examples of how to go about this?

15. Are children and young people in your community aware of the CRC?

And finally,

16. What would you identify as your municipality's best practices and barriers in efforts to implement the CRC?

Appendix 2.

Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom, Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance, Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding, Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration, Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to reestablishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.
Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family

reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States

Parties shall respect the right of the child and his or her parents to leave any country, including their

4 own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph

2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
- (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to

the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;10
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or

armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law; (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the

Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to

States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute

13 a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually.
The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the

United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.³¹⁷

³¹⁷ The CRC, available at: <http://www2.ohchr.org/english/law/pdf/crc.pdf>