

Sweden case study:

Recognising and including children's rights and direct voice in law, policy and programs

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1. Introduction

This case study is implemented within the project 'Fostering policy support for child and family wellbeing - Learning from international experience'. Using a thematic and analytic framework for the project that draws on Kingdon's multi-streams theory² we are gathering and sharing evidence and learning on what has led to increased policy recognition of and policy change in family and child health and wellbeing (FCHW). In specific countries that have demonstrated policy recognition and change in FCHW post 2000, we are exploring within their context how different policy actors have come together to raise policy attention, develop policy options and promote their political adoption as processes for policy change, taking advantage of windows of opportunity for that change. The case studies were implemented with a local focal person with direct knowledge or experience of the policy process and include evidence from published and grey literature and interview of key informants involved in the policy processes.

The case study explores support for child rights and children's voice in Sweden advancing a view of children as competent actors and participants in decisions that affect their lives in law, policy and services.

There has been significant progress promoting learning and awareness and building experience of child rights and direct child voice. The rights of children to participate in decision-making is complex, however. What constitutes meaningful participation is a challenge, addressed amongst other challenges through sustained education and interventions to raise awareness. Shifts have been supported and enabled by a strong collectivist welfare state and long-held public views of children as actors in their own right.

Ratification of the *UN Convention on the Rights of the Child (CRC)* contributed to awareness, acculturation and coordinated dialogue among state and non-state groups. Support for incorporation of the CRC into Swedish law improved implementation and visibility of children's rights, including the right to be heard. Sweden will fully incorporate CRC into legislation in 2020. The political action, the act of parliament to incorporate the treaty, was preceded by incremental processes of policy adoption, implementation, debate and deliberation.

Practitioner alliances at local and regional levels were powerful actors shaping interpretation and implementation of a child rights perspective. Practitioner learning and exchange both cooperated with the legislative shifts, further informed policy content and gave confidence for adoption. Regional peer pressure was a further influence. Norway incorporated the CRC in 2003 and reported improved awareness and learning at implementation levels without a rise in litigation. Progress can also be attributed to cross-party support, the broad, consultative nature of policy-making, and close working relationships between the government and well-organised civil society.

2. The context

Sweden is a high-income country in northern Europe divided into 21 regions and 290 municipalities, with a population of 10.3 million (SCB, 2019). At the beginning of the 20th century, Sweden was one of the poorest countries in Europe. Today it has the world's eleventh-highest per capita income and ranks highly in quality of life, health, education, protection of civil liberties, and human development (McKinsey Sweden, 2012). Sweden is a constitutional monarchy and parliamentary democracy with political and administrative power devolved to regions and municipalities (Ruxton, 2011).

Sweden has a long-standing collectivist orientation placing child wellbeing at the centre of social policy. The country maintains a Nordic welfare system and spends the most on the preschool child in the OECD. Parents can take 480 days of paid parental leave per child, and the Early Childhood Education and Care (ECEC) program helps working parents balance parenthood with work and studies. Education, health and dental care are free of charge to all children. Child health and wellbeing is good, with a mean Child Health Index of 88 out of 100. In 2015, there was one maternal death and under 5 mortality is under 5 per 1,000 live births. (Köhler and Eriksson, 2018; SCB, 2019).

There was early support for children's rights and direct voice of children in policy and services in the country. The national Children's Rights Commission's first report in 1979 led to the widely acclaimed corporal punishment ban, the first such legislative ban in the world. The committee made further far-reaching recommendations for children to be recognised as actors with political voice (Heimer and Palme, 2016). While the later recommendations were less successful, children are generally viewed as competent actors with rights. Young people have the right to vote and stand for office from the age of 18 and can exercise influence through the same channels as older people as well as through youth councils and organisations (MUCF, 2011).

In the 1980s, there was a renewed attention to the view of children as actors with rights when Sweden played a significant role in the drafting of the *UN Convention on the Rights of the Child (CRC)* and was one of the first countries to ratify it in 1990. The CRC offers a framework for understanding child wellbeing and is an important tool for its promotion (Bradshaw et al., 2007). Child rights and wellbeing are closely related, specifically around Article 12 on participation. Participatory rights refer to the right to information and the right to be heard in addition to decision-making rights, promoting the wellbeing of children as opposed to their well-becoming.

Sweden has achieved high levels of citizen-related benefits and rights, but rising inequality and unemployment challenge universalism (O'Brien and Salonen, 2011). Between 1997 and 2007, child poverty, defined as 60% median annual income, decreased from 22% to 11% (O'Brien and Salonen, 2011; Odenbring, 2019; Save the Children Sweden, 2018). Today, approximately 12% of children live in poverty, the highest of the Nordic countries, and conditions between different groups have increased sharply. Poverty in Sweden is mediated by a strong welfare state. However, poverty is seven times greater among children with a foreign background than among children born to native Swedish parents and is especially high in urban areas (Odenbring, 2019).

There was, and is an ageing population. In 1995, 19% of the population was 0-14 years and life expectancy was 76 and 82 years for men and women respectively. Today the population of the population 0-14 years remains 19%, while life expectancy is 81 and 84 years for men and women respectively. The proportion aged 80 years and older is projected to rise by 50% by 2028. Fertility was low at 1.5 in 1998, but has increased over time to 1.8 in 2019. Sweden is a multi-ethnic society. In 2010, 14% of the population was foreign-born, in 2017, this had risen to 24% (SCB, 2019). Sweden has accepted more refugees per capita than any other European nation, although immigration restrictions have been recently introduced.



Map of Sweden. Source: Guide of the World, undated

3. The policy change

This section describes the transition to recognition and inclusion of children's rights and their direct voice in policy and services post 2000. The next section describes how this came about.

The case study provides evidence of recognition of a child rights perspective post 2000. There is a view of children as competent actors, as rights-holders and as participants in decisions that affect their lives in legislation, policy and services. Sweden was one of the first countries to ratify the CRC, inclusive of Article 12 on children's right to express their views on all matters affecting them and to have those views given due weight. However, the treaty has had limited impact (Heimer and Palme, 2016). Children's rights, and participatory rights in particular, have been raised and debated many times, with various methods of improving *informal* opportunities to be heard. Until 2020 children will not possess formal, legal right to voice. The main features of this transition are described below.

The Social Democrat government progressed successive government strategies for child rights up to 2006. After ratification of the CRC in 1990, the 1999 *Strategy for implementation of the CRC* aimed to develop competencies, knowledge and awareness for decision-makers in municipalities, regions and government departments. In the early 2000s, a review of the *Care of Young Persons Act* conceded that child protection was oriented from a parental perspective and opportunities for children to express their views were clarified. The *Social Services Act*, *Education Act* and *Aliens Act* were also amended to enable the best interests of the child (Article 3) and the right to express views (Article 12), albeit with informal opportunities to be heard (Heimer and Palme, 2016). In 2008, the new centre-right administration submitted the *Child Policy - a Policy for Children's Rights*, further centralising the CRC, with the goal that children should be respected and given opportunities for development, participation and influence.

Recognition and promotion of child rights, including direct voice, have also been reflected in policies and programs. In 2006, the [BBIC \(Barns behov i centrum, Children's need in focus\)](#) policy was launched to advance and systematise social work practice enabling children's voices to be heard. This was followed by the [BOU \(Barn- och Ungdomsvården, Social care for children and young people\)](#) regional development initiative 2011-16, which promoted evidence-based practice, sharing and exchange, in which children's participation came to have a central role. Elsewhere, the *Planning and Building Act* of 2010 provided new opportunities for children to be heard and for decision makers to take these views into account. In 2011, a change to the *Schools Act* came into force mandating schools to develop consultation fora with student representatives. Many municipalities also have youth forums, councils and assemblies (MUCF, 2011). National policies and regional initiatives both reflected increased recognition and informed further policy development.

In 2010, the [Strategy to strengthen child rights in Sweden](#) centralised children's rights to have a say in decisions that affected their lives, provided a common platform for practitioners, and ensured legislation was developed in line with the CRC. This was followed by sustained and coordinated pressure from advocacy communities for incorporation of the CRC into Swedish law to strengthen commitments and improve the implementation and visibility of children's rights, including the right to be heard. Following a media attention and public debate, in 2014, the new centre-left government announced plans to take steps to fully domesticate the CRC. Following further political and public debate, in 2018, a bill was adopted to incorporate the CRC into domestic law.

Non-government organisations (NGOs), child rights organisations and networks nationally and internationally have supported and advocated incorporation to improve implementation and visibility of children's rights. A key actor is the [Children's Ombudsman](#). Formed through an act of parliament in 2003 in compliance with directives from the CRC monitoring committee, the Children's Ombudsman is a statutory organisation that is independent from the government, although appointed by the political authorities. The Ombudsman represents children's rights and interests on the basis of the CRC, encourages implementation of the Convention and monitors compliance. The Ombudsman has regular dialogue with vulnerable children and has a duty of notification.

While children's rights are often limited or incomplete in practice, especially with regard to vulnerable children, the visibility of the CRC in the domestic legal system is intended to promote and strengthen children as a rights-bearers with political voice, which can be raised to address a variety of claims (Lundy et al., 2012).

The timeline below presents the key processes and events and policy outcomes at different stages that enabled policy change. The story of change is presented in the next section.

Timeline of reforms on recognition and inclusion of children's rights and voice

Year	Policy/ law/ program
Pre 2000	1979 Children's Rights Commission Corporal Punishment Ban incorporated into Parents' Code. 1990 UNCRC ratified (no reservations). 1993 Ombudsman for Children Act. 1997 State Public Inquiry concludes not to adopt UNCRC in Swedish law. 1999 National strategy for the implementation of the rights of the child.
2000	<i>Care of Young Person Act</i> review: Informal opportunity for children to be heard was clarified.
2001	<i>Social Services Act</i> contain provisions on children's rights to express views.
2002	Parliament passes bill to strengthen Children's Ombudsman and give greater independence. Swedish Social Democrats remains largest party in Parliament.
2003	<i>Care of Young Persons Act</i> amended to contain provisions on child rights to express views.
2005	<i>Child Rights Forum</i> for dialogue with NGOs, municipal partnership for implementation of CRC. <i>Aliens Act</i> requires attention to best interests and for child to be heard unless inappropriate.
2006	Regime shift - Centre-right Alliance comes to power for the first time in many years. Government Campaign - <i>A Sweden for Children</i> comprising local seminars for municipal officials and decision makers, children, young people, parents, NGOs and the private sector. BBIC (<i>Barns behov i centrum</i> , Children's need in focus) policy to systematically guide the social worker to primarily view the needs of the child based on an ecological approach.
2008	<i>Child Policy - a Policy for Children's Rights</i> . <i>Care of Young Persons Act</i> amended providing for best interests of child to be a deciding factor.
2010	Government publishes <i>Strategy to strengthen the rights of the child</i> , calls for 2011 survey by Ministry of Social Affairs on legislative compatibility. Amendment to Constitution requiring public institutions to safeguard the rights of children. Centre-right Alliance minority government. Anti-immigration Sweden Democrats enter Parliament. <i>School Education Act</i> and national curriculum contain clearer references to child rights.
2011	Ministry of Social Affairs survey on compatibility of Swedish legislation with CRC concludes Swedish law in conformity, no discussion of incorporation. BOU (<i>Barn och ungdomsvård</i> , children and youth care) regional development initiative promoting evidence-based practice and exchange with child participation a priority. Children's Ombudsman launches Unga Direkt (Young Direct) a method of listening to children. Inquiry on Redress for Past Abuse.
2012	<i>Västernorrlands Model for making children's voices heard</i> published, based on CRC (Article 12) implemented in various regions and municipalities. <i>A Safer and More Humane Gothenburg</i> program including the child's perspective.

Timeline of reforms on recognition and inclusion of children's rights and voice, continued

Year	Policy/ law/ program
2013	Government inquiry revisiting incorporation of CRC to Swedish law launched.
2014	Minority government, Social Democrats and Green Party led by Prime Minister Stefan Löfven. Prime Minister Stefan Löfven announces child wellbeing a priority, including implementation of CRC in Swedish law by Jan 2020. Completion of General Children's Home project 2010-2014 <i>Children's user participation in social childcare</i> based on BoU and CRC.
2015	Inquiry from 2013 extended to include legal/practical issues and proposal on incorporation.
2016	Child rights inquiry concludes that CRC has had insufficient impact. Children not regarded as rights-bearers in legislation, case law or by authorities. Proposal for act on incorporation.
2017	Government submit proposal to Council on Legislation on incorporation of CRC. Council respond that proposal should be rejected.
2018	Minority government, Social Democrats and Green Party <i>Red Green Alliance</i> . Government bill Incorporation of UNCRC to Swedish law. Approved application in law 1 Jan 2020. Special investigator commissioned for continued transformation.

Sources: Hyvönen and Alexandersson, 2014; Lundy et al., 2012; NBHW, 2018; Ruxton, 2011; SALAR, 2017; Swedish Government, 2018, 2007a, 2010, 2016, 2017a, 2017b; Västernorrland County, 2012

There has been progress with the view of children as actors with rights in legislation for family disputes, child protection and child poverty and an increased focus on involving children in decision making on patient treatment (Heimer and Palme, 2016). In 2003, over 90% of municipalities and more than half of regions provided opportunities for children to be heard and to have their views taken into account in decision-making, via youth forums, councils and parliaments (Thorburn Stern, 2019).

A new component for Statistics Sweden's 2004 reporting is data from the Living Conditions Survey in which children aged 10-17 report on their financial standard, time with parents and family circumstances (Swedish Government, 2007b).

In 2007, the Children's Ombudsman found that 78% of municipal authorities had taken a decision to work towards implementation of the CRC. In Statistics Sweden's child living conditions survey in 2008, 86% of young people aged 13-15 reported they can participate in decisions in the home (MUCF, 2011).

A strategy, inclusive of a set of indicators ([Max18](#)), has been developed to monitor and evaluate child policy by the Children's Ombudsman and Statistics Sweden and is widely used at a national and regional levels (BO, 2019).

4. The story of the change

4.1 Raising the issue

This section explores the actors and processes that motivated recognition and inclusion of children's rights and direct voice of children in policy and services.

Recognition of children's rights and children's voice as a specific right is well-established in Sweden. In the 1940s, the children's fictional character *Pippi Långstrump* (Pippi Longstockings) was an empowered child who lived outside of social conventions. The 1969 children's book *När barnen tog makten* (When the kids seized power) narrates children's uprising in a kindergarten. In the story, children were portrayed as political actors with a right to participate, a language promulgated by the New Left at the time. As described above, in the 1970s, the national Child Rights Commission made radical and far reaching advances in child rights and formal recognition of child voice. In the 1980s, Sweden played a significant role in drafting the CRC. Following ratification in 1990, the treaty came to be seen as: *the most important tool for enhancing the status of child and youth issues and making more room for them on the political agenda* (Sylwander, 2001:9).



Gunnar Ohrlander *When the Kids Seized Power*, 1969.

Despite broad acceptance of a child rights perspective, the CRC had limited impact on the rights of children to participate in proceedings that concern them, to express views and to have those views given credence. Post 2000, the issue was raised by public officials and practitioners, UN agencies, NGOs and academics, often formally through government commissions and supervisory agency evaluations. Groups highlighted that, while there had been some progress primarily brought by lawmakers in children's rights to express their views in child protection and family disputes, responding to vulnerable children as victims and actors was challenging for custodial, housing and social investigators. Similarly, despite a child rights perspective introduced in welfare provision in the late 1990s, the National Board of Health and Social Affairs in 2003 and the Ministry of Health and Social Affairs in 2004 found children to be *invisible* in the administration of welfare, highlighting inconsistent implementation and a lack of practical guidance (Heimer and Palme, 2016).

There were also well-organised civil society groups raising the issue of children having a say in services and policies affecting them. Prominent NGOs include: [BRIS \(Barns Rättigheter i Samhället, Children's Rights in Society\)](#) offering helplines, chat and email counselling; [Maskrosbarn \(Dandelion Children\)](#) run by people with experience of neglect and abuse; [Friends](#) promoting an end to bullying through research, training, advice and media-based advocacy; [Save the Children Sweden](#) and [UNICEF Sweden](#) working to promote children's rights nationally and internationally; and the World Childhood Foundation, often referred to as [Childhood](#), founded by Queen Silvia of Sweden in 1999 to safeguard child rights in Sweden and internationally. NGO cooperation is high, reflected in coalitions such as [The Network for the CRC](#), which brings together over 40 member organisations and provides a collective civil society voice for the promotion and protection of child rights and children's voices about their rights.

Individually and in coalitions, NGOs advocated for attention to and understanding of child rights in law, policy and programs. Save the Children Sweden, for example, pointed out the lack of attention to child rights perspective in a report accompanying the government's third periodic report to the CRC monitoring committee (1997-2002): *Save the Children Sweden questions whether the government is aware of the difference between the terms "child rights perspective" and "child perspective". The report refers to a child rights perspective only in connection with international development assistance. Elsewhere, it employs only the term child perspective. For Save the Children Sweden, the difference is significant.*

In our opinion, the Swedish government should apply to domestic policy the same rights perspective that it demands from other countries in connection with Swedish development assistance (Save the Children Sweden, 2004:8-9).

In the same year, a report by the Swedish National Audit Office entitled, *UNCRC in Practice*, raised further criticisms over the lack of implementation strategies and that children's perspectives were often not considered in decisions relating to them (SNAO, 2004). Studies by regional administrative boards and practitioners further asserted that a child rights perspective in social services was *symbolic politics* rather than established practice (O'Brien and Salonen, 2011). The Board of Swedish National Audit Office subsequently petitioned parliament to develop a CRC implementation strategy. Attention was thus brought to the need to improve understandings of child rights and participatory rights specifically, for practical guidance on how to interpret and implement a child rights perspective in practice, how to enable direct voice of children in decisions that affect their lives, and on addressing disparities between municipalities.

These calls were echoed by the Children's Ombudsman, who in 2005 reported the need for municipal skills development supporting a children's rights perspective inclusive of right to direct voice of children. In the same year, 25 municipalities came together to raise the need for technical support on children's rights from national authorities (Jacomy, 2007). Municipal variability in implementing a child's rights perspective was also acknowledged in Sweden's fourth periodic report to the CRC monitoring committee (2002-2007), as was the challenge of ascertaining and factoring in the views of children (Swedish Government, 2007b).

In 2008, Save the Children Sweden published a further supplementary periodic report, which identified low levels of knowledge about the CRC among decision-makers and children (Save the Children Sweden, 2008). In addition, the Children's Ombudsman carried out surveys on the extent to which the CRC featured in education and training, finding insufficient time and competencies among educators, and limited knowledge and understanding among children regarding practical use. At the same time, the NGO Network for the CRC called for children's rights to be a mandatory part of the school curriculum in a supplementary report to the CRC committee in 2008 (Lundy et al., 2012).

International actors also expressed concerns that children and professionals lacked sufficient practical knowledge on how to interpret and implement a child rights perspective and enable children's voices. In 2009, the CRC monitoring committee's general comment on Article 12 (the child's right to be heard) highlighted the need to strengthen opportunities for children to express their views (Committee on the Rights of the Child, 2009b). In its concluding observations on Sweden's fourth periodic report in the same year, the committee reiterated concerns that some children feel that they do not have any influence in matters that affect their lives. They expressed concern at disparities between municipalities and regions regarding children's participation and highlighted the absence of a national plan of action (Committee on the Rights of the Child, 2009a). There were also remarks about the non-incorporation of the CRC into domestic law, noting that transformation by amending municipal law was insufficient. The committee encouraging Sweden to improve implementation and visibility of children's rights, including the right to be heard through formal recognition of the Convention as Swedish law (Committee on the Rights of the Child, 2009a).

NGOs, UNICEF and state officials were persistent in keeping the issues on the agenda. The 2010 and 2011 annual reports of the Children's Ombudsman's pointed out shortcomings with respect to child voice in the area of children forced to leave their families (BO, 2010, 2011). BRIS, an independent children's rights organization founded in 1971, provided support services and a platform for children's voices via secure, anonymous tollfree helplines and promoted children's rights among politicians and decision-makers. In the 1990s, BRIS grew rapidly in scope and coverage, and became the first group in the world to launch email support extending support services with a discussion forum launched in 2003. The annual *BRIS Report* on children's voices and implications for policy and programs came to focus on how to enable children's voices and empower children to claim their rights, raising and monitoring issues including physical abuse, bullying and mental illness.

In the 2010's, NGOs, UNICEF and the Children's Ombudsman intensively advocated incorporation of the CRC into domestic law as a means to support children as actors and agents with rights to political participation and to support visibility in practice. These issues were debated in parliament and the media. Further support was prompted by a Health and Social Affairs report on child poverty that recommended giving children the possibility to express their views and that pointed to a lack of law reform. In 2012, the Children's Ombudsman published a critical viewpoint that domestic law was characterised by a *distrust of children* and lacked proper input to custody, residence and visitation disputes, social services investigations or in the asylum process. The report asserted that regulatory authorities and courts are inaccessible to children, ill-adapted to children's circumstances and that effective and child-friendly complaints procedures be integrated into Swedish law (BO, 2012). While the Ombudsman's criticism was not discussed in the state party report, it was included as an appendix.

Attention grew in the media and the government acknowledged, in the fifth periodic CRC report (2007-2012), that enabling direct voice of children was challenging. The report prioritized investigating incorporation of the CRC into Swedish law with civil society (discussed below) (Swedish Government, 2012). In 2014, UNICEF Sweden, BRIS and the NGO End Child Prostitution and Trafficking (ECPAT) Sweden, published alternative reports, reiterating their concerns over children having little knowledge on their rights and advocating for incorporation of the CRC to improve implementation and visibility (BRIS, 2014; ECPAT, 2014; UNICEF Sweden, 2014). Regional influences were also evident. Since Norway incorporated the CRC in 2003, awareness of children's rights had grown, as had its impact on vocational training and court decisions. The actions of several NGOs, UN agencies and state officials thus supported and promoted the view of children as citizens with rights and as participants in decisions that affect their lives.

4.2 Engaging and building support of political actors and decision makers

This subsection describes how the attention and support of political actors were engaged to support children to claim their rights and give children a voice.

In 2007, the newly elected centre-right administration revoked the previous Social Democrat administration's communications on child rights and in 2008 submitted the *Child Policy - a Policy for Children's Rights*. Responding to the issues and advocacy described above, the policy was developed to meet obligations under the CRC, with the goal that children and young people should be respected and given opportunities for development, security and participation (Save the Children, 2011). The policy covered: implementation of the CRC, parental support and addressing violence against and mental ill-health in children and young people (Swedish Government, 2007a).

This was followed in 2010 with the [Strategy to strengthen the rights of the child in Sweden](#). The strategy came about following NGOs, UN agencies and state officials encouraging the government to adopt a child rights perspective, develop implementation strategies, and incorporate the CRC into domestic law, as described above. The strategy aimed to enable protection of children's rights through a unifying, comprehensive approach rooted in the CRC. Responding to implementation-related needs, it also aimed to serve as a common starting point for public actors at all levels. (Swedish Government, 2010). The goal was for children to be respected and given opportunities for their development, security, participation and influence, through measures for them to express their views and by being given information about their rights and what they mean in practice.

The strategy included principles of continued transformation of Swedish law in line with the CRC and with reference to Article 12 on children's participatory rights. Concurrent with the strategy, the government entered into an agreement with the Swedish Association of Local Authorities and Regions (SALAR) to intensify efforts to strengthen children's rights at operational levels (Swedish Government, 2012). While the strategy stated that all Swedish legislation would be developed with reference to the CRC, there was no attention to incorporation of the treaty in law. As with the previous strategy, it was criticised for lacking measurable targets and was reportedly not developed on a consultative basis with NGOs, children or young people (Save the Children, 2011).

In the same year, the *Inquiry on Redress for Past Abuse* was set up by Minister Maria Larsson of the Christian Democrats. Using the CRC and principles of child voice, interviews were conducted with 866 people examining the serious abuse and neglect they experienced as children when placed in children's homes and foster care (Swedish Government, 2011). The inquiry galvanised the government's intention to promote child wellbeing in social care. Significant funding for social care (500mn SEK, approx. 50mn US\$) was announced by Maria Larsson. She argued that the most important task for politicians was to look to the future and set measures to strengthen the protection of children and young people and to develop opportunities for their participation and influence, discussed further in *Section 4.3* (Larsson, 2011). In 2011, a constitutional amendment was passed for child rights to be safe-guarded, giving advocates for children further leverage (Lundy et al., 2012)

In 2013, two of the four parties in the coalition government, the Christian Democrats and Liberal Party, expressed a desire to improve the implementation and visibility of children's rights, including the right to be heard. This influenced the government to set up an inquiry to revisit the question of incorporation of the CRC into Swedish law (Swedish Government, 2013; Thorburn Stern, 2019). The government's strategic work was also influenced by the CRC monitoring committee. In concluding comments on Sweden's fifth periodic report 2007-2012, the committee criticised Sweden for the fifth time for not having incorporated the CRC into domestic law, drawing attention to problems with children's right to voice in custody, residence and visitation, social services investigations and in asylum procedures. The committee was concerned that under the *Aliens Act*, a child would only be heard *where it is not inappropriate*, and that Sweden had yet to sign the third optional protocol on a communications procedure (Committee on the Rights of the Child, 2015).

As described above, public authorities and children's rights organisations such as Save the Children, BRIS and UNICEF also drew on the CRC committee's comments, arguing that there had been insufficient change and that incorporation would improve implementation and visibility of children's rights, including the right to be heard (Heimer and Palme, 2016). While mainly concerned with specifics, the state party reporting process created opportunities for engagement among government, NGOs, children and young adults, other members of civil society and the media and provided a catalyst for domestic review, debate and policy change.

Following the 2014 elections, a coalition of the Social Democrats and the Green Party came to power. The Green Party was in favour of incorporation, as were many Social Democrats. The new political landscape, combined with the sustained and coordinated work of NGOs, UN agencies and public bodies described above, provided a basis for the new Prime Minister, Stefan Löfven, to declare intentions to make the CRC into domestic law. Political commitment was further reflected in an opinion piece in 2015 by Maria Larsson, then Minister for Children and the Elderly, reiterating that incorporation was important to strengthen the rights of the child, including the direct voice of children (Thorburn Stern, 2019). In the same year, the terms of the 2013 inquiry were extended to include legal proposals on how, rather than whether, to incorporate the CRC in Swedish law.

The inquiry concluded in 2016, finding that the CRC had limited impact. Shortcomings were identified in implementation, with children generally not regarded as rights bearers in legislation, case law, or treatment by the authorities. Proposals were put forward for an act on incorporation to improve implementation and to enable formal, legal right to voice (Swedish Government, 2016). The inquiry drew on Norway's experience where incorporation had not been accompanied by a rise in litigation, but had improved awareness and learning at operational levels. The inquiry also acknowledged that implementation was critical to achieve commitments to giving children voice and was contingent on informed practitioners, recommending education, training and guidance for those responsible for implementation (Swedish Government, 2016).

The outcomes of the inquiry were welcomed by child rights groups, who argued that incorporation would strengthen implementation, visibility and justiciability of children's rights (BO, 2016; BRIS, 2016; NSPH, 2016). However, the courts and state authorities objected.

The main arguments against incorporation were around the status the CRC in the Swedish legal hierarchy, the foreign and vague language of the treaty, concerns over interpretation in courts and state and municipal bodies, and the need for training (Thorburn Stern, 2019). Nevertheless, in 2017, the government submitted the proposal to the Council on Legislation, proposing a committee to develop guidelines to increase awareness and support interpretation, an inquiry on interpreting the provisions and coordinated action to increase knowledge and awareness among municipalities, regions, government authorities and children's and families. The Council on Legislation was critical of the proposal to prepare interpretation guidance after development of the law, rather than the usual practice of it being developed by parliament in preparatory work for the law (Thorburn Stern, 2019).

These criticisms had minimal effect. In 2018, the government bill *Incorporation of UNCRC to Swedish law* was approved in parliament (Swedish Government, 2017a). The government may have responded to pressure from NGOs, public officials and the CRC monitoring committee, as well as the national mood. Criticisms regarding insufficient implementation of the CRC played an important role in the government's change of position on incorporation to increase the impact of the convention in law, policy and decision making. As described above, regional influences were also apparent; Norway adopted CRC as domestic law in 2003, Finland in 1991 and Iceland in 2013, with success stories on improved understanding and awareness of child rights in practice.

While Sweden has long been a supporter of children's rights, the legislative shift around child rights, and direct child voice as a specific right, has been a long and contested process. Among the objections described above, difficulties have also been related to a reluctance to enable political participation and empowerment of children: a challenge that may not be specific to Sweden (Thorburn Stern, 2019). Despite this, the national position has shifted (through the process described above and below), and the government is now focused on designing a national program to support local and regional communities and national agencies on practical implementation and interpretation of the treaty. The Children's Ombudsman has been assigned by the government in this regard to support relevant actors and to develop information and educational materials for children.

While incorporation of the CRC was a long and contested issue, ratification contributed to awareness, acculturation and coordinated dialogue among state and non-state groups. Reflecting strong administrative decentralisation, practitioner alliances at local and regional levels were powerful actors shaping interpretation and implementation of a child rights perspective. Practitioner learning and exchange fed into the legislative changes, further informing the policy content and giving confidence for its adoption, discussed further below. The voices of children on their own proposals for the changes they wanted were, however, relatively less pronounced.

4.3 Operationalising and applying the policy

This subsection outlines some of the actors and processes that informed credible policy options to invest in child rights and voice, reflecting the shift in mindsets described above.

As described above, NGOs, UNICEF and public officials exerted pressure on the government to incorporate the CRC in law as a credible way of strengthening its implementation and ensuring children's formal, legal right to express their views. On the 20th anniversary of the ratification of the CRC, the Children's Ombudsman called for a government inquiry to consider whether the CRC should be given legal status to prioritise children's participatory rights, stating: *there are still significant differences between the Swedish legislation and the Convention on the Rights of the Child, among other things when it comes to the approach one has for children as participants in decision-making processes that concern them personally. Children must not fully speak in disputes about custody, housing and social affairs, in investigations within the social services, nor in the asylum process* (BO, 2009). Alternative periodic reports continued to be submitted to the CRC monitoring committee by NGOs such as Save the Children and [ECPAT](#). The CRC Network also produced alternative periodic reports based on the views of children and young people (Ruxton, 2011). These advocated for incorporation of the CRC to ensure that child rights and participatory rights in particular could be directly applicable in courts and in the work of public authorities.

The resulting support for child rights, and specifically formal and legal rights to voice, gradually influenced implementation among practitioners and managers at local and regional levels, even prior to the 2018 *Incorporation of UNCRC to Swedish law*. The development and sharing of good practice models served to both support and align practice to the changes in law and policy described earlier and to further inform policy content for adoption (Day et al., 2015). Several public bodies and NGOs developed working groups, training and methods in the adoption and framing of municipal policies and strategies, and networks were established for sharing and development of best practice. Examples include regional and municipal [Child Rights Networks](#) established by SALAR to share experience and learning, and in 2004, the [Partnership for the Rights of the Child in Practice](#) established by 11 municipalities for exchange among municipal bodies and national authorities on practical application and interpretation of the CRC with a focus on the influence of children and young people. The partnership conducts reviews of partner municipalities' work, which form the basis of continued development of child rights practice in municipalities.

In 2006, the [BBIC \(Barns behov i centrum](#), Children's needs in focus) policy was launched by the National Board of Health and Welfare based on principles of the rights and best interests of the child, a holistic perspective on the child and its situation, and a collaborative, evidence-based approach. The BBIC provides social workers with structured, systematic guidance on how to have the needs and rights of the child in focus throughout the support process and understandable for the child and family. Based on the *Framework for Assessment of Children in Need* used in the UK, the CRC and the Social Services Act, BBIC aims to strengthen inclusion of children's perspectives and participation, placing the child in the centre of three domains, each with a set of dimensions to be assessed (NBHW, 2018). The policy was supported with practical materials and has been rolled out to virtually all social workers in the country. Evaluations generally point to better assessments and improved focus on children's needs being implemented, albeit with extensive documentation and demands on resources.



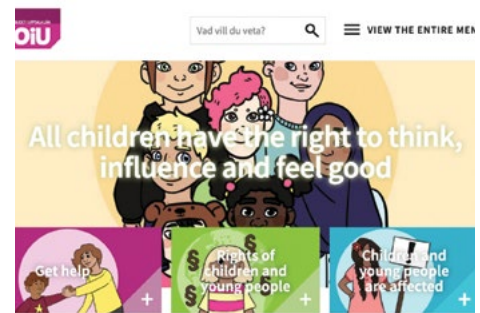
BBIC Triangle™ model for investigating and following up the needs of the child, NBHW 2018

There is a decentralised political and administrative system in Sweden, in which each of the 290 municipal governments decide how to interpret and implement national policy. This creates significant municipal differences and the political system requires continuous monitoring. Based on national commitments to coordination, evidence-based practice and practitioner support, in 2011, the government with SALAR launched the [BOU \(Barn och ungdomsvård, Children and adolescent social care\)](#) regional development initiative. The initiative was directly linked to the outcome of the 2011 child abuse inquiry, described earlier, which led to renewed energy around improving social care for children based on the principles of the CRC, including direct voice of children. The initiative enabled networking and reporting best practices skills exchange, coordination and monitoring, and connections to national level. Over time, and in response to practitioner priorities around the practical interpretation of a child rights perspective, BOU expanded to encompass professional needs-based support for child rights, and specifically participatory rights, as central principles.

Through the initiative, programs and interventions such as the [Västernorrlands model](#) enabled children's voices to be heard in children's social care. *Research circles* that aimed to ensure children's participation in child welfare were developed by the [Allmänna Barnhuset Foundation](#) (Children's Welfare Foundation) and facilitated the sharing of learning and diffusion of best practice (Hyvönen and Alexandersson, 2014; Västernorrland County, 2012). Most recently, [Viewpoint](#) was developed as a new digital tool to increase the participation of children and young people in social services by capturing information on their views and experiences using mobile technology. The tool can be used by children from five years of age to plan and inform investigation processes or interventions (SALAR, 2019). These initiatives supported and co-ordinated practitioner learning around the implementation of a child rights perspective in line with changes in law and policy. They further informed policy content, giving confidence for its adoption, as described above. The BOU initiative came to an end in 2011, but continues to be supported by municipalities to enable sharing of best practice and implementation among practitioners and at higher levels of government.

Methods and tools were also developed by non-state groups. The BOU initiative regularly engaged with NGOs such as the [Maskrosbarn \(Dandelion Children\)](#) and with the Children's Ombudsman. A Child Rights Forum was established by the government for structured dialogue with public authorities, NGOs and children and young people (Ruxton, 2011). In 2007, the Children's Ombudsman developed *The Right to Be Heard* providing ways of communicating children's and young people's views to decision-makers in a representative, easy to-understand manner. The BBIC has provided social workers with structured, systematic guidance on keeping the needs and rights of children in focus throughout a support process in ways that are accessible for the child and family (BO, 2007). In 2014, the Save the Children Sweden developed a *Young Voices* tool for discussions with politicians, policy-makers and other stakeholders on children and young people's conditions that were based on the children's own terms (Save the Children Sweden, 2014). The BRIS Academy also provided materials and courses for professionals on how to talk to parents and children.

The Children's Ombudsman in particular has pioneered several methods to listen to children in vulnerable situations, organising expert groups with children experiencing violence or abuse, and visiting children in transit homes for unaccompanied asylum seekers, in care homes and detention centres as part of the dual role in supporting and evaluating concordance with child rights (BO, 2012). In 2011, the Children's Ombudsman launched *Unga Direkt* (Young Speakers), *A Method for Listening to Children* for use in municipalities, regions and government agencies. Local child hearings are commonly held in municipalities with regional children's ombudsmen. These are independent fundraising organizations, not legislative bodies, such as the [BOIU \(Barnombudet i Uppsala, the Children's Ombudsman in Uppsala\)](#), a group that provides support and resources to strengthen the voices of children and young people.



Website of BOIU, *Barnombudet i Uppsala* (Children's Ombudsman in Uppsala County) Source: BOIU, undated reproduced with permission

Youth organisations run by young people directly have also progressed approaches that support child rights, with a focus on direct voice of children and young people. The [Swedish Authority for Youth and Civil Society](#) focuses on issues including youth influence and ensuring authorities have sufficient knowledge about young people's lives (MUCF, 2011).

[Save the Children Youth Foundation](#) focus on advocacy and capacity building work allowing young people to gain experience and understanding of activism and organising, expressing views, listening to others and being taken seriously, supported with formal and informal structures and funding. The [National Council of Swedish Youth Organisations](#) brings together 83 national youth organisations for young people's rights, democratic organization and influence.

Practitioner learning and exchange both cooperated with the legislative shifts, further informed policy content and gave confidence for adoption. While politicians and policy makers over time became more receptive to the inclusion of rights via incorporation of the CRC, judicial bodies have been less receptive. There was success in raising the issues and progressing incorporation of the CRC as a means through which to improve implementation, but challenges in the development of technical and politically feasible legislative options may have undermined the process and intended impact. Despite this, the shift occurred through sustained awareness raising and education, engagement by lobbyists and politicians with motive and opportunity (Thorburn Stern, 2019).

There have been significant shifts in Sweden in support of children's rights and specifically in children's right to a voice on matters affecting their lives. Challenges remain, however, in terms of children's right to have their views respected and taken into account. Despite this being a core principle of the CRC, it is still not a priority and problematic for children on the move (BO, 2017; Stern, 2006). Nevertheless, the visibility of the CRC in law intends to promote and strengthen children as a rights-bearers with political voice, which can be raised to address a variety of claims.

5. Summary of and learning on key drivers of the policy change

5.1 Summary of key drivers and processes fostering policy change

Policy support and recognition for children's rights, inclusive of formal and legal right to children's voice, has been a gradual process in Sweden. The rights of children to participate in decision-making is complex. What constitutes meaningful participation is among the many challenges that were addressed through sustained measures to raise awareness and provide education.

The shift in policy and practice was a result of persistent lobbying from different levels of institutions and sections of society, strengthening the status of children's rights in domestic law and promoting the CRC as a pedagogical tool for children's rights to be respected and implemented.

The political action, the act of parliament, was preceded by incremental processes of policy adoption, implementation, debate and deliberation that built awareness among stakeholders. Prior indirect incorporation of the CRC was an important precursor to its formal incorporation. This supported recognition that guidance and education are critical to develop a culture of support. The CRC monitoring committee promoted child rights formally through periodic monitoring. This built respect for rights, opportunities to advocate for incorporation and engaged the public and the media.

The process was supported by the widening remit and the strengthening independence of the Children's Ombudsman to raise issues and provide options for legislation, policy and programmes. The Children's Ombudsman played a key role connecting the treaty to its routine application by different authorities. This was done by providing knowledge, support and guidance, disseminating best practices and through evaluation and analysis.

The persistence of the Children's Ombudsman, combined with advocacy from civil society groups and UNICEF, was effective in targeting legal reform through regular alternative reporting to the CRC monitoring committee. The government's adoption of a positive attitude towards incorporation of the CRC to improve implementation and visibility of children's rights, including the right to be heard, may be partly explained by children's rights lobby groups, that had been persistent arguing for incorporation as a credible policy option, and were successful in attracting attention and building support.

Municipalities and regional authorities, who were responsible for bringing legal and policy commitments to life in service delivery, played a critical role in informing policy revision and giving confidence to the adoption of a child rights perspective, inclusive of direct voice of children in matters affecting their lives. Through regional development initiatives, strategic links were created between front line practitioners and national level legislators, with committed public officials ensuring that practitioner voices, needs, experiences and perspectives were raised to higher levels. The development and sharing of good practice models served to both co-operate with the legislative and policy shifts and further inform policy content for adoption.

There also was, and is, a high degree of cooperation with NGOs. Several public bodies and NGOs developed working groups, training and methods in the adoption and framing of municipal policies and strategies, and networks were established for sharing and development of best practice. Groups raising issues and developing policy alternatives possessed high levels of authority, legitimacy and capacity in advancing an agenda where children are treated as actors and increasing opportunities for children to have influence (Eriksson and Näsman, 2008).

While children's participation in matters affecting them did not begin with CRC in Sweden, the CRC stimulated recognition of children's rights to participate and encouraged changes in law, policy and practice. This changed children's position in law from passive and non-participants in society to being political actors with voice and empowered to make choices to claim rights. The issue of incorporation of the CRC was lengthy and contentious. Arguments were made against incorporation of the CRC around its status in the Swedish legal hierarchy, the foreign and vague language and the need for training. These arguments were used to dismiss proposals for incorporation for two decades.

There was, however, sustained political interest that crossed party lines, sustained awareness-raising and education and the CRC monitoring committee repeatedly expressed concerns that the CRC was not formally part of domestic law since the first set of concluding observations in 1993. An additional driver was the shared experiences of Norway, Finland and Iceland, where the CRC had been incorporated into domestic law to protect and progress child rights. There was also regional exchange at practitioner level in social welfare and child protection.

5.2 Learning and insights on changing mindsets and norms

This section presents learning and insights from the experience, including by those involved.

In raising and keeping the issue on the policy and political agenda: Sweden has a long-standing commitment to children's rights. As stated by the Swedish Authority on Youth and Civil Society on youth influence: *[young people] have grown up with the UN Convention on the Rights of the Child and they are used to being listened to and taken seriously* (MUCF, 2011:11). Moreover, and enabling advocacy on a broad basis, many child's rights organisations, legal experts, politicians and child and youth organisations have progressed a more comprehensive view of child rights in law and have lobbied for incorporation of the CRC to further advance formal, legal voice and participation of children in decisions that affect their lives. Nevertheless, there have been many difficulties surrounding incorporation of the CRC. They relate to a reluctance to enable political participation and empowerment of children and to the Swedish legal tradition in relation to international treaties. These challenges also exist in many other countries.

Cross-party support, a close working relationship between the government, well organised civil society and professional organisations interpreting and implementing a child rights perspective kept the issues on the agenda. Advocacy for direct voice of children has included methods to advocate a child rights perspective in ways that include children's voice.

There have been important innovations developed to enable practitioners to engage in collective learning and exchange, to support interpretation and implementation of a children's rights perspective. Practitioner methods and capacities were important for both advocacy on the law and its application, and the CRC has assumed an increasingly prominent place in law and public administration as a result. Periodic reporting on the CRC drives greater implementation, awareness and commitment and the UN criticisms around failures to meet obligations have helped maintain attention. The periodic reporting and constructive engagement have raised awareness of children's rights among NGOs, UN agencies and state officials and this has been important for persuasion and acculturation. Over time, the CRC strengthened the capacity of duty-bearers to meet their obligations.

For the development and adoption of policy options: The sustained and coordinated work of advocacy communities was a key feature in the development of legal, policy and program alternatives. Advocacy communities were persistent, worked for long-term results and consistently brought incorporation as a credible option, which supported and was supported by the changes. A range of partnerships, coalitions and networks exist working singularly and in conjunction, often with inputs from Save the Children, UNICEF and the Children's Ombudsman, and with non-state organisations such as BRIS and Maskrosbarn working to give children more direct voice. The high level of cooperation and collaboration between NGOs, UN agencies and state officials further enabled and legitimised the work of advocacy communities.

Practitioner alliances were vocal raising the need for support in the practical interpretation and implementation of a child rights perspective. The needs of practitioners and public officials to bring the commitments to child rights and child voice to life were recognised with regional and municipal initiatives enabling coordination, learning and exchange, which in turn informed further policy revision and confidence for child rights including and formal, legal right to voice. It may be the case that practitioners are invited into consultation and initiative development, rather than setting agendas and driving change. Nevertheless, the regional and municipal work, and particularly initiatives such as BBIC and BOU, were effective processes through which to collate learning, facilitate exchange and advance a child rights perspective in public services: *there was a focus on systems to do things systematically and to make it part of normal ways of working and with great national support....there's now a more conscious way of thinking about how you involve listen to and include children.*

In building political and public support and sustaining policy implementation: Consultative policy-making in Sweden ensures that civil society and youth organisations, i.e. organisations that both involve young people directly and represent children's interests, have ongoing cooperation and meaningful input and influence.

Cross-party support for incorporation of the CRC to advance child rights and child voice can be traced to Maria Larsson of the Christian Democrats, with whom the 2011 and 2013 government enquiries on child abuse in social care and on incorporating the CRC were progressed. Regional peer pressure from neighbouring countries was a further influence. The experience particularly of Norway was influential in addressing concerns over an increase in litigation as a result of incorporating the CRC that proved to be unfounded.

While there is broad acceptance of the view of children as actors in their own right capable of participating in decisions that affect their lives, cultural norms of parental authority over children's rights including participatory rights are cited as an explanation of why the CRC historically had a limited impact.

The persistence of NGOs, UNICEF and state officials raising the issue and substantiating incorporation of the CRC as a credible alternative were important in the changing of mindsets. This was facilitated by cross-party support and a close cooperation between state and non-state groups bringing significant progress promoting learning and awareness, and building experience of child rights and direct child participation in legislation, policy and services.

Contemporary issues related to children on the move as well as broader shifts towards populism, xenophobia, increasing inequalities and individualism are testing these gains, however. Several key informants observed a regressive shift in the tone of political debate and conduct. On the other hand, the advance in support for and recognition of child rights and direct voice of children in Sweden is both reflected in and advanced by the rise of children's activism in the climate strikes and of the 16-year-old Swedish activist Greta Thunberg. In September 2019, a complaint over the lack of government action on climate was brought by 16 children from twelve countries, including Sweden, to the CRC monitoring committee, citing failures to uphold obligations under the treaty (UNICEF, 2019).

As the CRC becomes law in Sweden in January 2020, further important challenges will be made and precedents set in relation to the status of the treaty and its implementation in practice, such as in increasingly restrictive asylum laws.

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Endnotes

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- 2 See Loewenson and Masotyia (2018) for information on the conceptual and analytical framework used.