

Children's Rights: the balance between children's participation and protection

A policy analysis of the government report "A window of opportunity- a strengthen children's rights perspective for children in refuges"

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ABSTRACT

In November 2016 the Swedish government requested a study where actions were suggested in order to strengthen the children's rights perspective for those children living at refuges. This resulted in the commission of inquiry "A window of opportunity- a strengthen children's rights perspective for children in refuges" (SOU 2017:112). The aim for this paper is to study how this inquiry is constructed and in which way it problematize children's rights and will be guided by three research questions: how is the concept 'children's rights' problematized in the report SOU 2017:112, how does the problematization of children's rights position children living at the refuges in order to strengthen them as rights holders and what implicit assumptions are made as a way to increase the children's rights perspective for the children living at refuges? To investigate these questions this paper will do a policy analysis based on Carol Bacchi's (2009) "What's the Problem Represented to Be?" (WPR) approach. The method is chosen since the WPR-approach is used for the study of policies and especially studies the way a policy constructs a problem. This paper argues that the problematization of children's rights positions the children at the refuges as in need of protection and care and at the same time emphasizes their right to get their voice heard, as they are being active individuals. The urge to strengthen the children is argued to be a way to prevent the children who have experienced violence to become abusive themselves. As such, the conclusion is that a strengthen children's rights perspective for those children living in refuges transmits to them becoming 'good citizens'.

Keywords: children's rights, refuge, children's voice, best interest of the child, UNCRC

FOREWORD

This research is in large extent a summary of all the knowledge I have accredited during my year at the Linköping University and the Department of Thematic Studies, Childhood Studies. I am so very grateful for the way in which the coursework and teachers have broadened my understanding and deepened my interest in children and childhood. I now realize that this is more multifaceted than one might think as the view of a child not only has changed over time but differ from one society to another, in a different context and cultures. Researcher and studies of children and childhood have come a long way in emphasizing children as active individuals, capable of making decisions of their own and with a voice that should be heard but much more can be done. The UNCRC and Children's Rights is one way to make this happen. Though it is complex and in need of improvement, it's a start and a way to make sure that every child all over the world should be acknowledged as a holder of rights.

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1. INTRODUCTION

In a press release from November 2016, the Swedish parliament informed that a special researcher, Fredrik Lundh Sammeli, had been appointed an assignment to propose actions to be taken in order to improve the children's rights perspective for those children living in refuge:

The protection of vulnerable children needs to be improved. Especially for those children who have been victims of abuse or witnessed violence. Many children are staying at the refuge for a long period of time but their legal status is unclear (Åsa Regnér, Minister of Children- and Gender Equality (www.regeringen.se) Accessed: 17 April 2018).

The special study requested for those children living at refuges resulted in the report "A window of opportunity- a strengthen children's rights perspective for children in refuges" (SOU 2017:112) and this paper will critically study how the report is constructed. The focus is the way in which it emphasizes and understands children's rights.

Refuges is an extensive business where thousands of women, children, and men seek shelter against violence (Socialstyrelsen, 2013: 7). 'Refuge' is a term that is used in practice but does not occur in the Swedish legal system and therefore the term is used in different ways, in different situations. One example is when the refugees are referred to as 'temporary housing', which could be an apartment at a secret address, a crisis-center or a women-shelter (Socialstyrelsen, 2013: 11). Hence The National Board of Health and Welfare have however to define the term as follows: "an accommodation facility that provides room for a full-day stay to persons that is in need of protection against threat, violence or other forms of abuse along with other required actions" (Socialstyrelsen, 2013: 11).

In most municipals in Sweden, a refuge can be found that is either operated by the municipal itself, a private actor or a women-shelter. The refuges primary responsibility is to provide protection against threat and violence but also give support and help to strengthen the individuals living there (Socialstyrelsen, 2013: 10). Children have followed their mothers to women-shelters and refugees since the beginning when this kind of operation started in the 1970s. However, it is not until recently that the children's own individual need has been acknowledged and this recognition has led to the children being offered their own counseling at the refuge (Socialstyrelsen, 2013: 36).

According to the commission of inquiry "*Ett stärkt barnrättsperspektiv för barn i skyddat boende*" (Dir 2016:99) that origins the SOU 2017:112-report, there are several reasons for the

need of improving the children's rights perspective for those children living in a refuge. Some that are mentioned is that children who have been victims of violence are not recognized as much as they should and that there is a lack in the legislation and unclarity about the involved actors' responsibility (Dir 2016:99, p.4). The commission of inquiry also acknowledges that according to the UNCRC, children who have been victims of domestic violence should have special rights. This is stated in Article 6 and 39 in the UNCRC as it defines that every child has the right to life, survival, and development and get help with rehabilitation if experienced violence (Dir 2016:99, p.7). Further, the inquiry stresses that previous studies have acknowledged that there is a need for strengthening the children's rights perspective, especially for those children living at refugees as they already are in a legally uncertain situation and in need of help and support (Dir 2016:99, p.8).

Sweden has long been described as a forerunner when it comes to children's rights, for example, being the first nation to sign the UNCRC in the 1990s. Despite this, the UNCRC has had little impact on the rights of children to participate in accounts that directly concerns them (Heimer and Palme, 2016: 435). However, various methods of improving children's opportunities to be heard have been the focus of attention and the view of children as actors with their own rights has gradually emerged in lawmakers reasoning but not being imprinted in the legislation (Heimer and Palme, 2016: 441,443).

1.2 Research problem and questions

This paper focuses on how children's rights are portrayed and recognized in the government report "A window of opportunity- a strengthen children's rights perspective for children in refuges" (SOU 2017:112) based on what is stated in the UNCRC.

In June 2018 it was decided by the Swedish parliament that the UNCRC shall be implemented in the Swedish law from January 1, 2020 (www.riksdagen.se Accessed: 7 September 2018). Incorporating the UNCRC into the Swedish law is said to be done as a step towards increasing the rights of children living in Sweden and even more to acknowledge the child in matters related to him/her and for the public actors, such as The National Board of Health and Welfare who is in charge of children living in refuges, to have a better approach to the children's rights perspective:

The decision means that the child's role as a legal entity with its own specific rights will be clarified. This will lead to that the child in a larger extent will be in focus in those situations that involve the child (Lena Hellgren, Minister for Children, www.regeringen.se Accessed 3 May 2018).

Per se, children's rights are most present both in the public space and in the Swedish government which makes this study interesting. It further raises questions about how an implementation of the UNCRC would affect and strengthen the rights of those children living in refugees and if this can be distinguished in the SOU 2017:112-report. Heimer and Palme (2016) have done a highly interesting study that relates to these questions (found that an implementation of the UNCRC lacked impact), but it does not entail refugees per se which opens for research in that particular field. Also, there is an ongoing debate regarding children's rights where critiques have been raised about the ratification and implementation of the UNCRC and what effect it has for children (see for example Archard 2002, Reynart et al 2012). Therefore a study of the particular inquiry (SOU 2017:112) will perhaps display what the Swedish governments approach is in regard to the debate. Further, as will show in previous research there are limited researches made in the specific field of children's rights and refugees. As such, this paper will be able to contribute with a new perspective within the field.

The report "A window of opportunity- a strengthen children's rights perspective for children in refugees" (SOU 2017:112) is one example of the work done towards strengthen children's rights and to meet the requirements for the UNCRC which has stressed that each country that has signed the convention has a responsibility to assure those non-governmental actors that carry services for the public actors do so according to the regulations in the convention (Dir. 2016:99, p.8). In this sense, the Swedish government finds that there is a need to increase children's rights in institutions (such as the refugees) where the public actors have the responsibility, as a way to acknowledge the children living there as of right holders. The idea is that the children should be recognized as active agents and having a voice of their own (James and James, 2012: 114). This is in line with Article 12 in the UNCRC that states:

[...] the child who is capable of forming his or her own views the right to express those views in all matters affecting the child [...] children shall, in particular, be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child (Lansdown, 2011: 11).

As such, the aim for this paper is to study how children are portrayed in the light of what is stated in the UNCRC and what suggestions that are done in order to strengthen the

children's rights perspective for those children living in refugees. As shown in previous research children have long been overseen and undervalued as capable thinkers and active individuals with their own voice and opinions. The purpose of this study will, therefore, be to analyze how the change towards acknowledging the children's rights perspective is done and what this recognition will mean for the children living at the refuge. Thus the work will be guided by the three research questions that are stated below. The first questions look at how the concept of children's rights is problematized in the report by observing which notions from the UNCRC that are being emphasized and how this can be integrated into the work of the refuges. The second and third questions will then take a point of departure in the findings from the first question and how the problematization of children's rights positions the children at the refuges and in which way it will help them strengthening as right holders. Hence, the three research questions that this paper aims to explore is:

1. How are the concept 'children's rights' emphasized in the government report SOU 2017:112, based on the UNCRC?
2. How does the understanding of 'children's rights' position children living at the refuges in order to strengthen them as rights holders?
3. What implicit assumptions are made as a way to increase the children's rights perspective for the children living at refuges?

1.3 Disposal

This research begins with a review of previous research with the focus on the concepts within children and childhood studies and how they portray children, along with research about children's rights and some of the presented critique against it and ends with a description of previous research about refugees. Thereafter follows the description of data collection and method of analysis. The analysis will then comment on findings related to the aim and research question and the conclusion will present the findings in the study.

2. PREVIOUS RESEARCH

Much research and studies have been done about refugees, the concept of childhood, children's rights and the implementation of the UN Convention on the Rights of the Child, both from

Swedish and international context, and some of it will be used in this study in order to compare previous research within the field with the findings presented in the analysis.

2.1 Children and children's rights

This section will present an overview of studies of children and children's rights. It will display some of those theories and "perspectives of children, conceiving them more generally as agents with a capacity for action" (André, 2015: 104) that has developed within childhood studies, the emerge of children's rights and also some of the critiques that have followed the UNCRC.

2.1.1 Children studies: from becoming to beings

Tisdall and Punch (2012) write that within the field of sociology of childhood, children have long been perceived as social actors and holder of rights. Later, children and young people have also been promoted in a range of other disciplines and more general settings to be a part of decision-making about their lives. This can, for example, be seen in policies and practices regarding children's rights (Tisdall and Punch, 2012: 249). The development within childhood- and children's study has further gone towards emphasizing the notion of children as having agency and a voice of their own that must be heard. The idea that children can be seen as independent social actors underscores children's capacities to make choices about the things they do and to express their own ideas (James and James, 2012: 4). This is also a way for the children to get their perspective to be heard and their position in society might be better understood. Accessing the views and voices of children is furthermore a feature of the ways in which many non-governmental organizations involved in child welfare and children's rights now carry out their work (James and James, 2012: 25).

Heimer, Näsman, and Palme (2018) writes that the emerge of child-focus systems within child protection and family services are influenced by the understanding of children as "beings", meaning they are viewed as social actors and as the bearer of rights (Heimer et al., 2018: 317). This view of children, from human becomings to human beings, especially emerged in the 1980s and 1990s and this reconceptualization of childhood has led to developed methodologies for working directly with children and young people. The UNCRC is particularly constructing children as social actors and human 'beings' with their own rights (Tisdall and Punch, 2012: 250-251,257).

2.1.2 Children's Rights: The Articles of the UNCRC

The United Nations Convention on the Rights of the Child (UNCRC) has its origins as a request from UNICEF. It was completed and approved by the Committee on Human Rights in 1989, and came into effect in September 1990 (James and James, 2012: 130). The rights in the convention are based around four core principles: non-discrimination, devotion to the best interest of the child, the right to life and the respect for the views of the child (James and James, 2012: 130). Tobin explains that the preface to the UNCRC emphasizes children's vulnerability and their need for care and protection and that Article 5 and Article 12 (the right to express their views in all matters affecting them) demands a transformation in the way that children are viewed (Tobin, 2015: 174).

Heimer and Palme have found that in children's rights approach, different rights are conflicting as the right to protection, for example, dominates over the right to participation. This can be seen in social practice as child welfare, where child protection trumps children's participation (Heimer and Palme, 2016: 437). Though none of the rights in the UNCRC are more important than the others, Article 3 (the best interest of the child) works as a general principle and underpin the other provisions in the Convention. The best interest principle is referred to as the 'welfare principle', which allows children's best interest to be determined in terms of their welfare and could, for example, override what the children themselves may express in the decision-making process about them. In this sense, Article 12, a child's right to participation, is overruled (James and James, 2012: 7). However, Heimer et al. argue that this should change as the UNCRC states that a child's participation, the right to be heard, is essential in order to assess the best interest of the child (Heimer et al., 2017).

2.1.3 Children's Rights: Some of the critics

Archard writes that some have argued that children have the same rights as adults do while and others deny that they have rights or only have some of the rights that adults possess. The arguments for children not having rights is that they are not qualified and that children are not like or live in the same nature of family relationships (Archard, 2002). However, those who deny children their rights believe that children have a certain moral status that needs to be protected (ibid).

Further, Reynaert et al. explain how children's rights might be seen as a 'new norm of child rearing' but should be understood as a 'frame of reference' to shape the interaction we have with children (Reynaert et al, 2012: 164). As such, children's rights based practices should be a starting point for educational practices of children, instead of a legal rule:

“children’s rights [...] should be considered as a [...] to reflect critically on the way we deal with children in society” (Reynaert et al, 2012: 165). The same idea has been acknowledged by André (2015) who writes that anthropologist within childhood studies has a reservation to children's rights law and the image it creates of children as victims (André, 2015: 112).

Much of children’s rights literature is according to Reynaert et al, based on the question of how the children’s rights should be implemented “rather than on the question of what can children’s rights mean in a specific situation“ (Raynaert et al. 2012: 166). They explain that such research has a consensus understanding of what children’s rights are, assuming that more children’s rights are better for children but should instead deliver practical tools to the field in order to suggest how to better implement the UNCRC (ibid).

2.2 Refugees and children in a Swedish and international context

Överlien (2011) has done a study about women’s refuges as an area for interventions for children who has experience domestic violence. She explains that the first service for children at refuges was opened in Stockholm in the 1980s but the aim was not to support the children but provide time for the mothers to deal with their experiences (2011: 376). During the early years, the children were more or less considered being "packages" accompanying the women but today children at refuges have a stronger position both as victims and service users (ibid). Överlien describes that this shift of focus from children being viewed as followers to their mother is a part of a general increase in focus on children as social actors and individuals. She states that although it has been 20 years since the UNCRC was ratified and children have a stronger position, still at refuges the women’s perspective is greatly dominated over children’s perspectives (Överlien 2011: 376). Another research done by Almqvist and Broberg (2004) was initiated by the staff working at women-shelters as they had raised a question about how they could give better support and acknowledge the children living there. One of the conclusions made in the study was that women-shelters are generally not adapted for children and their need; it lacks structure, possibility to play and go to kindergarten or school (Almqvist and Broberg, 2004: 4).

Much of the research that has been done about refugees in Sweden has mainly been requested studies from The National Board of Health and Welfare (2013 and 2015) in order review and examine the quality of the current refugees and to find ways in which the refugees can be improved for the individuals living there. However, none of these reports had a specific focus on children and children’s rights as they were therefore only mentioned in some

parts of the report. In the study from 2013, it was noted that all refugees in Sweden should accept children who are accompanying their mothers if they have witnessed violence (Socialstyrelsen, 2013:27). Further, in the report from 2015, it was stated that to only competence that the personnel working had about children was the education they had got from Save The Children-education called 'Trappan' (Socialstyrelsen, 2015: 29)

In an international context Överlien, who was mention before, have done a few studies about children in refugees in Norway (Överlien 2009 and 2011). In both studies, she concludes that though children in refugees have received increasing attention they still do not get the support they are entitled to. She also argues that refugees represent a unique opportunity for intervention with the children:

... the time spent at a refuge is [...] "a window of opportunity". Missing the opportunity means missing the chance to improve a child's life here and now, as well as help the child become a healthy adult with a life free from violence and abuse (Överlien 2011: 389)

2.3 Children's rights and refugees

James and James (2012) describe how many governments and organizations, such as refugees, following the Article 12 in the UNCRC, consults children in matters that concern them but rather few make their views count. Furthermore, the inclusion of the voice of the child is often cited as a goal in policy development as an aim made explicit and necessary because of the UNCRC (James and James, 2012: 25-26). Tobin (2015) also writes that a classic approach in the welfare model is when children can become objects of concern by adults who are committed to their best interest but has not bother to consult with the children about their interventions. As such, a reconceptualization of child welfare should conditionate on the right for the child to have a voice is emphasized in the UNCRC (Heimer and Palme, 2016: 439). Moreover, an assessment made in the light of UNCRC has shown that vulnerable children are not guaranteed a legal right to voice and only given opportunities to be heard by social services while parents are regarded as the clients (Heimer and Palme, 2016: 448). This can also be seen in an inquiry where refugees in Sweden had been studied, where the child is referred to as "followers under the age of 18 years" (Socialstyrelsen 2013: 15).

2.4 Summary of previous research

As previous research shows, there has not been much particularly studies about children living in refuges in Sweden. In contrast, even more has been written in the field of children- and childhood studies, children's rights and lately, the rise of critique against the UNCRC and how it is used and portrays children. Hence this paper will combine both the study of children living in refuges and children's rights.

Moving further, previous research also shows that there has been a shift in the way children are viewed within the field of childhood studies and this has now emerged and is acknowledged throughout the society. Children are getting more involved in decisions and matters that relate to them and adults tend to listen to what they have to say. Still, there is a challenge in letting the child decide for him/her self as adults tend to think that they know what is in the best interest for the child and also, that they are so focused on protecting the child- defining them as vulnerable. As an example, Tobin describes how children's vulnerability become their defining characteristic under the welfare model which obscures the capacity to recognize the children's full potential with respect for their own interests (Tobin, 2015: 171). As such, children being viewed as vulnerable furthermore risk that they will be presumed as incompetent and dependent on adults and not having the capacity of self-agency (Tobin, 2015: 178).

Though children's rights are debated as a positive construction in the most literature concerning the UNCRC, there are critics raised about how it portrays children. However, Dávila et al (2016) determine that the UNCRC are have been helpful in emphasizing and working towards viewing the child as an object requiring protection to becoming a subject of rights, and in this sense, constructed a particular representation of childhood (Dávila et al., 2016: 154). The same conclusion is made by Tisdall and Punch (2012) as they write that the UNCRC is particularly welcomed as positively constructing childhood, with children and young people seen as social actors and human beings with their own rights (Tisdall and Punch, 2012: 257). Ultimately, Eekelaar (1992) argues that hearing what children say should be the root of any elaboration of children's rights. He continues by describing how no society will perceive children as rightsholders until adult attitudes and social structures are adjusted towards making it possible for children to express their views (Eekelaar, 1992: 228).

3. METHOD

This paper aims to critical study how the government report “A window of opportunity- a strengthen children’s rights perspective for children in refuges” (SOU 2017:112) is constructed and the way in which it emphasizes children's rights. This will be done by doing a policy analysis based on Carol Bacchi’s (2009) “What’s the Problem Represented to be?” (WPR) approach.

3.1 Data collection: the sample

Why I chose to analyze the SOU 2017:112 is primary because I wanted to study the notion of children’s rights within the Swedish legislation. As I searched for a policy at the Swedish parliament's website, I came across the SOU 2017:112 and found it particularly interesting based on the fact that it was called for in order to find a way to strengthen the children's rights perspective for those children living at refuges. This got me interested in the current statuses of these children and how a work towards increased children's rights perspective would be done. The material I have used is in this sense what Bryman would describe as “purposive sampling” (Bryman, 2016: 408) as the goal of this sampling is to choose units in a strategic way so that the samples are relevant to the research question that is posted (Bryman, 2016: 408). As Bacchi notes “we are all located within practices and problematizations that shape us to an extent” (Bacchi, 2012: 4) I will assure that my analysis is not biased by my perspectives (Bryman, 2016: 141).

3.2 Method of analysis

I have chosen to do a policy analysis based on Carol Bacchi’s (2009) “WPR”-approach, out of the consideration that I want to scrutinize the government report SOU 2017:112 in order to find ‘the implicit assumptions that shape governance’ (Bacchi, 2009: x). As such, using the WPR to analyze the SOU 2017:112-report will help develop a notion of how childhood, children and children's rights are constructed through the eyes of the government and responsible committees in the Swedish parliament and how the children living at the refuges are positioned. The method is also chosen as a way to locate what concepts that constitutes the notions of children's rights in the report and to situate what ‘problems’ that are created along with the suggested solutions to the ‘problem’.

The WPR-approach is used as a methodology for the study of a policy and especially study the way a policy constructs a problem (Beltsas, 2012: 38). This is also

acknowledged by Bacchi who writes that the WPR-approach is amongst other methods very suitable for analysis of pieces of legislation and other government documents that contains implicit problem representation (Bacchi, 2012: 22). Thus it is important to remark that the premise behind a 'policy-as-discourse approach' (Bacchi 2000: 48) is that such an analysis should not see governments responding to 'problems' that exists in the community but rather in the policy proposal that is offered as a response, create or shape the 'problem' (Bacchi 2000: 48):

[T]he guiding premise of a What's the Problem? approach, is that every policy proposal contains within it an explicit or implicit diagnosis of the 'problem', which I call its problem representation (Bacchi, 2009: 1)

In this sense, a necessary part of policy analysis includes the identification and assessment of problem representations meaning the way in which the 'problem' is represented in the policy (Bacchi, 2009: 1).

As such the WPR-approach "starts from the premise that what one proposes to do about something reveals what one thinks is problematic/needs to change" (Bacchi, 2012: 21). With this in mind, policies contain implicit representations of what is considered to be the 'problem'. Hence, the task in a WPR- approach is to read a policy and to recognize how the 'problem' is represented within the policy and then scrutinize the 'problem' (Bacchi, 2009: 2). This can be done by applying six sets of questions and for this study, I chose the following two questions; "What's the 'problem' represented to be in a specific policy or policy proposal?" and "What presuppositions or assumptions underpin this representation of the 'problem'?" (Bacchi, 2009: 2). Thus the first question examines the policy document and discovers what problem representations that exist within, which for this paper will be to examine how the SOU 2017:112 emphasizes and understand 'children's rights'. The second question as it is stated looks for assumptions in the problem representation, which for this paper will be to explore the assumptions that through the view of children's rights will strengthen the children living at the refuges. The reason why I have chosen these two questions is that a limit of the paper needs to be done: the other four questions that could be used (which evaluates the history around the problem, examines the impact the problem representation has on population being governed and looks for the ways in which the problem representation is perpetuated (Bacchi, 2009: 2)) I find interesting, but they are more external-oriented and can rather be used for future research within the same field.

The disposal for the analyze-process for this paper will be that the findings from doing the data analysis will be presented under the section 'analysis'. By dividing and use Question 1 and 2 as a guideline for my data analysis, I will be able to "work backward" (Bacchi, 2012: 4) through the policy to deduce how it produces a 'problem', a further description of this process will be presented in the next chapter. The result will then be further scrutinized and discussed in the last part of the paper where I will answer the research questions by using them as a guideline to integrate the result of the data analyzes with previous research.

3.3 Considerations

I will finish this method section by mentioning some consideration and remarks in accordance to this paper. First I would like to comment that I have deliberately chosen not to focus on refugees as such, as my main attention has been on the children as right holders. I do believe that it brings an extra dimension to the analysis with the fact that the inquiry is done to strengthen children living at refugees as they already are a vulnerable group. A final also comment needs to be done about the translation of the report SOU 2017:112. Since the inquiry is written in Swedish I have done the translation into English myself, hence any miswording or misinterpretation is my responsibility.

4. RESULT: The 'problem' presented to be in the government report SOU 2017:112

In this part of the paper, I will start by summarizing the essential parts of the SOU 2017:112-report in order to inform the reader about the findings and conclusions that the report has made. Thence I will use Question 1 and 2 of the WPR-approach as a guideline for the initials part of the analysis. I have begun by studying the text in the report out from the question 'What solutions/suggestions are the policy presenting?' which is stated in the section named "Consideration and Suggestions". There was in total thirteen suggestions presented in the report but I have chosen to narrate seven of them. This selection is primarily done because I found that they capture the essence of what is presented to be the 'problem' in the research and that they relate towards some of what has been mentioned in the section of previous research.

As such, this section is a way for the reader to be a part of the analyze-process done by using the WPR-approach, as a way to understand the result that later will be presented in the 'analysis'.

4.1 Summary of SOU 2017:112¹

The inquiry's purpose has been to suggest actions that could be taken in order to strengthen the children's rights perspective for those children living at refuges together with a guardian, with a point of departure in the child's essential human rights and according to the best interest of the child stated in the UNCRC. "The inquiry was to leave suggestions about how the refugees could be legislated and defined, propose ideas that help to clarify the responsibility that the society and specific actors have for the refugees, advise how they make the child more 'visible' and involved in questions related to him/her during the time at the refuge and lastly, to propose how the child's right to education, medical care, and rehabilitation is guaranteed" (SOU 2017:112, p.19).

Similar to previous researches (see Överlien 2011, James and James 2012 and, Helmer and Palme 2016), the report found that the support to the children at the refugees was insufficient or absent. Because many of the children living there have witnessed or been abused themselves, the report states that it is crucial that the children get support, care and rehabilitation to prevent that they develop negative repercussions from the violence they have experience. The report describes how the violence can affect the child both physical and psychological health along with their general development and ruins the child's qualifications in other areas, such as being able to go to school and comprehend the education. Hence the report determines that the time at the refuges must be seen as a window of opportunity for the society to acknowledge the children's needs and through the right course of actions help the children. The main problem as to why the child's rights are not recognized is explained to be because the child is viewed as a follower to their guardian which causes that the child's perspective is overlooked (SOU 2017:112, p.21-23).

4.2 What is the 'problem' represented to be in the government report SOU 2107:112?

To identify the 'problem' represented in the report this section will start by presenting some of the solutions the report suggests as a way to strengthen the children's rights perspective for those children living in refuges. Each of the seven suggestion will be described more thorough to give the reader an understanding of the solutions the report proposed.

¹ SOU 2017:112 "A window of opportunity- a strengthen children's rights perspective for children in refuges"

Per se, starting the analysis by scrutinizing the described solutions leads to, as will show, the identification of the ‘problem’ presented to the report and is in this sense a way of “working backwards” (Bacchi, 2009).

Initially, the report concludes that in order to provide a safe zone for the children living in refugees, it is of its essence that children's rights are being attended for when it comes to giving support, care, and the possibility to continue going to school. The child also needs to get individual information and be a part of the decisions made about him/her while living at the refuge as “every child is according to the Convention of the Rights of the Child rightsholders, with their own needs and privilege's that shall be met” (SOU 2017:112, p.143). The report also concludes that many of the children living in refuges would miss out on school which has a serious impact on the child learning and development process (SOU 2017:112, p.215). Hence to meet the requirements for providing the children safety and acknowledge their rights some of the following solutions have been suggested in the report:

1. Increase the children's right to information and participation during their stay at the refuges

The authors of the report suggest that there should be produced an information folder for the children that are placed at the refuges as a way for them to be informed about their rights and as a way to increase the children's participation (SOU 2017:112, p.273). When being asked, many of the children living at the refugees have described how they didn't get any information about their stay; what they are doing there or what it means for them (ibid). Because of this, the idea is that the information folder should contain information where the refuge is explained along with a description about what the child can expect and demand in terms of medical care and schooling. A remark is further done saying that the folder should be written in a way so that it stretches to all children, regardless of age and maturity (SOU 2017:112, p.275). Further, the children shall according to the report be given an opportunity to express their opinions on any matter involving them and if it is not possible for the child to express the thoughts (depending on age and maturity), this should also be clarified (SOU 2017:112, p.93,102).

As a summary, the report claims that the children shall be given relevant information and opportunity to express their thoughts. This goes in line with what is stated in Article 5 and 12 in the UNCRC, which stresses that children should have the right to express their views in all matters affecting them (Tobin, 2015). It also matches what James and James (2012) write when they describe how children today are seen as having capacities to make choices about the things they do and to express their own ideas.

2. Improve the knowledge of children amongst the actors in charge of the refugees

The report suggests The National Board of Health and Welfare and local councils should help to improve the competence at municipals and non-profit organizations about the child's legal standing and the child's rights to receive information, help and, support. The report especially recognizes four areas where the knowledge and competence need to be improved in terms of the child's rights; current legislation, children's right, guardians' rights and the child's need for care, support and help (SOU 2017:112, p.276). It is also stated in the Social Service Act. that actions taken within The National Board of Health and Welfare shall be of good quality and by personnel with suitable education and experience (SOU 2017:112, p.169).

Hence the report recognizes that the personnel is one of the most important aspects in order to achieve safety and security for the children and to meet their need for practical and emotional support. Therefore, it's stated how crucial it is from a children's rights perspective that the refuge has staff with competence about children (SOU 2017:112, p.177). The same opinions are shown in the research made by Almqvist and Broberg (2004) and The National Board of Health and Welfare (2015) where it is concluded that the refugees are in general not adapted to meet the needs for the children as they lack significant knowledge about children and children's rights.

3. View the children as rights holder of their own, not as a follower to their guardian

The report has acknowledged that when a guardian is bringing his/her child to a refuge, and The National Board of Health and Welfare is to make an individual decision about the child, it is shown that in many cases a decision about the child is not made due to increased administrative burden (SOU 2017:112, p.191,193). Therefore the report suggests that documentation should also be made of the child as a way to record that he/she has been given the right care (SOU 2017:112, p.191). Further, a way for the child to be involved in the process and decisions made at the refuge, the report suggests could be by having The National Board of Health and Welfare meet the child and through observation and dialogue make an opinion about the child's situation. In this sense, the child is given an opportunity to express his/her feelings by answering questions and talking freely (SOU 2017:112, p.93).

The report also describes how the Swedish government has been clear when stated that children living in refuges "[...] shall not be treated as followers to their parent or guardian, The children shall be treated as a right holder of their own" (SOU 2017:112, p.203). The recognition of children as social actors and rather as "packages" has also been done by Överlien

(2011) but at the same time, she describes that in refugees women's perspective is still dominated over the children's.

4. Ensure that the right medical care is provided for the child

The report suggests that The National Board of Health and Welfare shall inform the local council when a child is being placed at a refuge in order to provide the child support and help at the Child- and Youth Psychiatry (SOU 2017:112, p.208). Thus the inquiry has shown that ¼ of the children at refuges have PTSD and still the Child- and Youth Psychiatry is absent as one of the actors involved (SOU 2017:112, p.23). In this sense, the support that is given to the children living at refuges, especially for those who has witnessed violence, is currently insufficient as the children need specialized support given through clinical children psychiatry (SOU 2017:112, p.121). Further, the report acknowledges that many of the children who have had traumatic experiences react differently and therefore it is of great importance that there are knowledge and understanding from the personnel working at the refuges about the children's different need for support and care (SOU 2017:112, p.212).

When mentioning the importance of providing medical care to the children, the report primarily refers to the Article 24 in the UNCRC which states that every child has the right to be provided the best available medical care and Article 39 which declares that every child who has been a victim of or seen abuse and violence has the right to rehabilitation (SOU 2017:112, p.209).

5. Care for the child's possibility to continue going to school

In order to secure that the children at the refuges can continue to go to school, the report suggests that the municipal where the refuge is placed finds a school where to the child can attend (SOU 2017:112, p.214). In those cases where the child is moving from one school to another, The National Board of Health and Welfare must care for that the transition is done as easy as possible so that the child isn't missing essential parts of the school or not being able to follow the stated curriculum (SOU 2017:112, p.215). Despite common fact of what positive aspects the school have for the children in the refugees, for example "creates a sanctuary as it gives security if there is tumultuous at home along and provides a safety net for the child as he/she can build a relationship with teachers and other children in the school" (SOU 2017:112, p.130). The report acknowledges how many children at the refugees don't get their right to schooling cared for (SOU 2017:112, p.215).

As such, the right and need for children to attend school are greatly stated in the report and also in this aspect, the report references greatly of what is stated in the UNCRC and in this case Article 28. In this article, it is said that regular school attendance should be encouraged (www.unicef.org.uk Accessed: 3 August 2018).

6. Refuges should be subject to mandatory authorization

The report suggests that all actors that operate a refuge should have a special license so that the Social Care Inspectorate (IVO) could do yearly inspections (SOU 2017:112, p.180). The idea behind this suggestion is that if the refugees are subject to mandatory authorization, the report emphasizes that this could work as a way to define the responsibility for the actors who operate the refuges. In this sense, the report focuses on the importance of assuring that the actors who operate a refuge have the right knowledge and quality in order to be able to uphold the rights perspective for those living at the refuges, especially for the children (SOU 2017:112, p.181). As such, if operating a refuge requires a license, the impression is that it will be 'easier' to uphold the children position.

7. Define and legislate refuges in the Social Service Act

The report suggests that refugees should be regulated in the Social Service Act as “a temporary housing for those in need of support and protection from threat, violence or abuse [...] a child can only be accommodated along with a guardian (SOU 2017:112, p.144). Today, such a definition of the term 'refuge' does not exist in current legislation (SOU 2017:112, p.145). The idea is that a definition would also outline what refuges should provide to be able to meet children's need (SOU 2017:112, p.146). Moreover, it would also mean that all actions involving refuge would be legally binding for the involved actors and individuals (SOU 2017:112, p.162).

Summary of the seven solutions presented

To summarize the seven solutions presented above, we can see that the report focuses on solutions that will increase the children's possibility to get their voice heard and be part of the actions that are taken during their time at the refuge. Also, the report wants to legislate 'refuge' in the Swedish law so that all actors involved in refugees know what requirements that must be achieved in order to provide a refuge with focus on children and their right's, as this is absent or insufficient today. This is for example done by provide medical care, make sure that the child can continue to go to school and have staff working with knowledge about children.

As such the 'problems' that are presented in the report is primarily two; the lack

of knowledge amongst actors and staff involved in refuges and children are not been given an opportunity to express their thoughts in the extent they should. Hence, this chapter will continue by defining these ‘problems’.

4.2.2 Problem 1: Lack of knowledge and routines

The report describes how refuges traditionally have been, and still are, offered by non-profit women shelters. In many cases, this creates a problem because The National Board of Health and Welfare should the overall responsibility for refugees and the family's living there (SOU 2017:112, p.20). This results in many of the refuges not meeting the requirements for ‘good quality’ and that there is no control over the actions that are taken for the children (SOU 2017:112, p.124) since many of the refuges that are hosted by others than the local municipal don’t have the knowledge or resources that are necessary. Further, the report states that because of the lack in the routine and corporation amongst the involved actors, children in the refuges are missing out of school. Since interruptions from education have a negative effect on the child's learning ability (SOU 2017:112, p.23), it is of great importance that this is cared for.

Per se, having personnel working at the refuges with knowledge and competence about children and their development will be a step towards children getting their needs met, be seen as the individuals they are and get the support and help they require.

4.2.3 Problem 2: Children are not being given a voice

The report explains how The National Board of Health and Welfare only investigate and talk to the guardian when coming to the refuge and the child doesn't get to talk (SOU 2017:112, p.120). Many children at the refugees also do not get information about their stay or the future plans how long the stay will be, where they will go to school etc.) and therefore don’t feel involved in what’s going on (SOU 2017:112, p.23, 124-125).

Moreover, the report acknowledges that the children at the refuges are not viewed as rightsholders of their own, but rather as followers to their guardians (SOU 2017:112, p.115). Hence the authors express the significance to involve the children at the refuges in actions affecting the child: "Children living in refuges generally are an invisible group" (SOU 2017:112, p.115). As such, the children are given little or non-support and they do not have anything to say as for the decisions and actions are taken that concerns them.

4.2.4 A summary of the ‘problems’ presented

The understanding of the report is that it recognizes that in order for the children's rights perspective to be strengthened for those children living in refugees the overall knowledge about children and their rights needs to be improved. This can be done by making sure that the involved actors have the right competence about children and children's rights, for example by educating or by legislating refuges and in this sense firmly state what actions and precautions that are required in order for the children to be acknowledged, both as rights holder but also as individuals with their own capacity. Hence the problem presented does not hold any tension to each other but rather coexist; if the lack of knowledge and lack in routine continues, there will be no acknowledgment of children and their thoughts as that risk not being prioritized and children continue being viewed as accompanying their guardian rather than individuals with their own rights.

4.3 Question 2: What assumptions underpin this representation of the ‘problem’?

In this section, I have used the ‘problems’ presented above to locate assumptions that represent these problems. As will show, three assumptions have been found and they are further discussed below.

4.3.1 Assumption 1: Legalizing refuges would improve the acknowledgment of children’s rights

The first assumption plays on the belief that if there is no legal definition of refuge and if it is not stated in the Swedish legislation about how the refuges should be run and how the children living there should be attended to, then there will not be any particular focus on the children's rights perspective. This can be seen in a section of the report where it states the refugees not only should be a safe-zone for the child but also a place for the child to get his/her rights attended for and as a way for this to be done, refugees need to be defined and legislated in the Swedish law (SOU 2017:112, p.143). As such, by ratifying refuges the report assumes that “a certainty and strengthened legal position can be given to the child living there” (SOU 2017:112, p.243). To prove this, an example is given from the other Nordic countries where the exertions of refugees have been legalized which have improved the professionalization of the actions and explain who supervision place a prominent part, not only in the ways it professionalize refuges but also as it helps children becoming a legal entity and the demand of the refugees to be of good quality improves (SOU 2017:112, p.21).

4.3.2 Assumption 2: The cost for the presented solutions must be justified

At the end of the report it is noted that some of the suggested solutions will be a cost and therefore it is mentioned as a 'consequence' when the report concludes that for example, the request for personnel that have the right competence will be a resource-planning for the actors that are operating refugees and especially for those non-profit associations that will need to hire staff with the right knowledge (SOU 2017:112, p.30,351). The increased cost is however justified as the report explains how this in the long term can lead to revenues for the child, as well as the society as a whole if the right actions are made for these children (ibid). The conclusion made is that a child who gets the right heard, cared for and helped will also be a prevention of future crime (violence and abuse) committed by the children (SOU 2017:112, p.30).

As such, the assumption is that the cost that the municipalities must pay for improvement of the refugees must be justified by means, as the children's as rights holders and in need of support and care is not enough in itself. Therefore a motivation is done that investing in these actions now might prevent children from becoming an abuser later in life, which will then have an even greater impact, and cost, for the municipalities and society.

4.3.3 Assumption 3: Professionals knows what is the best interest for the child

A final assumption made is the one about the 'best interest of the child' and that the state (in this case manly The National Board of Health and Welfare) has the best knowledge of what is the 'best' for the child.

According to current Swedish law, an action taken against a child that has an impact on the child's future must be approved by both parents or guardians (SOU 2017:112, p.216). However, in the Social Service Act, it is stated that decisions concerning the best interest of the child shall always be ruling in all decisions that primary involves custody and living and no other interest can be more important (SOU 2017:112, p.93,225). In this sense, the Swedish law goes further than the UNCRC as the wording in UNCRC does not require that the best interest of the child is ruling, but that it should always be given a great deal of thought in all actions concerning children. However, the best interest principle is referred to as the 'welfare principle' and are mostly used within welfare and protection, often overruling what the children themselves may express in the decision-making process about them (James and James 2012).

In the light of this, the report suggests that The National Board of Health and Welfare should be given the right to make a decision about putting the child in a refuge, even though consent from both guardians are lacking; if it is necessary as for the best interest of the

child. Meaning that if a child is staying at a refuge as a way of being protected from a parent a permit cannot be asked for and in this sense, The National Board of Health and Welfare should be giving the right to approve actions if they found that it is of the best interest of the child (SOU 2017:112, p.216). The report does however also clarify that in the case where The National Board of Health and Welfare engages, the child's attitude and response should always be accounted for (SOU 2017:112, p.248).

This section has presented the three main assumptions that underpin the 'problems' in the government report SOU 2017:112. Next chapter will analyze the content of the report and the above presented result together with previous research to answer the posted research questions for this paper.

5. ANALYSIS

This chapter illustrates the main findings of the SOU 2017:112-report with a focus on the 'problems' presented and the underlying assumptions to these 'problems'. The result from the analysis will be combined with previous research and discussed in the following topics: child protection vs. child participation; children as social actors; the best interest of the child; legalizing refuge in Swedish law; and children as being or becomings.

5.1 Child protection vs. Child participation

While reading the report it is noticed that some of the Articles in the UNCRC are given more importance than others; Article 6 (the child has a right to life), Article 12 (the child has the right to express their view on all matters affecting them), Article 19 (the child should be protected against violence), and Article 39 (the child who has experienced abuse must receive special support) (www.unicef.org.uk Accessed: 3 August 2018). Starting with Article 6, 19 and, 39 they address the child's vulnerability and because of this vulnerability, the child needs to be protected and given help and support. However, Tobin (2015) argues that the child's vulnerability many times becomes their defining characteristic which can conceal the potential of the child and the respect for his/her own interest.

Moving on, Article 12 can be understood as stressing that the child is viewed as an individual that can and should be able to express his/her wishes, regardless of the situation

the child is in: “Article 5 [...] demands a transformation in the way that children are viewed” (Tobin, 2015: 174).

In this sense, it can be assumed that the Articles in the UNCRC that speaks of protection for the child works against the right that claims that the child’s voice needs to be heard. The same considerations are discussed by Heimer and Palmer (2016) when they describe how different rights within children's rights are conflicting as the right to protection often dominate over the right of participation, this can especially be seen in child welfare. In this sense, the problem is that the children at the refuge are seen but not heard as the eager to protect the child oversees the child's will and perception. The problem here is not just relaying to the fact that different right’s within the UNCRC are in conflict, it also could have consequences for the child. Tobin (2015) explains that children being viewed as vulnerable furthermore risk that they will be presumed as incompetent and dependent on adults and not having the capacity of self-agency. Hence children risk to be conceptualized as being vulnerable more than acknowledge as having agency and capacity: “ [...] Protection without participation risk leading to children being more vulnerable without any chance to a voice” (Heimer et al., 2017)

5.2 Children are social actors who have a capacity

The problem of viewing children as individuals with their own voice that needs to get heard and right holders of their own has been located to the fact that children in refugees primary are being seen as accompanying their mothers. They have more or less been an invisible group and therefore the report expresses the significance to involve the children at the refuges in actions affecting the child. Heimer and Palmer (2016) have also, in line with what is being recognized in the report, stated the vulnerable children are often not guaranteed a legal right to voice and only given opportunity to be heard by the social services if the parents/guardians are regarded as clients.

Because of childhood studies, where children long have been perceived as social actors, these beliefs have now spread to other disciplines, policies and general practices (Tisdall and Punch, 2012). According to James and James (2012), the development within children- and childhood studies where children are emphasized as independent social actors who make active choices about the things they want to do and have a voice and ideas of their own that needs to be heard, has led to many non-governmental organizations, who are working with children's welfare and rights, are adopting the same ideas, which can be seen in the way they carry out

their work. An example of these thoughts and aspiration can be seen in the suggestions the reports make about how to strengthen the children's rights perspective: large concern is given to the fact that many of the children living at the refuge do not get to express their opinions, are given sufficient information and are being overlooked in decisions/actions that directly involves them. As such, the emerge of child-focus systems within child protection and family services, such as the refugees, are influenced by the understanding of children as "beings" meaning they are viewed as social actors and as a bearer of rights (Heimer et al, 2018: 317).

5.3 The best interest of the child

James and James (2012) explain how 'the best interest of the child' (Article 3, UNCRC) works as a general principle and therefore underpins the other Articles. However, the UNCRC has not determined what lies in the term 'the best interest of the child'. This means that a child's right to participation (Article 12) can be subordinated and overruled by adult judgments in cases where they found that the child is in need of protection (James and James 2012). A describing example of this can be found in one part of the report where it suggests that The National Board of Health and Welfare should be able to decide for a child living at a refuge if he/she needs to change school, which normally demands consent from both guardians, "if it is required with regard for the child's best interest" (SOU 2017:112, p.28). What is noteworthy though is that the regulations in the Swedish Social Service Act have stated that the best interest of the child should always be ruling. Hence, the Swedish legislation goes further than the UNCRC which do not demand that the best interest of the child is decisive but it should be highly weighted (SOU 2017:112, p.92).

The best interest principle is referred to as the 'welfare principle', which allows children's best interest to be determined in terms of their welfare and could, as examples above have shown, override what the children themselves may express in the decision-making process about them (James and James, 2012: 7). However, Heimer et al. (2017) argue that this should change as the UNCRC states that a child's participation, the right to be heard, is essential in order to assess the best interest of the child. The same recognition is done by Tobin (2015) as he explains how children can become such a concern for adults who are committed to doing what is in the 'best interest of the child' that they forget to consult with the children about their opinions.

5.4 Legalising 'refuge' in the Swedish law

The report is of the perception that the children's rights perspective will be improved if the term refugee is defined and stated in the Swedish legislation. The idea behind this perception is that all involved actors in the refugees would know what is demand and required when operating a refuge, both for the actors in charge and the personnel working there. Further, a legislation would also mean that operating a refuge would be subject to mandatory authorization and a way for the Health and Social Care Inspectorate to review the refuge is operated out of good quality (e.g. staff having competence about children and their needs) (SOU 2017:112, p.243, 271).

The perception of improving children's rights by legislation is not completely unfamiliar within research in this field. Heimer and Palme (2016), for example, describes how the UNCRC has had little impact on children's rights in matters concerning them and lawmakers have therefore had the rights for children gradually being imprinted in the Swedish legislation (Heimer and Palmer, 2016).

Moreover, the report assumes that by ratifying refuge a strengthen legal position will also be given to the children living there as actors involved then would know how the children should be attended; based on the description drawn from the Articles of the UNCRC. However, as previous research also has shown (Heimer and Palme 2016) the implementation of the UNCRC has proven not to be enough because the wording can be interpreted and understood in different ways and also given more or less importance depending on the specific law.

This also features some of the critics that are raised against children's rights and the UNCRC; much more suggestions and practices should be provided about how the UNCRC could be implemented in the best possible way for the specific purpose (Raynaert et al. 2012: 166).

5.5 Children as beings or becomings

The suggested actions presented in the plan are joined with a cost. As such the report has devoted several parts of the inquiry to explain what consequences there would be, not only for the child but for the society as whole if nothing is done for the children living at the refuges. Statistics are being put forward about the impact the violence has upon children and therefore what will happen if they do not get the support their situation requires. References are made to the fact that a lot of children that are witnessing/being victims of abuse or violence runs a greater risk to develop tendencies of violence themselves, which in the long term can lead to the child becoming an abuser. This shows how the urge to improve the children's rights perspective and

strengthen the children living at the refuges is not enough in itself amongst the actors. Instead, arguments about what cost unrecognition of the children might bring to the society must be put forward as a drive towards changing how the current work is done at the refuges.

In this sense, what the report suggests is that increasing the children's rights perspective for the children living at the refuges, can be a step towards reducing criminality. The plan is to give children support and tools for them to process their experience during and after their time at the refuges as a way to lower the risk for them being violent later in life (SOU 2017:112, p.310). This view on children takes a step back from regarding them as individuals able to make their own choices as the focus is on the child as a future citizen, meaning that they are recognized as "becomings" rather than "beings" (Heimer and Palme, 2016:437). Constructing children as 'human beings' means that they are viewed as not yet being citizens; not having rights as they lack rationality, competence and must be socialized into "good citizens" (Tisdall and Punch 2012: 250).

6. CONCLUSIONS

In this paper, I have explored how the government report SOU 2017:112 emphasizes 'children rights' and how this understanding position and portrays children in the report, through the light of what is stated in the UNCRC. I have also analyzed how such a position and the suggested actions presented, will assist to strengthen the children living at the refuges. It is important to note that the paper has not aimed to analyze how the government responds to the 'problems' but rather study how the 'problems' are constructed in the policy.

The research questions for this paper has been: how is the concept 'children's rights' emphasised in the government report SOU 2017:112, based on the UNCRC?; how does the understanding of 'children's rights' position children living at the refuges in order to strengthen them as rights holders?; and what implicit assumptions are made as a way to increase the children's rights perspective for the children living at refuges? These will be answered underneath.

How the concept 'children's rights' is emphasized in the report is in large extent drawn upon the UNCRC with the starting point that every child is a unique rights holder. The concept of children's rights further is, when analyzing the report, understood to be a balance between those Articles in the UNCRC that stresses that the child must be protected, and those who stresses the

child's participation. The tension this creates can be seen in several parts of the report as the report tries to develop a way for the refugees continue their primary work (which is to provide protection for the individuals living there) and at the same time, involving the child in this process and listen to their concerns which are stressed according to the wording in the UNCRC. This tension is also acknowledged in previous research where it has been explained how the UNCRC now demands a shift when it comes to children's rights based protection so that every child can be acknowledged and respected as a unique rights holder with own needs and interests. An interesting observation in regard to this is found in the research by James and James (2012) where they write that the inclusion of the voice of the child is often cited as a goal in policy development as an aim made explicit and necessary because of the UNCRC, meaning that many organizations do consult with the children but rather few make their views count.

Understanding the importance of the child as a social actor with capacity has had an impact on how the report search for solutions that can strengthen the children's rights perspective. The children can no longer only be viewed only as followers to their guardian but as right holders of their own and therefore the children should, for example, get the same information about their stay and possibility to express their thought, regardless of age and maturity. Both Dávila et al. (2016) and Tisdall and Punch (2012) has in their studies concluded the importance that the UNCRC has had in the construction and recognition of the child being viewed as a subject of rights, rather than an object only requiring protection. This is in much the essence of how the report positions the children in the refugees; as holders of rights. In this sense, the children perhaps hold a more special position in the refuges than the adults because the UNCRC plays such a prominent part in the construction of the children. As such, what is underlined in the report, is that the UNCRC must be acknowledged in the refuges, otherwise, the children's rights perspective can never be strengthened.

In order to increase the children's rights perspective in the refugees, the overall assumption is that that the involved actors need to have knowledge and competence about children and children's rights. This shows what Överlien (2011) found in her study about children and refugees, that even though the UNCRC has been ratified in Sweden for more than 20 years, children still do not have a strong position as the abused women's perspective still is dominated over the children's perspective and needs. Further, the report is also built on the assumptions that by legalizing 'refuge' would improve the quality of the refuges and the children's rights would as such be better acknowledged. The understanding of this assumption is that if the needs and support against children are not stated in the law, involved actors in the refugees will not acknowledge the children in the way that they should.

To summarize, the solutions presented in the report as a way of strengthening the children's rights perspective is based on the premise that what is stated in the UNCRC is the best way to acknowledge the children living in the refugees. However, when looking at critics against children's rights (Reynaert et al 2016), children's rights should not necessarily be seen as a way of child rearing but rather a frame of reference of how the interaction with children are done. As such, they do not favor that children's rights become a legal rule but should instead be used as an educational practice when managing children.

Further, the lack of knowledge amongst the involved actors in the refugees seems to play a prominent part. The report recognizes that if the actors do not have the competence about children and children's right they will continue to be "an invisible group" (SOU 2017:112, p.115) as the work based on what is stated in the UNCRC won't be done. This has also been shown in previous studies about refugees, that the personnel is missing an important understanding of the children's need and rights (Socialstyrelsen 2013).

Though much focus in the report is put on the importance of involving children in all actions concerning them and making them part in the decision-making, the report also recognize that The National Board of Health and Welfare should be able to make an overall evaluation of the actions for the child if it is done 'with the best interest of the child' in mind. In this sense, the recognition of children as actors having capacity is broken because there still exists an idea that the state, in the end, has knowledge that the child is missing, and therefore should be able to make a decision for the child.

Ultimately, two final thoughts will be discussed. As described throughout this paper, the essence of the report is that the children living in the refugees should and must be acknowledged as individuals having the capacity to make decisions about matters that affect them and should be given an opportunity to express these thoughts (children as 'beings'). However, when the report justifies the cost that the presented solutions will have for the actors who operates the refugees, the fact that children will get a stronger position does not seem to be enough. Instead, weight is put on the fact that investing in the action now, might be a way to prevent future crimes committed by the children living in the refugees. As such, the report constructs children as 'becomings' rather than 'beings' as the understanding of this idea is then that a strengthen children's rights perspective for those children living in refugees transmits to them becoming 'good citizens'.

As previous research, mainly the critics of children's rights also has shown the ratification and implementation of UNCRC do not lead to an immediate shift towards children being acknowledged as rights holders. Instead, knowledge about what these rights create for the children must be understood. As Raynaert et al. (2012) write, rather than raise the question about how to implement the UNCRC, the focus should be on what such an implementation would mean for the children and children's rights in the specific situation. Such a perspective could be the point of departure for future studies within this field.

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