Realizing the UNCRC in Sweden

*A Three-Dimensional Study of Discourses on Children’s Rights in Foster Care Placement Processes*

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Abstract

Despite being a strong advocate for children’s rights in the international community, Sweden has received critique from the Committee on the Rights of the Child regarding the high number of children who have been removed from their families and that are currently living in foster homes. Previous research has not dealt with the issue of children’s rights in foster care placement processes in Sweden, nor has it included Sweden in discourse analyses on children’s rights, or sufficiently explored the relationship between discourse and implementation of the UNCRC. I use theories on discourse and translation in order to provide a comparative analysis of the articulations of children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden. The analysis points to both similarities and differences in the discourses and identifies six aspects of the Swedish discourse that make certain activities in foster care placement processes possible, desirable and inevitable.

Keywords

Children’s Rights, Convention on the Rights of the Child, Critical Discourse Analysis, Sweden, Translation

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**Abbreviations and Acronyms**

**CDA** Critical Discourse Analysis

**CRC** Committee on the Rights of the Child

**ECHR** European Convention on Human Rights

**EU** European Union

**ICCPPR** International Covenant on Civil and Political Rights

**ICESCR** International Covenant on Economic, Social and Cultural Rights

**IGO** Intergovernmental Organizations

**SALAR** The Swedish Association of Local Authorities and Regions (in English, for Swedish see **SKL**)

**SKL** Sveriges Kommuner och Landsting (in Swedish, for English see **SALAR**)

**UDHR** Universal Declaration of Human Rights

**UN** United Nations

**UNCRC** Convention on the Rights of the Child

**UNHRC** United Nations Human Rights Council

**UNICEF** United Nations Children’s Fund
1 Introduction

1.1 Children’s Rights in Sweden – A Short Background

International concerns on human rights constitute one of the most fundamental attributes of the Swedish image, both in terms of self-image but also in the broader setting of the international community (Scheinin 1996:295). Throughout the years, Sweden has acceded to a large number of human rights conventions (Regeringens webbplats om mänskliga rättigheter 2012b). The Swedish delegation to the United Nations Human Rights Council (UNHRC) has explained this with the fact that “the promotion and respect of human rights is ... a priority for Sweden and a cornerstone of [the] country’s ... foreign policy (Regeringens webbplats om mänskliga rättigheter 2012a). A further explanation provided by the same delegation has been that human rights concerns resonate well with the nature of the Swedish welfare system, which, continuously contributes to the enjoyment of cultural, economic, and social rights for the Swedish people (Ibid). These statements pinpoint the Swedish view of itself as a proponent for human rights, both in the international community, but also domestically in the Swedish society.

Not only has Sweden taken on a prominent role as a human rights advocate in general, but the country has proved especially progressive in the field of children’s rights. Already in 1979, Sweden, as the first country in the world, decided to prohibit all corporal punishment of children (Zolotor and Puzia 2010:232). A decade later, Sweden would come to further strengthen its role as an important proponent of children’s rights, by taking an active role in the drafting and negotiation of the United Nations Convention on the Rights of the Child (from here on referred to as the UNCRC, or the Convention). Later on, Sweden became one of the first states to ratify the Convention and did so without any reservations (UNICEF website 2012a). Sweden has since the ratification of the UNCRC continued to be a strong advocate for children’s rights in the international community and is, for example, one of the top ten contributors to the United Nations Children’s Fund (UNICEF) (UNICEF website 2012b). Sweden has also signed two of the later Optional Protocols to the UNCRC (Barnombudsmannen website 2012).

Nevertheless, in contradiction to what one would expect from a country that has been prominent in the promotion of children’s rights, the Committee on the Rights of the Child (CRC) has at repeated occasions directed severe critique towards Sweden. This critique has primarily concerned insufficient legislation on children’s rights (Svenska Dagbladet 2012). The UNCRC is legally binding to States Parties, but due to the structure of the Swedish legal system, the Convention has not automatically gained legal status. To clarify, the legal system in Sweden is dualist in terms of the relationship between international and domestic law, meaning that these
two realms are considered to be two separate legal systems. The implication resulting from this is that for an international treaty to be of true relevance on the domestic scene, it has to be *incorporated in*, or *transformed* by amending the Swedish municipal law (Scheinin 1996:12). In other words, in Sweden, international conventions do not hold legal status on their own. Therefore, the Swedish ratification of the UNCRC in 1990 did not mean that the Convention automatically gained legal effect. The critique from the CRC towards Sweden has primarily concerned the fact that Sweden, after the ratification of the UNCRC, did not proceed with an incorporation into Swedish law. The choice to instead, transform the Convention by amending municipal law has not, according to the CRC, been sufficient to ensure essential rights for children in Sweden (Committee on the Rights of the Child 2009a:C:9).

Consequently, the CRC has asserted that the lack of formal recognition for the Convention in Swedish law has serious implications for children in numerous situations. As a matter of fact, the Committee’s latest Concluding Observations on Sweden in 2009 pointed to infringements on several UNCRC articles (Committee on the Rights of the Child 2009a). One of the raised concerns was “the high number of children who have been removed from their families and live in foster homes or other institutions” and also “the number of children who run away from home or are forced to leave home” (Ibid:C:34). The 2010 and 2011 annual reports issued by the Ombudsman for Children in Sweden (Barnombudsmannen 2010; 2011) have correspondingly pointed out serious shortcomings in the area of children whom have been forced to leave their families. The same issue has moreover been heavily debated in the Swedish media over the past few years in connection to the Swedish Inquiry on Child Abuse and Neglect in Institutions and Foster Homes (Regeringen 2011).

Despite the strong critique issued by both international and national actors, along with the massive attention directed towards the subject of children’s rights in foster care placement processes by the Swedish media (Regeringen 2011:35), the specific issue is completely left out of the academic literature. Other research has dealt with the rights of refugee, asylum-seeking and undocumented children in Sweden, which is yet another topic of the latest Concluding Observations on Sweden (Committee on the Rights of the Child 2009a), but there is no research on the implementation of the UNCRC in Sweden in regards to children’s rights in foster care placement processes. The general aim of this thesis is consequently to address this gap in the academic literature by providing a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden.
1.2 Implementation of International Norms, Children’s Rights and Discourse

The research project constituting this thesis primarily speaks to three major lines of scholarship, namely the implementation of international norms, human rights for children and discourse. The following overview of existing scholarship will illustrate that previous literature has not (1) sufficiently explored the relationship between discourse and the implementation of the UNCRC, neither has it, (2) included Sweden in scholarship on children’s rights and discourse, nor (3) dealt with the issue of children’s rights relevant for foster care placement processes in Sweden. Consequently, this thesis seeks to contribute to the existing academic literature by providing a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden.

Initially, the body of literature dealing with the implementation of international norms, values and ideas into local contexts is vast. The field includes scholarship in various disciplines, such as international law and cultural studies. It also involves both research on the implementation of specific international norms (e.g. Banks 2007; Muncie 2005) as well as research on the process of the actual implementation itself (e.g. Czarniawska and Sevón 2005; Muncie 2005).

Secondly, similarly to the scholarship on implementation of international norms, the body of research on the UNCRC and children’s rights is rather extensive. Here one can mention Andersson (2012), Banks (2007; 2011), Cordero Arce (2012), Daiute (2008), Ferreira (2011), Grugel (2013), Hart, Lee and Wernham (2012), Kaine (2010), Kiersy and Hayes (2010), Kistenbroker (2012), Mohr and Wedberg (2011), Muncie (2005), O’Brien and Salonen (2011), O’Rourke (2012), Pais (2010), Quennerstedt (2011), Röbäck and Höjer (2009), Scherrer (2012), Shamseldin (2012), Taefi (2009), Thomas, Gran and Hanson (2011), Todres, Wojcik and Revaz (2006), UNICEF (2008) and Weisbrodt (2011) and still only mention a minor part of the active scholars in this multidisciplinary field. The extensive nature of the research on children’s rights and the UNCRC most likely has to do with the fact that it is an extremely diverse field that includes works from a range of disciplines including law, legal and political theory, psychology and psychiatry to educational theory, sociology, social administration, social work, health, social anthropology, economics, theology, and history.

In spite of these two broad bodies of research, the academic literature in the intersection of implementation of international norms and children’s rights; implementation of the UNCRC, is more modest. Within this branch of literature, it is possible to distinguish two major strands. The dominant strand is located within the disciplines of law, social work and education and tends to
focus on children’s rights policy in a legal sense. Sweden has been included in some, but only a very few of these studies. The existing research on Sweden have addressed issues of the rights of asylum seeking, refugee and undocumented children, children’s right to participate and express their views in custody battles and within the education system (Andersson 2012; Quennerstedt 2011; Röbäck and Höjer 2009; Schiratzki 2005). The second strand is more interpretative and has utilized discourse analysis to illuminate cultural aspects of local definitions of universal children’s rights (Banks 2007; 2011). In this latter and more interpretative strand, Sweden has not been included, and the research has dealt primarily with countries in other parts of the world, for example Bangladesh (Ibid 2007), Southern Sudan and East Timor (Ibid 2011).

The sections above roughly outline the present state of knowledge in the relevant fields of the implementation of international norms, children’s rights and discourse. This thesis seeks to contribute to the existing academic literature by providing a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden.

1.3 Local Definitions of International Norms

The establishment of international human rights conventions is a product of the strive for universal protection and realization of the rights considered necessary for people in order to realize their full humanity. Some conventions, such as the Convention on the Rights of the Child, are special provisions created in order to further strengthen the rights of certain groups, in this case; children, who, due to oppressive structures and discourses, have had a difficult time exercising their human rights (Ife 2012:20).

In an increasingly interdependent world, human rights conventions may be the product of negotiations and cooperation on the international level, but the realization of these rights more often than not, take place in local contexts (Banks 2007; Hague and Harrop 2007:281; Haussman, Muncie 2005; Sawer and Vickers 2010:3; Wiener and Diez 2009:95). For that reason, the realization of the rights established in the international realm is most dependent on the translations of the international conventions into local legislation and practice.

Based on the theoretical assumption that the way language is used is inherently a reflection of systems of norms, values and ideas, and therefore make certain activities possible, desirable and inevitable (Bacchi and Eveline 2010; Fairclough 1992; 2010; Jørgensen and Phillips 2002), I argue, that in order to better understand the phenomena of foster care placements of children in
Sweden, is it necessary to compare the discourse in the UNCRC with the articulations of children’s rights in foster care placement processes also in Sweden.

This thesis is concerned with the translation of the rights in the UNCRC into the Swedish context. In the Swedish political system, the national Parliament (Riksdagen) is the supreme legislative body (Regeringsskansliet website 2011), but in terms of provision of public services; regions, county councils and municipalities enjoy a great deal of autonomy (SKL website 2013a). In the case of social services such as foster care placement processes, this falls under the responsibilities of self-governing municipalities (Börjesson 2010:42). Taking this into consideration, I claim that it would not be sufficient to only compare the international discourse on children’s rights with the Swedish national discourse. Therefore, in this thesis, I will also include an analysis of the definitions of children’s rights in foster care placement processes on the local level in one Swedish municipality.

1.4 Specified Aim and Research Questions

The aim of this research is to provide a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden. I use theories on discourse and translation of global norms, values and ideas to address the following questions:

(1) How are the discourses similar and/or different in terms of the articulation of children’s rights in foster care placement processes?

(2) Based on the findings in the first part of the analysis: how does the Swedish discourse(s) make activities in foster care placement processes possible, desirable and inevitable?

1.5 Outline and Structure

This thesis is organized into six chapters. This initial chapter has provided an introduction to the relevant topic and identified the scientific gaps in the existing scholarship. Based on this, it has also outlined the research problem along with the specific aim and research questions. The following chapter aims to give an overview on perspectives of social constructivism and discourse along with the main theoretical approaches, Critical Discourse Analysis (CDA) and translation of global ideas, values and norms. The third chapter on method and research design outlines the case selection and methods for both gathering and analyzing the empirical material. In the fourth chapter, some relevant information on the implementation context for children’s rights in general, and in Sweden is provided. After that, the analysis in the fifth chapter is structured around the two research questions starting out with a thematic CDA in three parts,
each addressing the three levels of discourse; international, national and local. In the end of each of these parts, there will be a comparison of the findings in order to summarize the similarities and/or differences. In the latter part of the analysis, I make use of the findings in the first part in order to discuss and answer the second research question. Finally, the sixth and last chapter presents the answers to the research questions, discusses the implications of the answers, both for society in general and for the academic field, and suggests ideas for future research.
2 Discourse Analysis and Translation of Global Norms, Values and Ideas

2.1 Social Constructivism and the Study of Discourse
Initially, the theoretical perspective in this thesis departs from a constructivist ontology that conventionally has been labeled ‘thick constructivism’ (Hay 2002:199; Jørgensen 2010:160). This perspective highlights the role of discourse, meaning “language as social practice” (Jørgensen and Phillips 2002:66), “systems of values, ideas and practices” (Jørgensen 2010:172) and “the kind of language used within a specific field and a way of speaking that gives meaning to experiences from a particular perspective” (Hay 2002:199). The underlying logic is, that since language is an embodiment of an idea in the form of words by a human agent, there is no such thing as an “independent objective social or political reality” (Bacchi & Eveline 2010:117) but merely human interpretations of the world (Ibid). The world as we know it is thus essentially a social construction, or in other words, a “social world” (Ibid).

2.2 Critical Discourse Analysis
The fundamental theoretical underpinnings briefly outlined above does not only highlight the role of discourse for social practice, but consequently also the importance of discourse analysis for social research. Since there is no objective reality, the study of discourse is crucial in order to understand and make sense of the world.

For the purpose of this thesis, I make use of a particular approach within the discourse analysis discipline, namely CDA. The term CDA is used both to label the broader line of scholarship in this field, but also to name a specific approach to discourse analysis developed by Norman Fairclough. From here on, the term will be used to denote the latter.

Fairclough has argued that since discourse is crucial for the construction of our social reality (Jørgensen and Phillips 2002:60), it should not be studied in isolation from social structures (Bryman 2008:508). The overarching aim of Fairclough’s CDA approach is consequently to bridge the gap between the discourse and social phenomena (Ibid:509). Hence, CDA should be utilized to reveal how discourse gives meaning to social life and thus makes certain activities possible, desirable and inevitable, by exploring the way language is used to construct a particular discourse (Ibid). Put into the context of the topic in this thesis, CDA will be used first, to reveal and thereafter compare the discourses on children’s rights on the international level in the UNCRC with the Swedish discourses on the national and local level. Second, the CDA will be
used to reveal how the articulation of values, norms and ideas around children’s rights makes activities in foster care placement processes possible, desirable and inevitable.

In order to guide such explorations, Fairclough has developed a framework consisting of three dimensions, namely: the discursive practice, the text and the social practice (Fairclough 1992:73). I will go into more depth on each one of these dimensions in the next section of this chapter. An important remark in this context is that the distinction between these three dimensions is mainly theoretical and analytical. In other words, the three dimensions together make up the “totality” of a CDA and are not independent or isolated dimensions in reality, but rather theoretical concepts used to facilitate the analytical process (Jørgensen and Phillips 2002:90). With this said, the methodological approach of CDA still involves a constant mingling of description and interpretation of all three dimensions (Fairclough 1992:231). I will further elaborate on this aspect of the CDA in chapter three on methods and research design.

Before going into depth on each one of the three dimensions in the chosen approach to CDA, it is also relevant to point out some of the main differences between Fairclough’s approach and the approaches of other scholars utilizing discourse analysis. As explained above, Fairclough distinguishes between discursive practice and other social practice. Some scholars in the field of discourse analysis do not make this clear-cut distinction and rather uphold that all practice should be regarded as part of the discursive practice. Fairclough disagrees on this matter, and thus only includes the practice of language where others would include all sorts of practice. In other words, Fairclough’s approach includes only written and spoken material where other scholars would include everything people say, but also everything people do (Jørgensen and Phillips 2002:19). For the purpose of this thesis, Fairclough’s approach appears more practical in the sense that it would not be possible for me as a researcher to, in addition to textual analysis of documents and interviews, also conduct observations on all three discursive levels.

2.3 Theoretical Framework

As briefly outlined above, Fairclough’s CDA approach consists of a three-dimensional framework outlining the discursive practice, text, and social practice. Important to remember is that in reality, these dimensions are not independent or isolated from one another and that the analytical process despite this distinction involves a constant mingling of description and interpretation of all three dimensions (Fairclough 1992:231).
2.3.1 Discursive Practice
Initially, the discursive practice is first and foremost concerned with ways in which text is produced and consumed. This means taking into consideration reflections of what processes texts undergo before they are printed, and the possible changes that are possibly made during such processes. In this context, Fairclough mentions intertextual chains as an important concept. Intertextual chains deals with the transformation of content and structure in texts that appear in several different versions and contexts (Fairclough 1992:78; 2010:420; Jørgensen and Phillips 2002:74).

2.3.2 Textual Dimension
Second, the textual dimension of CDA deals with the text in itself. This dimension is concerned with a range of different elements. One such textual element is that of ethos, or in other words how language is used to construct identity (Jørgensen and Phillips 2002:83). This is done by taking a look at what models from other discourses that are used in order to constitute subjective understandings, social identity and a representation of ”self” among participants in interactions of different kinds (Ibid). The concept of modeling can also be seen as a broader process by considering the time and place in which the social interaction is taking place in relation to the ethos of the participants and examining the projection of some intertextual connections and/or directions rather than others (Fairclough 1992:166).

Another textual element is that of metaphors. These should not merely be considered stylistic expressions since reality is constructed when we chose to use one metaphor over another. The use of metaphors is an essential way in which knowledge, actions and systems of belief are structured (Ibid:194). Wording is another important aspect in the textual dimension of the CDA. Dictionaries play a big role in standardizing and codifying language and which indirectly, if not directly, is normative in the sense that it presents dominant wordings and their meaning as the only option available. It is important to keep in mind that there are always alternative ways of giving meaning to subjective experiences including interpretations from theoretical, cultural or ideological perspectives. Different perspectives will have different ways of wording experiences, and it is therefore important to consider and have in mind alternative meanings of these. One of
the commonly used illustrations for this is the example of immigration where the use of alternative words such as influx; flood, or quest for a new life will undoubtedly produce and recall different meanings. The variety of ways one chooses to describe inherently the same phenomena will have consequences for the meaning of this experience (Fairclough 1992:190).

New ways of wording experience generate what is sometimes called *lexical items*. These seize the meaning of expressions, which have attained an established fixed or stable meaning. Lexical items help place experiences into wider theoretical, scientific, cultural or ideological perspectives and thus creates new essential categories. The wide variety of lexical items is one part of intertextuality. It is beneficial to compare the use of wording and lexical items in specific fields from specific perspectives in terms of relative density, or in other words, the variety of different wordings including lexical items that exist, and which in many cases will be close synonyms. If there are a large amount of synonyms, this could be an indication of what is sometimes called *overwording* or *overlexicalization* which in turn is a sign that there has been an ongoing preoccupation with pinpointing specific habits, happenings, events and/or phenomena in the ideology of the group responsible for the text production at hand. Another important aspect in this dimension has to do with so-called *relexicalization* or *re-wording* which basically means the act of generating new wordings as alternatives to, and in opposition to, already existing ones (Ibid).

A CDA is not only preoccupied with the use of the single parts of sentences and paragraphs, but also with the issue of grammatical aspects. This part of the analytical process includes *grammatical elements*, *transitivity* and *modality*. To analyze transitivity is inherently to focus on the connection between events and processes, and, subjects and objects. The intention is to investigate the ideological consequences of different forms of transitivity. An illustrative example can be found in the sentence: “50 nurses were sacked yesterday” (Ibid:177; Jørgensen and Phillips 2002:83) which is written in a passive form. The agent is omitted and the phenomena is presented as not having a responsible agent, which absolves the agent of any responsibility by instead emphasizing the effect and disregarding the action and process that caused the event in the first place.

Another linguistic feature related to transitivity is *nominalization*. In this case a noun represents the agents such as in the example “there were many dismissals at the hospital” (Ibid).

When analyzing modality, one is concerned with the degree of affinity that speakers, or writers, acknowledge to their statements. For example, it’s warm, I think it’s warm, perhaps a little warm. These three short statements each represent different modalities through which speakers or writers to varying degrees commit themselves to their statements. The choice of modality bears consequences for the construction of knowledge, social relations and systems of meaning in the
discourse. *Truth* is one example of modality where the speaker is completely committed to his or her statement. Another way of constructing social relations takes place through *permission*. It is possible to distinguish and tell a lot about how a speaker positions him- or herself by grating someone else permission to do something. Modality can also be expressed through *hedges* or a tone of voice where a hesitant tone indicates distance from a statement. The use of additional little words such as “well” and “a bit” is an expression low affinity towards a statement, which can moderate the meaning of claims. Important to note is that different discourses will inevitable be using different modalities, media for example, more often than not, present things as facts (Fairclough:177; Jørgensen and Phillips 2002:83).

### 2.3.3 Social Practice

The last dimension, the *social practice*, refers to the relationship between the discursive practice as outlined above and what is sometimes called the order of discourse. In other words, this part of the analytical process is concerned with the kinds of networks discursive practices belong to and how discourses are distributed and regulated across different texts. The aim of this is to map the partly non-discursive practice, which Fairclough labeled as the social matrix of discourse. The perhaps most important question to ask in this part of the analytical process is: to what institutional conditions is the discursive practice subject (Fairclough 1992:237)?

### 2.4 Translation of Global Norms, Values and Ideas

“The spread in time and space of anything – claims, orders, artifacts, goods – is in the hands of people; each of these people may act in many different ways, letting the token drop, or modifying it, or deflecting it, or betraying it, or adding to it, or appropriating it.” (Czarniawska and Sevón 2005:8)

Translation is a more recent term for the notion of diffusion, both used to explain the circulation of ideas, customs, practices and institutions etc. Translation in this context is not merely a matter of linguistics, but rather of a wider notion, which can take many forms. Substitution and displacement are only two examples of translation processes. Important is that, regardless of what form the process take, it always includes an element of transformation. The logic behind this theoretical assumption is that everything involved in the process of translation has an identity and that each act of translation will inevitably modify, not only what is being translated but also the translator itself (Ibid).

The concept of translation is, due to its polysemous nature, useful in attempts to describe the construction of linked ideas around the world. The notion captures in a good way how things
cannot remain exactly the same when moved from one place to another. In other words, to take an idea out of its original setting is inherently to create it once more (Czarniawska and Sevón 2005:8).

The close symbolic association with translation of language makes the concept both easy to grasp and simultaneously very complex. Only material things can be moved through time and space. Practices and institutions cannot be moved from one place to another, or from one time to another if they are not conceptualized and concretized into an idea allowing for secondary experiences thereof and thus put into wording or turned into images. Therefore, ideas have to first, materialize and then, be inscribed as symbols of some kind (Ibid:9).

The driving force behind translation is imitation due to shared desires. The things that become translated are those things that in one time and place are considered superior based on their qualities, or origin, or those things that are already well entrenched in institutional thought structures. However, in order for people to know what is superior or simply what there is to imitate, fashion is needed. Fashion can be considered a collective choice of taste, things and ideas that determine and create what is typical in a given time and place (Ibid).

However, the more something is imitated, the less attractive will it become with time, which is why there is always room for new fashions and thus also things to translate. What is translated will depend on who is doing the translation, “the travel agent” (Ibid:10), meaning that the choice of translators, whether these are consultant translators conducting the translation on behalf of an organization, or if the translation is conducted by members of the organization themselves, will inevitable have consequences for the translation result (Ibid).

Another important factor to consider is the way in which imitation takes place, such as straightforward broadcasting, translation chains where each imitator only knows the previous translator and translation. There is also translation by mediating organizations solely dedicated to facilitate the circulation of ideas. Last but not least, what is ultimately translated will also depend on the “translation habits”(Ibid:11) of the “travel agents”(Ibid) meaning whether these end up translating the name, or practice, of an idea, or something ranging in between (Ibid:12).

### 2.4.1 Translation in International Relations

Processes of globalization have made decision- and policy-making increasingly complex. The nation state no longer holds monopoly on decision-making as this task becomes more and more diffused. Other actors, both above and below the level of the nation state have increasingly come to share the task of governing with the states (Hague and Harrop 2007:281; Haussman, Sawer
and Vickers 2010:3; Wiener and Diez 2009:95). In such a complex multi-level system, it is clearly interesting and relevant to study how international norms, that generally are constructed as universals on the international level, such as the children’s rights discourse, are translated into local contexts where their practical realization normally takes place.
3 Method and Research Design

3.1 Research Design

Based on the three conditions for choice of method outlined by Robert K. Yin (2009); “the type of research questions posed, the extent of control … over actual behavioral events, and … the degree of focus on contemporary as opposed to historical events” (Ibid:8), the research design of this thesis consist of a case study. I have in accordance to Yin’s (Ibid) approach reviewed the existing literature on the lines of scholarship relevant for the topic of this thesis, in order to formulate, what I argue to be, the most significant research questions. Since two questions of how are asked about contemporary children’s rights discourses, something that I as a researcher have little, or no control over, these fulfill a situation where Yin (Ibid) deems a case study to have a distinct advantage.

After a careful review of the existing literature, I was able to identify that this has not (1) sufficiently explored the relationship between discourse and the implementation of the UNCRC, neither has it, (2) included Sweden in scholarship on children’s rights and discourse, nor (3) dealt with the issue of rights for children living in foster homes in Sweden. Based on the nature of my research questions and the located gaps in the literature, the unit for analysis, i.e. the case (Bryman 2008:53; Yin 2009:14) of this thesis is the discourse. By this I mean that the Swedish national and local context will have implications for the findings in the analysis of each discourse (Bryman 2008:53). The complex nature of discourse analysis, involving intensive and detailed analysis, further motivates a research design consisting of a case study (Ibid:52).

However, because human rights, in this case human rights for children are constructed as universals in the UNCRC, an international convention, I argue that a single case study of the Swedish discourse would not be sufficient to provide an answer to the research questions. Since the critique of the Swedish practice in regards to foster care placements of children from the CRC is based on the norms and values in the UNCRC, I argue that in order to analyze how the Swedish discourse makes activities in foster care placement processes possible, desirable and inevitable, it is necessary to compare and contrast the Swedish discourse with that of the UNCRC. Thus, more specifically, the research design of this thesis consists of a comparative case study.

Moreover, due to the structure of the Swedish political system with relatively autonomous municipalities, I argue that it is also necessary to study the local discourse within a municipality. In order to avoid getting information about the situation of specific children I wanted to preferably
conduct my interviews in a municipality with a rather high rate, and thus a great degree of experience with foster care placements. Unfortunately, I was not able to find statistics on children in foster homes for specific municipalities, but only for larger regions. Therefore, in lack of statistical numbers for specific municipalities, I decided to choose a municipality based on the number of inhabitants. I wanted a municipality with enough inhabitants to be able to assume that the social services in the municipality had dealt with enough foster care placements to be able to talk about the matter in general terms. In the end, I conducted my study in Norrköping municipality. The municipality falls under the category “larger cities” ranging from 50 000 to 200 000 inhabitants (SKL 2013c). In 2011, Norrköping municipality had close to 130 000 inhabitants. (Norrköpings kommun 2013:60).

One of the most recurring critiques of qualitative comparative case studies is concerned with their external validity (Bryman 2008:57). The argument is that since qualitative studies often are so context dependent, the results cannot be generalized to other populations. However, many argue that such critique misses the fundamental point of a case study. To even aspire a generalization of specific results from context dependent cases directly on to other populations would be naïve (Ibid). The idea is rather to conduct an elucidating and intensive analysis of the cases at hand in order to, to some extent, generalize to theory on terms of how well the data support the generated theoretical arguments and by demonstrating connections between the conceptual ideas that are developed from the findings (Ibid).

3.2 Choice of Empirical Material

The UNCRC is an international, legally binding document ratified by no less than 192 states (UNICEF website 2005). It is the only existing regulative document on the international level since the previous Geneva Declaration on the Rights of the Child was never legally binding, but merely served as a guideline for states (UNICEF website 2013). Therefore, I argue that the Convention is a central document for a study of children’s rights on the international level. In addition, the fact that the UNCRC is inherently a value-laden text based on a particular set of norms and values makes it specifically suitable for discourse analysis. Since the UNCRC is legally binding to States Parties that have acceded to it, as in the case of Sweden, the document will be of relevance for a comparison to the Swedish discourse(s) in order to analyze how it/these make(s) activities in foster care placement processes possible, desirable and inevitable.

Consequently, for the analysis of the international level, the UNCRC is the main document. As complementary documents on this level, I have chosen to include the four General Observations
on Sweden along with communications and questions to the Swedish government regarding the implementation of the UNCRC, all issued by the CRC.

For the analysis of the national level in Sweden, the main documents are the Swedish Parliament’s strategy resolutions for the work on children’s rights in Sweden together with Sweden’s five periodical reports to the CRC. As complementary material I have also included the communications and Sweden’s responses to further questions posed by the CRC.

Finally, on the municipal level, the main empirical material consists of the municipal documents in Norrköping municipality. This includes the municipal budget, the current mission statement for the social welfare committee and an audit report on the work with children’s rights. With departure in theory, the municipal level is actually the only level on which there is an agent that is working and interacting with the group of people that are first and foremost concerned and affected by the children’s rights statutes, namely children themselves. Therefore, to get a better grasp of the discourse on this level, I have conducted and included two interviews as complementary material. The interviews were conducted first, with the deputy of the social welfare committee and second, with a social worker at the social services office in Norrköping municipality.

3.3 Gathering of Empirical Material

The methods for gathering empirical material utilized in this thesis have primarily been the collection of documents and through interviews. In much of the methods literature, interviews and the collection of documents are viewed as ways of collecting data that will somehow guarantee that social facts come in to the hands of the researcher. The different ways of going about this is adjusted according to the research questions and also to the theoretical outset. In discourse analysis, things are a lot different. Naturally, selection and procedure is important also for discourse analysis, but since the so-called “data” is not viewed in the same fashion, the theoretical approach and the empirics must be treated in an integrated fashion (Alvesson and Sköldberg 2008:543).

The interview method has been criticized for being a too idealistic and individualized approach, focusing on individual opinions and reflections (Repstad 2007:83). However, as the purpose of qualitative interviews really is an interest in the interviewee’s point of view (Bryman 2008:437), this is well suitable when conducting a discourse analysis as in the case of this thesis. I have, as previously mentioned, conducted two interviews in Norrköping municipality in order to strengthen the analysis and to provide an illustration of the discourse also on the local level in
Sweden. I made the deliberate decision to interview the deputy of the social welfare committee, since that particular committee is responsible for foster care placements. Thereafter, I resorted to the snowball sampling method (Bryman 2008:184) in order to establish contact with the social services office in Norrköping municipality where I conducted my second interview with a social worker.

Since the aim in this thesis has been to analyze values and norms around children’s rights in foster care placement processes I chose to conduct semi-structured interviews (Ibid:438). My interview guide had a clear focus on children’s rights and was structured around some main bullet points developed in the initial stages of the analysis. This allowed the interviews to be flexible enough to make room for any follow-up questions on replies that came up (Ibid; Repstad 2007:85). I consequently let my interviewees’ decide the direction of the interview, and merely made sure to keep the conversation within the theme of children’s rights. The interview thus responds to the direction determined by the answers provided by the interviewees’ (Bryman 2008:437).

The first interview was conducted on a calm morning at a carefully selected local café, all to avoid disruptive noise for the recording (Ibid:202), but also to conduct the interview in a neutral environment. The second interview was conducted in the interviewee’s office, which was ideal in terms of privacy and absence of noise. I made my best efforts in trying to keep the conversations as natural as possible, in order to encourage the interviewees to elaborate on, and give reasons behind their answers (Repstad 2007:83). The persons interviewed were informed of the general aim of the thesis (Bryman 2008:200), and that the purpose of the interviews in no way was a critical investigation of their daily work, but rather a way for me as a researcher to develop a better understanding of local definitions of international norms.

Since Fairclough’s approach only includes written material, all spoken material needs to be transcribed. Following both of the interviews I sat down and conducted the transcription immediately in order to have the information and memory of the conversation fresh in mind to avoid missing out on important details, such as body language, facial expressions, doubt, irony, and emphasis (Ibid:202). Whenever there were background noises, I made sure to listen to the tapes several times to get it right. Overall, the transcription was as carefully conducted as possible (Ibid). In the end of the interviews, I also kindly asked for permission to e-mail if I had any further questions, or if there was something that was not clear to me (Ibid:209). Luckily, the recordings held good quality, the material was sufficient and made sense to me, and therefore I did not have to get back to the interviewees for further questions or clarifications.
When making use of theoretical approaches that to a large extent are concerned with lingual practice, and with empirical material that exist in different languages its is especially important for the researcher to have a good grasp of these languages. The empirical material in this research project appeared in English and Swedish. As a native Swedish speaker fluent in the English language, I had no difficulties understanding the material, conducting the interviews or in translating the material. However, even if I am fluent in English, it is not my native language, and therefore, it should not be denied that this could have influenced my understanding of the English material, and also possibly my translations from Swedish to English.

Last but not least, the interviewees have been informed that the recordings will only be used for the purpose of this research project, and will be deleted after the completion thereof. They have in addition been offered to take part of the results of the analysis as well as the thesis as a whole. I have moreover informed them about their right to remain anonymous, something that the deputy of the social welfare committee did not find necessary as an elected political representative. However, out of respect for integrity of both interviewees, I have made the deliberate choice of not mentioning their names, but merely their professional titles, which will provide the social worker with full anonymity.

3.4 Analysis of Gathered Empirical Material

3.4.1 The Abductive Research Strategy

In much of the contemporary literature on social research methods, deductive and inductive approaches are presented as the only alternatives when conducting research (Alvesson and Sköldberg 2009:3). Alvesson and Sköldberg (Ibid) further argue that neither is it always possible to apply purely deductive or inductive research strategies, nor are they always the most suitable options in this regard. Discourse analysis is a complex process requiring the researcher to work with theory and empirical material in an integrated fashion throughout the entire research process (Fairclough 1992:231). Fairclough highlights this by stating: “when doing discourse analysis, theory and empirics must be treated in an integrated fashion as discourse is a “totality” of analysis and not a procedure in which the collection of data comes first and analysis thereafter” (Ibid).

For that reason I have made use of an alternative, abductive, research strategy for the purposes of this thesis.

The abductive approach, in similarity to an inductive approach, starts from an empirical point of view, but it does not totally reject theoretical preconceptions. With that said, the abductive approach does share certain characteristics with both inductive and deductive approaches but is
more than just a mix of the two. The abductive approach adds a broader spectrum of understanding through a gradual development of both the theoretical and empirical dimensions of the research problem. Previous theory is studied before and during the analytical process and thus allows for re-interpretation of both theory and empirics in the light of one another. This approach allows for a deeper understanding of the research problem and avoids the risk of putting a constraint on the scope of the research, which purely deductive and inductive approaches tend to do (Alvesson and Sköldberg 2009:4). This has the implication that I will not make use of what Alvesson and Sköldberg (Ibid) view as a mechanical application of theory to a case, but instead use theory as an inspiration for the discovery of patterns that bring about a deeper understanding of the local definition of children’s rights in foster care placement processes in Sweden.

3.4.2 Utilizing the Abductive Research Strategy

Up until this point, I have elaborated on the methods utilized in this research project in terms of research design, choice of empirical material, gathering of empirical material. In this part, in an attempt to increase the transparency of my research strategy, I will discuss how I have made use of the abductive research strategy in order to answer the research questions.

In accordance to the abductive research strategy, this research process has involved a gradual development of both the empirical area for application, as well as the theoretical approach. After using the literature review to formulate a first set of research questions, I turned to Fairclough’s approach to discourse analysis by using CDA. At this stage, the focus was rather on the methodological aspects of CDA than the theoretical underpinnings in order to get going with actually conducting the research. With this as the starting point, I began to further look into the central document, the UNCRC and came to the realization that an analysis of the entire document would not be possible.

This realization motivated a return to the literature in order to take a closer look at the delimitations of other studies on the UNCRC and children’s rights. It became evident to me that other research to a great extent had focused on thematic issues, or on one or a few of the articles in the Convention. In research on Sweden, the studies had mainly been concerned with children in custody battles, rights of asylum seeking children and children in education. I found that some of those thematic issues were reflections of the CRC’s Concluding Observations. By comparing the existing scholarship with the critique on Sweden I was able to delimit my research to children’s rights in foster care placement processes, and thus also refine my research questions accordingly.
In order to decide what to include in the analysis of children’s rights in foster care placement processes, which hypothetically could still involve a large number of things, I compared articles of the UNCRC with documents on the national level in Sweden. This helped me to distinguish some reoccurring topics on both levels, which was then used for the continuous analysis on the local level, both in terms of an analysis of documents but also in the development of an interview guide and later, in interpretations of the conducted interviews.

The abductive approach to theory and empirical material has continued throughout the research process and eventually landed in an analysis structured into two main parts coherent with the aim and research questions. The first part of the analysis is divided around three themes: Family and Children’s Rights, Separation of Children and Parents and Foster Care and Children’s Rights. These themes are the direct result of my research strategy where I utilized theory in order to distinguish patterns in the empirical material. The overarching focus in the first part of the analysis is the lingual aspects of the discourse in order to compare, locate and analyze similarities and differences. To make the analysis more comprehensive for the reader, I provide a comparative discussion following each theme. In the second part of the analysis I use the findings in the first part and relate this to the social practice, based on the critique from the CRC, in order to answer the second research question.
4 Implementation Context

I have already in the theoretical and methodological chapters stressed the importance of “connecting-the-dots” within the three-dimensional framework for CDA. One of the things that Fairclough (1992) points out as specifically important for the CDA is the connection between discursive and social practice. The discursive practice is once more concerned with the ways text is produced and consumed, whereas the social practice is more concerned with the links between discursive practice and the order of discourse. In order to better facilitate the “totality” of analysis sought out by Fairclough, this chapter will address those links through a discussion on the institutional conditions to which the analyzed discourses are subject to, namely; human rights discourses; the Swedish political system and the field social work.

4.1 The Human Rights Discourse

4.1.1 A Universal Human Rights Discourse

The idea of human rights makes a powerful international norm and ideal. Because it has such a high rhetorical power and appeal, the concept is often used in a loose and general manner and can thus also carry different meanings in different settings even if frequent users of the term rarely stop to consider the meaning and contradictions of its different uses (Ife 2012:5).

The human rights literature outlines three main traditions for the conceptualization of human rights. First, the natural rights tradition assumes that all human beings are born with certain rights. Focus is here on the human nature. These rights are often thought of as “God-given” and a natural part of our humanity. The second tradition emphasizes legal or state obligations in regards to human rights. In this view, human rights only exist as far as states protect, guarantee and realize these rights. Focus is therefore not on human beings as such, but rather a combination of laws, conventions and government programs thus implies that a single set of human rights are applying to all of humanity as a kind of universal law. The third way of conceiving human rights is as constructed rights. From this perspective, rights are in no way objective, but rather subjective and defined, and constantly re-defined in interaction between people (Ibid:14).

Not all rights that people claim can be considered human rights. Generally human rights are rights that apply to all people regardless of nationality, race, culture, age, sex or other characteristics. Thus, human rights are universal and belong to all people everywhere, while other more specific rights apply only to certain people under certain circumstances. By defining something as a human right, we automatically grant it priority over other claims of rights. Some
claims of specific disadvantaged groups are examples of where human rights have been denied to a group. Oppressive structures and discourses make it hard for this particular group to exercise their human rights in order to realize their full humanity and therefore, special provisions needs to be made. The UNCRC is a good example of a special provision created to strengthen human rights for children, a group that many times has not been an obvious subject to human rights treaties and conventions (Ife 2012:20).

The following list contains a number of criteria that can be used in order to determine whether a right can be considered a human right.

- “Realization of a claimed right is necessary for a person/group in order to achieve full humanity, in common with others
- A claimed right is seen as applying to all of humanity, and is something that the person or group claiming the right wishes to apply to all people anywhere, or as applying to people from specific disadvantaged or marginalized groups for whom realization of that right is essential to their achieving their full humanity
- There is a substantial universal consensus on the legitimacy of the claimed right; it cannot be called a human right unless there is a widespread support for it across cultural and other divides
- It is possible for the claimed right to be effectively realized for all legitimate claimants. This thus excludes rights to things that are in limited supply
- The claimed right does not contradict other human rights. This would disallow as human rights a man's right' to beat his children” (Ibid:22)

Human rights are seen as a package of “universal and indivisible” rights and can therefore not be separated from one another. In other words, human rights must be consistent and cannot come in conflict with one another. They are all equally important and it should therefore not be necessary to affirm some rights as being more important than others. Rights that according to the list presented above are upheld as human rights take precedence over any other claim of right. This is the fundamental thought behind the establishment of human rights, but this does not necessarily mean that conflicts between human rights never occur. In practice, conflicts between human rights are not uncommon and such conflicts need to be resolved. Sometimes, this can be done by applying the outlined criteria in the list above (Ibid:23).

The current discourse around human rights has focused much on the inherent meaning of the word “rights”, while the word “human” has been granted significantly less attention. However, the human aspect in the term human rights is one of severe complexity and certainly deserves
some more attention. Over the course of history the understanding of what constitutes a human being has varied in different contexts and geographic locations. John Locke introduced the patriarchal idea of “the rights of man” which consequently did not entitle women to any rights. Another example is Tomas Jefferson who did not seem to see a conflict between being a strong advocate for human rights and at the same time owning slaves. During the Holocaust, Jews were defined as subhuman, and thus a legitimate target for extermination. The same goes for apartheid in South Africa, the Indonesian occupation army in East Timor and Serb forces in Bosnia. These examples that may seem extreme, but one should remember that there are other classes of people who are regularly excluded from the construction of humanity. Children have for the longest time been a group denied many of the rights that adults have and that many times are considered human rights (Ife 2012:17).

4.1.2 Children’s Rights and the United Nations
Since the UNCRC and the CRC along with its Concluding Observations are central to this research project, this following section will provide some short background and information on these two institutions.

First, the UNCRC is an international convention established by the international governmental or so-called intergovernmental organization (IGO); UN (UNICEF 2008:13). The document is an international convention adding a new set of standards to the fundamental Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) (Rittberger & Zangl 2006:196; UNICEF 2008). The UNCRC is a rights-producing text establishing 54 rights. The Convention has four fundamental principles, namely: the right to life and development, devotion to the best interest of the child, respect for the views of the child and non-discrimination (UNICEF 2008). These principles can in turn be categorized into survival rights, development rights, protection rights and participation rights (Banks 2007:391).

The Concluding Observations mentioned in the beginning of this section are the periodical reports conducted by the body responsible for the monitoring of the implementation of UNCRC namely, the CRC consisting of independent experts (OHCHR website 2012; UNICEF 2008:13).

4.1.3 Situational Human Rights Discourses
Even though human rights, in this case human rights for children, generally are constructed as universals on the international level, they are most often articulated and met in local contexts. In
local contexts, human rights are often conceptualized through the definition of human needs (Ife 2009:129).

By stating a need, one is simultaneously stating that something is necessary for something else to occur. In other words, a need is a conceptualization of a mean to a specific end. Some needs can be considered more important than others and one can also consider whether the thing needed is actually the best way too meet the desired end. If people as outlined above have rights, these rights can also be seen as having corresponding obligations by both the state and individuals, to make sure these are realized and protected. A human rights regime cannot simply exist without some form of agency, traditionally the state, holding resources and mandate to guarantee those rights (Ife 2009:129).

Universal rights such as the right to education can be reflected as a need of more teachers, and the right to shelter is indeed a need of homes for homeless, and individual rights such as personal mobility can be manifested as a need of a wheelchair. Thus, the definition of needs at the local level is crucial in the definition of human rights at the local level. Consequently, the articulation of needs becomes important for framing of human rights discourse (Ibid:197).

Social workers face a challenge in making the normally middle-class intellectual language of professionals accessible to others. This involves a reframing of words, an example is the right to free speech which in another set of words can be defined as “letting everyone have their say” (Ibid:199). In each case of reformulation, this leads to further questions “what are the things children need to know and what sort of school can provide them for this child? How can we make sure everyone has a say? How do we make a decision about a” (Ibid) foster home? These are questions that occur on a daily basis in the social work profession, but which are inherently matters of human rights. The way social workers construct these discussions can facilitate or inhibit the client's definition of human rights and thus also how these can be met. Micro-level activity by social workers can therefore be located within a broader social discourse on human rights, by enabling and facilitating other people’s engagement in, and with the broadening of the discourse based on which a human rights consensus develops (Ibid).

A power relation characterize much of social work since the social worker setting the agenda, is responsible for timing and formulates boundaries. Such power relations become evident in prevalent formulations such as “client”, “supervision” and “intervention”, just to mention a few (Ibid:199). For that reason it is important to also consider the agent translating the assumed rights in statements of human needs. In other words, whose definition of a need is accepted as
legitimate? If needs are inherently contextualizations of human rights, the question becomes: who assumes responsibility for the definition of need? This is not as simple as saying that this responsibility lies with the client, since the processes of defining needs not is not only dependent on value component but also on a certain degree of expertise concerning what it will take to meet the needs of a certain person. Therefore, this has to be conducted by through a dialogue between client and social worker, were each will recognize, value and learn from expertise of the other, so they together can work towards effective action (Ife 2009:205).

4.2 The Swedish Political System

Sweden is a parliamentary democracy, meaning that all public power proceeds from the people. On the national level, the people are represented by the Swedish parliament (the Riksdag), which is the supreme political decision-making body, and thus have legislative power. The Government (the Regering) implements the parliament’s decisions and draws up proposals for new laws or amendments to existing laws (Regeringskansliet website 2011).

Swedish municipalities, county councils and regions have a considerable degree of autonomy and are responsible for providing a significant proportion of all public services. There are no hierarchy between municipalities, county councils and regions as they all have their own self-governing local authorities with responsibility for different services (Ibid). The elected representatives in municipalities, county councils or regions make decisions about the services that are closest to the citizens (Ibid). Decision-making based on regional and local conditions known as local self-government is enshrined in the Swedish constitution. This is thought to be important in democratic terms as citizens’ closeness to decision-making make it easier for them to gain access to local politicians and to hold them accountable for their decisions (SKL website 2013a).

In Sweden, the municipalities are responsible for a larger share of public financed services than in most other countries and they have the right to levy taxes to finance these operations. The municipalities are responsible for practically all care, social services and education. This involves childcare and primary and secondary education. All education in the compulsory system is free of charge (SKL website 2013b).

Children’s rights in foster care placement processes are thus a responsibility for municipalities in Sweden since it is located within the field of social work. It should be explained that the elected representatives are not primarily and should not be concerned with the specific cases of families and children.
“The way in which the Social Services Act is constructed grants great faith in the professional knowledge of the social workers; the quality and direction of the efforts are largely dependent on the professional competency in Sweden. The direct responsibility for the construction of the activities within the local social services lie with the social authority’s policy-making organ, most often a politically elected Social Welfare Committee” (Börjeson 2010:42).

Therefore, elected representatives are responsible for the overarching decisions and priorities, the allocation of resources to different activities and work areas. When it comes to the specific cases, it is rather the knowledgeable social worker who is responsible for the implementation of a successful implementation of these resources and therefore, both actors are in need of each other (Ibid:28).
5 Children’s Rights in Foster Care Placement Processes –
International and Swedish Definitions

The first part of the aim in this thesis is to provide a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden in order to answer the question: (1) how are the discourses similar and/or different in terms of the articulation of children’s rights in foster care placement processes? Consequently, this first part of the analysis is structured around that particular aim and research question.

5.1 Family and Children’s Rights

5.1.1 UNCRC

Article 6 of the UNCRC recognizes and establishes the right for all children to life and development. The article explicitly states “that every child has the inherent right to life” (United Nations 1989:6:1), and because it says every, meaning all children everywhere, in accordance with the fundamental non-discrimination principle of Article 2, it fulfills the requirements for a human right as set out in the chapter on implementation context. Furthermore, the use of the word inherent suggests an understanding of children’s right to life in accordance with the natural rights tradition since the right is understood to be an integral part of our humanity.

In the international discourse, the fundamental needs of a child, in order for his or her right to life and development to be realized, are considered to be safety, good health, access to education and proper care in a family environment. It is written in the UNCRC that "the child, by reason of his physical and mental immaturity, needs special safeguards and care” (Ibid: Preamble). In addition, the Convention recognizes “the right of the child to the enjoyment of the highest attainable standard of health” (Ibid:24) and also “the right of the child to education” (Ibid:28). Last but not least, the UNCRC asserts how “the child, for the full and harmonious development of his or her personality, should grow up in a family environment” (Ibid: Preamble).

The family is essentially upheld as the most important group in society, and in particular, the natural and most prosperous environment for children and youth. The utter importance of the family is expressed already in the introductory statement of the Convention, the Preamble. This initial part of the Convention claim that the family, as such, is “the fundamental group of society and the natural environment for the growth and well being of all its members and particularly children” (Ibid). Even if this quote alone clearly demonstrates the importance of the family as a
social unit in the international discourse, it does not give a closer definition of what a family is understood to be.

From other parts of the UNCRC it becomes evident that the underlying meaning and normative conception of the word *family* in the international discourse is the biological family, consisting of parents and their biological child, or children. When it comes to persons responsible for a child, the UNCRC has a general and inclusive terminology. A typical example is “parents, legal guardians, or other individuals legally responsible for him or her” (United Nations 1989:3:2). However, Article 7 states that “the child shall … have the right from birth to … as far as possible … know and be cared for by his or her parents” (Ibid:7:1). The choice, of the expressions *from birth* and *to know*, as if there is an absolute truth to who the parents of a child are, combined with a description of the family as the natural environment, allows for an understanding of this as the right for the child to know and be cared for by its *birthparents*, or in other words, its biological parents.

Adding to the interpretations made in the preceding paragraph, the ideal environment for a child involves the biological parents and is characterized by a great deal of love and support. To be specific, “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding” (Ibid: Preamble). In addition the parents should “provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention” (Ibid:5) and “the best interests of the child will be their basic concern” (Ibid:18:1). Taking into consideration the UNCRC as a whole, this is the presented normative depiction of an ideal environment for children and youth.

The state and the family are together responsible for the protection and realization of the rights granted to children by the UNCRC. Considering that states are the main parties of the Convention, it is rather self-evident that the state has responsibilities in protecting children’s rights.

“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.” (Ibid:3:2)

As mentioned in the discussion on the universal human rights discourse, in order for rights to be protected and realized, these always require corresponding obligations from the state and other
individuals. This does, apart from assigning responsibility to States parties, also outline a responsibility for families in society. The family should according to this quote from the UNCRC Preamble “be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community” (United Nations 1989: Preamble).

The order of responsibility established in the UNCRC implies that parents have the primary responsibility for the life and development of their children, while the state carries the ultimate responsibility. Parent’s primary responsibility is explicitly formulated as “parents or … legal guardians, have the primary responsibility for the upbringing and development of the child” (Ibid:18:1). The ultimate responsibility of the state is expressed in the following way:

"For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.” (Ibid:18:2)

As illustrated in the quote, the ultimate responsibility of the state is conceptualized as providing active support to families in order for them to be able to take on their responsibility. It also shows how this responsibility involves providing safety and support to families.

5.1.2 Sweden

5.1.2.1 National Discourse in Sweden

The national strategy for the realization of the UNCRC in Sweden refers to the right to life and development as a basic principle of the Convention, but does not explicitly establish this as a “Swedish” right by conceptualizing the meaning of it. The right is merely referred to as a point of departure for all legislation in Sweden. For all of the four basic principles, the national strategy document states that: “the fundamental principles in the Convention on the Rights of the Child should be observed in the drafting of all relevant legislation, provisions and general recommendations, regardless of field” (Sveriges Riksdag 2010:3:4:1). More specifically in dealing with Article 6 and the right to life and development, it stipulates:

“The right to life and development is … one of the fundamental principles in the Convention on the Rights of the Child. This means that in the interpretation and realization of other articles, the child's right to life and development shall be guiding.” (Sveriges Riksdag 1998:3:6)
So despite an attempt of implementing Article 6 by establishing it as a guiding principle, the national strategy fails to actually recognize and define the right to life and development in explicit terms. Thus, the translation of Article 6 into the national Swedish setting, in a way, is a betrayal of its true intention and meaning. Yes, the national strategy does state that the basic principles, including Article 6, should be observed in the drafting of all relevant legislation, however, it does not specify how to interpret and apply these principles.

The family is recognized as being important for the child in the Swedish discourse, but the intrinsic value of the family unit is not dependent on the biological parents, but rather on a feeling of belonging. By comparing the formulation: “children have the right to care, safety and good nurturing” (Föraldrabalken 1949:6:1) in the Act on the Children and Parents Code with the previously quoted part of Article 7 in the Convention, we note that the right to be cared for “by his or her parents” (United Nations 1989:7:1) is omitted. The national strategy goes on to stress that: “if children grow up in uncertainty of their belonging and future, their development into harmonious and well-functioning adults is threatened” (Sveriges Riksdag 1998:39). The lack of an explicit right to be cared for by ones parents combined with the emphasis on certainty and belonging suggests that the intrinsic value of the family does not necessarily rely on the care of the child’s parents, but rather on the existence of care and a feeling of belonging that a family provides. So in this case, the analysis indicates that the translation of Article 7 has included an element of modification of the meaning of the term family. By defining “family” in terms of safety, care, nurturing and the provision of a sense of belonging for a child, the Swedish discourse indirectly uphold these things as being most important, in contrast to what is expressed in the UNCRC, that the care by parents is what matters the most.

In a like manner to the UNCRC, the national Swedish strategy holds the state ultimately responsible for the realization of children’s rights, but in regards to the responsibility of parents, their primary responsibility has not been translated in the same literal way. State authorities are, in similarity to the Convention discourse, considered as constituting the ultimate source of protection and realization of children’s rights. In the national strategy, this is conceptualized in the following way:

“The government is ultimately responsible but also the parliament, municipalities, county councils and state authorities have full responsibilities to within their remit competencies promote and protect the rights of the child according to the existing international commitments.” (Sveriges Riksdag 2010:3:3)
Interestingly enough, despite referring to the UNCRC when addressing matters of responsibility, the strategy for realization of the Convention does not include an explicit assertion of primary responsibility for parents as observed in the UNCRC. The omission of the word “primary” in the Swedish national recognition of the responsibilities of parents is evident in statements such as: “the state shall, according to the Convention, give to parents and legal guardians, appropriate support in fulfilling their responsibilities for the child’s upbringing and development” (Sveriges Riksdag 2010:3:4:5) and “central for the work on legislation is additionally the state’s obligation to respect and promote the parents’ and other legal guardians’ rights and responsibilities” (Ibid: 2010:3:4:1). Hence, the translation of parental responsibility from the Convention has been selective and only partial, since parents in the national discourse are recognized as having responsibility, but not explicit primary responsibility.

5.1.2.2 Local Discourse in Sweden: Norrköping Municipality

In Norrköping municipality, local policy documents clearly recognize the right of for all individuals to what the municipality refers to as “the good life” (Socialkontoret i Norrköpings kommun 2013:3). The term is defined as “a safe living situation where all individuals have the power to take responsibility for, to shape their own lives, and are free to make the important life choices and have the opportunity to personal development” (Ibid). Interesting to note here is that the definition of “the good life” (Ibid) in Norrköping, which applies to all individuals and thus also children, entails both a conceptualization of the right to life and the right to development in a way that could not be observed in the national strategy.

Moreover, the municipality upholds the right to “the good life” (Ibid) as being particularly important for children and young persons. This is manifested both in the overall goals for the municipality as well as in explicit statements for prioritization of resources. One of the goals is to make Norrköping known as “the child friendly city” (Ibid:5). The municipality is furthermore dedicated “to provide all children and youth with the opportunity to a safe, good and developing time while growing up, free from violence, other kinds of abuse or criminal acts”(Ibid:3) and to “grant priority to efforts directed towards children and youth when resources are scarce and certain goals have to be prioritized” (Ibid). The explicit recognition and definition of “the good life” (Ibid), which as previously noted, contains a substantive part of the rights in Article 6, for children, suggests that the translation of the norms and values in UNCRC, in this regard, has been modified to a lesser extent than on the national level.

In the matter of family, the municipal definition is slightly different from both the UNCRC and national discourse but is inherently more similar to the national definition. The importance of
family environment for children is emphasized in the articulation of the ideal society, which refers to “a society in which all children grows up and develops in safe families” (Socialkontoret i Norrköpings kommun 2013:3). Furthermore, the deputy of the social welfare committee clearly expressed that “the parents [of a child] are important” (Ordförande Socialnämnden, interview, April 10, 2013). At first, that statement might seem more reflective of the norms and values in the UNCRC rather than the national Swedish view, but I argue that it is actually the other way around. The local discourse does express the importance of parents, but this is not same thing as establishing a right to be cared for by ones parents. In that sense, it is not reflective of the norms and values around the family and parents as presented in the Convention. Such an understanding is further illustrated by the use of terms such as “teaching parents to be parents” (Ibid) which is indicative of a view in which parenting is not a matter of biology or genetics, but rather of certain skills that can be taught and learned. Exactly what these skills are considered to be remains unclear at this point, but one plausible interpretation could be the ability to provide safety, care, good nurturing and a feeling of belonging for the child as expressed in the national discourse.

When it comes to responsibility, the local discourse is far from as explicit as the UNCRC, but the interpretation of the underlying conveyed norms around this issue, is that parents have primary responsibility and that local authorities correspondingly bear the ultimate responsibility. The primary responsibility of parents is expressed, for example, in the discussion on what activities carried out by the social services that should be provided as services rather than aid. In activities labeled as services, permission to take part in these is required from both parents of a child. As for activities labeled as aid, the preference is for these too, to be conducted on voluntary basis of all parts, however, if the prevalent conditions in the family are severe, aid can be carried out anyway. This suggests, but does not explicitly state, primary responsibility for parents, and ultimate responsibility for local authorities. The municipal discourse in this regard is once more, somewhat different from both of the other levels of discourse. There is no obvious use of the terms “ultimate” or “primary” responsibility as observed in the UNCRC, however, there are indications pointing to such an order of responsibility, which on the national level, only partly could be found.

5.1.3 Comparison of Family and Children’s Rights

First, the analysis shows that the right to life and development outlined in the UNCRC is mentioned on both levels in the Swedish context, but that the way these rights are conceptualized differs. On the national level, the discussion of the right to life and development is conducted merely by referring to the Convention and establishing it as a guiding principle for the drafting of
legislation. The result of the translation in this case fails to live up to the standard of Article 6 of the UNCRC. The local recognition of a right to “the good life” (Socialkontoret i Norrköpings kommun 2013:3) for all individuals, and especially children and youth reflects the substantive part and meaning of Article 6 which indicates that the local translation lies much closer to the Convention definition than what the national discourse does.

Second, regarding the right value and importance of family, the Swedish discourses are similar to one another, but differs from the UNCRC. The national discourse views the family as important since it provides the child with safety, care, good nurturing and a sense of belonging. However it does not grant children the explicit right to be cared for by their parents. The local discourse in Norrköping municipality stressed the importance of parents, but in accordance to the national discourse, did not directly include a right for children to their parents. An interesting observation in Norrköping was the view of parenting as a skill rather than a biological relationship. What this parenting-skill entailed was not clear, but a plausible interpretation of an ability to provide safety, care, good nurturing and a feeling of belonging as stressed in the national discourse was suggested.

Third, regarding the issue of responsibility, all three discourses hold the state ultimately responsible for the protection and realization of children’s rights. However, as for parental responsibility, there are differences between all three levels of discourse. On the international level, parents are explicitly stated as primary responsible for the child, but no such statement could not be distinguished in the Swedish discourses. On the national level, there no such tendency, but on the local level, even if it was not clearly stated, there was an implicit indication that parents are considered primary responsible for the protection and realization of children’s rights.

To sum up this first theme of the analysis, elements of the Convention’s norms and values could also be distinguished on the national and local level in Sweden. It is however, evident that the translation of the UNCRC into both levels of the Swedish discourse involves transformation to various degrees. The translation of the Convention into national legislation appears to be very selective. There are direct references to the UNCRC, without actively formulating these rights also on the national level. In addition, there are examples where one does formulate the rights in the national context, but where certain elements of these rights are left out in the explicit wordings of the documents. On the local level, one can observe more extensive and developed formulations of fundamental rights than on the national level. Even if these rights are not worded in the exact way as in the UNCRC, it is evident that its norms and values have been kept in mind in these formulations. In one matter, concerning the importance of family, the local discourse
seemed to draw more on the national legislation than the UNCRC. In other aspects, the local discourse resembled the Convention to more so than the national discourse. However, the matter of the view and definition of family was really the one issue in which a distinct discourse could be distinguished on the national level. This points to a possible strong role of the national discourse for local conceptualizations of children’s rights. Nevertheless, it seems as though the local discourse in matters where the national discourse is ambiguous, translates norms and values from the UNCRC directly.

Another observation from the critical discourse analysis of the first theme is that there are no indications of mediating translators even if such a scenario could have been plausible taking into consideration that there are, in fact, many organizations advocating children's rights. As discussed in the theoretical sub-chapter on the translation process, there are different ways of imitating prevalent fashions. In translation chains, each agent only knows the previous translator and translation of a certain fashion. The Swedish Parliament in this case refers directly to the Convention, which is assumed to manifest the desirable, and thus fashionable, norms and values. The Swedish Parliament could have included references to mediating organizations, for example children’s rights advocates such as Save the Children and UNICEF. However, as this is not the case, it implies that the translation has been made directly from the UNCRC and by agents on the national level in Sweden themselves.

5.2 Separation of Children and Parents

5.2.1 UNCRC

According to the UNCRC, separation of a child from its parents is not desirable and can only be allowed under exceptional circumstances. Since the family is considered integral for the growth and well-being of children, it comes as no surprise that the UNCRC views a breakup from this natural environment as something negative. The only instance where the Convention can allow a separation to take place is “when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child” (United Nations 1989:9:1). This allows for an understanding of separation as a serious decision that should only be used under exceptional circumstances and which requires the insight of experts on the matter. The exceptional circumstances as such, are not specified to any greater extent, but in the wider context of the analysis, these are interpreted as situations where parents, for some reason, cannot fulfill the needs of the child.
The right of the child to voice its opinions and to have these heard in matters of separation from parents, as expressed in Article 12, is conceptualized as being of value both in an intrinsic as well as in an instrumental way in the international context. In all matters concerning the child, such as situations where a separation of child and parents is plausible, the UNCRC establish the right for the child to express his or her view, as illustrated below:

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

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.” (United Nations 1989:12:1; 12:2)

The fact that the Convention establishes a right for the child to be heard in matters that directly concern them, along with the use of the words freely and in all matters imply that there is a certain degree of intrinsic value to this right. Simply put, it is in the best interest of the child to be able to express their views, and to have these heard. The instrumental value of this right is perhaps more clear. The instrumental value is illustrated in the use of the term given due weight, where it becomes obvious that the views of the child should be of practical use.

The right to make ones views known also involves other persons involved as they, too, have the right to speak their voice in matters affecting the child. The Convention holds that “all interested parties shall be given an opportunity to participate in the proceedings and make their views known” (Ibid:9:2). This should however be interpreted as being of primarily instrumental value which together with the input from the child, is a means to determine the best interest of the child, and not necessarily as a right on its own.

According to the Convention, the state is obligated to offer children, who cannot remain in their family environment, an alternative environment resembling the original family setting where they can be granted protection. Based on the thought of the state as ultimately responsible for children’s rights, the UNCRC explicitly states:

“a child … deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the state.” (Ibid:20:1)
This means that if, and when, the people considered as primary responsible for protecting the rights of the child, namely the parents, for one reason or another cannot fulfill their duties, the state has a responsibility to set up an alternative environment for the child. This alternative environment “could include inter alia, foster placement” (United Nations 1989:20:3). Due to the value placed on biological kinships and the natural family environment, there is strong sense of “desirability of continuity in a child’s upbringing and to the child's ethnic, religious, cultural and linguistic background” (Ibid). In other words, in instances where a separation of child from parents is absolutely necessary, efforts should be made in order to find an alternative setting for the child that, as far as possible, resembles the original family environment in as many aspects as possible.

5.2.2 Sweden

5.2.2.1 National Discourse in Sweden

In similarity to the discourse in the UNCRC, separation of children from their parents is viewed as something inherently negative. This could seem like a contradiction to the previous interpretation in which the national discourse placed a greater emphasis on the sense of belonging rather than on genetics. However, I argue that this is not necessarily the case. A separation is viewed in negative terms not for the particular reason that it involves a separation of children from the biological parents, but rather since it is considered a threat to the child’s sense of belonging. As an expression of the desire to preserve this, for a child essential, feeling it is stated that “current legislation is based on non-institutional care and voluntary measures within the family, and only after these options have been exhausted can a placement outside of the family come into question departing from the best interest of the child” (Sveriges Riksdag 1998:35). The powerful formulations, such as exhausted and come into question are interpreted as an expression for the negative attitude towards a separation of children from their parents since it poses a potential threat towards the sense of belonging that a family environment provides.

The separation of a child from his or her parents in the national discourse is even portrayed as something possibly directly harmful to a child. The act is described as the deepest form of imaginable intervention one could possibly imagine in the life of a child. The following quote illustrates this:

“An apprehension … is heart-rending both for the child and its parents since the decision entails a profound intervention in the child's life and have crucial meaning for the child's future. No other provisions within the social services
have such far-reaching consequences. No other provision within the social
services is conceived as difficult as this one.” (Ibid)

The mere description of separation as an *intervention* portrays it as dramatic, with a negative
connotation and in the wider context, destructive for the child. This interpretation is
strengthened as we recall that one of the illustrations in section 5.1.2.1, stressed that it is
possible for children who experience uncertainty in regard to their future and belonging, to
experience adverse effects in terms of development and well-being. This suggests a translation
process of the norms and values concerning separation as involving a great deal of
transformation. Not of the point of view as such, since both UNCRC and the national
discourse view a separation as something inherently negative, but of the reason for this
negative attitude.

Furthermore, the strategy on realization of the Convention is also sure to point out that before
separation of any kind takes place, all available support measures that can be provided within the
family need to be tried out. The quote in the first paragraph of this section further illustrates that
such measures as far as possible should be voluntary. Conversely, on the national level in Sweden,
the articulation of the right for a child to freely express their views in foster care placement
processes is vague. It is stated that “the authorities must investigate and give permission before
children can be placed in temporary foster homes” (Sveriges Riksdag 1998:38), but this merely
reaffirms a high threshold towards separation of children from their parents. Authorities are also
“obliged to draw up an implementation plan for children and young people who are placed in
foster homes or institutions. It must state clearly in what way the child and the parents were
involved in drawing up the plan” (Socialstyrelsen 2005:11) Here, even if this sets up a
requirement to declare how children and parents have participated, it does not provide an explicit
right for any part to do so.

Moreover, the discourse on the national level in Sweden remains vague on the topic of
children’s right to speak their voice in foster care placement processes, despite acknowledging
that it is crucial part of the puzzle for the best interest of the child to be determined. So, it is
not straightforwardly stated that children have a right for children to voice their views and
opinions but simply established that “the fact that children really are allowed to speak their
mind and become visible in social investigations are of fundamental significance in order to
allow the best interest of the child to be considered” (Sveriges Riksdag 1998:32). The
government and parliament seem to agree with the UNCRC that a consideration of the view
of the child is important. However, what the national strategy does is to create a circular
argument with a slight indication of an instrumental value of the views of the child for one of the other fundamental articles, the best interest of the child, to be fulfilled. However, there is no explicit statement of such a right and neither are there signs for a view of the child as having an intrinsic value as in the Convention.

Given the shared negative attitude against separation with the UNCRC, an expected result would perhaps believe the discourse to be a bit more distinct also on issues related to the proceedings around situations where separations could come into question. The translation here appears as an attempt to strengthen the importance of the family by raising the threshold for separations to occur in the first place. However, there is a lack of recognition of the rights relevant in separation processes for children.

5.2.2.2 Local Discourse in Sweden: Norrköping Municipality

Even if separation in no way is seen as something positive in the municipal setting, a child’s need for safety can sometimes take precedence over a child’s right to its original family environment. On the one hand, there is a firm belief that “there should be two caregivers and [that] the parents are important” (Ordförande Socialnämnden, interview, April 10, 2013). Moreover, the occurrence of separations of children from their parents is described in terms that “it has really always felt like a failure when one has to place a child [in foster care]” (Socialsekreterare Norrköpings kommun, interview, May 6, 2013). On the other hand, it is also expressed that “a child growing up in a dysfunctional family is in need of support from the society” (Ordförande Socialnämnden, interview, April 10, 2013) and that the “ultimate goal is always to protect the child” (Socialsekreterare Norrköpings kommun, May 6, 2013). Thus, the interpretation here is that the authorities aims to protect the child, regardless of the measures it requires. If this means a separation of the child from its parents, this is what has to be done.

An example of a dysfunctional family dynamic is the prevalence of violence or other forms of abuse within the family environment. The mere description of families facing this type of problematic difficulties, to such degree that separation is plausible, as dysfunctional and or even, “destroyed [families]” (Ordförande Socialnämnden, interview, April 10, 2013) reveals that this is somehow an exception from what is considered as normal functional and undestroyed families. The previously discussed establishment of a right to the good life, which involves an environment free from violence, abuse and criminal acts further strengthens this interpretation. So, on the one hand, the norm is a situation where the child lives and prospers with its parents in a family environment. However, if parents fail to provide the child with a good life free from violence,
abuse or other criminal acts, authorities might need to consider a foster care placement as a protection measure for the child.

The respect for the views of the child has in similarity too the international discourse, both an intrinsic and instrumental value in the local discourse. Even if children, at least in young years are not capable or able to make out what is in their best interest, it still is important to listen what the child has to say, even if this means listening, and sometimes disappointing the child by not fulfilling its wishes. Regardless, “children and young persons are allowed to talk about their will and experiences. In all investigations where children are directly involved, private conversations with children should be conducted” (Socialkontoret i Norrköpings kommun 2013:9). This indicates the intrinsic value of the right for a child to have its views respected.

When problems in families occur, the municipality, in similarity to the national level, favors measures within in the family environment over foster care placements. The authorities in the municipality has “started thinking more in lines of working within the families with family therapists and by teaching parents to become parents” (Ordförande Socialnämnden, interview, April 10, 2013). This formulation is very much similar to formulations on the national level and also in terms of viewing interventions in the family environment, such as separation of children and parents and the placement of children in foster care, as measures of “last resort” (Ibid). Interesting here is that other efforts used to support families in need, are conceived of as an alternative to foster care placements, rather than the way it was expressed in the national discourse where that was merely seen as a first step. One of the interviewees expressed that “instead of pulling the children out of the family environment” (Ibid) they “have started working more within the families with family therapists” (Ibid). One interpretation could be the same as on the national level, that these efforts are used as a first step but as it is explicitly stated as a measure used instead of foster care placements the discourse here is slightly different.

Regardless of the type of measures provided in order to support so-called dysfunctional families, these measures should, as far as possible, be solutions accepted on voluntary terms. This is explained by referring to the nature of the Swedish social services namely that “the fundamental principle, that everything is based on, within the [implied: national] Swedish social services is voluntarism” (Ibid). The reference to and similarity with the national level here is interesting as this again, indicates the potential influence of national legislation, regardless of whether that particular legislation is adopted from the UNCRC or not.
5.2.3 Comparison of Children’s Rights in Regards to Separation from Parents

First, on all three levels, the prevailing norm says that it is generally in the best interest of the child to be living with its parents in the original family environment, but the attitude towards separation differs somewhat in the different levels of discourse. The discourse of the UNCRC describes separation as something highly undesirable the exceptional circumstances that are required in order for a separation to become a possibility are emphasized. On the national level in Sweden, the plausible harmful implications of separations of children from their parents are in focus. The municipal discourse also reflects a negative attitude towards separations by upholding alternative ways of granting support to families in need. On this level however, there is a certain degree of acceptance that sometimes, separations are inevitable in order to ensure the safety and well-being of the child.

Second, the analysis of the stance on separation seems to reflect that the Convention’s values on the matter have been translated into the Swedish context on both levels and that the local level draws heavily on the national standpoint on alternative efforts and voluntarism. In none of the discourses is separation from parents considered to be the norm, which indicates that the values in the convention have transpired into the Swedish society. In addition, it seems as if the local discourse lies closer to the national, rather than the international in this case, mostly due to the way alternative measures and the emphasis on these efforts to be accepted on voluntary terms by the whole family is expressed.

Third, the respect for the views of the child is brought up on all three levels, but is it is only on the international and local levels that this right is explicit. The national discourse contains a circular argument in which it is pointed out that the views of children are important in order for another one of the fundamental rights of the UNCRC, namely the best interest of the child, to be possible to implement. However, it does not explicitly grant children and youth the right to freely speak their minds as in the UNCRC and in the municipality. This is another example of an instance where as soon as the national legislation is weak, the local discourse seems to draw on the international discourse, which in some sense then once more points to the potential influence of the national discourse.

Fourth, as for alternative protection measures provided by the state, I argue that the national and local discourses could be interpreted as if Sweden has taken children’s rights one step further than the UNCRC in this regard. Whereas the Convention merely assigns responsibilities for the state to provide an alternative environment for children in dysfunctional families, such as foster care, the Swedish discourse really emphasize the use of alternative efforts within the families
before, or instead of, resorting to foster care placements. The international discourse emphasizes the importance of continuity in the upbringing and environment of the child. The national and local discourses both agree with this, based on the importance of belonging for children, which will be easier to develop in an environment similar to that of their original family. However, on these two levels, the focus tends to fall on other measures that can be used within the families, in order to prevent potential harm to the sense of belonging in a child.

5.3 Foster Care and Children’s Rights

5.3.1 UNCRC

Foster care placements should be used as temporary protection measures, which as soon as possible, allows for a reunification of the family. In the duration of the placement, the child is entitled to three main things namely: information, contact and reassessment. All of these are tools that should facilitate the process for the child to return to his or her family.

First, when there are exceptional measures, considered enough to allow for a separation and foster care placement of child, the state is obligated to provide involved parts with basic information, unless doing so would be harmful to the child or any of the involved persons.

“Where such separation results from any action initiated by a State Party, … State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.” (United Nations 1989 Art. 9:4)

So, here we see that the state has an obligation, which means that children and also parents have a right to information on the other part(s). The right of the child is primarily interpreted as a reflection of the previously discussed entitlement of children to their parents. The child should have a right to, at least to some degree get access to information about the whereabouts of their parents while placed in foster care. This is primarily interpreted as a means to decrease the risk of adverse impact arising from the separation. The right of the parent to information is interpreted, not as a right in its own, but rather as a means to facilitate a future reunification.

Second, a child that is separated from its parents has, again as a result of the right of the child to his or her parents, the right to maintain contact with the parents during a foster care placement. Article 9 of the UNCRC reaffirms the importance of, and right of a child to its parents by
declaring that “States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests” (Ibid:9:3). Again, contact between parents and child is perceived as a the normal, and if it is not possible for the child to actually live together with his or her parents, there should still be some form of relationship between the two parts.

Third, a child has the right to a reassessment of its foster care placement and the state thus has a responsibility to regularly review the child’s situation based on the current conditions.

“States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, [and] protection … to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.” (United Nations 1989:25)

The right of the child to have their situation reviewed on a regular basis is perhaps the most explicit out of the three measures in indicating the temporary nature of a foster home. Interpreted in the wider context of this analysis, by regular evaluation of the placement, the real value implied here is that the child at some point, preferably sooner than later, should move back to its biological parents, as this is the most prosperous environment for a child.

5.3.2 Sweden

5.3.2.1 National Discourse in Sweden

As well as in the international discourse, foster care placements are on the national level in Sweden considered to be a temporary solution with the aim that the child eventually shall be reunited with its parents. Explicitly stated is that:

“Within the Swedish foster care system, there is a tradition of awareness of the biological parents’ significance for the foster care placed child and the thought of a future reunification is strong.” (Sveriges Riksdag 2010:6:2)

In regards to the rights of children while in foster care, the Swedish government strategy does mention the rights to information, contact and reassessment for children in foster care, but the discourse is a lot more vague than in the UNCRC.

First, the right to information is acknowledged on a general level, but in situations such as foster care placement the right is merely formulated as a need and not an explicit right as in the international discourse. The general acknowledgements are statements as ”children’s rights to …
have access to information” (Ibid:30) and “the child’s right to … to have access to information in matters that concern them” (Ibid:32). In the specific circumstances such as foster care placements it is stated: “children and young persons placed outside of the home should have access to information about their rights and about where they can turn with opinions about the care received” (Sveriges Riksdag 2010:32). Noteworthy is that here, the right to information seems to only concern information about their rights and about the instance for evaluation and feedback, but not as in the UNCRC, information on the whereabouts of their parents and/or other family members.

The articulation of the right to information in regards to their parents while in foster care is not formulated as an explicit right in the Swedish government strategy, but merely as a need. To find a counterpart to the international recognition of the right to information in the context of foster care placements one has to turn to the section in the government strategy that deals with the responsibilities of staff within the healthcare sector. These persons should:

“especially take into consideration of children’s need for information, counseling and support if the parent or any other adult that the child lives with permanently has a mental illness or a mental retardation, a serious physical illness or injury or is addicted to alcohol or any other addictive substance. The same conditions apply if there is an unexpected death of a parent or any other adult that the child lives with permanently” (Ibid:34)

This is as close as the Swedish government strategy comes to the original formulation in the Convention and it could be that it covers all situations of children in foster care, but I argue that it is not certainly so. Naturally, children who are placed in foster care come from a family setting with some degree of problems, which presumably many times involves the same issues expressed in the quote above. Even so, the strategy does not formulate this as a right, but merely as a need.

Second, when discussing the matter of the right for children to remain in contact with his or her parents, the strategy only does so by paraphrasing the Lisbon Treaty. It seems as though the government does not recognize a need to, on its own, reaffirm this right for children in Sweden, but simply describes how in the Lisbon Treaty “it is … established that every child has a right to a continuous regular personal relationship to, and direct contact with both of the parents, unless this is goes counter to the best interest of the child” (Ibid:30). This is the only time that the Strategy brings up the matter or contact between children and parents, generally and specifically for children in foster care.
Third, in regards to reassessment, the government strategy once more refers to the Lisbon Treaty when generally stating the child’s right to express their views. This right is explicit, not only in the section dealing with the content of the Lisbon Treaty, but is repeated in various formulations throughout the strategy. However, the right to regular reassessment in the UNCRC did not only contain the right to freely express their views in the matter of the foster care placement, but also the explicit right to reassessment. On the national level, it is mentioned that: “it is important that children themselves are allowed to express their views in connection to follow-ups and evaluations of decisions and efforts that concern them, i.e. in regards to the support or care they are given” (Sveriges Riksdag 2010:17). This does not primarily deal with the occurrence of reassessment but rather the importance of the right for children to speak their mind, which again illustrates how the national formulation creates circular arguments, and thus avoids clear statements of children’s rights.

Out of concern for the best interest of the child, the Swedish legislation makes transfer of custody from biological parents to foster parents possible. This at first seems extremely contradictory to the initial standpoint on foster care and the aim of such support measures within the family. The aim of investigations of a possible transfer of custody is described as follows:

“The aim of such an investigation should be to decrease the uncertainty in the long-term placed children’s situation. Though, the intention is not to change the fundamental principle for the apprehension of children, meaning that the aspiration should be for the child, if possible, to be reunited with its biological parents.” (Sveriges Riksdag 1998:40)

The issue of uncertainty in a child’s life as a potential negative influence to the life and development of a child has been brought up in previous sections of this analysis. The quote above is thus interpreted as a way of decreasing such uncertainty for those children who have already spent extensive periods of time in foster care. The transfer of custody may seem contradictory to the fundamental principle for apprehension but I argue that in this matter we need to keep in mind that the fundamental value of the family environment in Sweden is the sense of belonging. Consequently, the long-term placed children have most likely developed a sense of belonging to their foster family. It is therefore in their best interest to be granted the option of having the custody transferred to the foster parents in order to make official that this is where they belong. Contrasted against the option of living with an emotional sense of belonging
to the foster family and the official belonging to a, many times, absent parent, the attempt does no longer seem contradictory to the same extent.

5.3.2.2 Local Discourse in Sweden: Norrköping Municipality

Also in the local discourse is it directly expressed that the initial and fundamental outset is always that a foster care placement is a temporary solution. This point of departure is illustrated in the following statement:

“[it is] thought to be a type of protection measure, to place the child in foster care for a short period until the parents get their act together so the child can return, but however it is unfortunately very often that this measure turns in to a long term or even life long placement” (Ordförande Socialnämnden, interview, April 10, 2013)

In similarity to the international discourse, and possibly also a reflection of what seems to be typical for the Swedish context, the sense of belonging in the local discourse, the municipality finds it important that children during a placement in foster care remain in contact with their biological family. The interviewed social worker illustrated the important role played by foster parents in this regard by emphasizing that it is “immensely important that the foster home, throughout [the placement] are very open to contact with the biological parents” (Socialsekreterare Norrköpings kommun, May 6, 2013). This indicates that also foster parents come to have certain responsibilities towards the children in their care.

However, the right for a child in foster care to its biological parents can also complicate the situation to a great extent. There is an interesting tension between the right to ones parents and the best interest of the child in the local Swedish community. The foster home is a temporary solution with a goal for the child to, sooner rather than later, return to his or her family. In practice, as seen in the first quote of this section, many children never end up being reunited with their biological parents. This is according to the municipal social worker, the reason behind the approach of custody transfer previously outlined in the section on the national Swedish discourse. In the local context, this is seen as a new, yet complex way of approaching the best interest of the child.

There are cases in which a transfer of custody can be in the best interest of the child, without necessarily having to be an easy decision. The deputy of the social welfare committee express that the right to the biological parents and the best interest of the child “sometimes collides, in my opinion, since we on the one hand state that the most important thing for children is to have two parents, but if these are useless parents, this [a transfer of legal custody to the foster home] can
be better anyway” (Ibid). This statement does not entirely resonate with the suggested interpretation made on the same issue in the national discourse where a transfer of custody was not perceived as ruling out a future re-unification.

Also, the social worker in the researched municipality finds that the use of custody transfer can sometimes be a good way of looking out for the best interests of the child. One example of a situation includes children that have been placed since they were very young:

“I want to claim that a transfer of custody is in the best interest of the child that has been living in a foster home since she was 6 months old, calls the foster parents mom and dad as it is sometimes the case that there are no future together with the biological parents” (Socialsekreterare Norrköpings kommun, May 6, 2013)

Here, I argue that this view is based on the underlying value of the sense of belonging. A child who has been raised in a foster home, knows nothing else, and thus feels a sense of belonging to that particular family and should thus be allowed to have custody transferred to the foster parents. Another presented scenario appears in cases with adolescents:

“I’m thinking about children that are a bit older and living in foster families … there one can imagine that [the transfer of custody] could be a symbolic act for the child… that they care so much about me, that they are even willing to take custody of me, I am one of them.” (Ibid)

In this case, the transfer of custody is used to in some way, provide the child or youth with a second chance, a new place where it can feel a sense of belonging, when the original family environment did not work out. Once more, the best interest of the child is described in terms of symbolic acts that establish a sense of belonging for a child.

As illustrated, the politicians and professionals in the municipality sees several ways in which the transfer of custody can actually facilitate, to an even greater extent than before when children remained in foster care on long term basis and with the custody still in the hands of the biological parents, the best interest of the child. Despite this, there are still many concerns in the matter:

“Sometimes we are a bit [too] careful with custody transfers because we feel like, what will the relation be like [then]? How much responsibility are we putting on the old foster care family? Can they really handle that situation? We would no longer have an insight in the family. What if it doesn’t work? What happens to the biological parent[s] then? Are they taking one to many steps back and how does that affect the child?” (Ibid)
In terms of respect for the views of children living in foster care arrangements, its importance is perhaps stressed even further than during the placement process. Here it is clearly voiced that the social services should conduct private conversations with the child during review and reassessment occasions. This so that it is not only the foster parents who gives their version of the story. The intrinsic value of respecting the views of the child is stressed in the following:

“The real dilemma is, in my opinion, to really consider both the best interest of the child and the will of the child. We are constantly using the term, best interest of the child, and the question is, is it always in the best interest of the child to oppose biological parent[s], no I don’t think that is always the case. But sometimes it is. I believe that it is more about actually daring to listen to the child and be innovative around solutions in line with the best interest of the child. Because as a caseworker in reassessment meetings I have sometimes caught myself thinking, do I really dare to hear what the child is saying right now? Do I dare hearing what Emma who is ten years old and whose mother is mentally disabled have to say? Do I dare hearing her say that I want to move home, do I? Because, can I handle that information? Because again, then it is a matter of the best interest of the child, should the child get to decide what that is? Is the will of the child the same as what is in the best interest of the child? And in this case it isn’t. Under such circumstances one would have had to say no Emma you can’t move back home.” (Socialsekreterare Norrköpings kommun, May 6, 2013)

So from the above quote, it is apparent that there is an intrinsic value for the child to express their view, however their will is not necessarily always the same thing as their best interest. It is also evident that the intrinsic value of the right is stressed to the greatest extent in the local discourse.

5.3.3 Comparison of the Rights of Children in Foster Care

First, in terms of foster care placement processes, the three discourses have similar outsets but then go on to focus on different matters. The normative temporary starting point in all of the three discourses, that separation from parents is not desirable has already been addressed in one of the previous sections. In the international discourse the three rights to information, contact and reassessment are interpreted as ways of improving the chances for a future reunification of the child with its biological parents. The national discourse conversely direct its focus and emphasis towards the matter of those children that have been placed in foster home on long-term basis, and thus reflects a different discourse with the possibility to allow for a transfer of custody to their foster parents, but without affecting the general principle of a child’s right to his or her biological parents.
Second, the principle of custody transfer is prevalent also in the municipal discourse where it is described as a way of ensuring the best interest of the child in certain cases. The local discourse also see the problem with uncertainty and a lack of “official” belonging for those children that have been living in foster homes for extended periods of time. The new strategy provides, according to the local discourse, a new option on how to view and implement the best interest of the child in practice. It is considered especially valuable in cases with children that were separated from their parents at a very early age, and as a symbolic act for older children. The similarities between the national and local discourse in this matter, once more, suggests that the national discourse is very important in shaping the local discourse.

Third, another very important focal point in the local discourse in matters of reassessment of foster care placements concerns, once more, the importance of the child’s right to be heard. In the second thematic part of the analysis this topic was covered briefly, merely concluding that the local discourse, in similarity to the international express a clear intrinsic value of this right. However, in the matter of reassessment of the foster care provided to children, the emphasis on the intrinsic value of the child’s right to be heard was a conceived as much more important than during the initial placement process. Based on this last section of the thematic analysis, it is evident that the intrinsic value of the child’s right to be heard is by all means the strongest in the local discourse. The fact that the national discourse remains extremely vague in this matter and the fact that the local discourse resembled the international in this regard, again, points to the importance of, and potential influence of the national discourse.

5.4 Swedish Discourse and Social Practice

The second part of the aim of this research is to use the the findings in the first thematic part of the analysis, i.e. the similarities and/or differences in terms of the articulation of children’s rights in foster care placement processes presented above, in order to answer the question: how does the Swedish discourse(s) make activities in foster care placement processes possible, desirable and inevitable? It is with this matter that this second, and last part of the analysis will be concerned with.

According to the theoretical underpinnings of social constructivism and CDA, discourse is essential in the creation of our social reality. Since human rights are universal and indivisible, a social reality based on the UNCRC discourse would inherently not include conflicts between different rights for children nor would it entail any violations of such rights. But following the logics of the theory, in the same way as a pure form of the UNCRC discourse would provide an ideal society in terms of protection and realization of children’s rights, the Swedish discourse is
essential for constituting the social reality of the Swedish society. Therefore, the critique of the Swedish social reality and more specifically; the high number of children that are removed from their families should have its roots in, and be manifested by the Swedish discourse.

First, in the beginning of the analysis we observed how policy documents on the national level in Sweden merely referred to the UNCRC in the issue of the right to life and development. This creates an extended translation process, where agents first have to review the national strategy, then study Article 6 of the UNCRC, just to go back and translate or interpret the right through the framework of the national strategy. With such a long and complex translation process, the result will inevitably resemble a session of the children’s game “telephone”, in other words, be highly dependent on each individual agent and step in the process. The illustrative example of the local discourse in Norrköping municipality did however show that such process not always is deemed to fail, since the fundamental meaning of Article 6 could be considered present in the local discourse.

Second, both levels of the Swedish discourse share the essential value of the UNCRC, which is the importance of the family in a child’s life. The norm in the UNCRC as well as in the Swedish discourse is children living with their biological parents. The underlying value as the basis for the importance of family, and that I argue is of importance for the Swedish social reality, differed. In the discourse of the UNCRC, it was possible to distinguish an intrinsic value of the biological family. In Sweden however, importance of family is grounded in a belief that this particular social unit provides the child with the appropriate care and an essential sense of belonging, things that are not fully dependent on genetics and biology. I argue that the Swedish view, in a situation where the biological parents cannot provide the child with the most vital care and/or a feeling of belonging, will inevitable result in a lower threshold to a foster care placement than with a view in which the biological parents have an intrinsic value for the child.

Third, the Swedish discourse on children’s rights conceptualizes the balance of responsibility between the state and parents differently than in the Convention. On all levels, the main perspective is that the ultimate responsibility for the protection and realization of children’s rights falls under the duties of the state. However in the Convention, parents have an expressed primary responsibility that was not manifested in the same way in the Swedish discourse. Parents are considered responsible for their children, but there is no explicit declaration of a primary responsibility. The lack of a statement of primary parental responsibility grants parents in Sweden an inherently weaker role as protectors of children’s rights, than in the UNCRC. Consequently, a discourse that grants parents merely a weak position in these matters compared to the state which
is ultimately responsible for the protection and realization of children’s rights, situations of foster care placements, which are inherently a situation where the state takes over the responsibility for the individual child from his or her parents are not entirely unreasonable.

Fourth, despite the seemingly low threshold to foster care placements in Sweden, the CDA reveals a negative view of separations of children from their parents. In fact, it seems as though the attitude towards this phenomenon is, if possible, even more negative than in the UNCRC. The measures that should be provided and tried out before resorting to separation of any kind are many. There is however a catch here since these measures, in a majority of the cases, are provided as services and not aid, meaning that they as far as possible should be voluntary. I argue that even if the Swedish discourse emphasizes and values other measures than separations, since these are mainly voluntary, it might be the case that before the social services can actually force the family to accept help of this kind, the problems in the family could have escalated to a degree where it is no longer possible for the state to protect the rights of the child within the home, and thus needs to separate the child from its parents. Thus, the long “stretch” of measures that should be utilized before separation of any kind comes into question, can in practice become very short, depending on whether a measure is defined as a service or aid. This can naturally be related to foster care placements, since the discourse makes it seem as if there is a high threshold for such measures, but in reality the threshold becomes minimal. An indication of a possible change in this matter was revealed in Norrköping municipality, where it was emphasized that these other measures should be used instead of foster care placements rather than the perception of these as first steps on the national level. I argue that this change in perception and definition of such measures could affect the social reality in a direction more in line with the initial outset on foster care placements in the Swedish discourse.

Fifth, on the local level of the Swedish discourse, the protection of the child was granted a great deal of priority. This point is closely related both to the weak role of parents as protectors of children’s rights, but also to the underlying value of a family. The local discourse in Norrköping municipality articulated an acceptance, that sometimes, it is necessary to remove the child, if preferably temporary, from its parents. I argue that this is a real world example of a conflict between interpretations of two articles in the UNCRC; namely the right to life and development and the right of the child to both of its parents. This conflict has several components. The Swedish discourse is less concerned with intrinsic value of the biological parents and more concerned with the fulfillment of the child’s needs in terms of proper care and the important sense of belonging. In practice, this would again, in my view, make it easier to remove children.
from their biological parents in situations where the basic needs of children are not being fulfilled.

Sixth, another dimension of the Swedish discourse that I think matters, and which is also based on the importance of belonging for a child, is the possibility of custody transfer from the biological parents to foster parents. In Sweden, it has been pointed out how it is important for a child to feel belonging and not to have uncertainty in its life. From this, we understand that a foster care placement stretching over longer periods of times, will inevitable create uncertainty in a child’s life. Questions of whether, and when the child will be able to move back to its parents is perceived to be detrimental to the child. In addition, it is upheld as a possibility that the child during the time in the foster home starts to develop a feeling of belonging to this “new” family. Despite an explicit statement that the possibility of a transfer of custody should not change the initial outset that foster care placements are to be considered a temporary solution, I argue that since the rule is based on another fundamental aspect of the Swedish discourse, such a change is inevitable. In the local context, the solution is pointed out as one way of looking after the best interest of those children that either have spent extensive amounts of time in a foster home and thus have developed a feeling of belonging in that environment or for teenagers that currently live in foster care and are close to come of age, and thus are in need of a symbolic act to show where they belong also after they have turned 18.

In this last part of the analysis I have discussed how each of these six aspects of the Swedish discourse in one way or another make activities in foster care placement processes possible, desirable and inevitable. Consequently, I argue these six aspects to be important pieces of the puzzle in understanding the compelling and somewhat paradoxical position of Sweden as a protector of children’s rights in the light of the critique directed towards the country by the CRC.
6 Conclusion

The aim of this research project has been to provide a comparative analysis of the discourses on children’s rights relevant for foster care placement processes in the UNCRC, and on the national and local level in Sweden. I have used theories on discourse and translation of global norms, values and ideas to address the following questions: (1) how are the discourses similar and/or different in terms of the articulation of children’s rights in foster care placement processes? Based on the findings in the first part of the analysis: (2) how does the Swedish discourse(s) make activities in foster care placement processes possible, desirable and inevitable?

In regard to the first question: how the discourses are similar- and/or different in terms of the articulation of children’s rights in foster care placement processes, the analysis showed that there are similarities between the discourses in matters of; the right to life and development, importance of family, ultimate state responsibility and a responsibility of parents and the initial view on separation. The right to life and development is conceptualized on all levels, but is interpreted to be rather vague on the national level in Sweden. On all levels of discourse, there is an acknowledged importance of the family. Moreover, the ultimate responsibility for the protection and realization of the rights of the child seems to be accepted throughout the discourses and so is a responsibility of parents. Last but not least, in all discourses, separations of children from their parents are considered as exceptions from the norm.

As for the differences, these were identified first and foremost in the view of the family, the explicit primary responsibility of parents, articulations of the view on separation and the possibility of custody transfer from biological parents to foster parents. In the Swedish discourse, the intrinsic value of the family does not solely depend on genetics or biology but rather on the provision of proper care and a sense of belonging. A major difference between the international and Swedish discourse was the lack of an explicit primary responsibility of parents for the protection and realization of children’s rights. In addition, on the national level in Sweden the attitude towards separation was interpreted as somewhat more negative than in both of the other discourses. Finally, in Sweden, there is an articulated possibility of custody transfer from biological to foster parents that does not exist in the UNCRC.

Moving on to the second question regarding how the Swedish discourse(s) make(s) activities in foster care placement processes possible, desirable and inevitable. In the latter part of the analysis, I identified six main aspects where the Swedish discourse(s) differ(s) from the discourse in the UNCRC and which can thus be considered important for how activities in foster care placement processes become possible, desirable and inevitable in Sweden. Some of these main
aspects are interconnected, but can be boiled down to: a weak translation of the right to life and development, proper care and a sense of belonging versus biology and genetics, balance of responsibility, low threshold to interventions in the family environment, dedication to protection of the child versus a right to biological parents and the possibility of custody transfer from biological to foster parents. All of the aspects mentioned above could in one way or another be related to the critique of the high numbers of children that have been removed from their families and live in foster homes in Sweden.

This thesis has, by addressing the gaps outlined in the section on previous research in the first chapter, provided new knowledge to the academic literature on the relationship between discourse and the implementation of international conventions, children’s rights in Sweden and to research on children’s rights in foster care placement processes. The findings outlines six main aspects of the Swedish discourse that arguably are important for the issue of children’s rights in foster care placement processes in Sweden.

The results of this thesis can be related to the ongoing societal debate on whether Sweden, in similarity to Norway, should proceed with an incorporation of the UNCRC into national legislation. During the development of this thesis, the Swedish government has initiated an investigation on the possibility of a future incorporation of the UNCRC into Swedish legislation, along with the likely effects and implications of such action. Based on the observations in my analysis, one can imagine several possible advantages of a future incorporation. For example, there are reasons to believe that incorporation would allow for a “shorter” translation process and thus also increase the chances for greater convergence between the UNCRC and Swedish law. However, it should be pointed out that even if the translation chain becomes shorter, this is in no way a guarantee of greater convergence. According to previous literature on translation of global ideas, norms and values, there will in fact never exist something that in practice are universal human rights since the process of translation always includes an element of transformation.

This inevitable brings me to another concern regarding a possible incorporation of the Convention, related to the differences in the view of the family. It is explicitly stated that the UNCRC in no way should hinder States Parties from taking the protection and realization of children’s rights further than required by the Convention. As for the observed differences between the international and Swedish discourse in terms of the way the family is perceived, the question is really whether this should be seen as a conflict in values, or as if Sweden in this regard has taken children’s rights one step further. The answer to that question will inevitable have consequences for how to view a future incorporation of the UNCRC in Sweden.
The analysis further points to the complexity of the principle of the best interest of the child. The illustrated differences between different levels of discourse on children’s rights, for example in regards to the definition of family, leaves the floor open for a discussion about whether one of the interpretations can better accommodate the best interest of the child than the other. Is proper care and having a sense of belonging in a family more important than the actual genetic and biological relationship to whom a child calls his or her parents? This is indeed, an issue of severe complexity and it will be interesting to follow the government investigation, and to, eventually, take part of the conclusions when it is finished within the next couple of years.

As for further research, I have first thought about alternative ways of conducting this research if I had to do it over again. I found that in the analysis, there were some interesting indications for the importance of the national discourse in Sweden. In several of the themes and sub-themes, the national discourse was extremely vague. It is plausible to believe that this has a lot to do with the political system in Sweden and with the self-governing municipalities. The government has been hesitant and reluctant in the articulation of several issues concerning children’s rights in foster care placement processes. However, on issues where the national discourse was very clear and straightforward, there was almost always a resonance on the local level. I think that this points to the potential power and influence of the national discourse for actual implementation, which could be an interesting topic to look further into.

A suggestion for similar research in the future would be to combine the qualitative approach utilized in this thesis with a minor quantitative study. What I am suggesting here is not a large statistical study in programs such as SPSS, but rather a more simple approach. This could, for example, include counting the cross-referrals between policy documents on other levels and/or the number of interpreted similarities and/or differences. I believe that by doing so, one could first make claims about to what extent the municipal discourse refers to the national and international and vice versa, but also make out whether there is greater convergence between certain levels etc. A relevant question for such a research project could for example be: “Does the municipal discourse draw more on the international than national discourse of children’s rights?”

Other than that, it would be of both academic and social relevance to conduct similar studies on other themes within the field of children’s rights policy, and/or in other contexts. A concrete suggestion would be to pick up, similarly to what I did, on critique from the CRC to the local context of interest for the researcher. With my research project as departure, it would naturally be important and interesting to study also other municipalities in Sweden. While conducting this research, I noticed that there seems to be a great degree of cooperation between certain
municipalities on the topic of children’s rights in Sweden through Sveriges Kommuner och Landsting (SKL), which would also be interesting to look further into, in order to understand whether and if so, how children’s rights are translated, not only vertically, but also horizontally in Sweden.

Moreover, one important level that I feel has been overlooked in this thesis, and which became evident rather late in the analytical process is the discourse on a regional level, in the European Union (EU). At one point, the national strategy referred to the Lisbon Treaty, and I realized that since Sweden is a member of the EU, it would be relevant to also look at children’s rights discourse at this level. The European Convention on Human Rights (ECHR) is actually the only international convention that has been incorporated into the Swedish legislation. The EU furthermore have its own strategy on the protection and realization of children’s which would be interesting and relevant to look further into in future research.

Finally, studies like this one, dealing with children’s rights are of immense importance. It is many times easy to disregard infringements of human rights as “minor” in Western, developed countries such as Sweden. It is easy to do so because we tend to emphasize how much better off children in our society are than in many other countries. However, as illustrated in the UNCRC and the work of the CRC, children’s rights are not relative rights, they are absolute. Children, along with all others, have human rights, and these shall be respected and protected, regardless of where in the world they live. Not a single one of us living on this planet has had the opportunity of choosing where to be born. I hope to see a future where the protection and realization of children’s rights will not depend as much on the geographical location of their birthplace as it does today. Children of today may be the adults of the future, but their only childhood – is now.
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