

# Child Impact Assessments

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Swedish Experience of  
Child Impact Analyses  
as a tool for implementing  
the UN Convention  
on the Rights of the Child



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Sweden

## Child Impact Assessments

*Publisher: Ministry of Health and Social Affairs, Sweden  
Ministry for Foreign Affairs, Sweden*

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*Graphical production: Ingmarie Holmegard*

*Printed by: Graphium Västra Aros, January 2001*

*This publication can be ordered at  
the Ministry of Health and Social Affairs (Social Services  
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*Article. no S2001.014*



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# Preface

## To know what is in the child's best interests

The idea that society should respect the best interests of the child is fundamental in all cultures. After all, children do symbolise the survival of the family, the group, the nation and, even, humanity itself. Beyond rhetoric – how has this idea been formulated, how has it been realised?

When the UN Convention on the Rights of the Child was drafted, it was clear from the beginning that the principle of the “best interests” should be included and given a prominent position. The best interests of the child should be a primary consideration in all actions concerning children – and this not only when they are taken by the various authorities but also by relevant private institutions.

The drafters of the Convention made this idea one of the “umbrella” provisions and thereby important for the overall framework of the Convention. This was further developed by the Committee on the Rights of the Child when it defined “the best interests of the child” as a General Principle and stated that Article 3 was to be seen as a guiding principle of the entire Convention.

The principle was thereby made a major building bloc in the philosophy of the Convention. Together with the other General Principles - non-discrimination; the right to survival and development; and the

right to be heard – it describes the essence of child rights thinking.

The Convention thereby gives a forceful response to those adults who have misused the very term “the best interests of the child” to justify actions which in reality have violated rights of the child. In a number of countries smacking has been defended with the argument that it is good for children to learn about the necessary limits. Adopted children have been prevented from knowing their biological origin “in their own interest”. In earlier days children of indigenous peoples were forcefully taken to institutions with the same argument in order to be introduced to “civilisation”. Such actions are based on extreme patronising and not on any genuine concern for children's interests; they have no support in the Convention on the Rights of the Child.

The principle of the “best interests of the child” is formulated in the first paragraph of Article 3:

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”*

The Convention does not offer any definite statement of what is preci-

sely the best interests of an individual child in a given situation, that would not be possible. However, the Convention provides a normative framework which, to a certain extent, defines what is meant by the “best interests”. Since Article 3 is one of the General Principles, it should always be linked to other articles in the Convention. However, the substantive articles give clear directions and limits on how children should be treated and how not. Though incomplete, a reasonable first building bloc to the definition of what is in the best interests to the child is therefore the sum total of the norms in the Convention.

This means, for example, that it is in the best interests of the child to receive education (Art. 28), to have family relations (Art. 8), to know and be cared for by the parents (Art. 7), to be heard in matters concerning her (Art. 12), and to be respected and seen as an individual person (Art. 16).

In the same way, the Convention clearly states what is *not* in the best interests of the child, for example: to be beaten and exposed to any form of violence (Art. 19), to be separated from the parents (Art. 9), to be exposed to any traditional practises prejudicial to the health, e.g. female genital mutilation (Art. 24), to perform any work that is hazardous or harmful (Art. 32) or otherwise be exploited or abused (Arts. 33-36).

Such a definition gives a *universal* interpretation of what is in the best interests of the child. The inevitable differences will come with the concrete implementation and the ba-

lancing of the child’s interests against those of others’.

A “relativism” which suggests that the rights themselves be compromised, should not be accepted. However, there may be cultural differences which justify different approaches to the information and education about the rights of the child. Furthermore, different family structures, education levels and standards of living are factors which cannot be ignored in the concrete struggle for the rights of the child. They are essential aspects to be considered when an effective strategy for implementation of the Convention is planned. The Convention itself is of course universal, it is its strength that it defines rights which cut across cultural, religious and other frontiers.

Another important aspect of the Convention is relevant for this discussion: the emphasis on respecting the evolving capacities of the child. In order to establish what is in the best interests of the child, it is important that the child herself be heard. With increased age and maturity the child should more and more be able to influence and decide. This obvious point is often forgotten, adults tend to discuss what is best for children without seeking their opinions or even listening to them.

This approach does not necessarily mean that the child takes over responsibility for the decision. The spirit of Art. 12 is more towards *consultation* than total power to the child. At least when the child is younger, it is still the adult decision-maker who determines what is best for the child.

The difference between rhetoric about the interest of the child and genuine change depends largely on *how* the concrete decisions are taken. There are two major stages in the implementation of Article 3: to assess what is best for the child, and to balance her best interests against competing requests.

For the first stage it is essential that the child herself be heard and her opinions be taken seriously. Also, the Convention as a whole gives pointers to what is good for the child. For the second stage it is important to remember that the basic idea was that priority should be given to the child. However, the interests of others should also be considered as relevant. Such an assessment and balancing will be facilitated by *impact analyses*.

When preparing decisions which appear to affect a child or children considerably, there should always be a systematic attempt to analyse and evaluate the consequences of the proposed action. Also at this stage of the process, children should be heard whenever possible. It is of course important that this is done *before* the final decision is taken.

The intention with this process is to encourage decision-makers to consider seriously the child dimension – and that *before* decisions. They should not only do the analysis, they should also be able to demonstrate that they have done it.

In other words, they must be able to show that they indeed have considered how children would be affected. This means, in effect, that the *burden of proof* will be placed

on those who move against child interests. One outcome might be that a search for *alternatives* to the original proposal will be encouraged when it is made clear that the impact on children was unfavourable.

Such a serious process is what the Committee on the Rights of the Child has asked for - and UNICEF supported. They both emphasise that this is not only desirable, it is a *treaty obligation*.

The intention is not to introduce new bureaucratic elements into child-related decisions for the sake of form. Rather to compensate for the fact that children have little political power, even indirectly through parents or other representatives. The new procedures may be seen as an unusual display of adult “self-discipline” to force our decision-making systems to help bridging that gap. They clearly require methodology discussions in order to be made “real”.

This publication is about the Swedish attempts to make reality of a serious implementation of the principle of the best interests of the child, through assessments of the impact on children of different kinds of decisions. It is written by Louise Sylwander who served as Sweden’s first Ombudsman for children until the end of year 2000.

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# The CRC in Sweden

Children and young persons in Sweden are in many ways better off than children in other parts of the world, both in a material sense and socially and culturally speaking. The same applies with regard to schooling and education and to freedom from armed conflicts and natural disasters. Slowly during the 20th century, Sweden developed into a welfare society, which among other things meant an improvement in the situation and living conditions of its children. This is not to say that children's needs and rights are fully provided for. Following its adoption in Sweden, the UN Convention on the Rights of the Child has become the most important tool for enhancing the status of child and youth issues and making more room for them on the political agenda.

## The CRC has made a difference

Large parts of the community's responsibility for children and young persons in Sweden now take as their starting point the rights enumerated in the CRC. More and more local, regional and national authorities are working to devise methods for translating the Convention into practice. Politicians and NGOs, for example, are making more and more extensive use of the Convention for purposes of information and opinion formation. As regards media coverage, one cannot

help noticing a distinct growth in the number of press clippings referring to the Convention and children's questions generally. All these things are helping to increase the amount of influence exerted by the Convention on policy-makers at all levels. Many statutory reforms, based on the Convention, have also had the effect of reinforcing the rights of children and young persons in several respects. This does not mean, however, that, in practice, the needs and rights of children and young persons are always provided for as intended by the legislature. There are still deficiencies with regard to education, knowledge, attitudes and methods, but the fact remains that developments in Sweden have moved in a clearly positive direction as regards awareness of the significance of the CRC.

## A national strategy

In the spring of 1999 the Swedish Riksdag (parliament) passed a Government Bill concerning a national strategy for the CRC, entitled "A strategy for implementation of the CRC in Sweden". The aim of the national strategy is for the CRC to be introduced and implemented at all levels in society, both in the Government

Offices and national authorities and at local and regional levels (in municipalities and county councils). Among other things the strategy lays down that all national govern-

ment decisions affecting children are to be subjected to Child Impact Assessment. It also states that the child perspective shall be included to a suitable extent in the terms of reference of Government Commissions, that statistics concerning children are to be developed and that the influence and participation of children and young persons in urban and traffic planning are to be strengthened.

Knowledge and awareness are the tools specified in the national strategy for giving effect to the Convention. National government em-

ployees whose work has consequences for children and young persons are therefore being offered in-service training with a view to strengthening their competence in relation to children and their knowledge of the CRC. Municipalities and county councils are also recommended to offer in-service training on the CRC to their employees and to set up systems, e.g. Child Impact Assessments and Child Accounting, to monitor the realisation of the best interests of the child in local/regional government.

# Experience and conclusions

The Swedish strategy for the UN Convention on the Rights of the Child provides for the child perspective to be systematically clarified in all public decision-making. This can include budget decisions, legislation and also decisions relating to the physical environment. This in turn underscores the long-term nature of the work involved: implementing the CRC is not to be just a passing concern. The strategy places responsibility for giving effect to the CRC with the activities themselves, regardless of whether they take place within the Government Offices, national authorities, municipalities or county councils.

The Swedish Children's Ombudsman has an important role to play in this work, above all as regards providing knowledge, support and guidance and disseminating best practices, but also by describing, evaluating and analysing the work undertaken. The Ombudsman can be said to have both a promotional and a critical approach to the implementation of the CRC in Sweden. The section presented below is a compilation and summary of the experience and conclusions resulting from the Ombudsman's task of development and follow-up in this field.

## Learning by doing

There are no patent recipes for translating the CRC into concrete

action. This is essentially a matter of "learning by doing" – that is to say, learning from one's mistakes, successes and concrete experience. This means that we have to proceed by trial and error, gathering concrete experience of tackling different problems and finding out which are the most effective tools for bringing about changes. The CRC needs to be "translated" in order to be transposed to local and regional levels, through the concretisation of general objectives. In this way a "bridge" can be thrown between the legal language of the Convention and the ordinary usage of a national, regional or local authority. Learning also has to take place in the course of conversation and dialogue between people – between politicians and officials, between national authorities and representatives of local ones, and for example between educationalists and technicians, professionals and voluntary workers, children, young persons and adults.

## The CRC at local level

The municipalities are the sector which has made most headway in giving concrete effect to the Convention within its own activities – debating motions, setting up working groups, initiating training measures and developing a variety of methods. As part of its development work, therefore, the Office of the Children's Ombudsman has set up a special working group consist-

ting of political and official representatives of municipalities and county councils which are testing such methods.

On three occasions the Ombudsman has charted the work undertaken by municipalities and county councils with reference to the Convention. These surveys point to a positive trend, whereby knowledge and interest concerning the Convention in municipalities and county councils grew rapidly during the second half of the 1990s, with a steadily growing awareness of the content and potentialities of the Convention. The 1999 questionnaire showed that in 154 out of Sweden's 289 municipalities, some kind of policy decision relating to the Convention had been made by the municipal council or executive board. The surveys have also shown that the methods resolved on by most municipalities are the adoption/framing of a municipal policy/strategy/action plan or some other overarching document referring to children and young persons, and also the provision within the municipality of information/training about the Convention. In many of these municipalities, policy decisions have been made requiring municipal committees and authorities to examine their decisions in accordance with the principle of the best interests of the child. Of the 87 municipalities reporting that they had not yet addressed the Convention, a clear majority nevertheless expressed their intention of inaugurating work with reference to it.

### Pressure from NGOs

In Sweden NGOs are very important where the CRC is concerned.

They were involved early on in the creation of it and have taken many initiatives and done very important work in the cause of children's rights. The 1990s brought a rapid growth of their efforts, comprising activities for disseminating the Convention, lobbying and public information, but also direct assistance to children in distress. "The CRC Group" was formed in 1985 by six NGOs which had been especially concerned with the Convention. This group was joined by more and more organisations, and eventually they formed "The Network for the CRC", the purpose of which is to disseminate information about the Convention and to hold annual hearings with the Swedish Government on its introduction and implementation.

During the 1980s and 1990s, co-operation between municipalities/county councils and NGOs tended more and more to be organised and operated on a project basis. One example of this kind is the national "Time for the CRC" campaign (1997-2000), financed with grants from the State Inheritance Fund. That project involved 19 different organisations concerned with disseminating information about the CRC and with testing and developing various methods for its implementation through 57 separate projects. Most of the projects targeted the top political leadership of the municipalities/county councils concerned, but the focus of attention was also on administrative officials and staff within various activities and on parents, children, young persons and the media. Altogether about 170 municipalities were affected by this scheme.

The overall evaluation of the project shows that the educational issues have a pivotal bearing on co-operation and interaction between municipalities/county councils and NGOs. The NGOs are deeply committed and see an important task in contributing towards training and information about the Convention. Networks of NGOs have been set up in several municipalities. It is doubtful, however, whether NGOs and municipalities should co-operate more closely on matters relating to methods development and working procedures in local government. This is above all a field for various professional categories. Each organisation should therefore carefully consider whether its role in these matters is to be a "voice" or "service" in relation to the municipality. "Voice" means the NGO articulating the interests and needs of a group of persons, while "service" means the NGO accepting assignments from the public sector. The NGOs, however, can contribute creative ideas and methods to work directly involving children and young persons. Several projects, for example, tested a variety of educational methods for transmitting knowledge to children about their own rights. They organised festivals, manifestations and Children's Rights Days, and tested various forms of co-operation between young people, municipal planners etc. In this way the NGOs can supplement the initiatives and actions of the professionals, profiling themselves as a "voice".

### The CRC and national authorities

The national government in this sector in Sweden, with its large

number and variety of national authorities, incurs a large share of responsibility for giving effect to the rights laid down in the Convention. As part of a development scheme, therefore, the Children's Ombudsman has set up a special working group together with central authorities, for the purpose of testing different methods of implementing the CRC through their activities.

In 1998 the Ombudsman carried out a questionnaire survey of measures taken by authorities working, directly or indirectly, with children's questions to give effect to the Convention. The survey population also included all County Administrative Boards and courts of superior instance. A majority of the authorities included state that, one way or another, the Convention is relevant to their activities. Nearly half the 90 authorities replying also state that they make reference to the Convention in written communications, official statements, regulations, policy statements or decisions. The Supreme Court, for example, states that it sometimes makes reference to the Convention in its judicial activities, above all where the question of the child's best interests is involved.

Thus a relatively large number of authorities use the Convention in statements of various kinds, which suggests a general realisation on their part of its importance. On the other hand it was unusual for the authorities to have developed any particular strategy or method for implementing the Convention in the course of their activities, though some authorities have in-

augurated more active measures of this kind. For a couple of years now, for example, the National Road Administration and Sida (the Swedish International Development Co-operation Agency) have been actively endeavouring to integrate a child perspective in their working and decision-making processes. As early as 1982, the Government's Traffic Policy Bill included an objective implying special consideration for the problems of children, and the National Road Administration, acting on its own initiative, has therefore incorporated the child perspective in its general operational planning. In Sida's case the process began in 1996, when the Government, in its annual appropriation directions, particularly enquired how great a proportion of the Authority's resources were being devoted to children in the countries assisted. One year later a special child group was set up within Sida's Human Rights Division.

## A mobilisation phase

Summing up, Sweden can be said to have a high level of awareness concerning the CRC. Many politicians, decision-makers and officials are at present strongly committed to devising procedures for translating the Convention into practice, within both national, local and regional authorities. But, despite the progress thus made, the Convention has not yet become a self-evident tool for planning and decision-making in any sector of society. Work relating to the Convention and to Child Impact Assessments is still at an early stage, in a sort of mobilisation phase. The majority of municipalities and county councils, and many national authorities, are al-

ready basically aware that the Convention is to be implemented. The main need at present is for knowledge of how to do this. Implementation of the CRC must be viewed as a process where the work involved is long-term, complex and often hard to assess. This is a matter of attitudes and approaches which need to be changed, knowledge which needs to be improved and new methods needing to be developed.

## Some of the difficulties

There are six difficulties and shortcomings in the process of implementing the CRC, as revealed by experience, mistakes and successes hitherto.

### *Lack of definitions*

One difficulty concerns the lack of definitions of the concepts, tools and methods used for translating the Convention into practice. Many different methods have been tested, e.g. Child Impact Assessments, Child Supplements, Child Accounting and Child Checklists. There is great uncertainty, however, regarding the implications of the concepts and the content of the methods, which makes it very difficult to assess and compare quality and concrete effects. The term Child Impact Assessments has proved especially hard to define and is not infrequently used as a collective name for several other methods, e.g. Child Accounting, Child Supplement, Checklist etc. Sometimes the methods overlap, with Child Impact Assessments, for example, often forming part of Child Accounts and Welfare Accounts. The Child Checklist appears to be the method

which, together with municipal child and youth action plans, is most widely used, probably because it is a relatively simple method, easy to construct and use. Checklists of varying design are currently being tested, but they have proved to entail a variety of problems and difficulties, which have become visible when the Checklists have begun to be used. The Checklist contains several big questions which cannot be answered with a simple affirmative or negative. Moreover, it is unclear when, how and by whom the Checklist is to be used, and consequently this has been a difficult tool to implement in the context of prevailing structures and decision-making processes.

#### *Lack of evaluation*

The second difficulty concerns lack of evaluation. The effects of implementing the Convention are as yet only discernible at policy level, through decisions contained in various goal, steering or policy documents. The methods and models constructed round the Convention are often of an experimental nature, which means that they have not yet been evaluated or followed up.

Only five municipalities indicate in their commentaries some form of evaluation or further action in accordance with previous decisions, and only one of the municipalities using the Checklist as a tool for decision-making has undertaken any follow-up of this method. Then again, municipalities, county councils, national authorities and other organisations have not undertaken Child Impact Assessments of such a kind that conclusions can be drawn regarding the extent to which this tool actually changes or improves

living conditions for children and young persons. So it is too early yet to say anything about the concrete significance of policy decision based on the Convention for different activities and for the children to whom the decisions refer.

#### *Lack of long-term strategy*

A third difficulty emerging is that many agencies have adopted a single method for implementing the Convention – a child budget, for example – without first analysing the problem thoroughly. In most instances a more long-term strategy for translating the Convention into practice is lacking, and yet this is a prerequisite for being able to choose the right method for activities. Methods have to be understood and applied in context if work is to result in concrete changes in the long term, and initiatives ought therefore to be based more on the Convention as a whole, not just on parts of it. One finds that successful work based on the Convention is more a matter of changing attitudes and working approaches than of applying individual tools or methods.

#### *Lack of self-criticism*

Another difficulty concerns lack of self-criticism. Many politicians and officials consider it essential to prepare “impact descriptions” or analyses in connection with the decisions affecting children, which of course is gratifying. The CRC demands deliberate prioritisations, in the course of which negative consequences also have to be illuminated and considered. But analyses hitherto reveal almost exclusively positive descriptions of the consequences of

different initiatives. The critical aspects relating to the child's best interests are insufficiently illuminated and discussed. Thus the difficult questions about children's and young persons' formative conditions – relating to the fundamental meaning of the principle of the best interests of the child – have not yet begun to be asked in earnest.

#### *Lack of debate concerning conflicts of interest*

There is also a lack of debate concerning conflicts of interest with regard to the best interests of the child as related to other interests, even though work on Child Impact Assessments and examinations of the best interests of the child often reveal a number of conflicts of interest, e.g. between the best interests of the child and the interests of the custodian or the national economy, and the weight to be carried by these other interests in relation to the best interests of the child. There is also an absence of discussion concerning the relation between the principles of the best interests of the child and the child's right of being given a hearing, i.e. the extent to which a decision is to be influenced by the child's own opinion. The meaning of "the best interests of the child" and the weight to be carried by those best interests and the child's own wishes in relation to other interests therefore need to be discussed and assessed in different activities and to be made clear in goal, steering and policy documents, so as to facilitate the process of Child Impact Assessment.

#### *Lack of participation by children and young persons*

Finally, the Ombudsman wishes to draw attention to the difficulty posed by lack of participation by children and young persons in the important discussion and analysis of problem formulation and resource allocation which ought to precede decisions concerning concrete measures. This is also a matter of basic issues which need to be processed in terms of matters which children and young persons express as important in their everyday lives and for the future. This is a matter of children's and young persons' own wishes, of aspects of their formative conditions which, in their opinion, need changing, and of the way in which they themselves – as experts on their school, leisure and health – assess different practical issues.

#### *Some ingredients of success*

As has now been shown, the development and application of methods for giving effect to the CRC proves to entail a variety of difficulties and pitfalls. But combined experience, mistakes and successes also show – the complexity of the work notwithstanding – that there are a number of quite simple criteria to go by in the pursuit of good results. Key words of success can be summed up in terms of commitment and determination, information and education, a common "conceptual framework" and time for acceptance and experience interchange.



### *Commitment and determination*

The first factor of success is concerned with commitment and determination. Strong commitment for the task and “long-term” determination are required of anyone tasked with implementing, applying and giving practical effect to the CRC – “the implement”. In other words, the implement must have the determination, understanding and knowledge to give effect to the CRC. Determination means that the implement genuinely wants to play a part in the implementation process. Understanding means that the implement has a knowledge of the purpose and meaning of implementing the CRC. It is a reasonable assumption that the commitment and determination of the implement would increase if he or she has also understood the substance of the CRC.

### *Information and education*

The second factor of success is concerned with information and education. One basic prerequisite of the process of change is for everyone taking part to have had an opportunity of getting to know the background, content and legal status of the CRC and of the implications of employing a child perspective in their own activity and their own decision-making processes. This requires the implementer to have an opportunity of developing his or her understanding and competence, e.g. in colloquy and dialogue with other agents. Without such an understanding, the task of integrating

the child perspective will not come naturally. But this is not enough. Knowledge is also needed concerning children’s conditions and development, concerning local conditions, problems and resources, and concerning the implications of a process of change for the activities of the national, local or regional authority concerned. An implementer in this field should also have a knowledge of administration within national, local and regional authorities, e.g. decision-making processes, management, control, the allocation of roles between politicians and officials, the budget and the budgeting process, and systems of follow-up and evaluation.

### *A common frame of reference*

A third factor of success concerns the definition of central terms. Often there are several agents involved, representing different fields of knowledge and various ways of looking at children’s needs and conditions. The ambiguity of political language is a well-known fact, but professional usage also includes a host of ambiguous, value-charged concepts which can be defined in various ways. “Neglected children”, “the best interests of the child” and “a child perspective” are terms and expressions on which different professionals, politicians and parents sometimes put quite different interpretations. The same goes for expressions like “holistic view”, “youth problems”, “interaction” or “co-operation” and “preventive work”. There is no single, correct meaning for these terms. Different meanings

can all be considered true and accurate at once. When representatives of different fields of knowledge, professions, administrative bodies and sectors meet, therefore, it is important that they should try to arrive at a consensus definition of important terms.

Thus there is reason to ponder the terms we use when speaking about children and young persons, terms like the best interests of the child and a child perspective, the meaning of these terms and how well they agree with the Convention's view of children and its basic values. Terms are important because the use of different terms is connected with the way in which we act and think. A common "frame of reference" probably augments the chances of a child perspective coming naturally to the agency concerned. Thus creating understanding for the different terms in the CRC is an important part of a considered strategy for its implementation. Since in many ways the Convention leaves the field open to interpretations, its meaning, both theoretical and practical, needs to be continuously discussed.

### *Time for gaining acceptance*

Translating the CRC into practice demands knowledge and interaction between different parts of the agency and other agencies closely related to it. Another factor of success, therefore, is the availability of sufficient time for securing acceptance of work relating to the Convention. Commitment of the operational management is crucial. If the work is not considered important by the management, there is a serious risk

that it will not be given priority. Other important foundation stones of continuing success are efforts to achieve widespread acceptance and commitment within one's own agency and to involve as many different agents and parties as possible in an exchange of experience. Thus a dialogue is needed with children and young persons, associations, organisations and the media. Kick-off meetings, conferences, seminars and colloquies with different groups and interests or other opportunities of experience interchange are some of the methods commonly used.

During an introductory phase there is often a great need to discuss the purpose, aims and the allocation of tasks, but also conflicts and opposition. Thus it is not a disadvantage that the process takes time. By discussing our experiences, we learn from each other and avoid the repetition of mistakes. Needless to say, conflicts and opposition are also brought into the open as a result of conversations and discussions about the significance and implementation of the Convention. Not everyone agrees on the necessity of measures in accordance with the Convention, and there is also scepticism of the Convention as a practical tool in a process of change. Argument, and the processing and discussion of conflicts and disagreements, is an inevitable, necessary ingredient of any process of change. Paradoxically, opposition can sometimes help to spur development. In the absence of demands and opposition from other people, the discussion is liable to peter out or become unduly superficial.

## A long-term strategy

Experience has shown that strategic action for implementing the Convention in an agency can, somewhat simplified, be summed up in the following points:

- Analyse the role and responsibilities of the agency
- Aim for a “general view of the map” and at identifying and listing the working methods needed
- Make sure of having the full support and commitment of the management
- Allocate sufficient resources of personnel and funding for the work, in both the short and long term
- Secure acceptance of the process everywhere in the operation and draw up an action plan with timeframes for the targets defined
- Work the principles of the Convention into all goal and policy documents for the agency and into the pre-existing working processes
- Define the central terms of the Convention in partnership with the whole agency
- Consider priorities – you can’t do everything at once
- Inform and train a number of key persons who can then train all the other personnel
- Provide opportunities for an exchange of experience within the agency. Look for suitable learning partners outside the agency
- Evaluate and analyse the work to see if the consequences turned out as expected
- Keep the dialogue on children’s living conditions alive – also with children and young persons themselves

# Child Impact Assessments in theory and practice

The UN Convention on the Rights of the Child does not present any ready-made methods or solutions for dealing with different problems relating to the formative conditions of children and young persons. On the other hand it does lay down certain demands which are absolute and have to be met by everyone who, one way and another, makes decisions about or is responsible for children and young persons. One such stipulation, for example, is that all decisions made and affecting children shall have “the best interests of the child” as their point of departure. Another stipulation is that, in all matters affecting it, the child shall be given the opportunity of stating its opinion and those opinions shall be taken into account when the decision is made. In this way the Convention becomes the starting point of a systematic child perspective in working and decision-making processes for activities by which children and young persons are affected.

## Child Impact Assessments

Child Impact Assessments are a tool for translating the Convention and its Article 3, on giving priority to the child’s best interests, into practice in a concrete, structured manner. Impact Assessments contain various parts such as appraisals, analysis, reviews and evaluations. A Child Impact Assessment can be described as a *prior assessment of the impact* which a decision can have

on the child or group of children affected by it. This means establishing a causal connection in advance, i.e. “having second thoughts first” in a structured manner and examining the best interests of the child or children. A Child Impact Assessment with a close analysis and balancing of relevant interests furnishes a more advanced basis for decision-making, thus facilitating a total assessment of the decision’s impact on the child or children.

## Recommendation by the UN Committee on the Rights of the Child

The UN Committee on the Rights of the Child, located in Geneva, recommends all countries ratifying the CRC to undertake Child Impact Assessments of all decisions related to children. The States, or the Agency to which a State has delegated the power of decision-making, must ascertain that the best interests of the child or children have been stated in the decision-making process. Among other things, the Committee has declared as follows:

**“The implementation of the principles and the provisions of the Convention requires that priority be given to children’s issues, particularly in light of the principle of the best interest of the child. It is recommended therefore, that in the formulation of policy options and proposals**

**there should be an accompanying assessment of its impact on children so that the decision makers can be better advised when formulating policy as to its effect on the rights of the child”.**

The UN Committee on the Rights of the Child has also established a number of connections in which it particularly recommends that Child Impact Assessments be undertaken, e.g. in the adoption of:

- **Any form of new policy or guidelines in different activities**
- **New legislation or regulations**
- **An annual budget, at both national, regional and local level**
- **Organisational or administrative changes at all levels in society**

## Core definitions <sup>1</sup>

- **Impact**

The overall effects, direct or indirect of a policy, strategy, programme, legislation, project or proposal on a child, a specific group of children or children in general. (a child/children)

- **Impact assessments**

A combination of procedures, methods and tools by which a policy, strategy, programme, legislation, project or proposal may be judged as to its potential effects on a child/children and the distribution of these effects on a child/children.

- **Impact appraisals**

A systematic assessment of the impact of a policy, strategy, programme, legislation, project or proposal, by a number of experts, decision-makers and representatives of those potentially affected by the proposal. It is based on an exchange of the existing knowledge of the participants involved, including knowledge gained from previous similar exercises and research.

- **Impact analysis**

An analysis involves an in-depth examination of a policy, strategy, programme, legislation, project or proposal, its potential impact on a child/children and of the opportunities for adjusting the proposal to ensure a more positive impact. It includes a review of the available evidence, exploration of the opinions, experiences and expectations of those who might be affected and if needed, production and analysis of new data. An impact analysis would usually include a wide range of multidisciplinary expertise, and combinations of various methodologies. The resources and time needed for the implementation would of necessity be greater than in the case of a more rapid impact appraisal.

- **Impact review**

Sometimes a policy, strategy, programme, legislation, project or proposal may be so broad as to make an in-depth analysis infeasible. In this case, the process of an impact review may be considered. This aims at creating a convincing summary estimation of the most significant impacts of a child/children of a proposal, without necessarily try-

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<sup>1</sup> “Health Impact Assessments, main concepts and suggested approach”.

ing to disentangle the precise impact of the various parts of the proposal or cluster on specific aspects of the effect of a child/children. It is based largely on a review of earlier published analysis of similar proposals. As in impact analysis, expert panels and other methods of reviewing available informed assessments of the proposal is used.

The difference between an impact analysis and an impact review lies in the type of policy, strategy, programme, legislation, project or proposal being assessed. It also lies in the degree to which an attempt is made either to directly relate and possibly quantify or otherwise measure, cause and effect or to give a broad-brush view of the impact.

#### • **Impact evaluation**

Child Impact Evaluation involves an appraisal, after a certain period of implementation, of the short-term outcomes and longer-term expected and unexpected effects on children. A child impact evaluation requires sound and credible conclusions about net outcome. It should arrive at forward-looking recommendations for reduction on adverse effects of the measure taken.

#### Some important points of departure

As has already been mentioned, no more concrete guidance exists as yet on the actual procedure for Child Impact Assessment, be it at national, regional or local level. The Assessments made hitherto have taken the form of simpler Impact Appraisals. This section describes the aggregate experience which nevertheless exists in Sweden at

present regarding Child Impact Assessments and the experience acquired through development work by the Children's Ombudsman. The arguments presented are of a general nature and are valid whatever the type of activity involved, whatever the children or groups of children affected and at whatever level in society the Impact Assessment is to be undertaken.

Experience has shown that, in order for Child Impact Assessments to be developed and used in a fruitful manner, they must not be carried out in an arbitrary or unduly superficial manner. Instead the stipulations of the CRC with regard to examination of the best interests of the child should be taken as a point of departure for more long-term, patient development and change within the agency. Therefore systems and supportive structures for this procedure have to be developed, so that it will not merely be left to the individual official to deal with. At the same time, all members of an organisation need to work on including a child perspective in their way of thinking, which can mean far-reaching delegation of responsibilities. The agency must then be able to rely on the individual member using his or her common sense and being able to decide when and how a Child Impact Assessment should be carried out. A number of important points of departure which, however, have to be discussed and made clear in every activity where Child Impact Assessments are concerned are which child or groups of children the initiative concerns and what kind of initiatives or decisions are to be

analysed in this way. There is also the question of the form which the Child Impact Assessment is to take and of the types of impact on the child to be analysed.

*Which children or groups of children are affected by the initiative?*

One central question is whether the initiative or decision affects an individual child, children generally or a particular, specially defined group of children. Article 3 contains both a collective and an individual aspect. The first part of this article refers to children in the plural, while the latter part refers to the child in the singular: "In all actions concerning children... the best interests of the child shall be a primary consideration." The two levels embraced by this article can present a dilemma in certain situations. A decision may, after all, affect both an individual, a certain group of children and all children in a country. Then again, the best interests of the individual child may come into conflict with those of a collective of children. Illumination is needed here as to which decisions may affect an individual, the children in a municipality or county, and which ones affect children generally.

In the assessment it is also important to remember that children are not a homogeneous group. Children have different needs and circumstances, depending on sex, age, socio-economic conditions, cultural and ethnic background, and functional impairments if any. What is best for one child in a given situation may not be best for another. That which favours one group of children can disfavour another gro-

up, and so on. Ways therefore have to be found of coping with these different perspectives at both individual and group level, with reference to the prevailing situation in each particular case.

*What initiatives or decisions are to be examined?*

It is of course hard to foresee which decisions can conceivably affect children and which cannot. Consequently it is impossible to say in absolute terms which decision shall and shall not be included in the demand for Child Impact Assessments. This decision has to be made within the agency concerned. The degree of a decision's impact on children shall be the guiding principle when deciding whether a Child Impact Assessment should be undertaken and how extensively it is to be documented. Prior to every decision, therefore, it should be asked within the agency whether the decision will have a direct/palpable impact on children. This question should be asked as early on in the decision-making process as possible. If the answer is No, then no Child Impact Assessment is called for. If the answer is Yes, an assessment should be made of the magnitude of impact on children. If the impact is not judged to be so very extensive, then it is up to those responsible for the activity concerned to judge whether an Impact Assessment should be carried out or not. If, on the other hand, the decision is expected to have a great or fairly great impact, an Impact Assessment should be undertaken. The viewpoints of children and young persons should always be canvassed unless there are special reasons to the contrary.

### *What form is the Child Impact Assessment to take?*

There are various possible kinds of Child Impact Assessment. Help can be obtained from the description in Core Definitions, above all, in judging the type of Child Impact Assessment needed for the question in hand. There are simple matters whose impacts are easily predictable and easy to evaluate. In cases of this kind, perhaps a Child Impact Appraisal will suffice. There are also decisions which are obviously made for the purpose of promoting the best interests of the child, such as the appointment of pupil ombudsmen in school or structural changes to a school building. In these cases a Child Impact Evaluation may still be worth making, to analyse, after the decisions have been put into effect, whether the measures taken have actually had the effects intended from the children's point of view. Things become far more complicated where, for example, the impact of school closures, spending cuts, the organisation measures etc. have to be analysed. Before a decision of this kind is taken, there is probably a greater need to collect a solid fund of knowledge, to analyse the consequences with reference to the CRC and to undertake a careful examination of the best interests of the child, by means of a Child Impact Analysis. Finally mention can be made of questions and decisions which, on closer reflection, affect such large groups of children or such complex relations between different sectors of society that a Child Impact Review becomes necessary.

Quite clearly, the role and responsibilities of the activity will decide the type of Child Impact Assessment that is needed. There is a wide span between decisions of this kind affecting children and young persons but made within different activities. It is impossible to find a model which will suit every kind of activity. This being so, it is neither possible, nor necessary, to regulate in any great detail the form which a Child Impact Assessment is to take. Every type of Impact Assessment has to be adapted to the given situation. So long as the staff responsible for the activity are acquainted with the central principles and message of the CRC, they themselves must be left to decide how the Child Impact Assessment is to be conducted and what form it should be given.

### *What consequences are to be analysed?*

An Impact Assessment is never simple. It has to be determined whether the decision has a direct or indirect impact on children, here and now or for the future, and also what consequences need to be analysed when considering children's best interests. Here again, there are no ready-made answers. It is impossible to foresee all the potential consequences of operational decision-making. The consequence or effect of a decision often consists of chains of events, with each effect producing a new effect almost ad infinitum. The chain of effects should be limited to those which mean most for children. In order to arrive at a realistic picture of the way in which a decision can impact, for example, on children, one should concentrate on conceivable



effects which are not too far removed in the chain. This work should be tempered with common sense. It is important that the operation should not embark on an attempt to clarify all conceivable impact on children. Any such bid for comprehensiveness is liable to make work seem arduous and perhaps pointless.

Another difficulty which can occur in connection with impact analyses lies in judging whether the consequences identified can occur as a result of the decision taken or not. It can be hard to distinguish the connection between different conditioning factors. If the relation between cause and effect is hard to tell with any reasonable reliability after the event, then of course it is still more difficult to judge in advance. These problems, and accordingly the limited reliability and the shortcomings of impact analysis, have to be borne in mind when setting one's targets. Expectations have to be adjusted to the bounds of possibility.

*The best interests of the child  
– a framework only*

"The best interests of the child" is an ambiguous expression which is open to a variety of interpretations. The fact of the child's best interests not having been more closely defined implies a risk of every decision-maker employing his or her own interpretation and of the child's right to equality under the law being jeopardised. On the other hand, flexible interpretation provides greater scope for the individual child and for the child's own opinion. *The concept of the best interests of the child, therefore, can only constitu-*

*te the framework of an Impact Assessment.* This framework then has to be filled with the specific proposal or issue, and with the situation of this particular child or group of children, it has to be shaped according to the nature of the activity and secured in the working and decision-making process. An Impact Assessment of an issue affecting the best interests of a child or group of children therefore has to precede every decision and, as far as possible, be scientifically based, with systematic follow-up and evaluation. And, not least, children and young persons must have the opportunity of expressing their own opinions.

During the autumn of 2000, the Children's Ombudsman developed a model for a Child Impact Analysis as a means of support for processing and decision-making based on the CRC. The model is currently being tested in partnership with two "reference groups" – one for municipalities and county councils, and another for the national government sector – affiliated to the Office of the Children's Ombudsman. The model can be seen as a kind of "mind-map" and used for assessing the best interests of a child, a group of children or children in general with reference to a specific measure or issue. The model is applicable to different kinds of activity and at all levels of society. It is intended to provide the foundation of an Impact Analysis which can then be adapted to the specific role and responsibilities of the activity concerned and to the issue under consideration.

From the spring of 2001, the model will be available on the Ombuds-

man's home page [www.bo.se](http://www.bo.se). The home page also includes a more complete version of the publication "Child Impact Assessments – Swedish Experiences".

## A FRAME HAS FOUR SIDES

Examination of the best interests of the child – whatever the subject of the proposal or issue involved – must always be based on what is indicated by the sides of the frame, i.e. the CRC current legislation and

# A Model for a Child Impact Analysis

## 1. Guidance

through the basic articles of the CRC (nos. 2,3,6 and 12 and other articles with a bearing on Child Impact Analyses)

## 2. Preconditions

Through statutory texts, travaux préparatoires, regulations, guidelines and policy which reference to the matter in hand

### Questions relating to the current proposal

What impact will the proposal have on the child/children?

How does the proposal relate to the provisions of the CRC?

What particular problems or conflicts of interest may the proposal entail?

How does the proposal affect, or how is it affected by, other factors?

What allowance has been made in the proposal for the viewpoints of the child/children, and how have those viewpoints been obtained?

What compensatory measures may be needed?

What costs and benefits will the proposal entail from the viewpoint of society, individual persons to particular groups?

Other issues of relevance to the matter in hand?

## 3. Scientific basis

Knowledge derived from research, expert participation, studies and surveys of children with reference to the matter in hand

## 4. The working process

(through the character and mandate of the activity)

Mapping

Describing

Analysing

Testing

Evaluating

knowledge derived from science and proven experience. Finally, the activities and mandate of the authority provide the set form of the Child Impact Assessment and the working process.

### **1. Guidance is furnished by the CRC**

Although the different articles of the CRC do not in themselves describe the best interests of the individual child, taken together they amount to a general guide. Article 3, concerning the principle of the best interests of the child, is of course to be regarded as a basic ethical and moral rule in the realisation of the different rights which the CRC enshrines. Other important guidance is to be found in Article 12, concerning respect for the child's opinions, which is closely connected with Article 3, about the best interests of the child being the primary consideration. In order for the best interests of the child to be judged, the child itself must be given an opportunity of stating its viewpoints. In order for the best interests of the child to be provided for, importance must be attached to the child's opinions. Not until the child itself has been allowed to express its opinions and those opinions have been included in the decisions made can the best interests of the child really be made clear and made a primary consideration.

The other basic principles of the Convention, concerning the prohibition of discrimination, the right to life and development (Articles 2 and 6), are also supremely relevant to an assessment of the child's best interests. In addition, the other ar-

ticles of the Convention define a number of rights which are connected with children's needs and interests and are universal. In this way it also gives a general definition of what should be considered the best interests of the child in different situations with regard, for example, to health care, education, leisure and children in vulnerable situations. Other Conventions on Human Rights can also furnish guidance in the matter under consideration.

### **2. The preconditions are given in statutory rules, regulations and guidelines**

Child Impact Assessments require a professional approach to the decision-making processes by which children and young persons are affected. Professionalism in this respect means a basic knowledge of the way in which children's interests or rights are formulated in the relevant national legislation, travaux préparatoires, guidelines, regulations or policy in relation to the issue under consideration. National legislation, of course, often defines the preconditions for judging the best interests of the child. This can mean legislation referring to schools, care and access, crime and punishment, health care and medical services, participation and influence etc.

### **3. The scientific basis is given by research, surveys and studies**

There must also be general knowledge concerning children's needs, development and interests in the particular field where the Child Impact Assessment is to be carried out. Increasing demands are being

made today for the analysis of environmental and health-related hazards, and activities of different kinds are under increasing pressure to demonstrate the benefit of measures for children and young persons in school, medical services, social services and other such organisations. Current research, studies, surveys etc. thus have to be gathered in the field concerned. One invariable complication lies in the difficulty of predicting the child's development, changeable as it is. Not all preconditions are known or definable, and new events and factors which could not have been foreseen are added in the course of development.

#### **4. The working process is given by the mandate for the activity**

Because Child Impact Assessments are basically concerned with asking critical questions, it is difficult to design a standard battery of questions. As stated earlier, it is to be expected that the form of a Child Impact Assessment will have to be adapted to the given situation and to the role and mandate of the activity. Generally speaking, however, an impact assessment should conform to a procedure and documentation routines defined for each activity. The Impact Assessment should be brief, it could very well be illustrated with figures and tables, and it should contain straightforward summaries and be edited in such a way as to highlight essentials. The aim is for it to be readily intelligible to the people affected by the decision. A working process for a Child Impact Assessment should include the following stages:

- **Chart**
- **Describe**
- **Analyse**
- **Test**
- **Evaluate**

#### **A FRAME ALSO HAS A CONTENT**

The following section links the different stages of the working process with the issues indicated by the content of the frame. These concepts can be used as a point of departure, regardless of whether the matter in hand concerns the child, children or the children, and regardless of the activity within which a matter is handled. This section, however, does not provide any exhaustive indication of the questions which ought to be included in a Child Impact Assessment or of the way in which a working process should be designed in detail. Both content and form and the working process must, as stated earlier, be adapted to the situation involved.

#### **Chart:**

The first part of the working process should contain a survey and plan as to how and where the necessary knowledge and information are to be gathered. An assessment also needs to be made as to whether enough basic facts are available or whether additional mapping, statistics or research data are needed before a decision can be taken. Necessary knowledge concerns, for example, the groups of children which the issue concerns and may have an impact on, and

the groups of children which can be excluded. Special attention should be paid to the living conditions of children with special needs, such as children in city areas, national minorities, children with disabilities, children in socio-economically disadvantaged families and children in such vulnerable situations as mental or physical illness, school problems such as bullying, reading and writing disabilities or neuropsychiatric problems. Other necessary knowledge which has to be gathered concerns the child's or children's own opinions on the issue.

### **Describe:**

The next stage of the working process involves preparing a description, based on the material gathered. It is important that the issue under consideration – the proposal, budget or policy decision – should be viewed in context. Existing rules in the area concerned should be described, together with the relation of the current proposal to the articles of the CRC. The child or the group of children affected by the specific issue must also be made visible. The description should show which children or groups of children are essentially affected, directly or indirectly, by the measure contemplated, in what way they are affected and how they have been identified. It may sometimes be justifiable to illuminate this topic in terms of the child's/children's sex, age, stage of development and personal circumstances, in their family, in their environment and in their network, which for example includes day nursery, school, leisure and peers. In addition, the viewpoints of the children concerned

should be described, together with the way in which they have been granted a hearing. A description should also be included of the location of the expenditure entailed by the measure contemplated and by whom or by which groups it is incurred, and also of the documentation on which costing has been based.

### **Analyse:**

The third stage of the working process should consist of a problem analysis in which the reasons for the proposal and its consequences are considered more closely. It is of course a prerequisite for any proposal that its positive consequences must outweigh the negative ones. Which factors, problems or needs have prompted the proposal? What is its aim and purpose? Have the premises of the proposal changed as a result of the viewpoint emerging from the dialogue with the children? An important part of the analytical phase, of course, is concerned with judging how the proposal relates to the provisions of the CRC. This means analysing the factual basis and various effects of decision-making. In particular, the proposal should be analysed in relation to the groups of children with special needs who may possibly have been identified during the mapping phase. The analysis should also clarify the conflicts occurring between the best interests of the child and other interests, such as those of the custodian or the national economy, and the weight to be carried by those interests in relation to the best interests of the child. The analysis should also indicate whether, and if so how, the needs, interests or rights of the child/child-

ren can be provided for through compensatory measures or inputs when the best interests of the child or children have to defer to other interests.

The financial consequences of the proposal should also be analysed within the activity. Analysing the possible benefits of the current proposal or issue is no less important than analysing the costs involved. The benefits may take the form of socio-economic benefits in the form of improved health and education for children in general, but there can also be benefits from the perspective of an individual child, such as the absence of future physical or mental problems. It is often possible to analyse the cost of public measures on behalf of children and young persons. Their benefit, on the other hand, may be much harder to describe, because this demands a knowledge of the effects of such measures. Unfortunately, economic evaluations of social policy measures are still rather scanty. Summing up, then, the aspects included in the frame of the model presented above – aspects which the UN Committee on the Rights of the Child has recommended for inclusion in a Child Impact Assessment – should be mapped, described and analysed.

#### Test:

The fourth stage of the working process deals with the very kernel of a Child Impact Assessment, namely testing and decision-making. The examination of the child's best interests on which the decision is to be based must emanate from the knowledge gathered from both the outer and inner parts of the "frame".

This means, then, undertaking a complete, holistic assessment of all relevant factors in the light of the mapping, description and analysis. The assessment must include everything affecting the child's or children's physical and mental well-being and development, e.g. the right to protection and care and the right to play and leisure. Both short-term and long-term effects on the child or children should be taken into account as far as possible. General knowledge concerning children's needs and development is a necessary ingredient of a Child Impact Assessment, but what is best for children and young persons in general cannot always be applied to the individual child or a specific group of children. The best interests of the child must therefore be interpreted as *the best conceivable solution for each individual child or group of children*.

#### Article 3 must carry weight

In its statement on Article 3 and the best interests of the child, the UN Committee for the Rights of the Child took the view that this principle must always be heeded and must carry a great deal of weight. In situations where the best interests of the child or children come into conflict with those of adults, it is the best interests of the child which, *virtually always*, must take precedence. "The best interests of the child shall be a *primary* consideration." But certain provisions of the CRC also lay down that the principle of the best interests of the child shall have absolute priority and shall be decisive. For example, Article 21 on Adoption states that "The best interests of the child shall be a *paramount* interest." In actions

concerning the child's right to protection from injury and abuse, for example Articles 19, 32-36, the best interests of the child shall be decisive.

There are, however, situations where other interests may carry more weight and thus take precedence. Interests of this kind may, for example, concern the national economy or security policy. If examination has shown that interests other than the best interests of the child carry more weight, the decision-maker responsible must still be able to show that the best interests of the child have been taken into account and stated in the decision-making process, as well as explaining why an interest other than the child's has been allowed to take precedence. In other words, the burden of proof lies with the decision-maker and it includes a duty to declare the basis of the decision. To this is added Article 4, which requires decision-makers to make provision for the best interests of the child "to the maximum extent of their available resources". This means, for example, that when the best interests of an individual child or a group of children have to give way to other interests, the decision should include compensatory measures.

### The child's own views

Article 12 of the CRC also requires the decision to take into account the child's or children's own opinions. Here of course there are various conflicts of interest to be taken into account. It is impossible to generalise about the weight to be allotted to the child's opinion, but

the principle of the child's right to have its opinions taken into account must ultimately be subordinated to the principle of the child's best interests. Important guidance in this connection has been furnished by the Swedish Supreme Court in a decision on custody and access.<sup>2</sup> That ruling can also furnish guidance in other fields where the opinions of the child or children are liable to conflict with other interests.

**"Article 12 of the Convention on the Rights of the Child concerning the right of the child to express its opinions is a principle which expresses respect for the child's person and individuality. That principle, however, has to be subordinated to consideration of the child's best interests, even if the child has attained a certain degree of maturity. Nevertheless, strong counter-arguments are necessary – for example that permanent injury or danger to the child's health and development will presumably result – in order for the decision to go against the child's wishes."**

### Risk of subjective decisions

Very often the decision is liable to be swayed by the decision-maker's subjective views as to what are the child's best interests. Working, as an adult with decisions relating to the conditions of children and young persons therefore demands an awareness of one's own perspectives and way of looking at things, so as to avoid, as far as possible, interpreting the best interests of the child in a way which is tinged by the interpreters' own personal experiences,

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2. NJA 1995, s. 398

ideologies and knowledge of children. One has to be capable of maintaining a critical, objective attitude, avoid the lure of simple explanatory models, be capable of identifying conflicts of interest and put one's standpoints in their proper context. Subjective values and experiences can of course never be eliminated altogether and are bound to play a certain role in this connection. It is not always easy to distinguish between science and proven experience. A certain amount of scientific knowledge, above all in the realm of development psychology and pedagogics, has become common property, and most people feel able to make some kind of pronouncement about children's needs on the strength of their own experience and "common" knowledge. It is important, however, that the interpreter should be aware of what is guiding his or her assessments. The person or persons making the decision must themselves consider to what extent the decision may come to bear the imprint of their own values and foibles.

### The best interests of the child can be variously defined

The expression "best interests of the child" affords scope for many different interpretations and can therefore be defined in many different ways, depending, for example, on whether one employs the perspective of research, legislation, school, parents or the child itself. Even though the CRC does not provide any direct definitions of the concept of the best interests of the child, it does, as already mentioned, furnish general guidance concerning

the nature of children's needs and interests. Further guidance on the interpretation of the best interests of the child can be obtained from legislation, research, surveys and studies of children's needs and interests in different matters or sectors of society, the child's own network and family and, not least, the child's own opinions.

Summing up, guidance concerning possible interpretations of the best interests of the child is obtainable from:

- **The definition contained in the CRC, e.g in its preamble and basic principles**
- **Society's definition through legislation, objectives, policy documents and guidelines**
- **The research definition, through experts, studies and surveys**
- **The children's own definition, through their opinions and viewpoints**
- **The network's definition, through family, teachers and friends**
- **The decision-maker's definition, through his or her own knowledge and experience**

### Evaluate:

It is important afterwards to evaluate the effects which the decision actually had and how well they agreed with the analyses on which the Impact Analysis was based. The last part of the working process, therefore, is concerned with following up the measures taken and checking to see if they had the consequences intended. Analyses of consequences after decisions are



called Impact Evaluations, and in them an assessment is made to see whether the intended effects were achieved or whether further measures need to be taken. It will be recalled here that the children affected by the decision have to be given the opportunity of taking part in Impact Evaluations of this kind. By carrying out evaluations of this kind, the agency gathers experience and becomes more and more proficient at carrying out correct Child Impact Assessments. In this way, Impact Evaluations become part of the learning process.

## Documentation and accounting

Lastly we can mention an important part of the Child Impact Assessment, namely that concerning the documentation of the decision and its input data, which should be included throughout the working process. The documentation is necessary in order to gain an insight into the authority's deliberations and standpoints, and it contributes towards the "transparency" of the process, which is fundamental in a working democracy. The documentation also concerns the introductory discussion as to whether the decision is believed to affect children. If it is believed within the agency that a decision can have a great or fairly great impact on children, then clearly the documentation has to be meticulous. In cases where the decision is implemented even though it can have a negative impact on children, the documentation becomes even more important than ever, because then one can see which interests carried more weight than the children's and why. Even

in cases where no Child Impact Assessment was made, since the decision was expected to have very little or no impact on children, it is useful to be able to see afterwards what the underlying assessments were.

## Remaining challenges

Many of the measures which are being taken in Sweden are positive and will hopefully advance the implementation of the CRC. The task of giving effect to the Convention and its intentions in society must, however, be looked on as a long-term process. In that process Sweden has already made considerable headway in terms of awareness, interest and methods. The Convention has left certain traces in society, but many inputs and a lot of work remains to be accomplished if children and young persons themselves are to find the Convention impacting significantly on their everyday lives.





# Child Impact Assessments

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Swedish Experience of  
Child Impact Analyses  
as a tool for implementing  
the UN Convention  
on the Rights of the Child

International co-operation is important for the true realization of the UN Convention on the Rights of the Child. Each country has something to learn from experiences in other countries. The UN discussions on child rights aim largely to facilitate such exchanges. As a contribution to the preparations for the General Assembly Special Session on Children in 2001, the Swedish Government is publishing three small publications outlining efforts made to implement the Convention, progress made and difficulties encountered. They focus on areas which might be of particular interest to an international audience and are written by independent experts.

This publication on how to assess the best interests of the child in concrete situations is written by the former Children's Ombudsman, Louise Sylwander. Preface by Ambassador Thomas Hammarberg.

The other publications are about corporal punishment and participation of children in decision-making. They can be ordered at the Ministry of Health and Social Affairs (Social Services Division), SE-103 33 Stockholm, fax +46 8 10 36 33. E-mail adress: [registrator@social.ministry.se](mailto:registrator@social.ministry.se).

Article no. S 2001.014

