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# **Influence and Legitimacy:**

**Civil Society Organizations and the  
UN Committee on the Rights of the Child**

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## Abstract

The Committee on the Rights of the Child (CRC) is a UN Treaty body with the mandate to assess the State parties' adherence to the Convention on the Rights of the Child. This assessment is carried out in a periodic reporting process, where the CRC receives information about the states' adherence from the State parties themselves, as well as from national civil society organizations (CSOs). The periodic reporting process is finalized when the CRC submits its concluding observations to the State party – a political document both measuring and affecting how states interpret the Convention. CSOs are recognized for enhancing the transparency of international processes such as the one in question, and to make them accessible to the wider public. Hence, the CRC and its reporting process makes for a good case to investigate CSO-influence and -participation. The aim of this thesis is twofold. First, it analyzes how and to what extent CSOs can influence the CRC and its concluding observations, which is demonstrated by way of CSOs from Norway, Finland and Spain. Secondly, and given the implications the concluding observations have for a nation state, this thesis also seeks to critically analyze the legitimacy of the CSOs' role in the periodic reporting process. The findings stem from conducted interviews with a series of CRC and CSO members, and representatives of the UN Secretariat and Child Rights Connect. Furthermore, a linguistically rooted content analysis has been undertaken of the CSOs' alternative reports in relation to the CRC's concluding observations. Four power theories and deliberative-normative theory have been employed to analyze the findings. The study identifies means outside and during the reporting process by which the CSOs can influence the CRC and its concluding observations. Moreover, the study demonstrates that 21-54% of the content of the CSOs' alternative reports have been taken up by the CRC in its concluding observations. Finally, the study concludes that the role of the CSOs in the reporting process may be considered legitimate, yet certain issues fall short of meeting with the deliberative-normative theory in full.

**Keywords:** children's rights – civil society – civil society organizations – non-governmental organizations – NGO participation – repertoires of NGO participation – treaty monitoring – United Nations – Convention on the Rights of the Child – Committee on the Rights of the Child – power theories – political influence – deliberative democracy – Norway – Finland – Spain.



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## Glossary

**CSOs** – civil society organizations.

**CRC** – the UN Committee on the Rights of the Child.

**The Convention** – The UN Convention on the Rights of the Child.

**Reporting process** – The UN Committee on the Rights of the Child’s periodic review of states’ adherence to the UN Convention on the Rights of the Child.

**Concluding observations** – The UN Committee on the Rights of the Child’s final remarks of its review of states’ adherence to the UN Convention on the Rights of the Child. The concluding observations is a political document both measuring and affecting how states interpret the Convention.

**Alternative reports** – Reports from civil society organizations containing information on how the State parties adhere to the UN Convention on the Rights of the Child.

**Pre-session** – A step in the reporting process where the UN Committee on the Rights of the Child meets with civil society organizations.

**NGO-coalition** – A group of non-governmental organizations (NGOs) cooperation on writing and submitting an alternative report to the UN Committee on the Rights of the Child.

**NHRIs** – National Human rights Institutions.

**Child Rights Connect** – Formerly the NGO Ad Hoc Group which participated in the drafting of the UN Convention of the Rights of the Child. Now the NGO is considered a leading expert on the UN Committee on the Rights of the Child’s work as it supports national CSOs’ engagement in the reporting process, through guidelines on how to report, as well as providing assistance to national CSOs prior to and during the pre-session. Child Rights Connect is not part of the formal UN system.

**OHCHR** – Office of the United Nations High Commissioner for Human Rights

## 1.0 Introduction

This thesis is a study of the interaction between the UN Committee on the Rights of the Child (CRC) and civil society organizations (CSOs) during the periodic reporting process. This process is an evaluation procedure where the CRC assesses how the states that have ratified the UN Convention on the Rights of the Child comply with its articles. This is the most ratified convention in the UN system (OHCHR 2016a) and is also considered to be the UN Treaty that allows most strongly for CSO participation (Türkelli and Vandenhole 2012: 34).

The reporting process starts with the submission of reports from the State parties on their implementation of the Convention. Thereupon, the CRC also receives alternative reports containing information from national CSOs, operating as children's stakeholders. These alternative reports praise those of the State party's initiatives which are improving the rights of the child, but they also offer a critical view of the State party's report, and point out issues in need of improvement (Child Rights Connect 2016a). Based on the information received from both the State party as well as national CSOs, the CRC finalizes the reporting process by submitting the concluding observations to the State parties. This final document highlights improvements made by the state on child rights issues at the same as it presents critical concerns regarding the State's efforts to implement the Convention. Further, the concluding observations offer recommendations on how States can better implement the articles of the Convention on the Rights of the Child (Child Rights Connect 2016a).

The states that have ratified the Convention are obliged by article 44 to send such periodic reports to the CRC. However, the CRC is not an international human rights court; hence it does not have a punishing role, nor procedures to follow when states violate the Convention. Yet, the CRC's declarations provided in the concluding observations are considered "soft law", i.e. "nonbonding rules or instruments that interpret or inform our understanding of binding legal rules or represent promises that in turn create expectation about future conduct" (Guzman and Meyer 2010: 174). In other words, although the concluding observations are not binding for the states in the strictest sense, the document is nonetheless an important tool, or source of law that influences how states interpret the Convention on the Rights of the Child (Søvig 2009: 35; Arnesen og Steinvik 2009: 92). Since such a document is given essential weight in the legal interpretations of the Convention, it is therefore of particular interest to examine on what grounds the concluding observations are drafted. The important role of the concluding observations indicates that international governmental regimes, such as the CRC, impact national legal policies.

While existing literature *suggests* that CSOs have a limited impact factor on agenda-setting and decision-making processes on the UN system<sup>1</sup> – then based on the proposition that the UN Treaty in question is most allowing for CSO participation in the UN system – it is therefore significant to examine whether and how the CSOs can influence the CRC and have an impact on the concluding observations. CSOs are at any rate recognized as being able to impact discursive positions by persuading international organizations to influence domestic policy-making (Keck and Sikkink 1999: 98), yet this needs concrete investigation based on wider empirical evidence.

### 1.1 The scope and the research questions

While CSOs are given an important role in the monitoring process of the most ratified UN Treaty (OHCHR 2016a), and are recognized to have some influence in international regimes, one may wonder about the extent to which CSOs' can influence the final and law-interpreting concluding observations submitted to the national State parties, which in turn may have a discernible effect on the lives of citizens – and *children* in particular. Since little knowledge exists regarding CSOs' concrete influence on the CRC it is therefore of the utmost importance to obtain precise knowledge in this matter. Moreover, as national CSOs are stakeholders, or spokespersons for children, it is also of interest to address the legitimacy of their role in the reporting process.

While there exists a limited research in this particular field, yet there is one research article by Türkelli and Vandenhole (2012) which studies aspects similar to those that this thesis intends to address. Just like the present work sets out to do, the mentioned article examines whether CSOs may impact the concluding observations. However, its exercise is explorative in nature, and the conclusions drawn are uncertain. I will build upon this article, both in theory and in methodology, in order to seek to expand the knowledge platform in the field, and contribute with more in-depth insight and firmer conclusions. The field in which this thesis is situated seems ripe for further critical and productive questioning, which stems from power theories and deliberative theory: The power theories as well as a critical theory based on deliberative-normative points of reference employed as theoretical frameworks in this thesis appear as fruitful analytical tools to help critically *explain* the UN Committee on

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<sup>1</sup> See Willetts 1996; Clark, Friedman and Hochstetler 1989.

the Rights of the Child's interaction with CSOs in the reporting process, and at the same time provide solid ground to *understand* it. The raised research questions for this thesis are:

*How and to what extent can civil society organizations influence the UN Committee on the Rights of the Child and its concluding observations? Is the CSOs' role in the reporting process legitimate?*

As the research questions entails, the aim of this thesis is twofold: First, to analyze how and to what extent CSOs can influence the CRC and its concluding observations. This analysis will be explained and understood in view of the theoretical framework of four power theories, including Dahl's<sup>2</sup> *direct* power dimension, Bachrach and Baratz's<sup>3</sup> *agenda-setting* power, Lukes'<sup>4</sup> power dimension on '*preference shaping*', and the Habermasian *communicative power theory*<sup>5</sup>. The selection of employed power theories is rooted in the obvious fact that in order for CSOs to influence the CRC and its concluding observations, CSOs must possess *power*. Secondly, and subordinate to the first research question, is the analysis of the legitimacy of the CSOs' role in the reporting process. This research question will be analyzed by using four deliberative-normative criteria offered by Nanz and Steffek (2005), which are based on Habermas' deliberative theory. The normative criteria will be a fruitful analytical tool to critically explain and understand how citizens' concerns are fed into the policy-making process, and taken into account when important decisions, such as the concluding observations, are made.

While understanding the CRC and its concluding observations as the dependent variables in this study of the CRC's interactions with CSOs, the research questions will be sought answered by examining how three CSOs from Norway, two CSOs from Finland and one from Spain, as independent variables, influence the CRC's work during the reporting process and its concluding observations. The research question will further be answered by method triangulation including qualitative interviews with CRC members, and members from its supportive network, i.e. the Secretariat and Child Rights Connect, in addition to interviews

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<sup>2</sup> 1957

<sup>3</sup> 1962

<sup>4</sup> 1974

<sup>5</sup> 1981

with national CSOs from Norway and Finland.<sup>6</sup> These interviews will provide answers to the first part of the first and twofold research question (“*how*”). Furthermore, and to answer the second part of the first and twofold research question (“*to what extent*”), I will also conduct a linguistically rooted quantitative content analysis of the relevant documents to examine the extent to which CSOs may influence the CRC’s concluding observations. The analysis is based on alternative reports from the six above-mentioned CSOs and the CRC’s concluding observations for Norway, Finland, and Spain’s latest reporting rounds (2009, 2010 and 2010, respectively). Since the three countries have during the last months submitted or will shortly submit a new periodic state report to the CRC, the findings deriving from this thesis may at the very least provide some reasonable grounds to understand the dynamics of and possibly some tendencies that might be expected to be found in the forthcoming concluding observations from the new reporting rounds. Finally, the critical analysis of legitimacy will utilize empirical data from the above-mentioned methods and data collection processes.

Below I present four *assumptions* about what this study can find, and which will later be tested through the empirical data material. These *assumptions* are rooted in theory and in existing research:

**A1:** *Civil society organizations (CSOs) can influence the Committee on the Rights of the Child (CRC) through means by which they exceed their formal role in the reporting process.*

This assumption is rooted in CSOs’ role in agenda-setting – not just in national and international processes – but by means such as provoking debates, receiving media attention, holding public meetings and by attending state hearings (Keck and Sikkink 1999: 98).<sup>7</sup> As CSOs have been significant for value-laden debates regarding e.g. human rights and the environment (Keck and Sikkink 1999: 91), the CSOs participating in the CRC’s work in the reporting process, will also have informal means by which they may influence the CRC and its concluding observations.

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<sup>6</sup> The only Spanish CSO participating in the reporting process in 2010, *Plataforma de Infancia*, did not wish to participate with interviews in this study.

<sup>7</sup> Keck and Sikkink (1999) use the term “transnational advocacy networks”, however the definition includes actors in civil society (Keck and Sikkink 1999: 89).

**A2:** *Civil society organizations (CSOs) manifest their impact on the concluding observations by submitting alternative reports to the Committee on the Rights of the Child (CRC).*

This assumption is based on how CSOs have had a manifest impact on similar processes such as on Supreme Court decisions. CSOs and interest groups may influence decision-making processes in Supreme Court practices through *Amicus Curiae* briefs, or friend-of-the-court briefs. Findings show how such *Amicus* briefs can contribute with valuable information and assistance to court deliberations (Kearney and Merrill 2000: 744-5). Research indicates that Supreme Court-decisions quote arguments originating from *Amicus* briefs, which demonstrates a manifestation of influence (Kearney and Merrill 2000: 758). Although the CRC is *not* a human rights court, the second assumption is nevertheless based on the argument that if CSOs may influence Supreme Court decisions by submitting reports, CSOs participating in the CRC's reporting process may also – through alternative reports – manifest impact on the concluding observations.

**A3:** *Civil society organizations (CSOs) from Norway and Finland can, to a greater extent than CSOs from Spain, influence the Committee on the Rights of the Child (CRC).*

This assumption is rooted in the theoretical clusters proposed by Esping-Andersen (1990 in Archambault 2009) about the third sector in Europe, including non-governmental organizations. Both Norway and Finland pertain to the “Nordic and socio-democrat cluster” where organizations are active in advocating for peace, human rights and conflict resolution (Archambault 2009: 10). Spain, on the other hand, is categorized into the “Mediterranean or emerging cluster”, where the third sector is emerging and not yet at the “Nordic level”, since the Spanish' third sector is considered less developed than the Nordic cluster (Archambault 2009: 11). Hence, the assumption is that both Norway and Finland will have greater impact on the CRC than Spain due to their more active third sector.

## 1.2 Study plan

In this study, I employ three analytical levels, namely *the CSO level*, *the CRC level* and *the supra-national level*. Each of the following chapters are divided into said levels, and I will hence answer the raised research questions in relation to each one of them. The CSO level deals with how CSOs seek to influence the CRC and its concluding observations *outside* the

reporting process. The CRC level will address the means in which the CSOs can influence the CRC and its concluding observations *during* the reporting process. The supra-national level includes the analysis of the legitimacy of the CSOs' role in the reporting process.

In the following chapters, I will first provide an outline of the context and a development of the theoretical framework and methodology for how the research questions will be studied, followed by the State of the Art, which will demonstrate how this thesis both can build on existing research, but also contribute with important knowledge to the field. In chapter 3.0 I will present and discuss the chosen theoretical framework for this thesis, including the four power dimensions and the deliberative normative points of reference. The presentation of each power dimension and deliberative-normative criteria will be followed by an operationalization linking the theoretical approach to the phenomena under examination. Furthermore, chapter 4.0 will present this study's methodological approach, its research design, and the above-mentioned methods, which have been employed to gather empirical data material. The chapter also discusses the thesis' analytical approach and the quality of the data collected. Chapter 5.0 presents the findings stemming from the collected data, and is followed by chapter 6.0 which analyzes and discusses the findings in light of the raised research questions, the *assumptions*, and the theoretical framework. Finally, chapter 7.0 provides a recapitulation of the most important findings and analytical results, and provides a conclusion to the study and its objective.

## **2.0 Developing a theoretical framework and methodology for the study**

While the context of this thesis is wide, I have attempted to delimit the scope to the most significant matters for my research. Furthermore, the relevance of a development of a theoretical framework and a methodological approach is to gain a thorough overview of the scope and ensure that this study may both build upon and contribute to the existing, yet limited, research field. Simultaneously, this chapter will provide a contextualization to better understand the research questions, the findings and the forthcoming analysis.

This chapter is threefold. First, to contextualize the analytical level called *the CSO level*, which will be of importance throughout this thesis, I will define the concepts of civil society and CSOs. Secondly, and to get a better comprehension of the analytical level called *the CRC level*, a presentation of the role of CSOs in the UN system in general will be provided, followed by a description of their role specifically in relation to the Convention on



the Rights of the Child, the CRC, and the reporting process, a description which also will be vital for the analytical level called *the supra-national level*. Finally, I will actualize existing research to the objective of this thesis, and discuss how my research can both relate but also contribute to it.

## **2.1 Civil society and civil society organizations**

To get a comprehension of how CSOs work, and how the analytical level called *the CSO level* comes into play, it is necessary to provide a definition of the concepts *civil society* and *civil society organizations*. The original sense of the concept *civil society* refers to a political community “living within a framework of law and exhibiting a common allegiance to a state” (Heywood 2004: 41). However, theorists such as Hegel and Marx drew a clearer distinction between the society on the one hand, and the state on the other. This placed civil society outside the sphere of the state, and confined it to a realm of autonomous associations and groups, shaped by individuals as private citizens acting in their own capacity (Heywood 2004: 41). Hegel ([1821] 1942) further distinguished the notion from the concept of *family*. Against this background, the definition of civil society will be understood in line with the modern concept of the notion, as a sphere *outside* the state, yet distinguished from the family. Moreover, civil society can be viewed as a reflection of interests, values and ideologies which exist in society at large (Trägårdh 2007 in Selle 2008: 616), and an organized civil society can have the capacity to transport new issues, concerns and interests from (local) stakeholders to national and even global arrangements (Nanz and Steffek 2013: 62).

Furthermore, the term *civil society organizations* (CSOs) is often used interchangeably with the term non-governmental organizations (NGOs) (Martens 2014: 45). However, for reasons that will soon become clear, I restrain myself from using the term *NGO* as in fact not all CSOs can rightfully be linked to the term. In this study, the concept of CSOs is confined to an organized civil society, including “all non-market and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain” (OECD 2010). Furthermore, CSOs can take many forms and may be both international and national. However, of most importance to the scope of this thesis, the definition used includes *national* organizations and institutions which are independent or act independently from the state, working with children’s rights, and which have submitted alternative reports to the CRC. Of particular interest are *NGOs*, including *NGO-coalitions*, *National Human Rights Institutions (NHRIs)*, and *Children’s Ombudsmen*. Although

Children's Ombudsmen arguably are not entirely independent from the state and may be viewed as an extension of the state apparatus, both in terms of employment and administrative area, the official role of Children's Ombudsmen in the reporting process is nevertheless independent from the State party's (Barneombudet 2017a).

Before outlining the role of CSOs in the CRC process, an appropriate framework of the context of CSO involvement in the UN system is needed to be able to meaningfully discuss CSOs' influence and participation at the CRC and supra-national level, respectively. Hence, in the following I provide a contextual background for the role of CSOs in the UN system in general.

## **2.2 CSOs' interactions with the UN system**

To get a comprehension of CSOs' involvement in the UN, and to provide an understanding of the framework for the analytical levels, *the CRC and supra-national level*, I will first give an outline of CSOs in the UN system: In Article 71, chapter 10 of the United Nations Charter it is evident that the founders of the United Nations envisioned that CSOs were to play an active and central role:

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations, and where appropriate, with national organizations after consultation with the Members of the United Nations (United Nations (UN) 1969).

Since 1945, CSOs have been crucial participants in the UN system. CSOs have been allowed access to international meetings, they can present written declarations, give speeches and lobby for specific resolutions (Willets 2006: 305). One of the main purposes for consulting with CSOs is that both the states and the UN Treaty bodies can benefit from their expertise. Another important purpose is to create the necessary connection between governments' abstract deliberations and the people's wishes within each nation state (Cohen 1990: 138). The CSOs operate as agents for local stakeholders and voice their concerns to international regimes (Nanz and Steffek 2013: 65-6). Furthermore, the consensus understanding of how CSOs work in international regimes such as the UN, suggests that CSOs make international decision-making processes more transparent to the wider public and enhance legitimacy through their inputs on behalf of the stakeholders they represent (Nanz and Steffek 2013; Martens 2014). The CSOs are hence perceived as intermediary agents between political institutions and the wider public (Nanz and Steffek 2013: 65). While it is thus clear that CSOs have had a prominent role in the UN system in general, I will now present how CSOs have

had an extraordinary role both during the drafting of the Convention on the Rights of the Child, but also, and more importantly for this thesis, during the CRC's reporting process.

### **2.3 CSOs interaction with the UN Convention on the Rights of the Child**

The UN Convention on the Rights of the Child was adopted by the UN's General Assembly in 1989. Today 196 countries have ratified the Convention (OHCHR 2016a; FN 2016). In addition to the Convention on the Rights of the Child, three Optional Protocols have been established, namely on the Involvement of Children in Armed Conflict, on the Sale of Children, Child Prostitution and Child Pornography, and the Communication Procedure (OHCHR 2016b).

While the Convention on the Rights of the Child has been recognized as the only Treaty body acknowledging cooperation with CSOs (a relationship in fact stipulated in Article 45 of the Convention) (UNCRC 1989), it is clear that civil society actors have been present both during the drafting of the Convention and the drafting of the Optional protocols (OHCHR 1978). An informal NGO group, called the NGO Ad Hoc Group, came about during the drafting of the Convention as it represented stakeholders who wanted to influence the process. The NGO Ad Hoc Group was hence given a distinct position to influence through means of networking and lobbying with the actors, including State parties, during the drafting phase (Türkelli and Vandenhole 2012: 40). This involvement led to a prominent shift in the repertoires of CSO participation in the UN, and has demonstrated how CSOs have had substantial impact on the Convention (Türkelli and Vandenhole 2012: 40). Today the NGO Ad Hoc Group is called Child Rights Connect, and this NGO continues to seek to advance child rights through a combination of activities such as supporting national CSOs in their engagement with the CRC's reporting process (Child Rights Connect 2013a), however, the NGO is not a UN body, nor part of the formal UN system.

### **2.4 The Committee on the Rights of the Child (CRC) and the reporting process**

The CRC was adopted in 1991 and holds 18 elected, independent experts who remain in office for a four-year term (OHCHR 2016b). The CRC members are elected by the State parties and represent different geographical regions, as well as the principal legal systems (UNCRC 1989). The members serve in their personal capacity, and are "independent experts who are persons of high moral character and recognized competence in the field of human rights" (OHCHR 2016b).

As opposed to the UN International Court of Justice and the European Human Rights Council, the CRC does, as mentioned, *not* have authority to punish a state if it breaches with the Convention, the Optional Protocols, or any remarks from the CRC. Thus, the CRC's initial role is an advisory one, rather than a ruling one when it comes to individual complaints (Lile 2013: 55), like in the above-mentioned court systems.<sup>8</sup> Nonetheless, the “advisory role” is of importance for national legal interpretation. The CRC's advisory role is expressed by its main purpose, namely to monitor the State parties' compliance with the Convention on the Rights of the Child, which is stipulated in Article 43 (1) of the Convention:

For the purpose of examining the progress made by State Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child (OHCHR 1989).

After having ratified the Convention on the Rights of the Child, the initial report of the member states is due two years later. Thereafter, the State parties must submit a periodic report, which is due every five years – as the process may last that long (UNCRC 2016; UNCRC 2015 § 44). When a country enters a new reporting round, two Country Rapporteurs or a task force of 3-4 CRC members are appointed to lead the assessment of the given state (Child Rights Connect 2013c).<sup>9</sup>

The CRC receives information from both the State party's periodic report *and* the CSOs' alternative reports, which demonstrates that the CRC is the vanguard of involving CSOs in its work. During the reporting process CSOs are treated as UN agencies with expert information (Türkelli and Vandenhole 2012: 45-6), indicating that the CRC unequivocally gives the CSOs an institutionalized role in monitoring the implementation of the Convention on the Rights of the Child in each nation state (OHCHR 1993: 111). Against the background of the information received throughout the reporting process, the CRC members meet to draft the concluding observations, which are submitted to the State party (Child Rights Connect 2016a). The reporting process has, however, been criticized for its inefficiency due to the CRC's heavy workload. The workload has led to procedural backlogs within the current

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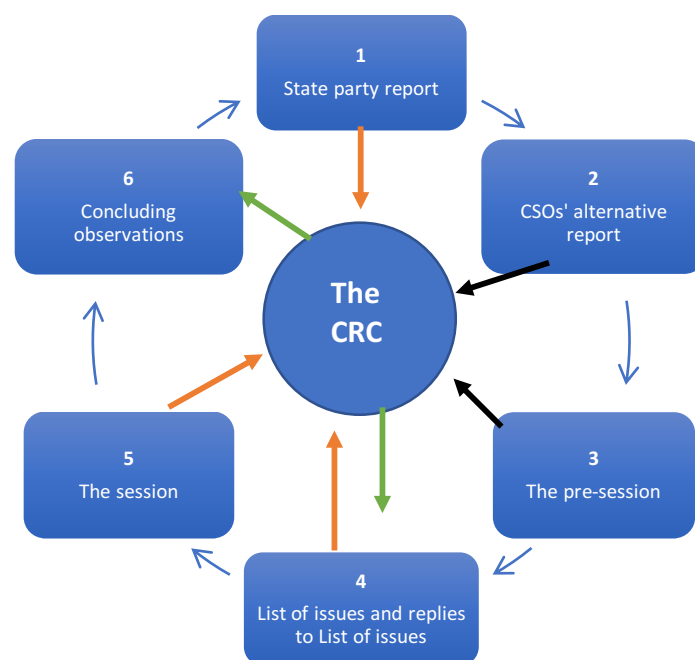
<sup>8</sup> Although there has been a prominent shift after the drafting of the third Optional Protocol “A Communication Procedure” which arguably has affected the CRC's mandate and authority (see e.g. Lile 2013).

<sup>9</sup> The course of the CRC reporting process bears resemblance to the Universal Periodic Review (UPR) also a monitoring mechanism, however, for *all* human rights (though also including child rights) (Child Rights Connect 2013b).

system, which has sometimes made the CRC members carry out the process in two chambers (Essary and Theisner 2013: 318), however, this is beside the scope of this thesis.

Figure 2.4 below provides an overview of the steps of the reporting process. First, the circle surrounding the CRC indicates the steps of the reporting procedure, starting with the submission of the State party report and ending with the concluding observations. Secondly, the arrows pointing towards the CRC indicate the sources from which the CRC receives information, which is the basis for the concluding observations. The orange arrows indicate information from the State party, while the black arrows indicate information from the CSOs. The green arrows mark the communication between the State party and the CRC, where the CRC submits requests for more information, and submits the final remarks in the concluding observations. A more detailed description is provided below.

Figure 2.4: *The CRC reporting process*



#### 2.4.1 *Submission of state party report and alternative report*

The reporting process starts when national governments submit the State party reports on how they have implemented their children’s rights obligations to the CRC (Child Rights Connect 2016a). The State reports are public documents which are uploaded to the Office of the High Commissioner for Human Rights (OHCHR) when submitted, and there is public access to the reports (UNCRC 2015). The State report must contain information on the implementation of

the Convention based on a preset list of clusters<sup>10</sup> and the Optional Protocols (UNCRC 2015). While bearing fully in mind that CSOs in fact may influence the State party report through lobbying and networking with respective national Ministries or State Departments, yet I am delimited in time and resources from being concerned with CSO influence on the State party report. Besides, the periodic state reports will be given limited attention in this thesis, as the objective of the raised research questions is to examine the CRC's interaction with *CSOs*, not the State parties.

Six months after the State party report is submitted, children's rights defenders that are independent from their respective national government may submit alternative reports (Child Rights Connect 2016a). These organizations include non-governmental actors such as children, NGOs, National Human Rights Institutions (NHRIs), and Ombudsmen, which are entitled to send written information to the CRC (OHCHR 2016c). The information that they provide in the alternative reports consists of comments on the State party report and additional information highlighting good practices, and areas where the state report is incomplete, incorrect or misleading (Child Rights Connect 2014).

CSOs are encouraged to submit written information to the CRC as their reports are highly valued by the CRC members (Child Rights Connect 2013). The NGO Child Rights Connect (previously the NGO Ad Hoc Group) has provided guidelines for how NGOs and NHRIs should write their alternative reports, suggesting a preferred format (i.e. structured around the same Convention clusters as the State party report), and including how the content should be presented. The NGO Child Rights Connect also recommends CSOs to write joint supplementary reports, i.e. to report as an NGO-coalition as this facilitates an overall understanding of the situation of children in the respective country (Child Rights Connect 2014:9). The alternative reports are to be submitted electronically to Child Rights Connect (OHCHR 2016c). The CSOs that submit alternative reports can choose whether their reports and the name of their organizations will be held confidential (Child Rights Connect 2016a) in order to ensure that the CSOs can express themselves freely and prevent any event of reprisals against those who provide the CRC with sensitive information. This entails that the State

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<sup>10</sup> The clusters include General Measures of Implementation, Definition of the Child, General Principles, Civil Rights and Freedoms, Violence Against Children, Family Environment and Alternative Care, Disability, Basic Health and Welfare, Education, Leisure and cultural Activities, and Special Protection.

parties will not have knowledge of the precise source of the information coming from the national civil societies.

#### *2.4.2 The pre-session*

The next step of the reporting process is the pre-session where the CRC invites competent bodies to provide the CRC members with expert advice and information regarding the implementation of the Convention (Child Rights Connect 2014). The meeting's objective is to prepare for the country session with the State party (Child Rights Connect 2016a). The meeting is confidential, and no observers are allowed access to it,<sup>11</sup> because the CRC wants to ensure that the invited participants can speak freely about children's rights issues in their respective countries (OHCHR 1993).

The pre-session lasts for 2.5 hours, and CSOs are given the maximum of 15 minutes of short introductory remarks. Then the CRC members, starting with the Country Rapporteur, may ask up to 90 questions for clarifications on the alternative reports (Child Rights Connect 2016a).

The CRC bases its decision on whom to invite to the pre-session on its evaluation of the alternative reports received (Child Rights Connect 2016a). However, if the CSOs wish to attend the pre-session they must write a written request and submit it with the alternative report to Child Rights Connect (Child Rights Connect 2013). When the CRC has decided, it will issue a written invitation to the selected CSOs to participate in the pre-session (Child Rights Connect 2013). The formally prioritized CSOs are those who have "submitted information within the requested time-frame, who are working [in the country of] the State party and who can provide first-hand information that is complementary to information already available to the CRC" (Child Rights Connect 2013). CSOs that are usually included are those that provide more comprehensive information, such as NGO-coalitions, Ombudsmen for children and NHRIs (Child Rights Connect 2016).

#### *2.4.3 The List of Issues (LOI) and responses to it*

Based on the information received during the previous steps of the process, the CRC writes a list of questions on selected issues (LOI) to the State parties, requesting information including

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<sup>11</sup> Consequently, my application for an observer's status during the CRC pre-session held in Geneva in October of 2016, was rejected.

data and statistics, updates on new laws, programs and policies from the State party (Child Rights Connect 2016a). The State party is required to respond to the LOI. Once received, the LOI and the State parties' responses are accessible on the OHCHR website. Although this step concerns communication primarily between the CRC and the respective state, CSOs *can* provide comments to the LOI by raising additional concerns that are not included in the State's response. While such CSO comments are an obvious means to influence the CRC and its concluding observations, I have not found nor gained access to the CSOs' comments to the LOI for the countries in question. Moreover, the task to include also these documents in the content analysis was considered to be too comprehensive as this study is a mere master's thesis.

#### *2.4.4 The session*

The session is a public meeting between the State parties that are up for review and the CRC, and it takes place in Geneva (Child Rights Connect 2016a). The objective is to discuss how each state fulfills its obligation to children's rights based on the information that has been provided to the CRC through the previous steps of the process. The dialogues between the CRC members and the State parties have an interactive format with questions and answers. Any actor, including CSOs and the media, can attend as observers, but only the State party may participate actively alongside the CRC (Child Rights Connect 2016a).

#### *2.4.5 The concluding observations*

Based on the information received from the State party and the CSOs during the CRC's assessment, the CRC drafts its concluding observations (Child Rights Connect 2016a). The content of the concluding observations is adopted during a secluded meeting for the CRC members alone. The concluding observations is an important document which includes the CRC's recommendations for how the State party can improve its "shortcomings" as regards its compliance with the Convention. Although the concluding observations are instructive in nature and not binding for the State in the strictest sense, it is nevertheless important as it is given substantial weight in court cases and in interpreting the Convention, as has happened before the Norwegian Supreme Court, e.g.<sup>12</sup> Moreover, the concluding observations also

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<sup>12</sup> See *Rt. 2009 s. 1269 section 44* mentioned in Arnesen and Stenvik (2015).



serve as leverage for CSOs at a national level (Türkelli and Vandenhole 2012: 50). By using this quasi-legal document, CSOs may provide pressure on governments to support their positive action to better implement the Convention in practice (Türkelli and Vandenhole 2012: 50).

By exploring the raised research questions, this thesis will attempt to contribute by eliciting new knowledge of CSOs' role in the reporting processes as outlined above, and examine how and to what extent CSOs may influence the CRC and its concluding observations, as well as the legitimacy of the latter in view of the process involving CSOs.

## **2.5 State of the art**

An important objective in conducting a survey over existing literature is to obtain an overview of studies that have been conducted on the topic, their theoretical and methodological approaches, and the results that the research has produced. This section is of the utmost importance as it has contributed to forming the research questions as well as to suggesting fruitful theoretical perspectives and methodical approaches for my own research strategy. There is an obvious overweight of legal studies in this field, some of which are outside the scope of this thesis. Within the social science disciplines, there has been a prominent focus on NGOs' role in the UN system on a general basis. Only a few studies have been conducted on CSOs in relation to the CRC. Based on the assessment of existing research I have categorized important contributions to the field, which my research may both build upon and by its own merits engage critically with in the search for new paths toward contributing to and enhancing knowledge. There are two features that my study shares with existing scholarship in the field, namely the *theoretical approach* to power, influence and agenda-setting, and a *methodological approach* to content analysis of reports.

### **2.5.1 Theoretical approach**

A common feature in the studies that are relevant for this thesis is that they have employed theories of *power* and *agenda-setting*. The article "The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights and Women" (1998) by Clark, Friedman and Hochstetler, has truly been important for this field. Through collective action and social movement theory the authors examine which "tools" NGOs use to influence agenda-setting and decision-making processes when granted access to UN World Conferences, as well as during lawmaking and monitoring

procedures. These include lobbying and networking. The article also addresses the quality of the NGOs' impact on UN conferences, and whether CSOs may have an impact on the participants' (including State parties) beliefs regarding solutions to contested issues (Clark, Friedman and Hochstetler 1998: 5). The conclusions drawn suggest that NGOs do not have a high impact on the State parties because the States are the dominating actors, not the NGOs. Two common components as regards my thesis are here evident: First, Clark, Friedman and Hochstetler examined the "tools" NGOs used to influence decisions at the UN level, and, secondly, the authors assessed to what extent NGOs can change agendas and understandings through participation in the UN system. Although their focus was particularly on the power to influence *state* parties, my thesis may nonetheless contribute by enhancing their findings as it may discover means in which *NGOs* (or in my case, *CSOs*) can influence.

Another contribution to the field, and which also has components similar to this thesis is the article "The Conscience of the World: The influence of Non-Governmental Organizations in the U.N. System" (1996) by Peter Willets. His study focuses on how NGOs can influence the political agenda and policy-making in the UN system. Willets identifies several factors of NGOs' political behavior when participating in the UN system, a behavior which is often restricted because NGOs never possess perfect information, as opposed to the State parties participating (Willets 1998:7). Willets identifies several features where NGOs may influence UN forums. Amongst those are agenda-setting and policy formulation, where the former concerns influencing the public debate in news media, and the latter concerns influencing the formal agenda of issues under consideration by UN decision-making bodies. In the UN system NGOs often conduct committee work and lobbying where they may seek to influence UN delegations (Willets 1996:10). Willets employs a theoretical framework of strategic means to influence – a crucial aspect in my study as well. His findings suggest that NGOs can influence through means outside formal UN procedures, however, the author makes reservations as to NGOs' opportunities to influence UN processes due to certain information restrictions.

A final and important contribution to this field, also similar to the chosen theoretical framework for this thesis, is Margaret Keck and Kathryn Sikkink's work on "Transnational Advocacy Networks in International and Regional Politics" (1999). The term transnational advocacy networks includes NGOs and other civil society actors. Their findings confirm that advocacy networks may influence international politics through agenda-setting and through influencing the discursive positions of states in international organizations (Keck and Sikkink

1999: 98). The authors argue that the prototypical language of advocacy networks has to do with “rights” as governments are the de facto guarantors of rights, yet also their primary violators. When advocacy networks seek to influence arenas such as the UN it is to affect the behavior of states (Keck and Sikkink 1999: 93). Hence domestic NGOs may reach out to international allies to attempt to put pressure on the states from outside. The pattern of influence is called “the boomerang pattern”, which is most commonly seen in human rights campaigns, human rights questions also being the case in my master’s thesis. While the authors address the same issue as the first part of my first and twofold research question (*how* CSOs can influence), they also offer an explanation, i.e. the boomerang pattern, as to why advocacy networks or CSOs are involved in international processes.

### 2.5.2 Methodological approach

As to the methodological approach, two studies are of importance. The first article bearing resemblance to my methodological approach investigates how CSOs as non-parties can influence Courts’ decision-making processes through submissions of *Amicus Curiae* briefs. Although such research largely pertains to legal studies, the article “Influence of Amicus Briefs” (2000) by Kearney and Merrill show traits that are similar to my methodological approach, i.e. my linguistically rooted content analysis of alternative reports submitted by CSOs and the CRC’s concluding observations. Kearney and Merrill’s approach in their content analysis was to search for Supreme Court cases that referred to “amicus”, “amici” or “friend(s) of the court”. The authors searched for any reference by the Court to the arguments or information provided by amicus briefs (Kearney and Merrill 2000:844). The authors found an escalation of Supreme Court-decisions with *Amicus* brief-references from 1986-1995, which even quoted the *Amicus* briefs. (Kearney and Merrill 2000: 857-50). While the authors’ findings derive from a word search, my content analysis will be rooted in a more in-depth approach. However, Kearney and Merrill’s and my content analysis bear nonetheless some resemblance.

Finally, the study that lies closest to mine is the article written by Türkelli and Vandenhole (2012). It examines whether NGOs’ alternative reports form the basis of the CRC’s work, by conducting a content analysis (Türkelli and Vandenhole 2012: 49). While their theoretical framework is similar to mine, i.e. agenda- and norm-setting theory, the authors carry out merely an *exploratory* exercise of NGO reports, LOIs, and concluding observations regarding four randomly selected countries, namely Belgium, Turkey, Kenya

and Afghanistan. The conclusion drawn is that the CRC uses 60-70% of the NGOs' recommendations, leaving 30-40% of the recommendations unaddressed (Türkelli and Vandenhole 2012: 64). However, they argue that their study has a variety of methodological challenges and that they are tentative at best (Türkelli and Vandenhole 2012: 53). In conclusion, the authors propose factors that also can determine impact on the CRC such as "the CRC members' attitudes, the quality of information provided, physical presence, opportunities for informal discussion, and whether NGOs act individually or jointly" (Türkelli and Vandenhole 2012: 64). The two obvious common components in their article and my thesis is first, the theoretical framework of influence and agenda-setting power. Secondly, it is the content analysis of alternative reports and concluding observations. My analysis of the reports will, however, be based on a different set of criteria, rooted in a linguistic approach. My thesis will seek to contribute to Türkelli and Vandenhole's research by picking up where these authors have stopped short. Hence the objectives for analyzing *how* CSOs may influence the CRC and its concluding observations will be based on these authors' suggested impact factors above.

In the assessment of the existing research in the field I have shown that it has two features in common with my thesis, namely a theoretical approach to influence and agenda-setting. The second feature is content analysis of CSO/NGO reports. The aim is thus to build upon existing research *and* contribute to the field with new knowledge by exploring suggested power factors which are believed to impact the CRC. Yet in this thesis it is a study based on a comprehensive and at the same time focused, systematically elicited in-depth empirical material considering three countries and a limited period of time.

### **3.0 Theoretical framework**

In this chapter I will account for the choice of the theoretical framework used in this thesis, and provide motivations for linking the theories and the empirical case material. The theoretical framework will function as an analytical tool to critically explain and understand the CRC's interaction with CSOs. The case context is one of both politics and power relations, since CSOs function as vehicles of communicative-power and political exchanges (Keck and Sikkink 1999: 100). Moreover, CSOs gain influence in international politics by serving as alternative sources of information (Keck and Sikkink 1999: 95), which demonstrates how both politics and power relations are crucial concepts for the case and for the understanding of the research questions. The two concepts *politics* and *power relations* are

intricately intertwined: While politics are concerned with the distribution, exercise, and consequence of power, a political analysis draws attention to power relations implicated in social relations (Hay 2002: 3). In other words, actions and processes that take place in social relations, and which include the component of power, are political. Therefore, the here selected power theories to understand, explain and analyze the CSOs' influence on the CRC are the three-dimensional power model and the Habermasian thinking of communicative power, whose uses are justified below.

*Power* is an essentially contested concept, a concept where no neutral definition can be developed and where competing versions of the notion can be equally valid (W.B. Gallie 1955-1956, in Heywood 2004). Hence, renowned scholars have disagreed on how to perceive it, and the meanings and uses of this political concept vary considerably across disciplines (Lucas and Baxter 2012: 50). Against this background, I must provide a delimited and thorough understanding of how the concept of *power* will be used as an analytical tool, based in a discussion of concept variants, and of observable influences exerted on agendas and decision. Even though merely one theory arguably might suffice for the analysis, I do however, believe that using different theoretical perspectives of relevance, will make for a comprehensive yet manageable layout to explain and understand the roles of the CSOs in the CRC reporting process. The selected power dimensions for the analysis will reciprocally complement each other: one power dimension might not exhaust all applications of power. Consequently, by employing different dimensions one may extract different power applications from the empiricism in the analysis. The four power dimensions will provide an analytical framework that will focus on CSOs' power to influence the CRC and its concluding observations, both on the *CSO* and the *CRC level*.

Furthermore, on the *supra-national level* a deliberative-normative approach, a redevelopment of Habermas' theory on "the ideal speech situation", will be used to provide a framework in which to capture and perspectivize the crucial question of *legitimacy* in the reporting process.

### **3.1 Applicable power dimensions**

Power and influence have seemingly often been viewed as the same thing, or two parts of the same process. *Power* may be viewed as "the capacity to make formal decisions which are in some way binding upon others", whereas *influence* can be seen as "the ability to affect the content of these decisions through some form of external pressure" (Heywood 2004: 122).

Against this background, the CSOs' actions may be understood as an external pressure that has the ability to affect the CRC, and they possess the power to do so.

As previously stated, power is a concept with multiple takes – colloquially and in academic literature. In research, then, one has to balance a dilemma. The necessary attempt to resolve the controversy the best way possible to provide theoretical support for practical, analytical work, at the same time is and should be to accept the notion that the term is an essentially contested concept. This is important to underline because it appears that different forms of power are present in the actions involved in the CRC reporting process. Thus, my argument is, as mentioned above, that only *one* definition cannot exhaust all existing dimensions of applied power observed. Besides, research access to the topic of this thesis is sometimes cumbersome as the nature of the topic is caught between official and publicly available, and confidential information. This aspect can make the data collection process a challenging task. I therefore acknowledge that there may exist other power applications that the upcoming data collection process and the analysis of them cannot capture.

However, in order to capture and perspectivize the power dimensions I indeed can identify, I will employ Engelstad's (2010) suggested power paradigm inspired by Max Weber. In this paradigm, the execution of power consists of four elements: a *relation* between the actor influencing the other, an *intention* behind the influence, an *action*, where the actor exercises influence over the other, and lastly, the *result* which is (at least to some extent) in accordance with the intention (Engelstad 2010: 15-6). In the upcoming analysis of power dimensions, I will seek to identify these four elements as a means to emphasize and summarize how the CSOs may influence the CRC and its concluding observations.

In building upon the limited research on influence and impact available in my concrete field of study, I hope to contribute further not least by probing the existing knowledge against my investigation of a considerably wider and more comprehensive empirical material than before, and so to secure more reliable findings. The upcoming operationalization will proceed from the impact factors by Türkelli and Vandenhole (2012), and the objective will be to confirm or disprove their presumptions. Their suggested impact factors are: *CRC members' attitudes*,<sup>13</sup> *quality of information provided*, *physical presence*, *opportunities for informal*

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<sup>13</sup> I will *not* focus on any personally inherent values and attitudes of the CRC members, as these are beside the scope of this thesis. However, I have interpreted this suggested impact factor as the CRC members' observable committee attitudes towards the role of the CSOs and the various CSOs in the reporting process.

*discussion*, and *whether CSOs<sup>14</sup> act individually or jointly*. In the following sections I will motivate these factors in accordance with the chosen theory.

### 3.1.2 The first dimension of power: Direct power

The first power dimension, dating back to Hobbes, similar to Weber's definition (1922), and elaborated by Robert Dahl, describes a classic power definition: "A has power over B if A can make B do something B otherwise would not have done" (Dahl 1957: 201). Dahl has gathered empirical evidence supporting this definition in the study published in his book *Who Governs?* (1961). Dahl sought to examine power relations in decision-making processes in New Haven. This power definition is often called the "pluralist" view of power, and it involves a focus on behavior in the decision-making process on issues over which there is a visible and overt conflict of (subjective) interests, seen as expressed policy preferences, revealed by participation in the political realm (Lukes 1974: 11, 15). By this definition, the power is understood in terms of its effect. It means that if the behavior of an actor does not affect another, a power relation does not exist. This indicates that power is also understood as behavioral, it is exercised in the relation between two or more individuals. Furthermore, power is also associated with domination over others, meaning that the power is unproductive or zero-sum (Heywood 2004: 124). However, Dahl's definition of power was originally *not* zero-sum (Read 2012: 9). It nevertheless *became* zero-sum when operationalized for purposes of research (Read 2012: 9). This is grounded in the fact that if A has the power to get B to do something B wouldn't otherwise do, it does not necessarily mean that B acts contrary to his/her desired preference or interests. It merely entails that B acts differently than if the power expressed by A had not been exercised (Read 2012: 9).

In order to utilize this theory as an analytical tool, there are three underlying causes that must be identified: First, that there exist a conflict of interest, values or action between A and B. Secondly, that B complies with A's wishes, and finally, that B complies because he/she is fearful that he/she will be deprived of values that is treasured more highly than what can be achieved by non-compliance (Bachrach and Baratz 1963).

Although attractive in its methodological simplicity, this power definition has been criticized for being what the nomer simplicity entails, *one dimensional*. The critique is rooted

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<sup>14</sup> Türkelli and Vandenhole's focus is solely on NGOs. In this thesis, the perspective has been broadened, and includes NGOs, NHRIs and Ombudsmen (resulting in the term CSOs).

in the ground that the one-dimensionality overlooks other power dimensions, such as how issues may be excluded from the decision-making process, which will be presented in section 3.1.3.

#### *3.1.2.1 Identifying conflict of interests and behavioral changes*

Against the background of this theory's rationale, I will in the upcoming analysis of the empirical data material need to identify *who* has the power to alter *whose* behavior, and whether there exists any conflict of interests. As the CSOs are considered sources with alternative information, I expect that there exist certain actors that can regulate the behavior of CSOs and how they may contribute as bearers of alternative information. However, I assume that it will be a difficult task to identify this power dimension during the pre-session due to access restriction: In my role as a researcher I was denied access to the pre-session, hence the upcoming empirical data collection process might not capture certain power dimensions due to this restriction.

#### 3.1.3 The second dimension of power: Agenda-setting power

The second power dimension is often referred to as non-decision-making power or agenda setting power. It was published as an extensive critique on the one-dimensional view. This view does not reject the first dimension of power; however, it suggests that it does not capture all feasible applications of power (Lukes 1970: 18). The most pronounced critique of the pluralist view on power expressed by Bachrach and Baratz, is that there is no objective way to distinguish key/important and routine/unimportant issues from one another. These authors further criticized the theory for ignoring the fact that not all issues may arrive at the decision-making table (Bachrach and Baratz 1970: 7). Their concern with the pluralist approach contributed to the emphasis on *nondecision-making power* or agenda-setting power. This approach understands nondecisions as means that can be suffocated before they are even voiced, or kept covert before gaining access to the decision-making arena (Bachrach and Baratz 1970: 44). Simply put, when the grievances or issues of an actor never become part of the official political agenda, power is exercised.

Power is reflected in the decision-making process however it is exercised when “a person or a group – consciously or unconsciously – creates or reinforces barriers to the public airing of policy conflicts” (Bachrach and Baratz 1962, in Heywood 2004: 125). “Some issues are hence organized into politics while others are organized out” (Schattschneider 1960, in



Heywood 2004: 125). This dimension brings the crucially important idea of mobilization of bias into the discussion of power (Lukes 1970: 17). Organizations may have the potential to favor one group over another. Organizational structure thus influences the opportunities and conditions for the actors participating in it (Schattshneider 1969: 71).

Furthermore, a powerful actor can influence the values and practices of the social environment, in order to block the issues that the powerful actor is uncertain of winning (Lukes 1970: 18). Consequently, the powerful actor avoids losing a decision. The nondecision-making power is relational, and conflicts of interests, values, or preferred outcomes between the actors involved are imperative for enabling the exercise of this power (Lukes 1970: 18). Non-decision thus highlights the significance of political organization in order to exclude the participation of groups and their particular opinions (Heywood 2004:126).

The second power dimension has often been explained by demonstrating how one or more political parties block decisions on an issue by ignoring it. This approach has often led to an *elitist* view on power – contrary to the previously mentioned “pluralist” one. The elitist view suggest that power is held by *privileged* groups (Heywood 2004: 45). However, the elitist approach has in fact been challenged by examples of popular pressures that have overcome the interest of the privileged and powerful. If the opposition consists of enough “powerless” actors, they may challenge the privileged groups by questioning the norms that lie behind their hegemony (Heywood 2004: 45).

A critique of the theory of the agenda-setting power is that it is – in effect – seeking to study the absence of something. In comparison with the pluralist view, it is not as easily studied as it is less direct and visible. However, Bachrach and Baratz oppose this criticism while they think the approach can be fruitful because it goes beyond an examination of what is measurable (Bachrach and Baratz 1962: 952). No one should reject the immeasurable as unreal. Nonetheless, Bachrach and Baratz (1970) have stipulated a way of empirically documenting non-decision-making, starting by identifying the actors in it, and the mobilization of bias present. They further look at *who* is disadvantaged by this bias, and examine the extent to which the disfavored interests are expressed in the political agenda.

### *3.1.3.1 How to capture the absence of something*

According to Bachrach and Baratz, the agenda-setting power exists in decision-making processes. Hence, an expectation rooted in the principles of this power theory is that the

power dimension can be identified during the CSOs processes of writing the alternative reports, as – according to Bachrach and Baratz’ approach – one may expect in any agenda-setting and decision-making process. Furthermore, yet another expectation as regards the principles of this power dimension is that the pre-session functions as an agenda-setting process and that the agenda-setting power also will be present at the CRC level.

#### 3.1.4 The third dimension of power: Preference shaping

In *Power – A Radical View* (1974) Steven Lukes criticizes but does not reject the other two power dimensions. Lukes argues that the first two power dimensions are insufficient in that they do not take into account institutionalized actions that – overtly or covertly – seek to change or preserve conditions, behavioral patterns, structures or outcomes in a system, hence preventing conflict of interests to arise (Falkum 2008: 62). Therefore, he developed a third power dimension, in order to redress the fact that the non-decision-dimension may not include all possibilities in which actors *can* be dominated. Lukes suggests that there exist situations where conflicts are neither conspicuous nor visible, yet where it is still likely that someone is being dominated (Lukes 1974:22-3). Lukes suggests that:

A may exercise power over B by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants. Indeed, is it not the supreme exercise of power to get another or others to have the desires you want them to have – that is, to secure their compliance by controlling their thoughts or desires? (Lukes 1974: 23)

This third-dimensional view on power is often called preference shaping or power by thought control, and is similar to Foucault’s *regime of truth* (Clegg 2006). If applied, one need not study behavior, an overt conflict of interest, or grievance among the actors. Conflicts may be latent between the interests of the dominating and the real interests of those they exclude (Lukes 1974: 24-5). According to Lukes, an issue that the first two power-dimensions fail to address is the fact that an actor cannot free him- or herself from the influence of others. Both Dahl and Bachrach and Baratz assume that actors are rational and autonomous (Heywood 2004: 127). However, one can easily demonstrate situations in which an actor is influenced by another, e.g. in family, schools, media etc.

Lukes’ power-approach can be seen in relation to Foucault’s work (especially with regard to the idea of a “discourse of power”) on the thought systems and power: While Marxists associate power as thought control with the attempt to sustain class inequality,

postmodernist thinkers on the other hand, come close to understanding power as “ubiquitous, all systems of knowledge being viewed as manifestations of power” (Heywood 2004: 128).

In the work *Power and the Powerless* (1980), Lukes’ doctoral student, Gaventa, further suggests that symbols can play a crucial part in how people interpret society. By pointing to the manipulation of social myths and linguistic symbols, he analyzes how it can be possible to shape the societal consciousness:

“Power influences, shapes or determines conceptions of the necessities, possibilities, and strategies of challenge in situations of latent conflict. This may include the study of [...] language, and symbols, and how they are shaped or manipulated in power processes. It may involve the study of communication of information – both of what is communicated and how it is done. It may involve a focus upon the means by which social legitimations are developed around the dominant, and instilled as beliefs or roles in the dominated (Gaventa 1980: 15-6; brackets added).

For Lukes, the concept of power is value-dependent. This is due to his view that both the definition and any uses of the concept, once defined, are inextricably tied to value-assumptions, which predetermine the range of the empirical application of the power-concept (Lukes 1974: 26). This has been viewed as problematic for scientific and scholarly research due to the fact that the basis of the research under circumstances that Lukes describes will invariably be someone’s subjective values. Dowding (2006), however, has suggested a resolution to this analytical issue by employing an “intentional stance” as a requisite for the use of this theoretical approach, meaning that an intention to exercise the power must be present in order for any power to exist. By applying the use of this requisite, one avoids the minefield of overanalyzing or giving too much importance to the interest of another actor (Dowding 2006: 143). In other words, B is being subject to power or domination if A intentionally influences him or her, or if A should be aware that he or she is doing so.

#### *3.1.4.1 Understanding how preferences are shaped*

Based on the rationale of Lukes’ theory, and the established notion of CSOs as vehicles for political exchange which gain influence by serving as alternative sources of information (Keck and Sikkink 1999: 95, 100), an expectation as to what the data material will be able to identify is that CSOs as providers of “alternative information” can impact the CRC’s comprehension of the reality for children’s rights in a given country.

### 3.1.5 Communicative power

Communicative power is valuable to use as an alternate political power definition, which is distinct from the three above-presented dimensions. Habermas (1981), followed-up in his work *Faktizität und Geltung* (1992), provides a systematic presentation of a concept of political power, which can be seen as different yet complementary to the above-mentioned approaches.<sup>15</sup> Communicative power is considered a normative resource for countering normlessly steering media of administrative power (Flynn 2004: 434): “[Communicatively generated legitimate power] can have an effect on the political system insofar as it assumes responsibility for the pool of reasons from which administrative decisions must draw their rationale” (Habermas 1996: 484; brackets added).

Communicative power is expressed through mutual communicative norms that have been accepted voluntarily by all actors involved (Høibraaten 1999: 226). According to Habermas and the theory’s principles (1990), it is the argument and the argument’s rationale that changes another actor’s position, point of view, or action. Hence, it is the communicative rationality that explains the deliberative transformative ability. In other words, the power to change the behavior of another actor (Habermas 1990: 89-90). Actors may thus strategically make use of moral arguments in a *rhetorical interaction* where the parties involved seek to persuade the addressee(s) that their respective point of view is better grounded in rationality than that of others. The decisions that are made are therefore based on the force of the arguments rather than the votes or the status of the deliberator (Eriksen and Weigård 1999: 54-5). In Habermas’ theory of communicative rationality the focus lies on how *language* has the ability to coordinate action in a cooperative or consensus-based manner, contrary to the instrumentalist rationality which may also make use of strategic thinking, power, force, manipulation, or deception (Habermas 1983: 137) as seen in the power variants discussed above.

#### *3.1.5.1 Identifying the deliberative transformative ability*

Based on the principles of the Habermasian communicative power, some expectations, yet also reservations as to what the empirical data material will show and help us identify comes to mind. Firstly, one may expect that throughout the course of the reporting process CSOs will

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<sup>15</sup> Habermas is inspired by views on Western Modernity in critical theory (the Frankfurt School) and by sociologist Max Weber (1864-1920).

have the ability to clearly change the position of the CRC members by way of mutually accepted norms and by rational arguments. Secondly, however, due to the previously mentioned access restrictions to the pre-session, I must take into account that it may be hard to identify the deliberative transformative ability at work in the pre-session proper; still, it may be identifiable outside or adjacent to the pre-session itself.

### 3.1.6 Model of operationalization

Below, then, I present a summarizing overview of the four theoretical power dimensions that will be used as analytical tools to explain and understand the first and twofold research question of “*how*” and “*to what extent*” CSOs may influence the CRC and its concluding observations. Furthermore, the table also presents some expectations as to what findings the data-collection process may extract.

*Table 3.1.6 Model of operationalization*

	<b>1<sup>st</sup> dimension: Direct power</b>	<b>2<sup>nd</sup> dimension: Agenda-setting power</b>	<b>3<sup>rd</sup> dimension: Preference shaping</b>	<b>Communicative power</b>
<b>Execution of power at CSO and CRC level</b>	Certain actors can regulate the behavior of CSOs.	Agenda-setting on CSO level	CSOs as vehicles of “alternative information” can define the situation for children’s rights	(In)formal deliberations
		Agenda-setting on CRC level		Changing of actors’ positions through arguments

Now, after having established the theoretical points of reference to explain and understand the empirical material in seeking to analyze the CSOs’ power to influence the CRC and its concluding observations, I am in need of an applicable reference in order to critically discuss and analyze the *legitimacy* of the CSOs’ role in the process. Although a Weberian approach as theoretical point of reference for the aspects of both influence and legitimacy would serve as rewarding for the upcoming analysis, I nevertheless choose to rely on the deliberative democratic approach, while it seems that the democratic legitimation of decisions deriving from international governmental organizations is a highly indirect one stemming from the (elected) national governments, rather than from world citizens as a whole (Nanz and Steffek

2005: 368). My argument is thus based on deliberative normative criteria, that are generally regarded as ideals for institutional reform.

### **3.2 The deliberative approach: Legitimizing processes**

Based on the importance of the concluding observations, the deliberative democratic theory will function as an analytical tool to analyze the legitimacy of the CSOs' role in the reporting process at the final analytical level, namely *the supra-national level*. The deliberative democratic theory is a normative theory that focuses on how decision-making processes *should* be organized to ensure that the binding decisions deriving from such processes are legitimate. Deliberative democracy is when conditions of equality, inclusiveness and transparency, and a communicative process based on reason can transform and/or transcend individual preferences and reach decisions for the public good (della Porta 2005: 340). To most deliberative theorists, at the core of all deliberative approaches lays the requirement of reason-giving:

Citizens and their representatives are expected to justify the laws they would impose on one another by giving reasons for their political claims and responding to others' reasons in return (Thompson 2008: 498).

In contrast to the aggregative democratic model in contemporary political theory, the deliberative democratic model focuses on the idea of public reasoning: The goal is to reach political decisions through a deliberative process where the actors involved scrutinize heterogeneous interests and values, and justify their positions in the view of the common good (Nanz and Steffek 2005).

Before outlining the model of deliberative democracy that will serve as a normative point of reference for the critical analysis, one needs to address the issue that is paramount to the theory, namely the insurance that citizens' concerns are taken into account when it comes to decisions on binding rules, and that the results, in principle, can be supported by citizens in a free and open debate. In Habermas' proceduralist theory, the public sphere, in this case the civil society, plays an important role. The public sphere is perceived as a discursive network where the citizens, tied together by the means of mass communication, shape flows of opinions in seeking how to best solve common problems (Nanz and Steffek 2004: 320-1). While it may be difficult for a single citizen to voice his or her concerns in a global governance regime, one may nevertheless view an organized civil society that participates within such a regime as an important intermediary agent between the political institutions and

their constituency (Nanz and Steffek 2004: 321). By allowing for this view, one may further argue that CSOs can give voice to citizens' concerns by channeling them into policy processes that are dominated by government officials, diplomats or the like (Nanz and Steffek 2005: 371). When allowing for CSO-participations, CSOs can thus make the decision-making processes more transparent and accessible to the wider public, and thereby contribute to the establishment of transnational political deliberation (Nanz and Steffek 2005: 371). However, one should not blindly accept that CSOs-participation will automatically achieve more transparency and stronger participatory processes. Although international governmental organizations may consult with CSOs, this does not immediately result in CSOs having either access to political deliberations, or a *de facto* influence in them (Nanz and Steffek 2005: 371), as the existing research presented in section 2.5 on the State of the Art, has demonstrated. This means that the mere fact that CSOs are able to interact with international governmental regimes, does not necessarily mean that the CSOs as actors have access to the political deliberations and/or the forums where crucial decisions are prepared (Khor 1999 in Nanz and Steffek 2004: 67) or that they in any way can influence the course of the deliberations (Risse 2002 in Nanz and Steffek 2004: 67).

### 3.2.1 A normative point of reference for legitimacy

Most deliberative theorists agree on the essential criteria for a legitimate decision, which all seem to derive from Habermas' (1990) ideal speech situation,<sup>16</sup> which is a critical standard to measure transparency in social theory, and which can only exist when the deliberation is governed by basic, agreed-upon rules. While of course acknowledging both Habermas' original critical standards and other deliberative theorists' revisions of them,<sup>17</sup> a pragmatic choice regarding the analysis for this thesis is to look to the set of theory-guided criteria offered by Nanz and Steffek (2005), since my empirical cases lie closer to their empiricism and their respective analysis of it. Their work revolves around global governance and the role of civil society from a deliberative theoretical point of view, and their research has focused on the participation of civil society in international governmental regimes such as, amongst

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<sup>16</sup> Habermas, together with Niklas Luhmann later discovered that the approach and its claim for transparency were too demanding and thus not applicable in a social context (Holberprisen 2005), hence the revision of the approach.

<sup>17</sup> E.g. Thompson 2008

others, WTO, IMF and the UN. The standards are: *access to deliberation, transparency and access to information, responsiveness to stakeholder concern, and inclusion of all voices.*

Hence, in order for decisions stemming from international governmental regimes to have a discernible effect of improvement for the nation states' citizens (and here, not least for children), there needs to be an insurance that citizens' concerns are taken into account when decisions, such as the concluding observations, are made.

#### *3.2.1.1 Criterion 1: Access to deliberation*

As previously established, stakeholders' access can be difficult to effectuate literally in an intergovernmental regime, therefore stakeholders rely on CSOs to promote their views and concerns. The first criterion will seek to reveal whether or not *CSOs have institutionalized access to the deliberative settings*, and whether the CSOs can ensure that their stakeholders' arguments can be voiced (Nanz and Steffek 2005: 374). Against this background, the focus will be to examine if (1) *all* CSOs may send an alternative report, and (2) *all* CSOs may attend the pre-session in Geneva.

#### *3.2.1.2 Criterion 2: Transparency and access to information*

As the focus of this thesis lies on the legitimacy of the CSOs' involvement in the process and that of the resulting concluding observations, the second criterion help uncover whether the CSOs involved in the CRC-reporting process can access the same information as the State parties. However, to analyze the legitimacy of their role in this process, one need also to examine whether the State parties have access to the same information as the CSOs. If the information availability proves unbalanced, this may raise critical questions about the legitimacy of the informational flow, according to the deliberative theory. Thus, this criterion will support the exploration of (1) whether the CSOs have access to the same information as the State parties, and (2) whether the State parties have access to the same information as the CSOs – and if these two are proven unbalanced, the criterion will foster support for an analytical assessment of possible reasons why.

#### *3.2.1.3 Criterion 3: Responsiveness to stakeholder concerns*

This criterion will support a search to reveal whether the arguments presented by the stakeholders are adequately reflected in the deliberation. Here I will follow Nanz and Steffek's (2005) distinctions of responsiveness, and focus primarily on the aspect of



*adjustment*, knowledge of which will be extracted from the content analysis of relevant reports. I will analyze if there has been an observable transformation of actors' articulated positions (Nanz and Steffek 2005: 376). A strong proof of responsiveness to concerns voiced by civil society would be if the analysis reveals that the CSOs' recommendations in fact are articulated and reflected in the concluding observations.

#### 3.2.1.4 Criterion 4: Inclusion

The criterion of inclusion implies that the arguments and concerns raised by the stakeholders possibly affected by the decisions should be included into the process of decision-making. Due to the fact that I am unable (while not authorized) to observe the pre-session for the selected reporting rounds, i.e. 2009, 2010 and 2010, or any for that matter, I am prevented from studying the extent of inclusion of individuals in the pre-session. The objective will therefore be to seek to reveal whether there exists any form of appropriate *arrangements* such as economic resources or other facilitation mechanisms to support the inclusion of more disadvantaged stakeholders and the CSOs representing them – this, to ensure the voiced inclusion of arguments from *all* actors involved.

I have now presented the selected theoretical framework for this thesis, and outlined how the different theories are to be understood in the context of my research project. Furthermore, certain expectations as to what the data-collection process may find have also been provided. As expressed the upcoming analysis will primarily be devoted to the analysis of how and to what extent CSOs can influence the CRC and its concluding observations, however, it will also be supplemented with a critical analysis of the CSOs' role on the reporting process. As this thesis is deductive in nature, a factor further elaborated below, the theoretical framework will function as the starting point for the upcoming data collection process and the ensuing establishment of findings and the analysis of these.

## 4.0 Research strategy, methods and data material

The raised research questions seek to examine *how* and *to what extent* CSOs can influence the CRC and its concluding observations, and whether the CSOs' role in the reporting process is *legitimate*. In this chapter I will justify the reason for the methodological choices, the methods and the data material which will answer the research questions. The outline of this chapter is threefold: First, I will outline the inherent methodological approaches set for this thesis. Secondly, I will justify the research design to assess the CRC's interaction with CSOs, and

present and justify the selected independent variables – i.e. CSOs – to explain this interaction. Finally, I will provide an outline of the two types of methods used to extract the empirical data material, and which tools I have utilized to do so. Included is an account of the quality of the data material.

Due to the necessity to limit the scope of considerations in a master's thesis, I will in this chapter not address research ethics in-depth. However, to ensure that all ethical considerations have been met, I have, through the entire process, received guidance from the Norwegian Centre for Research Data (NSD).

#### **4.1 Methodological approach**

Within the social sciences there exist a variety of methodological approaches. The two most prominent paradigms are called the *positivist* and the *constructivist* approaches. The positivist stance is a philosophical approach seeking to gain knowledge through observable and measurable facts. Based on theories, the purpose is to formulate hypotheses which may be tested through an objective data collection process and analyses (Moses and Knutsen 2012: 8). Constructivism entails a view of reality as socially constructed, and constructivists argue that the real world is influenced by the researchers' own interpretation of the context of the study (Moses and Knutsen 2012: 9). The two approaches are typically associated with different research methods: as the aim of positivist research is to uncover universal truths, positivists often prefer standardized instruments that are believed to be precise in extracting facts from a single reality (Rubin and Rubin 2012: 15-6). As such, experiments and quantitative methods are usually favored by researchers applying a positivist approach. Constructivists, on the other hand, typically prefer qualitative methods such as interviews that allow for a more in-depth understanding of a social phenomenon, rather than breadth (Rubin and Rubin 2012: 15-6).

Upholding that the two methodological approaches can complement each other rather than being mutually exclusive, this research project has elements from both. From the positivist stance, the project seeks to obtain objective knowledge from a quantitative analysis of the alternative reports and the concluding observations. The tenet is that my study will uncover the reality about *to what extent* the CSOs under investigation can influence the CRC. However, this study also has an approach rooted in the constructivist perspective. In the qualitative interviews with relevant actors in the field, I acknowledge, in line with the constructivist perspective, that my questions and interpretation of the answers will be affected

by my own perceptions. The empirical data from the interviews are based on my methodological choices throughout the research process, as well as my own interpretation of the social action.

#### **4.2 Research design: Case study**

The chosen research design for this thesis is a *case study* of the CRC's interaction with CSOs. The CRC and its concluding observations are the *dependent variables*, which the CSOs – i.e. *the independent variables* – seek to influence. There is no universal definition of the concept *case study*, nor as to when, why, and how to use it (George and Bennett 2005: 17), however, arguably the most central hallmark of the design is the intensive study of a few cases with the purpose to shed light on a larger phenomenon (Ragin 1992: 5; in Thomas 2011: 512; Gerring 2006: 19). The reason for employing this research design is rooted in the limited knowledge available about this particular process: An intensive study of certain independent variables, i.e. CSOs from Norway, Finland and Spain, and how they influence the dependent variables, is likely to contribute with enhanced knowledge on “*how*” and “*to what extent*” CSOs can influence the CRC and its concluding observations. Furthermore, the nature of a case study – providing in-depth knowledge of a larger phenomenon – will also foster grounds to examine the legitimacy of the CSOs' influence in the process.

#### **4.3 Selection of independent variables**

As opposed to Türkelli and Vandenhole's randomized selection strategy of NGOs from Belgium, Turkey, Kenya, and Afghanistan, the independent variables in this study are selected based on *pragmatic* and *strategic* factors. First, focusing on the CSOs' countries of origin: Each country's social and institutional construction is in this thesis regarded as conditions for how influence can be exercised, and the selected CSOs' countries of origin are Norway, Finland and Spain. This selection has been pragmatic in the sense that all their respective national CSOs' reports are accessible, and have not been held confidential. Furthermore, I hold bachelor degree in Spanish and Latin American Studies from the Faculty of Humanities at the University of Bergen, which has provided me with linguistic and cultural competence in the field, and this has given me the opportunity to include also CSOs from Spain – a country that rarely is embraced in English-based comparative studies.

The CSOs' countries of origin are also strategically selected. The three countries are similar along five parameters: they are all European countries (though Norway and Finland,

two Nordic countries, are located geographically closer to each other than to Spain). The three countries have ratified the Convention on the Rights of the Child, and have more than twice been assessed by the CRC in the reporting process. One may thus assume that the national CSOs are familiar with the reporting process and know how to influence the CRC. Their reporting rounds examined here, also coalesce relatively in time (2009 and 2010). This can indicate certain amount of stability in the CRC procedure. Furthermore, the three countries are legally bound to the European Human Rights Convention, and they rank among top ten in KidsRights Index – an international index ranking the adherence to the Convention on the Rights of the Child (KidsRights Index 2017).

However, the two Nordic countries differ from Spain within three specific and interesting parameters. First, “permanence of democracy”: both Norway and Finland have been democratic states longer than Spain (Mardal 2017; Julsrud and Giverholt 2016; Javier 2011). Secondly, “the third sector”, i.e. the activities of non-governmental and –profit organizations, show differences; the two Nordic countries pertain to the “Nordic and socio-democrat cluster” with an active civil society, while Spain pertains to “the Mediterranean or emerging cluster”, a third sector not as engaged as the Nordic one (Archambault 2009: 10-1). Finally, Spain is different from the two Nordic countries also when it comes to welfare systems: Spain’s welfare systems is classified as “sub-protective” with high levels of social differences, and socio-economic inequalities (Gallie and Paugam 2000: 5), and the Spanish *child* welfare system is categorized as “service-oriented” (Barn *et al.* 2015: 2). Norway and Finland on the other hand, have “universalistic” welfare systems with high levels of financial support, low level of poverty, and a focus on individualizations of rights. Their *child* welfare systems are also service oriented; however, they are also *child centric*, meaning that children are regarded as individuals with their own rights and needs (Barn *et al.* 2015: 2). These differences may suggest that the cultural child perspectives of Norway and Finland are different from those of Spain.

Secondly, after having selected the three countries, I made a strategic selection of the independent variables: While 13 CSOs submitted reports to the CRC during the respective reporting rounds, and the length of alternative reports vary from 34-85 pages, and the concluding observations are of 15 pages, I have been prevented from focusing on *all* the variety of different CSOs. Hence, the selection of CSOs was rooted in a strategic sample selection which was built on a systematic assessment of which *independent variables* were most relevant and interesting to study considering the theoretical framework and the

analytical objective. The strategic factors that drove the selection were Child Rights Connect's guidelines which indicate that NGO-coalitions, Ombudsmen and NHRIs are most likely to be invited to the pre-session (yet beware: not all CSOs can attend) (Child Rights Connect 2014). Furthermore, as one of the suggested impact factors is *physical presence*, it is of importance to study CSOs that have attended the pre-session. While it was unknown *who* attended the pre-session during the respective reporting rounds (this is not official knowledge), Child Rights Connect provides an understanding of who are most likely to be invited. Hence, the independent variables selected for the analysis are NGO-coalitions, Children's Ombudsmen and NHRIs. Below I provide a country description and a presentation of each CSO under examination.

#### 4.3.1 Country description: Norway

The Norwegian State party signed the Convention on the Rights of the Child in January 1990 and ratified it a year later (UN Treaty Collection 2017). Norway ranks at number one in the annual global index, KidsRights Index (KidsRights Index 2017). Furthermore, the Norwegian State party has reported to and been assessed by the CRC four times. The two CSOs, the Ombudsman for Children and Forum for Barnekonvesjonen (FFB), have reported to the CRC since 1998 and are consequently the CSOs that have been involved in the Norwegian reporting processes the longest. The national Human Rights Institution, Norwegian Centre for Human Rights (NCHR), submitted its first report in 2009 (Barneombudet 2017a). However, the reporting round which started in 2009 included also reports from Gruppen til Familiens Selvstendige Rett, Redd Våre Barn, and Barnas Rett, furthermore, Child Helpline International and Kors på halsen Red Cross Helpline, and, finally, a report from the Global Initiative to End All Corporal Punishment of Children. The CRC submitted its concluding observations to the Norwegian State party on March 3, 2010. On October 6, 2016, the Norwegian State party submitted its newest periodic report to the CRC, and has now entered the fifth round of periodic reporting (OHCHR 2017a). The Norwegian CSOs selected for this thesis are the Norwegian Ombudsman for Children, Forum for barnekonvensjonen and Norwegian Centre for Human Rights.

##### *4.3.1.1 CSO description: Norwegian Ombudsman for Children*

The Norwegian Ombudsman for Children functions as the spokesperson for children in Norway. The Children's Ombudsman's main responsibilities are that children are adequately

heard and that their rights are followed. Furthermore, the Ombudsman monitors that the Norwegian State party complies with the Convention. As previously mentioned, the Children's Ombudsman is independent from the state, though formally appointed by the government (Barneombudet 2017b).

#### *4.3.1.2 CSO description: Forum for barnekonvensjonen (FFB)*

FFB was established in 1994 and is an NGO-coalition including organizations, institutions and individuals concerned with children's rights. Today FFB holds 50 members. FFB works on providing information about children and has been an important fellow-player in the incorporation of the Convention into Norwegian Law. The FFB's Secretariat is led by Save the Children (FFB 2017).

#### *4.3.1.3 CSO description: Norwegian Centre for Human Rights (NCHR)*

During the reporting process in 2009, the Norwegian Centre for Human Rights reported to the CRC as a national human rights institution, and was a part of the University of Oslo. However, due to considerations regarding the critique of the institutions independency, it was seceded from the university and is now called "Norges nasjonale institusjon for menneskerettigheter" (NNIM). NNIM's activities then and now include a holistic and systematic monitoring of human rights in Norway and provides the Norwegian State party with recommendations on how to better implement human rights (NNIM 2017).

#### 4.3.2 Country description: Finland

The Convention on the Rights of the Child came into force in 1991 (CUCW 2017) and has since then been part of Finnish legislation. Finland ranks number nine at KidRights Index (KidsRights Index 2017). The Finnish State party has submitted periodic State reports to the CRC four times, last time in 2010. The CSO, Central Union for Child Welfare (CUCW), has delivered an alternative report since the first reporting round in 1996. The Finnish Ombudsman for Children submitted its first report in 2011 (CRIN 2017a). The reporting round in 2010 also included reports from the Deputy Parliamentary Ombudsman, the Infant and Young Child Feeding in Finland, as well as the International Disability Alliance (CRIN 2017a). The most recent concluding observations were submitted to the Finnish State party on August 3, 2011. The deadline for the Finnish State party to submit its next periodic reports to

the CRC is July 19, 2017 (OHCHR 2017b). The Finnish CSOs selected are the Finnish Ombudsman for Children and Central Union for Child Welfare.

#### *4.3.2.1 CSO description: The Finnish Ombudsman for Children*

The primary role of the Finnish Ombudsman for Children is to monitor the welfare of children in Finland as well as the implementation of their rights. Furthermore, the Children's Ombudsman seeks to let children's viewpoints come to the fore in all decisions concerning them. The Finnish Ombudsman for Children reports annually to the Finnish government on the situation for children's rights, highlighting shortcomings in legislation and the development of child welfare. It also carries out lobbying work (Lapsiasia 2017).

#### *4.3.2.2 CSO description: Central Union for Child Welfare (CUCW)*

The CUCW, founded in 1937, is an NGO-coalition that actively works to promote children's rights issues on a National and European level. Its aims are to ensure that children's rights are a priority in decision-making concerning their lives, and that the Convention is implemented to the full. The organization's mission is to develop child welfare and cooperation among NGOs, municipalities and state authorities. The CUCW holds 92 organizational members and 39 members of municipalities. The Board, which is assisted by the executive Committee, has the main responsibility concerning operations and decision-making (Lski 2017).

#### 4.3.3 Country description: Spain

Spain signed the Convention on the Rights of the Child in January 1990, and it came into force the same year (UN Treaty Collection 2017). Spain is ranked as number four in KidRights Index (KidsRights Index 2017), and started reporting to the CRC in the early 2000s (CRIN 2017b). The previous reporting round for the Spanish State party started in 2010, and this was the third time that the government submitted a state report for CRC assessment. La Plataforma de Infancia (PI) reported to the CRC for the first time in 2000, and for the second, and most recent time, in 2010. The CSOs that submitted an alternative report to the CRC for the 2010 reporting round were the Global Initiative to End All Corporal Punishment of Children and Child Helpline International. The concluding observations were delivered to the State party on November 2, 2010. On March 8, 2017, the Spanish State party submitted its most recent periodic report, entering a new periodic reporting round (OHCHR 2017c). As PI was the only national CSO participating in 2010, it is the only CSO included in the analysis from Spain.

#### *4.3.3.1 CSO description: Plataforma de Infancia España (PI)*

PI was founded in 1997 as an NGO-coalition with the objective to coordinate, defend, promote and protect children's rights in Spain. The organization consists of 59 members, and the basis for PI's work is the Convention. PI monitors the Spanish state party's compliance with the Convention, and works to promote child participation (PI 2017a). Furthermore, the organization seeks to inform civil society about children's organizations. It is PI's Secretariat and its members that together are the decision-makers in the organization (PI 2017b).

#### **4.4 Justification of chosen methods**

The main objective of this study is – through the four presented power dimensions – to explain and understand *how* and *to what extent* CSOs can influence the CRC and its concluding observations. Furthermore, based on the legal and political importance the concluding observations have, this study also seeks to examine whether the CSOs' role in the reporting process is legitimate. To answer the raised research questions, I have conducted semi-structured interviews with six CRC members and three representatives from the Secretariat and Child Rights Connect. I have also conducted focus group interviews with three CSOs, and carried out a content analysis of six alternative reports and three concluding observations.

The analytical approach to answer the first and twofold research question is both descriptive and causal, entailing both a qualitative and quantitative methodic approaches. The analytical approach of the second research question is normatively rooted as it seeks to critically analyze the legitimacy of the role of the CSOs in the reporting process. While explorative in nature, and due to the limited knowledge in the field, the research approach is nevertheless deductive as it is rooted in four power dimensions, and in deliberative normative criteria.

In the literature, there is a prominent distinction between *quantitative* and *qualitative* data. This categorization refers to the empiricism collected through methodical tools. Simply put: quantitative data concerns numbers and terms of quantity, whereas qualitative data on the other hand, are expressed through text and pictures (Grønmo 2004:33). As the aim of this study is to obtain new knowledge in a field which is limited in scope, it has been of importance to choose satisfactory methods, which can help extract in-depth insight and enable

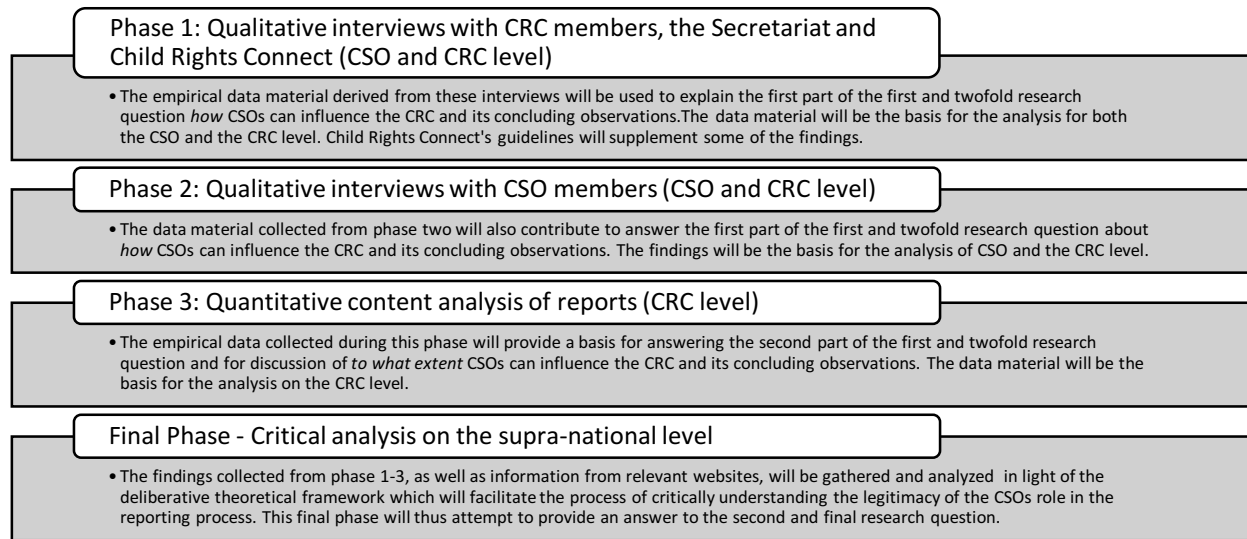


a critical explanation and understanding of the raised research questions. As seen, the existing research has focused mainly on quantitative content analysis because researchers, observers, and of the like do not gain access to such processes. Due to the nature of my research questions (being descriptive, causal and normative), I wish to ensure even more rich, robust, and well-developed data than what content analyses can extract alone. To answer the raised research questions and help ensure that I can contribute to and expand the knowledge in the field, I have chosen both qualitative and quantitative methods: I have chosen the in-depth methodic approaches of qualitative interviews to gain personal insight and experience of the CSOs' influence in the reporting process. Furthermore, I have selected content analyses of the alternative reports and the concluding observations as these offer themselves as the only opportunity to measure the extent to which CSOs can influence the CRC and its concluding observations. Hence, I am employing method triangulation – a pragmatic and fruitful tool in the sense that it may elicit comprehensive knowledge of the phenomena under investigation (Grønmo 2004: 56). As the State of the Art suggests, none of the existing research articles have conducted qualitative interviews, and so my study may contribute with a (somewhat) new methodical approach to this particular field.

However, observations of the pre-session itself would be a fruitful approach to obtain data which could answer the raised research questions, and while this was my initial strategy, my application for status as an observer of the pre-session in October 2016, was denied due to confidentiality measures.

Below I present the four phases of the data collection process. Phase 1-3 entails the collection of the data (through qualitative interviews and a quantitative content analysis). The “final phase” is not a data collection process *per se* but uses the findings collected from the prior phases, supplemented with information from relevant websites to analyze the second research question.

Figure 4.4 The four phases of the data collection process



## 4.5 Qualitative interviews

The objective of the qualitative interviews is to obtain knowledge of how the CRC perceives the CSOs and their role in and influence on the reporting process. Secondly, it is vital to address any strategic means that the CSOs use to influence the CRC and its concluding observations. To gain insight into these two factors, and more, the actors themselves were interviewed since they arguably can best address these issues. Against this background, I have conducted semi-structured interviews with CRC members, and representatives from the Secretariat and from Child Rights Connect. Furthermore, I have conducted focus group interviews with FFB, the Norwegian Ombudsman for Children, and CUCW.

### 4.5.1 Semi-structured interviews (Phase 1)

Semi-structured interviews are conducted by the researcher and the conversation is based on a pre-written interview guide (Grønmo: 2004: 161). The interview guide describes how the interviews will unfold, and outlines the main features of the interview (Grønmo 2004: 161). Semi-structured interviews often start with background information of the respondent. Furthermore, it is important that the interviewer acts neutrally and does not steer the conversation nor seek to affect the respondent's answers (Ringdal 2001: 245-6).

In October 2016, I traveled to Geneva, Switzerland during the pre-sessions to conduct semi-structured interviews with the CRC members and representatives from the Secretariat and Child Rights Connect. Before leaving, I had scheduled three interviews with two CRC members and one representative from Child Rights Connect. Before my stay in Geneva, I made a pragmatic assessment as to the number of respondents that I required, however, upon

arrival it became evident that I could not be in full control of the selection strategy. As I had conducted the first semi-structured interviews, the respondents further introduced me to other CRC members and members of the Secretariat and Child Rights Connect. This selection strategy bears resemblance to what is called a *snowball sampling* where the first chosen respondents are asked to suggest another (Grønmo 2004:100). It was vital for me that the sampling selection unfolded like it did, as I immediately obtained a connection to the CRC network, a connection that I presumably would not have had if it had not turned out did as it did. During the week in Geneva, I interviewed nine respondents (see overview below).

*Table 4.5.1 Overview of respondents from Geneva*

<b>Total</b>	<b>CRC members</b>	<b>The Secretariat</b>	<b>Child Rights Connect</b>
<b>9</b>	6	1	2 <sup>18</sup>

The interviews lasted from 12 minutes to 1,5 hours. The pre-planned interview guides were rooted in the theoretical framework presented in chapter 3.0. The CRC members and the representative of the Secretariat were asked the same questions, which had a clear procedural and relational focus on the CSOs and the CRC. The interviews conducted with Child Rights Connect representatives had different questions, focusing on their role with CSOs in the reporting process. The interviews were recorded on tape. This was highlighted in the consent form which was signed before each interview started. One of the respondents did not wish to be recorded, however, I could take notes on my computer during the interview. Due to anonymity considerations, I have chosen *not* to distinguish between the two interviewed representatives from Child Rights Connect. In Chapter 5.0, their statements are presented as “Child Rights Connect 2016” for both respondents.

#### 4.5.2 Focus group interviews (Phase 2)

Focus group interviews are similar to the semi-structured ones (Grønmo 2004: 159). The main difference is that the focus group interview is conducted with more than one respondent (Grønmo 2004: 159-61). The objective for using such an approach is to gain insight into the respondents’ attitudes and understandings of the real world (Ringdal 2001: 247). Advantages with focus group interviews are their time-efficiency, and the group dynamic of the

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<sup>18</sup> One of the interviews with a respondent representing Child Rights Connect was conducted via Skype, as the respondent did not have time to meet in person.

conversation which may provide a broader insight than semi-structured interviews with one respondent (Ringdal 2001: 247). However, a disadvantage with focus groups is that they may hinder individual standpoints from being voiced. Furthermore, often certain respondents dominate the setting. It is therefore vital that the interviewer ensures that all the respondents are heard.

The focus group interviews of phase 2 were aligned with the strategic selection strategy presented in section 4.3. From Norway, the Norwegian Ombudsman for Children and FFB were contacted. I was notified that a respondent from one of the Norwegian CSOs previously participated in the CRC reporting process as a representative from NCHR, thus additional NCHR respondents were not contacted. This entails, however, that some of the interviewed respondents' statements are rooted in experiences from his or her employment in NCHR. From Finland, the Finnish Ombudsman for Children and CUCW were contacted. Finally, from the Spanish country case, PI was contacted as the only national CSO reporting in 2010. I, myself, could not completely control the selection of respondents, yet the only requirement I posed was that they had experience with the reporting process. Neither the Finnish Ombudsman for Children nor PI wished to participate in the interview part of the research project. Below is an overview of the respondents.

*Table 4.5.2 Overview of CSO-respondents*

<b>Total</b>	<b>FFB</b>	<b>Norwegian Ombudsman for Children</b>	<b>CUCW</b>
<b>6</b>	2	2	2

As none of the CSOs reside in Bergen, the interviews were conducted via Skype and lasted approximately 1-1,5 hours. The interview guide that was utilized was rooted in the theoretical framework, with a particular focus on how to influence the CRC and its concluding observations. Also, these interviews were recorded, which was highlighted in the consent form. Due to the dynamics of the conversations with the respondents, I have chosen to present the CSOs' statements in accordance with the organization they represent.

The analysis of this data material has been an iterative process, i.e. I have repeated the analytical steps, data reduction, data presentation and conclusions, several times. The starting point has been the coding of the data material from the interviews. The coding has been carried out *deductively* while the basis for the coding has been the theoretical framework and the outlined operationalization. The material has been coded *manually* to secure an intuitive structure for the analysis, and the coding was conducted in NVivo.

#### **4.6 Quantitative content analysis (Phase 3)**

The third phase of the data collection process, which will provide answers to the second part of the first research question, is based on a quantitative content analysis of the CSOs' alternative reports against the CRC's concluding observation to seek reveal the extent to which CSOs can influence the CRC and its concluding observations through the submission of reports.

The motivation for this analysis is the fact that these documents, *the alternative reports* and *the concluding observations*, are two of the few formal documents that trace the entire reporting process, which can extend over five years. While CSOs might influence the CRC's concluding observations in ways and manners that clearly exceed the sheer facts of submitting their reports (a focus which is steered by the first part of the twofold research question), one cannot solely argue that an alternative report by itself is the only way the concluding observations have been influenced. However, seeing that traces from the alternative reports are found in the concluding observations, one might uncover *to what extent* the alternative reports have had an impact on the CRC.

The quantitative content analysis is a tool that extracts replicability and valid inferences from a data set to the context (Krippendorf 2012: 21). More precisely, the method's definition may be narrowed down to a method that "summarizes techniques and descriptions of the textual content by employing quantitative measures" (Bratberg 2014: 84.). It hence analyzes the appearance of determined elements in the text by the quantification of these elements. The measures deriving from the text may be used for statistical analysis, and the content analysis has an underlying ambition to draw conclusions regarding conditions outside of the texts (Krippendorf 2012 in Bratberg 2014: 85). The quantitative content analysis method is built on the occurrence of words, formulations or the composition of words that may be encoded considering pre-defined categories (Bratberg 2014: 85). Such categories help define the characteristics of the text that the researcher aims to measure the occurrence of. The pre-defined categories are variables with different values, and the documents in question are thus read and encoded in light of them (Bratberg 2014: 85).

As previously stated, the conclusions drawn from the content analysis must be valid and replicable. It is thus the characteristics of each category that make sure that the data fulfills this criterion. In the following I present the delimited data material that will be

analyzed. I will outline the description of the encoded categories, and describe the data program and corpus query engine *Corpuscle*, which I have used to conduct the analysis. Presented below is an overview of the reports subject to the quantitative analysis.<sup>19</sup>

#### Alternative reports (submitted to the CRC by CSOs)

- **The Norwegian Forum for the Convention on the Rights of the Child:** *Supplementary Report 2009 – To Norway’s fourth Report to the UN Committee on the Rights of the Child.* June 2009.
- **The Ombudsman for Children in Norway:** *Supplementary Report to the UN Committee on the Rights of the Child.* August 2009.
- **The Norwegian Centre for Human Rights:** *Supplementary report 2009 to Norway’s fourth report to the Committee on the Rights of the Child.* August 2009.
- **The Central Union for Child Welfare:** *NGO report, Supplementary Report to Finland’s Fourth Periodic Report on the Implementation of the UN Convention on the Rights of the Child for the UN Committee on the Rights of the Child.* October 2010.
- **Ombudsman for Children in Finland:** *Report to the UN Committee on the Rights of the Child, Supplementary report to Finland’s 4<sup>th</sup> Periodic Report.* January 2011.
- **Plataforma de Infancia España:** *Complementary Report to the III and IV Report on the Implementation of the Convention on the Rights of the Child in Spain.* March 2010.

#### Concluding observations (submitted to the State parties by the CRC)

- *Consideration of reports submitted by State’s parties under article 44 of the Convention – Concluding observations: **Norway.*** March 2010.
- *Consideration of reports submitted by State’s parties under article 44 of the Convention – Concluding observations: **Finland.*** August 2011.
- *Consideration of reports submitted by State’s parties under article 44 of the Convention – Concluding observations: **Spain.*** November 2010.

#### 4.6.1 Delimitation of the data material

Before conducting the analysis of the reports, a delimitation of the data material has been necessary to conduct. While there is a substantial difference in the length of the alternative reports and the concluding observations, with word-count limits of 21,000 and 7,000 respectively, the content analysis will only focus on whether the *CSOs recommendations* are reproduced either as a *concern* or as a *recommendation* in the *concluding observations*.

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<sup>19</sup> Despite the participatory rejection received from both the Finnish Ombudsman for Children and PI, I have nevertheless included their reports in the quantitative analysis. Furthermore, as a respondent from one of the Norwegian CSOs have experiences from the NCHR reporting, I also include its alternative report in the analysis.

A second delimitation of the data material has been to solely focus on the recommendations that address the Convention, *not* the Optional Protocols. Thirdly, while most of the recommendations, both by the CSOs *and* the CRC start with "...the State party", the phrasing may affect the analysis of e.g. the occurrence of specific words. To ensure that these words are not included as similarities, they have been excluded from the analysis. Finally, the CSOs' reports that have been analyzed follow the recommended layout offered by Child Rights Connect. This is not the case for the Finnish CUCW. CUCW's report does not present any clear recommendations. However, I have identified the recommendations as sentences encouraging the state to improve its compliance to the Convention, starting with modal auxiliary verbs such as *can, should, shall, must* etc. The remaining CSOs start each recommendation with "*Recommendation*", "*The Ombudsman Requests that the [CRC] make the following recommendation*", or "*The [CRC] should make the following recommendation*".

#### 4.6.2 Encoded categories in the data material

The analysis of the alternative reports and the concluding observations have been conducted both manually in the previously mentioned data program NVivo,<sup>20</sup> however, also with the linguistic corpus query engine, *Corpuscle*. Both data programs have helped categorize the data material and both programs provide an overview of the findings. When conducting the quantitative content analysis, I have established categories and provided definitions for each one. The objective is to make their definitions mutually exclusive from one another. More importantly, these categories – each with their clearly stated and mutually exclusive definitions – will concatenate the data gathered from these documents, and will help analyze my crucial question of *to what extent* CSOs have an impact on the CRC, and its concluding observations. In the categorization, I employ *linguistic* categories. While it is rooted in both methodology, and methods of the social sciences, however, this analytical approach has its basis in a linguistic doctrine. The encoded categories for the content analysis are *no similarity, contextual similarity, semantic similarity, and syntactic similarity*.

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<sup>20</sup> The NVivo software supports qualitative and mixed methods research. The structure of the software facilitates the organization and analysis into qualitative data (NVivo 2017)

#### 4.6.2.1 No similarity

The category *no similarity* includes recommendations – in the CSOs’ alternative reports, and concerns and recommendations in the CRC’s concluding observations – that by no means are similar. It is essential to include this category, as its function will help diversify between which recommendations that the CRC has not used and used in the concluding observations.

#### 4.6.2.2 Contextual similarity

The recommendations that fall under the category *contextual similarity* are recommendations in the CSO reports that are contextually similar, i.e. they deal with the same topics and Convention article as a concern or recommendation in the concluding observations. The recommendations in the concluding observations that are categorized here have few to no similar wordings in common with the wording of the recommendations in the CSOs report. Yet the most striking similarity here is thus the topic of the recommendations. An example of contextually similar recommendations is presented in the table below:

Table 4.6.2.2 Contextual similarity

Rec 1	<i>The State party should intensify its efforts to educate all parents about the value of early education so that a child may complete compulsory schooling.</i>
Rec 2	<i>The State party should implement efficient measures to counteract pupils dropping out of school.</i>

#### 4.6.2.3 Semantic similarity

The category *semantic similarity* consists of recommendations in the alternative reports and the concerns and recommendations in the concluding observations that, first, are contextually similar – see the definition provided above, and, secondly, include three or less lexical items (however significant to the context). Lexical items are words or phrases that have a meaning by standing alone (e.g. *child*, *welfare* and *right*). Lexical items are also known as meaningful units of language, for instance the words that one may find in a dictionary (Geeraerts 2010: 8). Furthermore, the lexical items must prove to be vital for the comprehension and intention of the recommendations. The lexical items cannot be determinatives (*the*, *this*, *that*, *those*, *which*, *its*, *whose*), articles (*a*, *an*, *the*), conjunctions (*and*, *or*, *but*) and/or subordinating conjunctions (*as*, *because*, *that*, *though*, *when*) standing alone, even though they are meaningful units of language. This is to exclude non-significant similarities. However, if one of the mentioned grammatical components is vital for an expression or belongs to a sentence structure (e.g. *the* best interests *of the* child), they will be counted as lexical items. Thirdly,



the recommendations or the concerns and recommendations are excessively paraphrased with the use of synonyms. A paraphrased sentence is a sentence that expresses the idea of something spoken or written by using different words (Oxford Dictionaries 2016). However, it is essential for the *semantic similarity* category that up to three original lexical items, or relevant synonyms thereof, stand next to each other (see lexical items above). The concept of paraphrasing is strongly connected to the use of synonyms; it is therefore compulsory to include this concept as well. The category thus also includes a frequent use of synonyms. Synonyms are words that both are pronounced and written differently, however, they do have the same or a similar meaning (e.g. *child* and *kid*) (Store norske leksikon (SNL) 2009). Since there are few words that are completely synonymous (SNL 2009), and that there might be disagreements about to what extent a word is synonymous with another, *Ordnnett*<sup>21</sup> will be employed to control that the words in question in fact are reckoned as the same or similar. The example below shows three lexical item, and the structure of the sentences are similar, and paraphrased with the use of synonyms. The synonyms are underlined, whereas the similar words are written in bold.

Table 4.6.2.3 *Semantic similarity*

Rec 1	<i>The State party should <u>make sure that children and adolescents</u> are held separately from <b>adults in prison</b>.</i>
Rec 2	<i>The State party should <u>ensure that no one under the age of 18 years</u> serves sentences together with an <b>adult in prison</b>.</i>

#### 4.6.2.4 *Syntactic similarity*

*Syntactic similarity* is the collective category for the most similar sentences that are to be found in the CSOs' alternative reports and the CRC's concluding observations. It includes, first, a recommendation in the CSO reports where one or more sentences from the recommendation is contextually similar to a concern or recommendation in the CRC report.

Secondly, this category includes sentences consisting of four or more *lexical items* that appear after each other in a recommendation. Thirdly, the category *syntactic similarity* includes sentences that are paraphrased with synonyms (see semantic similarity).

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<sup>21</sup> An online dictionary utilized by the University of Bergen.

Table: 4.6.2.4: Syntactic similarity

Rec 1	<i>The State party should <u>ensure</u> that <b>age determination procedures are conducted</b> in a <b>scientific and fair manner</b>.</i>
Rec 2	<i>The State party should <u>make sure</u> that <b>age determination procedures are regulated by scientific and fair procedures</b>.</i>

#### 4.6.3 Corpuscle – a linguistic tool first time applied in social sciences

As the encoded categories are linguistically rooted, I analyzed my data material with assistance from CLARINO Bergen Centre<sup>22</sup> at the University of Bergen, which is a node in the European language research infrastructure CLARIN<sup>23</sup>. Among the services offered by CLARINO Bergen Centre is Corpuscle, which is an advanced search engine for making refined text searches that take advantage of linguistic features and which can handle large corpora (Meurer 2012: 1). The alternative reports and the concluding observations have been uploaded to Corpuscle, where the corpus has been made available under a CC-BY license and documented with metadata (Švrljuga Sætre 2017). The corpus includes the above-mentioned alternative reports and the concluding observations.

The built-in Web interface for Corpuscle offers a variety of corpus tool functionality such as concordances, collocations, word lists, distribution statistics, exporting tools, etc. (Meurer 2012: 11). A particular useful feature for my purposes was to search for only parts of words, for example a search for “child.\*” will return hits on all words starting with *child*, including *child* itself: *child*, *child’s*, *children*, *children’s*. To run a query, I have written parts of the recommendation in a CSO report, word-by-word, and analyzed whether the concluding observations have used the same or similar phrasings by examining the words standing before or after the words run in the query. To allow for variations in the affixes, I added “.\*” to search words as needed, in order to include words with the same stem but different affixes (as the “child” example).

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<sup>22</sup> <http://clarino.uib.no/>

<sup>23</sup> <http://clarin.eu>

eng | nob | Sign out (Hilde Švrljuga Sætre)

**Corpuscle :: Child Rights :: Query**

Advanced search | switch to Basic search

\*Child\* %c \*Rights.\* %c

Run Query | Reset | Build graphical query |  Show query expression | Saved queries ...

Choose positional constraints:  Ignore structural positions

target

word = Child  ignore case

repetition: (1 ↓)

Additional constraints for this position:  
struct or

target

word = Rights.\*  ignore case

repetition: (1 ↓)

Additional constraints for this position:  
struct or

Choose a subcorpus:

(Entire corpus chosen.)

Additional constraints (click to choose):  
country  
document

Source: Švrljuga Sætre (2017)

Having run the query in Corpuscle, the matching corpus positions are displayed as concordance lines in the order they are calculated (Meurer 2012:11). The user can then choose the attributes to display in the concordance, and the sortation of the results. As shown below, all sentences (contexts) including the word, words or phrasings are listed as along with the attributes *country* and *document*. From here, I can analyze how many lexical items appearing in the sentences suggested are alike.<sup>24</sup>

eng | nob | Sign out (Hilde Švrljuga Sætre) CLARINO

**Corpuscle :: Child Rights :: Concordance**

Advanced search | switch to Basic search | Query history ...

\*Child\* %c \*Rights.\* %c

Run Query | Saved queries ...  
Done. Running time: 0.72 sec. (0.02 CPU sec.)

Hit 1 - 12 of 12 | Previous | Next | Download  Excel mode | Type: kwic | Show line filter | Attributes ... | Structures ... | Page size: | Context size: 500px

	match	country	document
in Parliament the Communication with the title «Towards a EU Strategy on the reintegration of juvenile offenders. PLATAFORMA DE INFANCIA (Spanish	Child Rights	Spain	NGO Compl. 2010
by the Commission in the history of European Institutions to impulse a	Child Rights	Spain	NGO Compl. 2010
time that meet certain criteria for compliance with the child audience, as a	child rights	Spain	NGO Compl. 2010
analysis of practice among those who are working with implementation of	child rights	Spain	NGO Compl. 2010
1 this report does not mean that the issue is not relevant to address in the	child rights	Norway	NHRI Supp. 2009
mmitee is concerned that the best interests of the child and, in particular,	child rights	Norway	FFB Supp. 2009
gency that the State party closely monitor the extent of implementation of	child rights	Norway	CRC Concl. Norway 2010
10 2008- 2009 for the Parliament) which contains numerous references to	child rights	Norway	CRC Concl. Norway 2010
nd could have served as an instrument to diagnose main problem areas of	child rights	Norway	CRC Concl. Norway 2010
onnel, social workers and law enforcement officials, and that awareness of	child rights	Norway	CRC Concl. Norway 2010
uman rights instruments which are also relevant for the implementation of	child rights	Norway	CRC Concl. Norway 2010
	”, this was the first declaration emitted by the Commission in the history o		
	Coalition) We are an alliance of nonprofit entities, plural, supportive, demc		
	strategy for the whole region. Benefits of this particular regional situation		
	approach and educational initiatives, among others. Organize national and		
	in different sectors and administrative levels (Judges, lawyers, social work		
	context in Norway. Children’s own experiences are included in the report.		
	with regard to separation from parents are not fully respected in the conte		
	across the country, including by the «Better Monitoring” initiative of the Gi		
	and notes with interest the State party’s support for the efforts of the Unit		
	violations. 14. The Committee recommends that the State party consider		
	is also raised in the policy making bodies and the administration of municl		
	, to which it is not yet party, namely the International Convention on the F		

Hit 1 - 12 of 12 | Previous | Next

Source: Švrljuga Sætre (2017)

#### 4.7 Quality of data

Before presenting the research project’s findings, it is a preeminent concern that I discuss and relate the research strategy, the methods, and the empirical data material to two important concepts, namely reliability and validity. Both quantitative and qualitative studies need to demonstrate credibility. Generally, studies based on logical positivism or quantitative research employ quantitative measures to test hypothetical generalizations (Golafshani 2003). The terms reliability and validity are mainly grounded in a positivist perspective, and should

<sup>24</sup> NB! This is an example. In chapter 5.0, section 5.2.3.1 I will demonstrate through my analysis how I have identified syntactic similarities.

therefore be redefined for their use in a qualitative constructivist approach. In the following discussion of this study's reliability and validity, I distinguish the terms and how they are handled for *quantitative* and *qualitative* data.

#### 4.7.1 Reliability

Reliability entails replicability or repeatability of results (Golafshani 2003: 598). Reliability in *quantitative* research can be identified as stability and equivalence (Grønmo 2004: 222). The former part concerns how much of the variation in the data derived through different data collection processes in different time periods is due to actual developments within the units of analysis, rather than to the research design (Grønmo 2004: 222). *Stability* might even not be of the foremost relevance for this study because the process does not seem to be stable. While the CRC has experienced procedural lag, and while the members only sit for four years, these factors might make the process, or the phenomenon in question, unstable. It is thus believed to be difficult to apply stability as a most indispensable requirement for this research design. *Equivalence*, on the other hand, entails the possibility for comparison and likeness, when based on the same research design, between one's own collected data, and those collected by other researchers (Grønmo 2004: 223). A high degree of equivalence also indicates conformity between data based on different indicators. This makes the data material consistent across the different indicators. To ensure equivalence in the quantitative content analysis I have established four mutually exclusive categories, and have conducted and encoded the analysis both manually and in *Corpuscle* and I have achieved the same results, to ensure a high degree of equivalence.

Reliability within qualitative research designs relates to *trustworthiness*, yet also *stability* and *equivalence* (Grønmo 2004: 223). *Trustworthiness* entails that the empirical data material presented is based on data addressing real conditions. Furthermore, it implies that the data does not rely on the researcher's subjective discretion or are results of incidental circumstances during the research project. The data material must be collected systematically in accordance with established procedures in the research design (Grønmo 2004: 223). A potential measurement error to highlight here has to do with languages. As the interviews have been conducted in Norwegian, English and Spanish, the data may have fallen victim to misunderstandings and misinterpretations of the respondents' answers, leading to poor translations. To avoid such pitfalls, both my supervisor and I myself have read through the interview-answers. Moreover, one master's student and one PhD candidate from the same

Hispanic-speaking countries which the Hispanic-speaking CRC members are from, have read through both the transcriptions and my translations from Spanish into English to ensure that no misinterpretations have been made. While presenting the findings, I have provided extensive quotes, to furnish ample contextualization and transparency of each answer.

Reliability can also be measured in *stability*. A test of the data material's stability often entails that the researcher is concentrated on a strategic selection of the data material with an emphasis on the data which is either suitable for repetition or is of importance for the study. It can be measured by how much variation there is in the data gathered from two different time-periods, and whether such differences are a result of the research design, as opposed to certain developments in the units of under examination (Grønmo 2004: 223). It may be difficult to measure the degree of conformity by repeating the interviews since the respondents' values and attitudes may change over time. However, stability can be measured by having another researcher critically assess the transcriptions of the interviews. That has been done in this study, and as a further transparency measure, all results will be submitted to the Norwegian Centre for Research Data's archival database (save the sound recordings).

#### 4.7.2 Validity

Validity for quantitative data refers to the question whether the data material is valid, or relevant, for what the study intends to address. There is a distinction between internal and external validity (Grønmo 2004: 231). *Internal validity* concerns the degree to which the findings address the issues they are intended to address (Grønmo 2004:233). One of my raised research questions concerns the measurement of *to what extent* the CSOs can influence the CRC and its concluding observations. Based on the time and resource frame of this thesis, comparing the alternative reports and the concluding observations is arguably the only way to measure such impact. This can in turn indicate a high degree of internal validity for this research project. *External validity* (often called generalizability), on the other hand, is an indication of the extent to which the results are realistic and generalizable for other units of analysis under examination (Grønmo 2004: 233). Although the research strategy for this thesis may provide a basis for theoretical generalization, the employed methods, on the other hand, are not well suited for generalization (Grønmo 2004: 86). Hence, this study's external validity may be hard to determine, and is presumably low also due to the focus on few independent variables (Ringdal 2001: 248). Other factors that can make the external validity low, for one, that CSOs population may differ in size; secondly, the different ways the

alternative reports are generated and written; and third, possible differences inherent in the CRC's perception of the CSOs' information. However, the strategic and theoretically rooted selection of the CSOs' countries of origin, *can* provide assumptions about to the characteristic of influence for CSOs within countries with similar traits. Furthermore, by building upon existing research on how CSOs seek to influence international governmental regimes, the findings *can* provide some expectations for how CSOs can exert influence in this and similar processes.

The form of validity requirements applicable to qualitative data, which I find relevant for this study, is *face validity* – an assessment of whether aspects of the data collection and material appear effective in terms of its stated objective (Grønmo 2004: 231). The validity is satisfactory if the data is perceived as good and relevant for the intentions of the research. Keeping in mind the resources and the time frame available for this master's thesis, the face validity of the respective data material is good. The research questions are both motivated and anchored in power theories and in deliberative theories. The interview guides are also theoretically anchored. Furthermore, the operationalization of the theoretical framework, which builds upon previously conducted research (based on impact factors suggested by Türkelli and Vandenhole (2012)), will be used to discuss the raised research questions. Moreover, the employment of method triangulation is an attempt to strengthen the study's validity as different methodical strategies seek to address similar aspects.

In the foregoing sections, I have provided a presentation of the methods employed to extract the empirical data material that will provide answers to the first and two-tiered and the second research questions, and given an outline of how the methods have been used, and how the data collection process has been conducted, as well as reliability and validity considerations.

## **5.0 Findings**

This chapter will spell out the collected empirical data material, and make a first step in tying these to the theoretical underpinnings for this master's thesis. The chapter will unfold along the three outlined analytical levels, namely *the CSO*, *the CRC* and *the supra-national level*. The empirical data material presented below is extracted from the outlined data collection processes: the interviews with the CRC members, national CSOs, Child Rights Connect, the Secretariat, and the quantitative content analysis of the alternative reports and the concluding observations. I encourage the reader to interpret the findings with great caution as I do not

possess a full insight into the respective processes nor the pre-session and the process of writing the concluding observations.

## **5.1 Findings at the CSO level**

The findings at the CSO level derive from the interviews with the CSOs, Child Rights Connect and the CRC members. The empirical evidence extracted from these interviews will be tied to the theoretical underpinnings and seek to identify Türkelli and Vandenhole's (2012) suggested impact factors. The empirical evidence's function will be to provide answers to the first part of the first and twofold research question. The objective is therefore to examine how national CSOs can influence the CRC and its concluding observations through means outside the reporting process in Geneva.

### **5.1.1 The first power dimension: Power to alter behavior**

The root of the first power dimension is direct, "raw" and visible. Investigations of this power dimension often revolves around decision-making processes with the objective to examine whose interest gains ground in the decision. While I have not studied a decision-making process in its entirety, nonetheless I have been able to study the organizational structure as regards submitting the alternative reports. Throughout the data collection process, it has become evident that Child Rights Connect has an important role in the reporting process. The findings imply that for CSOs to obtain a greater impact, they must conform to the Child Rights Connect's guidelines and comments, as they are believed to provide a greater impact:

Once ready for submission, alternative reports should be sent by email to Child Rights Connect [...] Child Rights Connect can provide comments on the format of a draft to maximise the impact of the report (Child Rights Connect Guidelines 2014: 15).

As is clear from the guidelines, someone within Child Rights Connect can request alteration of the CSOs' alternative report, consequently also altering the behavior of the CSOs' staff members meaning that a CSO staff member in fact proceeds to altering the report before resubmitting it. Paramount during the data collection process has been to identify if conformity will lead to a greater impact, why and how the power to alter behavior is being exercised, and whether there exists any conflict of interest.

The statements below demonstrate how staff members of Child Rights Connect have the possibility to demand alteration of the alternative reports. The request for alteration is produced by Child Rights Connect leafing through the reports and looking at how the content, including the recommendations, is presented.

*[As a Liaison Officer] we would sort of look through the alternative reports quickly, and if there were something they should present a bit differently, or if it sounded like really subjective, like they had something personal against the government, we would say: [...] we need facts, this just sounds like a personal rant, this is not useful (Child Rights Connect 2016; brackets added).*

*If the alternative reports were organized in a strange way or they didn't have enough, or very good recommendations then we would tell them to put more content (Child Rights Connect 2016).*

The statements further indicate that the reason for requesting alteration to the alternative report has to do with the *quality* of the report. If the content is presented subjectively or the recommendations are not “good”, the staff members would request that the CSO changes the report, indicating a conflict of interest between how the report is written and Child Rights Connect’s perception of it.

Furthermore, in Child Rights Connect’s guidelines, it is said that conforming to the guidelines and the comments (read: alteration requests) provided by Child Rights Connect would better the impact chances for the CSOs. This is also expressed by the following statements:

*The people who listened to us, who followed our advice, who prepared according to our advice, their pre-sessions tended to get much better than those who wanted to do their own thing because they didn't understand the modalities [...] sometimes they would write or talk about something that was just completely irrelevant [...] the CRC would start to get annoyed because they were wasting time, and the person belonging to the NGO would walk away [from the reporting process] frustrated (Child Rights Connect 2016; brackets added).*

*When people don't follow our advice and guidelines, I think they usually are going from [the reporting process] frustrated because our advice was not there to be difficult, but to make the process work and it didn't work if they didn't listen (Child Rights Connect 2016; brackets added).*

The statements also show that the CRC members can get annoyed and that the process cannot work as intended if the CSOs do not follow Child Rights Connect’s guidelines. This indicates that not all CSOs necessarily follow Child Rights Connect’s requests as they presumably do not perceive that the requests provided by Child Rights Connect are legitimate. Furthermore, if the information is not presented to a satisfactory degree it may lead to repercussions for the pre-session, and leave all actors involved in the process frustrated. Therefore, in addition to quality and subjectivity, the primary conflict of interest is seemingly also *non-conformity* – i.e. when the CSOs do not comply with the guidelines or comments of Child Rights Connect.

Moreover, in addition to requesting alterations to the reports, Child Rights Connect also shares real-life examples of how alternative reports should be drafted:



*We share examples of reports. Because we know, we can identify the good examples [...] to share, also according to the theme, according to the country, so yes, that's the advice we can give (Child Rights Connect 2016).*

*Then we would support them throughout the process and send them examples of what is a good report (Child Rights Connect 2016).*

The findings show that Child Rights Connect has a strong involvement in the reporting process. They further demonstrate that conformity to the guidelines is strongly related to greater impact and satisfaction for all actors involved.

Moreover, the three interviewed CSOs all responded that they build their reports on Child Rights Connect's guidelines. However, as both Norway and Finland (and Spain) have experience with reporting, they now possess knowledge and experience from previous reporting rounds, and are hence not in as much need of the guidelines, nor the Child Rights Connect's comments. However, apparently CUCW has been in contact with Child Rights Connect in relation to their upcoming reporting process.

*Yes, we use a lot of their information. They have good information and good supervisors. I have not actually [contacted them this time] due to the fact that it is our fifth time reporting (FFB 2017; brackets added).*

*I think that using their information is useful, but we have not used it so much in later years due to our own experience (The Norwegian Ombudsman for Children 2017).*

*I think [a staff-member] has contacted them quite a few times in relation to the schedule of our next reporting process and the time schedule of the CRC and asked whether there [have been] any changes to the guideline (CUCW 2017; brackets added).*

I have no data that directly confirms or denies whether Spanish PI has been in contact with Child Rights Connect, or even used their information. However, it is evident that also PI's report is similar to the other CSO reports that this thesis focuses on, and not least, it is in keeping with Child Rights Connect's guidelines. This will be further discussed in the upcoming analysis.

### 5.1.2 The second power dimension: Agenda-setting power

The second power dimension is demonstrated by the NGO-coalitions' agenda-setting process<sup>25</sup> for the alternative report, as has been rooted in the operationalization in section

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<sup>25</sup> The Norwegian Ombudsman for Children was also asked questions regarding their agenda-setting processes. While I am not rejecting that similar agenda-setting processes exist for the Children's Ombudsman, the findings could not identify such a clear agenda-setting practice such as the two NGO-coalitions..

3.1.6. As NGO-coalitions consist of different member organizations, institutions and actors, the focus has been to uncover how the agenda-setting processes proceed, and to find the respondents' experiences with dissenting concerns and opinions during process of writing the alternative report, and how the inclusion of recommendations is decided. The overall objective is to determine how the coalition members can – through setting the agenda for an NGO-coalition's alternative report – influence the CRC's concluding observations. This section will also seek to find empirical evidence as regard to who or what defines the *quality* of the information in and content of the alternative report, which Türkelli and Vandenhole have suggested is an impact factor on the CRC's work.

To obtain an overview of the process, it is necessary to examine the working methods of the NGO-coalitions. FFB's working method consists of working groups organized in the different clusters stipulated by the CRC, where the CSO-secretariat leader initiates their work.

[The work with the alternative report is divided into] *working groups, reform groups, writing groups* [...] *all the themes in the report, which the CRC have imposed, which is led by* [the secretariat leader of FFB]. *When* [the leader] *receives contributions to the report, it can ask the working group to provide suggestions to the recommendations* (FFB 2017; brackets added).

As the statement below demonstrates, CUCW's working method is similar to that of the Norwegian coalition, FFB:

*We were organized in thematic groups. Each group works* [differently...] *Some contribute with a lot of text, they made the text completely ready. Others decided that they were only going to discuss within the group and prepare information* (CUCW 2017; brackets added).

The findings for both NGO-coalitions are threefold. Although partly unlike, the threefold factors of the coalitions' agenda-setting and decision-making processes for what issues to include in the alternative reports capture the differences between the two NGO-coalitions, which in the analysis will contribute to the comparative analysis.

#### *5.1.2.1 The agenda-setting process in Norwegian FFB*

Three agenda-setting factors have been identified within the FFB's process of writing the alternative report. These aspects are, namely, writing recommendations that are in line with a set of criteria, participatory differences, and, finally, how the recommendations are included in the alternative report.

Focusing on the first factor, FFB has preset criteria for the type of recommendations to include in the alternative report. The criteria concern the severity of the issue, whether the

issue conflicts with the Convention, and whether the issue is UN-level material as opposed to issues that can be solved on a national level:

*[...] it is important to distinguish between, one, the importance of the issue. How many [members] agree that the issue either concerns many children, or that it has big consequences for the children concerned? Secondly, does the big organizations that work closely with the Convention perceive the issue as conflicting with the [Convention]? This is quite difficult to determine. However, the issues that are raised need to be on a UN-level, they must be grave problems. This process takes time, and if it is an issue that is solved easily, we can contact the State Departments and fix it within two years” (FFB 2017; brackets added).*

The statement above points to an important issue: As the reporting process is regarded as lengthy, the issues that are raised in the alternative reports need to concern either a larger group of children, or be of such nature that the violation of the Convention (if there is one) is grave for the children it revolves. If the issue is easily solvable the respondents state that it can be handled on a domestic level. Although such criteria may function to perceptivize the alternative report, it may also function as a barrier to air certain child rights issues. This observation will be further commented in the analysis in section 6.1.2.

Secondly, there is apparently a difference between small and large member organizations, and active and inactive ones. As the respondents suggest, this may consequently affect which issues are included, and which are ruled out:

*The ones that apply to the different working groups that are present during the meetings obtain more impact. The case is often that small organizations that work with very narrow issues are quite active, if they [are active], they get impact in our alternative report, which will benefit the children that they work for. However, in a second round of discussion the organizations that work on general issues will wake up (FFB 2017).*

*When the [larger organizations] didn't contribute, we were moderate [sic] and included topics from small organizations under general clusters to make it a concern for all children (FFB 2017; brackets added).*

These findings may indicate that the norm is that larger organizations obtain more impact on the alternative report due to the narrower scope or focus of the smaller member organizations. Based on the quotations above, the smaller organizations' focus is narrow, and thus presumably does not always necessarily fulfill the threefold criteria (i.e. that the issue must concern a large group of children, that the violence of the Convention is grave for the children it revolves, *or* that the issue is on a UN-level). However, apparently, the larger organizations tend to be less active than the smaller ones, and this suggests that smaller organizations also have a possibility to impact the alternative reports – however only when the larger ones are inactive.

In keeping with this, the findings also indicate that the extent of *activity* will have an impact on the agenda-setting process:

*We have many discussion rounds where everyone contributes with issues concerning child rights, and the implementation of the Convention. However, the quality of information that we get depends on how engaged the organizations are. Some organizations contribute with only one sentence without any references, which is quite problematic (FFB 2017).*

*If members working with Sami children and their rights do not contribute, there is no time for other organizations to find in-depth information about them. So, we depend on organizations that can provide information regarding Sami children (FFB 2017).*

*We can provide good information in some areas, but not in all. For example, few people work with the cluster “health” – internationally we do it, but not in Norway. Then we are very dependent on the organizations that are concerned about health issues, and that they contribute with information during the process (FFB 2017).*

These statements show that certain issues do not receive attention in the alternative report if the organizations with the primary responsibility for it are inactive in the process of writing the report. This can as a consequence lead to child rights concerns not being addressed, as other coalition members from other working groups do not have time to pay attention to those issues. Furthermore, the findings indicate that the quality of the report will be affected when coalition members are inactive.

The final agenda-setting factor concerns how the decisions for what to include in the alternative reports are made. The respondents demonstrate that sometimes conflicts arise between the coalition members when they do not agree on what issues to include. If this is the case, the issue is solved democratically by letting the different working groups decide whether to include the specific child rights concern or not:

*If there are conflicts regarding some issues, we are democratic and send the issues out to all the working groups and ask how to handle the issue in question. (FFB 2017).*

Furthermore, the content of FFB’s alternative reports is apparently rooted in a consensus. If 90% of the member organizations disagree with a concern or a recommendation, it will not be included. Consequently, all coalition members need to back the proposal for it to be included:

*If 90% of our members cannot back a proposed issue, then we don’t have to do anything, well we may try to rephrase [the recommendation] so that everyone may back it. If an organization disagrees with the proposal, they may write their own report. However, we achieve more impact as a coalition (FFB 2017; brackets added).*

*We take everyone seriously, and we try to treat everyone with respect. Sometimes an organization will contribute with an issue that 95% of FFB disagrees with. Then it is hard to reach out to the organization and explain that [...] the FFB does not believe it conflicts with the [Convention]. (FFB 2017).*

The statements suggest that all, or at least 90% of the coalition members need to agree upon all the issues that are included in the alternative report. However, as the following statement indicates, whenever the members cannot agree upon whether an issue should be included or not, then the NGO-coalition votes. The statement further point to the fact that certain actors working on the alternative report cannot vote in such situations:

*In reality everyone can join us in writing a report. However, the problem lies in the situation where half of our group disagrees with an issue or how it is put forth [...] If we must vote, then non-members and single individuals cannot vote (FFB 2017).*

#### 5.1.2.2 The agenda-setting process in Finnish CUCW

The findings regarding the writing of the alternative reports in CUCW are not as in-depth as the empirical data material deriving from the interviews with FFB. The reason for this is that it was the first time the interviewed respondents from CUCW had ever worked with writing the alternative report. However, as with FFB, three factors as regards the agenda-setting process could be identified, albeit some of them unlike those detected in the Norwegian NGO-coalition above. The three factors are firstly, participatory limitations, secondly, the difference between small and large organizations, and finally, who has the formal decision-making power.

The first agenda-setting factor is found in the detection of operative criteria for participation in the process. The CUCW consists of NGOs and the public sector where the NGOs and the municipalities work together. The participatory requirement is that only organizations and institutions that possess relevant expertise within the field may contribute to the working process:

*We wanted to collect information quite widely [...] so the invitation was open to all. Of course, the person who wanted to be part of the process had to [be part of an] organization or [have a] background [within the field]. So, no individuals could represent their subjective thoughts (CUCW 2017; brackets added).*

The participatory requirement seemingly functions as a filter against subjective and irrelevant views that do not serve the alternative report. Despite the limitations that exclude some views, the participatory scope is arguably large as it is open to “relevant” actors.

The second agenda-setting factor is seen in the different weight given to the views of small and the large organizations respectively, as was the case for the NGO-coalition FFB above. However, the respondents express that they believe that the smaller member organizations also will obtain an impact on the alternative report (although arguably to lesser extent as their scope is believed to be more narrow than other members):

*It really depends [first] on the topic, on [...] the theme we are dealing with. Because there are some questions which are very narrow, and only small NGOs are working with those questions. Their voices will be heard, probably [...] But we have [decided] that we are going to collect the feedback from people who were involved in this process, and who still are involved, and to ask their experiences and their reviews about how they felt about this process and what they think about their position in their final report (CUCW 2017; brackets added).*

The respondents express that there will be conducted a survey on how the coalition members perceive their role in the agenda-setting process, which may indicate that the members of CUCW are able to express any dissenting opinions and to air any grievances which have not gained ground in the final alternative report.

Finally, we have arrived at identifying the actor possessing the formal decisions-making-power. The respondents express that even though the working groups include different concerns and suggestions in their drafts for the alternative report, it is nevertheless the CUCW-board that has the final say in what issues and recommendations to include. The statements below demonstrate that even though there may be conflicts of interests, disagreements and heated debates among the working groups, at the end of the day it is the CUCW-board that commands the power to decide what to include in the report and consequently what to exclude.

*We have had hot debates as well, but we have tried to [...] hear different perspectives and hear different voices and eventually it is going to be our board who is going to make the final decision to what kind of issues we are going to raise (CUCW 2017; brackets added).*

*When the report is put together, the board members are going to discuss it and [...] make the final decision on the issues we are going to include in our final report (CUCW 2017; brackets added).*

### 5.1.3 The third power dimension: Shaping thoughts and defining truths

The third power dimension concerns shaping the thoughts and defining the truths of the actor upon whom this power is exercised. This power is the least visible of the four in question, yet in effect it is a very productive mode of governing: If the actors have internalized the appropriate values to guide their behavior, no oversight or control is needed.

From the empirical evidence extracted from the interviews with the respective CSOs and the CRC members I will seek to provide answers to Türkelli and Vandenhole's suggested impact factors of *whether CSOs act individually or jointly*, investigating whether CSOs strategically collaborate with each other in order to influence the CRC and its concluding observations.

Through the alternative reports the CSOs provide the CRC with information of their truth regarding the situation for children's rights in a country. In their reports the CSOs identify main concerns and supplement these with appropriate measures in the recommendations that they propose. The findings presented below demonstrate that the CSOs often interact with each other to highlight certain child rights concerns by including the respective issue in their respective reports. As the three statements below show, through collaborating on certain issues, the CSOs will obtain a greater impact on the CRC's concluding observations:

*Yes, usually we collaborate, but there is no official Ombudsman-member in [FFB]. They are on our mailing list, and we collaborate with them, however, we do not agree on everything (FFB 2017; brackets added).*

*I am of the impression that much is overlapping in our report and [in the report of the Ombudsman for Children]. And that is the point because then we will achieve greater impact [on the concluding observations] (FFB 2017; brackets added).*

*Yes, we are constantly in dialogue with the other actors. We have good communication with [FFB] which is quite useful. We cooperate in the sense that we exchange what we are covering and FFB what they are covering. This is both important and useful (The Norwegian Ombudsman for Children 2017; brackets added). Parenthesis added.*

As the statements above indicate, although not formal members of each other's organizations, the Norwegian CSOs are quite actively involved in the others' work and have an insight into what issues that each alternative report is addressing. Furthermore, the statements suggest that the collaboration is used as a strategic mechanism to influence the CRC because it is believed to obtain a greater impact on the concluding observations.

However, despite the findings indicating how collaboration is a means to favor the CSOs' main concerns, it is nonetheless important to highlight that collaboration need not only be a strategic mechanism to influence, it can also be a result of the mere word-count limit set by the OHCHR:

*From the beginning, we have collaborated on the reporting where we have distributed some of the issues [amongst ourselves]. Because the word-count limit in the reports have been reduced we had not included much information about national minorities and Sami children [during the last reporting round]. The Ombudsman for Children had in fact included more information on this topic as well as children deprived of their liberty, we had not (FFB 2017; brackets added).*

*We have also shared information on the clusters. [An example of this is that] the Ombudsman for Children included much information on mental health, which did not receive much attention in our report. So, when I know that the Ombudsman for Children will mention it in its report, we do not have to worry about it (FFB 2017; brackets added).*

*Now that the word count limit is reduced even more, we might think about distributing some of the [stakeholders'] concerns (The Norwegian Ombudsman for Children 2017; brackets added).*

The fact that the CSOs collaborate about their main concerns is evidence that the word-count limit restrains them from addressing all issues that they wish to include. Consequently, the CSOs also distribute certain issues amongst themselves. As is evident, when one CSO has addressed an issue, the other does not necessarily need to worry about it.

The Finnish NGO-coalition indicates that also the national CSOs in Finland have collaborated on the alternative report. However, the reason for collaboration has not necessarily been a means to influence:

*Of course, we cooperate [very] much. I think we probably talk about these things together, but I don't know how much is reflected in the report (CUCW 2017; brackets added).*

Finally, the statement below demonstrates that when national CSOs address the same issues in their alternative reports, the CRC will perceive it as more credible while it makes it possible to verify whether the issue in fact is a real concern in the respective country:

*If several alternative reports say the same, then we emphasize that issue and their reports. However, if only one report mentions something that cannot be verified by the other reports, then we question the credibility of the raised issue (CRC1 2016).*

This goes to show that when several CSOs address the same concern, it is believed to be more truthful, indicating that the third power dimension is operative – a finding which will be further discussed in section 6.1.3.

#### 5.1.4 Communicative power: The deliberative-transformative ability

What is foregrounded in the dynamics of communicative power is the quality of the argument rather than e.g. the status of the deliberator. The effect of this power comes to pass by means of mutually accepted norms by all actors involved. In the occurrence of this power the focus is on how arguments can change actors' positions.

The findings presented below will provide evidence as to how the CSOs may influence the CRC and its concluding observations through conferences and seminars outside of the formal reporting process. The findings will also provide answers as to whether the suggested impact factor *opportunities for informal meetings* can be confirmed as materialized or not – answers that will be further discussed in the upcoming analysis.

The findings below indicate that when CSOs attend the same events as the CRC members, they may provide the latter with information and concerns, and in so doing, argue their measures for how to right the wrongs that are the causes of their concerns. All the



respondents representing the CSOs expressed that they had met with the CRC members outside of the reporting process and had had the opportunity to discuss the reporting processes and their main concerns with the CRC members:

*We know the [CRC] members quite well. The child rights field is quite small, so we have very good access to information regarding what is happening within the [CRC] and what the [CRC] is concerned with. Not long ago we had a [...] course with a [CRC member] who told [us] what the [CRC] is concerned with, in particular. That is of course important to us (The Norwegian Ombudsman for Children 2017; brackets added).*

*We cooperate in many international networks [...] and the [CRC] members travel around the world, and we are able to meet them [...] and of course we discuss with them (CUCW 2017; brackets added)*

*We are very active members in the Euro Child Network, and [there we have been] able to discuss with [a CRC member]. Whenever we meet [one of the CRC members, this person] is always asking us 'how are things in Finland at the moment?' (CUCW 2017; brackets added).*

These three responses give an indication as to the size of the network: the child rights network is small, consequently it is inevitable that the CSOs and the CRC members meet at such events. Furthermore, another prevalent indication seen in the CSO representatives' statements is the fact that they have invited the CRC members to their respective countries to talk to the children themselves and to other institutions concerned with children's situation:

*Last time we used a method where we, instead of bringing children to Geneva which is a grownup setting, invited the rapporteur with responsibility for Norway to Norway. He was able to talk to children and visit some selected institutions for children (The Norwegian Ombudsman for Children 2017).*

*[The rapporteur] came to Norway [last time...]. We immediately experienced impact [in the process and in the concluding observations] because we noticed that he brought with him the information that he had received from the children to the session with Audun Lysbakken [the State party's representative]. I remember that he a couple of times commented on [Lysbakkens] follow-up questions [stating] that 'I have been to Norway and I have heard children telling me that what you are saying now is not in accordance with the reality that the children live in'. It became a reference for him. (FFB 2017; brackets added).*

*Two years ago, we invited some [CRC] members to Finland. [At the conference] we were able to [...] ask [the CRC members'] opinions about our last reporting process, and we also discussed what we should do for the upcoming reporting round (CUCW 2017; brackets added).*

These statements further indicate that meeting with CRC members outside of the reporting process may lead to impact on the CRC's work. As is evident from the Norwegian experience with the rapporteur visiting Norway, the CSOs in company with children and children's institutions, have had the ability to argue and justify their concerns and their proposed means to address those concerns. In the case of the Finnish CSO, it is demonstrated that the CRC

members that are known to the CSO, in the deliberative-transformative exchanges vice versa also seek out to information on the implementation of the Convention in Finland and the national situation for children's rights.

## **5.2 Findings at the CRC level**

The findings presented in this section, now perspectivized at the analytical level *the CRC level*, are extracted from the same interviews as before, namely the interviews with the CSOs, the CRC, Child Rights Connect and the Secretariat. Here in addition, the empirical data material derived from the quantitative content analysis will be presented on the CRC level. The findings will be sought to address the first and twofold research question *how* and *to what extent* civil society organizations can influence the UN Committee on the Rights of the Child. Furthermore, I will, as with the previous analytical level, make a first step in tying the empirical material to Türkelli and Vandenhole's suggested impact factors, whose explanatory force in relation to the findings will be further discussed in the ensuing analysis chapter. The findings will be unfolded in light of the same power dimensions as at the CSO level.

### **5.2.1 The first power dimension: Power to alter behavior**

As argued in section 3.1.2.1, the attempt to identify the first power dimension at the CRC level (i.e. in the pre-session proper) was believed to be a challenging task. Despite meticulously searching for the existence of it in my empirical data material, I was at this level unable to identify such power being exercised in order to benefit the impact factors of the CSOs on the CRC. While the empirical evidence available to me fell short of helping identify the first power dimension here, I am, however, not in a position to reject the existence of it entirely.

### **5.2.2 The second power dimension: Agenda-setting power**

As outlined in section 3.1.3, the second power dimension is exercised when certain issues and/or actors never become part of the official political agenda, and are consequently hindered from reaching the decision-making arena.

This section will focus on the empirical data material concerning how the CSOs may influence the CRC and its concluding observations while being present during the pre-session. The following sections are rooted in the suggested impact factor *physical presence*, with the intent to identify whether or not it can be confirmed to be in effective operation, as this

investigation seeks to clarify as well in regard to the other impact factors suggested by Türkelli and Vandenhole.

### 5.2.2.1 Gatekeeping

For a CSOs to influence the CRC and its concluding observations on the CRC level, i.e. by attending the pre-session and addressing their child rights concerns with the CRC, the CSOs need to be *physically present*. As both Child Rights Connect’s guidelines and the empirical evidence suggests, not *all* CSOs can in fact be physically present. It is the CRC that officially invites the CSOs to the pre-session; however, uncertainties exist regarding who has the in-practice responsibilities for inviting the CSOs. As is the case at the CSO level, the NGO Child Rights Connect and/or the Secretariat apparently also have a central role regarding the invitations of CSOs to Geneva. With reference to the theoretical aspect of this power dimension, all of this implies that the gatekeeper presumably has an agenda-setting role, as it controls *which* and *how many* CSOs are to be invited and to deliberate with the CRC in the pre-session. However, as demonstrated below, there is no profound clarity on *who* sends out the invitations: The guidelines say it is the CRC, yet, some respondents say it is the Secretariat. Others again claim it is Child Rights Connect, the CSOs themselves, or UNICEF. I have not been able to unravel or verify this apparent mystery; however, I consider the laying bare of this dissension a finding. In Table 5.2.2.1 I have, for no other reason than clarification, provided an overview of *who* the different respondents believe to be the “gatekeeper” to this process.

Table 5.2.2.1 Overview of potential gatekeepers

Respondents	Gatekeeper					
	CRC	Secretariat	Child Rights Connect	CSOs	UNICEF	
CRC*			3	1	1	
Secretariat		1				
Child Rights Connect		1	1			
CSOs**		1				

\*One of the interviewed CRC members did not respond to this question.

\*\*Two of the CSOs could not respond due to lack of information

The statements below identify Child Rights Connect as the gatekeeper to the pre-session. The statements are provided by 3 of the 6 interviewed CRC members.

*The [CSOs] have to go through Child Rights Connect to get admittance to Geneva. We have experienced that conflicts have risen when too many [CSOs] come and take control of the speaking time. After experiencing this, the respective [CSOs] contacted the Secretariat, which came up with a solution. So, it is not only Child Rights Connect, but in reality, they are the ones who invite the [CSOs] (CRC1 2016; brackets added).*

*The [CSOs] consult with Child Rights Connect. In other words, the people organizing the visit [to Geneva] are from Child Rights Connect. However, we include whomever from the civil society (CRC2 2016; brackets added).*

“[The gatekeeper] is Child Rights Connect” (CRC3 2016; brackets added).

These three statements do not question which actor possesses the gatekeeper-role. All respondents mention Child Rights Connect in clear text. Although the first statement also implicates the Secretariat, it nevertheless expresses no uncertainty as regards the in-practice gatekeeper.

As indicated in Table 5.2.2.1 above, one of the CRC members did not respond to this question, presumably due to not knowing the answer (although this remains a mere speculation on my side). However, the two remaining CRC members that were interviewed did not place the gatekeeping-responsibility with Child Rights Connect. Their responses were nonetheless incoherent. This may underline the opaqueness of the reporting process, or of intergovernmental processes in general. Not all actors have a complete overview of the different roles in the reporting process:

*Usually UNICEF [...] organizes the participation, or through UNICEF (CRC4 2016; brackets added).*

*Well they are not selected. They select themselves. They can participate on a voluntary basis to come to Geneva and meet here [...] So you know it is not like we get a list and [...] say ‘you can come, you cannot come’ [...]. They [i.e. the CSOs] make the decisions [themselves] (CRC5 2016; brackets added).*

The last respondent suggests that the CSOs can invite themselves. In principle, this is correct, because, for CSOs to attend the pre-session, they must request so in an alternative report sent to Child Rights Connect. Although I do not wish to undermine this CRC member’s comprehension of the process, the additional statements above, as well as the following ones, demonstrate that a gatekeeper in fact exists.

This next segment presents the positions taken by the two Child Rights Connect respondents. Corresponding to the the CRC’s dissenting responses, interestingly there are

inconsistencies here as well. One of the respondents denied that Child Rights Connect has ever possessed this role. The other respondent provided a contra factual response to the first.

*No, we do not select, it is the Committee who selects, OK? When it says that the pre-session is a closed meeting, the [CRC] selects based on the alternative reports received [...] Well it is actually the Secretariat that does it on behalf of the [CRC]. So, the [Secretariat] decides and selects, and then what we do is that we inform, so we are [...] facilitating the communication. This is a very important point because we have, for a long time been confused with the CRC because of this [...]* (Child Rights Connect 2016; brackets added).

*People thought that we were monopolizing the gatekeeping for the pre-session, which is not true [...] I really want to underline this [...] The thing is that we are also a secretariat, so people get [...] confused between us and the Secretariat of the [CRC]. Obviously, it is a big problem because we are an NGO [...] we try to influence the process in the sense that we want to make sure that the right messages are there, but that's not the way [...] we are [not] selecting people or excluding others, it's their meeting and they decide who to invite* (Child Rights Connect 2016; brackets added).

As the Child Rights Connect respondent states, the reason why actors involved may believe the in-practice gatekeeper is Child Rights Connect, is the actual confusion between the CRC Secretariat and the NGO Child Rights Connect secretariat. Another obviously confusing factor is the abbreviation “CRC”. Often, both the Committee on the Rights of the Child and the Convention on the Rights of the Child have the same abbreviation, namely, *CRC*. Furthermore, as Child Rights Connect’s abbreviation presumably also is *CRC*, it is possible that the two (or three) often are confused.

However, the second respondent representing Child Rights Connect contradicts the statements provided by the foregoing respondent. In the second respondent’s statement, there is no denial as to who the gatekeeping procedure is conducted by:

*Initially, once we received information from the NGOs we submitted it to the Secretariat. We would [then] say ‘these people would like to come’ and usually there was no problem. Usually if people wanted to come, they would come. [However] there must be a formal report, so if you submit no information you cannot come. [Later,] Child Rights Connect started to do a bit too much in a way. I think it did some things, which really it should not, it is not its role [...] like admin things in a way, [like] taking the invitation for example. It should be prepared by the Secretariat. But [...] basically it worked really well [...]. Since the reporting process started, it has always been the Secretariat, Child Rights Connect, and UNICEF putting the pre-session together and ensuring that the alternative information was received* (Child Rights Connect 2016; brackets added).

This excerpt suggests that it initially was the Secretariat who conducted the gatekeeping for the pre-session, yet that Child Rights Connect took over the responsibility for the invitations to the CSOs. This respondent representing Child Rights Connect further indicates that the NGO developed its role by getting tasks and responsibilities that the Secretariat used to have.

The development of roles and changes in responsibilities can be an explanation as to why all the interviewed actors present diverging opinions regarding the in-practice gatekeeper.

Furthermore, and adding to the confusion, the representative for the Secretariat stated that the official gatekeeper is the Secretariat. However, the respondent also implicated Child Rights Connect in the process, again indicating that the NGO has a role in the process of selecting the CSOs for the pre-session:

*I think that [Child Rights Connect] is involved. I do not know how formal the involvement is, but they are involved. They often ask us [whom] we tend to invite [...]. There are certain criteria for inviting NGOs, but my impression is that, you know, most times NGOs qualify. [Child Rights Connect] being the umbrella organization, [it] makes sense that they would be involved. But you know, at the end of the day I think that the Secretariat decides (Secretariat 2017; brackets added).*

The respondent representing the Secretariat suggests that the actor with the formal gatekeeper-role is the Secretariat, which also has the final decision-making power over the selection. In addition, the respondent implies the existence of criteria for inviting NGOs, although NGOs normally qualify to come to the pre-session. When asked to elaborate on what the criteria include, the respondent stated, “*I cannot answer that question, I am not the right person to ask*” (Secretariat 2016).

One of the CSOs that were interviewed for this thesis responded that the CSO submits their alternative reports to Child Rights Connect, and that they – at least think that they – receive the invitation from the Secretariat.

*Yes [...] we send [the alternative reports] to Child Rights Connect. I believe that they communicate it to the CRC. But I think we invite ourselves to Geneva? Or no, this I do not have enough information on, but I imagine that it is the Secretariat, but this is only a presumption (FFB 2017; brackets added).*

One of the Child Rights Connect respondents implied that the role of the organization had developed by taking responsibility for some tasks that usually were the tasks of the Secretariat. While the Norwegian reporting process started in 2009, it may be that it was the Secretariat who invited the Norwegian CSOs to attend the pre-session that year, and that the role of Child Rights Connect developed later.

#### *5.2.2.2 Allotted time for discussion*

A means identified in the empirical data material, by which the CSOs may influence the CRC’s work is how the CSOs that are physically attending the pre-session can exceed their allotted discussion time as it gives them more time to promote their child rights concerns, i.e. setting the agenda for the pre-session. As mentioned, the pre-session for each CSO is set for

2.5 hours with presentations by the CSOs followed by a Q-and-A round (Child Rights Connect 2016a). Both CRC members, Child Rights Connect, and members of the respective CSOs were asked questions about these pre-session conditions. Only one CRC member problematized the allotted time for discussion. I interpret this to be an issue only for the CSOs, and that the CRC is not necessarily aware of the tension that can arise between the CSOs in the pre-session. Furthermore, only one CSO member mentioned problems regarding the allotted time for discussion, while this was the only respondent that had previously attended the pre-session.

*We have experienced that conflicts have risen when too many [CSOs] come and take control of the speaking time (CRC1 2016; brackets added).*

*There have been some discussions between [CSOs]. Some have felt that the ombudsmen took control over how much time each of the other [CSOs] could talk during the pre-session. Some NGOs felt that the time given to them was too short (CRC1 2016; brackets added).*

*The pre-session is quite hasty, and we give short introductions to our work. Officially it is the NHRI that has [the allotted time for discussion] Last time it became quite evident that it is not the NHRIs that have the main knowledge, it is the Norwegian Ombudsman for Children. It is quite complicated when a lot of actors are in the pre-session. Especially for [FFB] it has been hard to distribute the time to answer all questions because we have to give [the CRC] as much information as possible [...] We have experienced that some organizations take up [the allotted speaking time], without them knowing what that does for the rest of us. There is tension when [...] 10 people have to answer. The [CRC] asks a lot of questions without pointing to a specific organization (The Norwegian Ombudsman for Children 2017; brackets added).*

This may, as will be discussed further in the analysis chapter, point to the fact that some CSOs can exceed allotted time for discussion, and as a result the CSO may bring more information to the CRCs agenda from its respective stakeholders, whereby consequently certain issues are organized out from the pre-session.

### *5.2.2.3 Redirection of questions in the pre-session*

A final aspect regarding agenda-setting at the CRC level is how CSOs might redirect or control the conversation during the pre-session. During the data collection process, it became evident that the CSOs have the possibility to redirect questions asked by the CRC in order for the CSO to discuss an issue that is more relevant to the latter. This might be both problematic for the issues that are left unaddressed, yet also valuable in the sense that it makes the discussion more effective. The evidence suggests that this is yet another means for the CSOs to influence the CRC and presumptively also the concluding observations. It has already been elucidated that Child Rights Connect is one of three actors responsible for organizing the pre-

session, and consequently it harbors valuable information regarding how the pre-session is conducted as Child Rights Connect are allowed entrance into the pre-session. According to a representative for Child Rights Connect, redirection of question occurs with frequency:

*Let's say the CRC says 'I really want you to cover this issue'. Keep in mind that the CRC-members have priorities, they have their personal interests as well. The [CSOs] may then say that 'That is actually not a big issue in our country, it is not a major problem and it is not one of our main concerns and issues that needs to be addressed [...]'. So, the CSOs give the CRC a reality check, and if they see that the CRC understands an issue, but is asking the wrong question, they can put them back on track (Child Rights Connect 2016; brackets added).*

This statement does not only indicate that the CSOs can redirect questions, but it also implies that the CSOs may control the course of the dialogue by either redirecting the question or asking what the CSOs perceive as the “right” questions.

The Norwegian Ombudsman for Children indicates in the statement below that there exist possibilities to improve the dialogue in the pre-session by redirecting the questions that the CRC asks, because not *all* are relevant for each individual country. A reason for why the Norwegian representative has not used this mechanism, may be interpreted in line with cultural norms:

*Norwegian people are sometimes too polite. The dialogue [in the pre-session] is delimited to three hours where [the CRC] asks a bunch of questions. Some of the members have the same four questions that they always ask, despite them being relevant or not. It has happened that we want to be good and answer everything, instead of just skipping something and say that we do not want to spend time on it because it is not important for children in Norway. This is a potential for improvement because we have a real potential to influence, and we should be more cynical, and let them know that we only spend time on what we believe to be the most important issues for children in Norway, because we know what that is (the Norwegian Ombudsman for Children 2017; brackets added).*

Although the statement does not imply that the redirection of questions in fact exists *in practice*, it nevertheless suggests that there often are conflicts of interests between the CRC members' questions and the CSOs' interests.

### 5.2.3 The third dimension of power: Shaping thoughts and defining truths

This section and the power dimension it presents have to do with how an actor can influence another actor's understanding of the truth. Here, the main objective is therefore to provide an outline for how CSOs can influence the CRC's perception of the truth and the concluding observations, by defining the truth for children's situation and by functioning as a beacon of credibility and trustworthy information. The first sub-section presents the findings from interviews with the respective actors and the findings stemming from the quantitative content



analysis, which is in line with yet with a comprehensive material which goes beyond the exploratory exercise conducted by Türkelli and Vandenhole (2012). This will provide answers to the first research question's problem of *to what extent* CSOs may influence the CRC and its concluding observations. This will then be followed by the findings derived from interviews with the CSOs, the CRC and Child Rights Connect.

### 5.2.3.1 Jargon and sentence structure

The first step in seeking to establish evidence for CSO influence on the CRC level through a specific jargon and sentence structure is by revealing whether the CSOs utilize them as a strategic means to influence the CRC and its concluding observations. The findings demonstrate unanimously that it is used by the CSOs to influence:

*We have a strategy when it comes to facilitating the CRC to acquire our formulation of the recommendations. This is a strategy that we have used for a long time. The point is to give them the words that they need (FFB 2017).*

*We are trying to [compose the alternative reports with] issue, the background, and then the recommendation. It is different from the last time, but that is the kind of format we are aiming to do now. Let's see how it works. [We are] definitely going to [write] these direct recommendations, [which] we did not include last time (CUCW 2017; brackets added).*

*Yes, the phrasing of the recommendation is a strategy, because we are dependent on the [CRC] to understand what we are talking about [...] it is a jargon that is used in the reporting process, and it would be meaningless not to use it. I would say it is based on the professionalization of the process (The Norwegian Ombudsman for Children 2017; brackets added).*

During Finland's previous reporting round, CUCW did not employ a specific phrasing of the recommendations; however, as is stated, this will now continue to be the norm for their alternative report. Furthermore, the Norwegian Ombudsman for Children indicates that the wording of the sentences is a strategic mechanism that is used to clarify what the organization intends to address. This suggests that the Norwegian Ombudsman for Children tries to make sure that *its* definition of the truth is clear and unambiguous.

Reverberating with the Norwegian Ombudsman for Children's response, FFB further indicates that the way in which the concerns and recommendations are phrased, is quite important as the organization has experienced that the CRC has misinterpreted a concern which was delivered to the Norwegian State party:

*Sometimes the [CRC] does not always understand the recommendations. We have an example of this regarding the establishment of the Child Welfare Act which was included last time. [The CRC] misinterpreted our recommendation and thought that children could not report matters to the Child Welfare without parental consent. When this was presented to the*

*Norwegian State party, the State party reacted and said, 'Of course they can!'. This goes to show the importance of how we present a concern (FFB 2016; brackets added).*

As the respondent suggests, how the message to the CRC is presented is important for how the CRC interprets the issue at stake.

Having thus established an *intention* to influence the CRC and its concluding observations it is important to investigate *to what extent* the CSOs in fact have had an impact on them. The presentation of the findings to this effect unfolds comparatively by way of three successive country studies, namely Norway 2009, Finland 2010, and Spain 2010. I wish to remind the reader to interpret these findings with caution since the findings necessarily cannot yield insight into the dialogue behind closed doors in the respective pre-sessions, nor into the CRC's forming of opinion while writing the concluding observations.

### Country study 1: Norway 2009

The following is a comparison of the alternative reports submitted by FFB, NCHR and the Norwegian Ombudsman for Children, and the CRC's concluding observations.

*Table 5.2.3.1 CSO recommendations in the concluding observations (Norway 2009)*

Norway 2009 CSO reports compared to CRC's concluding observations <sup>26</sup>											
N recommendations per CSO		Similarity		No similarity		Type of similarity					
						Contextual		Semantic		Syntactic	
		Frq	%	Frq	%	Frq	%	Frq	%	Frq	%
<b>FFB</b>	<b>63</b>	34	54%	29	46%	10	30%	13	38%	11	32%
<b>NCHR</b>	<b>44</b>	17	39%	27	61%	11	65%	4	23%	2	12%
<b>The Norwegian Ombudsman for Children</b>	<b>94</b>	47	50%	47	50%	25	53%	16	34%	6	13%

It is evident that the Norwegian CSOs' alternative reports submitted in the reporting round in 2009 consists of a variety in the number of recommendations (N) submitted by the individual CSOs, where the Norwegian Ombudsman for Children had the highest number, and NCHR the lowest. This can be explained by the role of the CSOs: Where the Ombudsman's mandate

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<sup>26</sup> Supplementary Report 2009 – To Norway's fourth Report to the UN Committee on the Rights of the Child (FFB), Supplementary Report to the UN Committee on the Rights of the Child (Norwegian Ombudsman for Children), Supplementary report 2009 to Norway's fourth report to the Committee on the Rights of the Child (NCHR) and Consideration of reports submitted by State parties under article 44 of the Convention, Concluding observations: Norway (CRC).

is to report to the CRC, the NCHR, on the other hand, is also occupied with work concerning also other UN Treaty bodies and human rights issues.

Secondly, it is evident that a high amount of recommendations by the CSOs were not addressed by the CRC in the concluding observations. An explanation for the high amount of *no similarities* may be found in the word-count limit for the concluding observations, as this limit is considerably lower than that of the alternative reports.

Irrespective of the *amount* of submitted recommendations, the *percentage* of similarity between the alternative reports by the three CSOs and the CRC’s concluding observations is 39% or more. Seen in the perspective of the amount of submitted recommendations, the NCHR has both the lowest N and the fewest “similarity hits”. As the findings show, in the final concluding observations for *Norway 2009*, no single CSO is clearly dominating the impact on the concluding observations, as the similarity between the remarks is distributed among the three CSOs. Both NCHR and the Children’s Ombudsman come up with more *contextual similarities* than *semantic similarities*, which again are higher than the *syntactic similarities*. FFB, on the other hand come up with the most *semantic similarities*, followed by *syntactic similarities*. FFB has the lowest number of *contextual similarities*.

Finally, the findings demonstrate that The Norwegian Ombudsman for Children is most often represented in in the category *contextual similarity*, where the lexical-item identity is low. Below is an example of such a contextual similarity.

*Example 1: Contextual similarity*

The State party should develop good structures and directives for working on children's and young people's participation and at governmental level, including alternative forms of hearings, participatory methods and employee training (NOC 2009).	→	The Committee recommends that the State party continue and strengthen efforts to fully implement article 12 of the Convention and promote due respect for the views of the child at any age in administrative and judicial proceedings, including child custody hearings, immigration cases, and in society at large (CRC 2009).
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Moreover, as Table 5.2.3.1 suggests, the Norwegian Ombudsman for Children also has the most *semantic similarities*, an example of which is demonstrated below. The example shows that while there is lexical identity between only two consecutive items (“visiting arrangements”) in the Norwegian Ombudsman for Children’s report and the CRC’s recommendation, still the recommendation consists of a semantically similar rephrasing of the passages “arrangements for contact with a parent in prison” and “visiting arrangements for children”: The example shows that only two lexical items follow each other, however, the recommendation consists of a rephrasing of the passages “parents in prison” and “visiting arrangements for children”.

*Example 2: Semantic similarity*

<p>The State party should implement improved <u>arrangements for contact with a parent in prison</u>, including mandatory basic requirements for all prisons on <u>visiting arrangements for children</u>, and implement supervised follow-up (NOC 2009).</p>	<p>→</p>	<p>The Committee also recommends that [...] prison authorities facilitate the <u>visiting arrangements of a child</u> with his or her <u>imprisoned parent</u> (CRC 2009).</p>
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In the data set, FFB is represented with the highest number of *syntactic similarities*, whereas NCHR scores the lowest in both the semantic and syntactic categories. Below I share a demonstration of how similarities have been identified by way of using *Corpuscle*, this in order to facilitate the understanding of how they can be established. The similarities in question here are further elaborated underneath figure 5.2.3.2. The search in *Corpuscle* in this case gave three “hits”. However, I paid due attention only to the last two sentences (deriving from FFB Supp. and CRC Concl) since these are recommendations (the first sentence is not).

*Figure 5.2.3.1 Corpuscle: Syntactic similarity, Norway 2009 (FFB)*

The screenshot shows the 'Corpuscle :: Child Rights :: Concordance' interface. The search query is 'the' %c 'Norwegian' %c 'Data' %c 'Inspectorate' %c. The search results are displayed in a table with columns for 'match', 'country', and 'document'. The results show three hits, with the last two being from FFB Supp. 2009 and CRC Concl. Norway 2010.

match	country	document
ith Article 16. In a communication to the Ministry of Children and Equality, the Norwegian Data Inspectorate has expressed concern that they lack the authority to order that such mat	Norway	FFB Supp. 2009
ollowing recommendation to the State party: The State party should grant the Norwegian Data Inspectorate authority to, through legislation, stop distribution of information about chil	Norway	FFB Supp. 2009
ody conflicts. 29. The Committee recommends the State party to mandate the Norwegian Data Inspectorate to prevent parents and others to reveal information about children which v	Norway	CRC Concl. Norway 2010

The example in question here demonstrates the identification of identical lexical items in consecutive order. Furthermore, the example shows how “grant [...] authority to” and “stop distribution of” in the alternative report have been changed respectively into their synonyms “mandate” [...] to” and “prevent [...] to reveal” in the concluding observations. Moreover, there are similar passages at the end of each of the recommendations: “*information which violates [the child’s/children’s] right to privacy*”:

*Example 3: Syntactic similarity*

<p>The State party should <u>grant the Norwegian Data Inspectorate authority</u> to, through legislation, <u>stop distribution of information about children which violates the child's right to privacy</u>, honour and/or reputation (FFB 2009).</p>	<p>→</p>	<p>The Committee recommends the State party <u>to mandate the Norwegian Data inspectorate to prevent parents and others to reveal information about children which violates children's right to privacy</u> and is not in their best interests (CRC 2009).</p>
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## Country study 2: Finland 2010

Table 5.2.3.2 CSO recommendations in the concluding observations (Finland 2010)

Finland 2010 CSO reports compared to CRC's concluding observations <sup>27</sup>											
N recommendations per CSO		Similarity		No similarity		Type of similarity					
						Contextual		Semantic		Syntactic	
		Frq	%	Frq	%	Frq	%	Frq	%	Frq	%
CUCW	69	29	42%	40	58%	16	55%	9	31%	4	14%
The Finnish Ombudsman for Children	84	29	35%	55	65%	16	55%	2	7%	11	38%

As was the case for the Norwegian reporting round, also *Finland 2010* demonstrates a high amount of *no similarities*. While the Finnish Ombudsman for Children has the highest number of recommendations (N), the data set for the Finnish reporting round demonstrates that the Ombudsman for Children has the lowest percentage of similarities. This observation may raise the question of whether quasi-governmental institutions have lesser impact on the concluding observations due to the CRC members' perception of them. The question of organization structure is a topic that will be discussed in an upcoming section.

Looking at the types of similarities, both CSOs come up with the same numerical input and percentage of *contextual similarities*. However, while the CUCW follows the trend demonstrated in the Norwegian case for both the Norwegian Ombudsman for Children and NCHR – showing a decrease in both numerical input and percentage from *contextual* to *syntactic* similarities – the Finnish Ombudsman for Children has more *syntactic similarities* than *semantic*. The example below demonstrates yet another set of recommendations of the type *contextual similarity*, where the lexical-item identity is low.

### Example 1: Contextual similarity

The family benefits of families with multiple births should also be improved (CUCW 2010).	→	The Committee calls upon the State to reinforce its efforts to provide support to economically disadvantaged families, including children of young families, single parents and families with many children (CRC 2011).
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<sup>27</sup> NGO report, Supplementary Report to Finland's Fourth Periodic Report on the Implementation of the UN Convention on the Rights of the Child for the UN Committee on the Rights of the Child (CUCW), Report to the UN Committee on the Rights of the Child, Supplementary report to Finland's 4th Periodic Report (The Finnish Ombudsman for Children) and Consideration of reports submitted by State parties under article 44 of the Convention, Concluding observations: Finland (CRC).

Furthermore, presented below is an example of a recommendation from the CUCW report, which is a concern in the CRC report. The example illustrates *semantic similarity* in that while there is lexical identity between only two items following each other in the two texts, yet the more extensively formulated CRC-concern consists of a semantically similar rephrasing of the content in CUCW’s recommendation. Take note of the change from “working life and family” to “work and family life”.

*Example 2: Semantic similarity*

The parents of small children, and particularly single parents, should be offered more options for <u>combining working life and family</u> (CUCW 2010).	→	The Committee is concerned that municipalities are not required to provide such activities, making it difficult for parents to <u>balance work and family life</u> (CRC 2011).
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There has not been a single case where a recommendation is reproduced with the exact wording. Nonetheless, the example below, an example from the category *syntactic similarity*, illustrates two recommendations that are close to identical. Such similarities will be discussed further in the upcoming analysis.

*Example 3: Syntactic similarity*

The Finnish government should <b>ensure permanent and sufficient funding for phone and Internet helplines for children and adolescents</b> (CUCW 2010).	→	The Committee recommends that the State party <b>ensure permanent and sufficient funding for phone and Internet helplines for children</b> (CRC 2011).
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### Country study 3: Spain 2010

Table 5.2.3.3 CSO recommendations in the concluding observations (Spain 2010)

Spain 2010 CSO report compared to CRC’s concluding observations <sup>28</sup>											
N recommendations per CSO		Similarity		No similarity		Type of similarity					
						Contextual		Semantic		Syntactic	
		Frq	%	Frq	%	Frq	%	Frq	%	Frq	%
PI	154	33	21%	121	79%	18	55%	8	24%	7	21%

During Spain’s 2010 reporting round, PI was the only national CSO that submitted an alternative report to the CRC, hence no comparisons on a national level can be conducted.

<sup>28</sup> Complementary Report to the III and IV Report on the Implementation of the Convention on the Rights of the Child in Spain (PI) and Consideration of reports submitted by State parties under article 44 of the Convention, Concluding observations: Spain.

However, as witnessed in comparable instances in the foregoing cases, also PI has a high percentage of *no similarity*, actually, the Spanish case distinguishes itself from the Norwegian and the Finnish cases, as it has *the* highest percentage of *no similarity* with 79%, compared to the highest numbers for Norway’s and Finland’s reporting rounds, 61% and 65%, respectively.

Furthermore, and in unison with the CSOs’ reports during *Norway 2009* and *Finland 2010*, also PI follows the trend, demonstrated by the Norwegian Ombudsman for Children, NCHR, and CUCW, in that both the numerical input and the percentage decrease from *contextual* to *syntactic similarity*. Moreover, PI comes up with more contextual similarities than semantic and syntactic combined, like its comparable peers in Norway 2009 (save FFB) and Finland 2010.

Below is yet another example of the category *syntactic similarity*, now extracted from the case of *Spain 2010*. Here we can witness how a certain number of identical lexical items, one with a CRC inversion, in both texts consecutively lead up to the *tandem* PI and CRC recommendation of “the best interest of the child”. This syntactic similarity “hit” is nonetheless a result of the wording in article 3 of the Convention concerning the best interest of the child. Moreover, both recommendations address “individual analyses of unaccompanied minors/child”, making the recommendations contextually alike. Furthermore, while not in consecutive order, there are certain identical lexical items, including “guarantee”, “analysis”, and “individual”:

*Example 1: Syntactic similarity*

<p><b>Guarantee</b> in first instance, once identified as unaccompanied foreign minors, that an <b>individual analysis</b> with the personal <b>circumstances</b> of each child is made, determining in this analysis <b>the best interest of the child</b> in order to take the most adequate measures for their situation (PI 2010).</p>	<p>→</p>	<p>The Committee recommends that the State party [...] <b>guarantee</b>, following the identification, an <b>analysis</b> of the unaccompanied child's <b>individual circumstances</b>, bearing in mind <b>the best interest of the child</b>, and the child's right to be heard (CRC 2010).</p>
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Below is also another example of how the category *syntactic similarity* from the case *Spain 2010* was identified in *Corpuscle*. As seen, the search gave four “hits”, however the two recommendations in focus are sentence number three (NGO Compl. 2010) and four (CRC Concl. Spain 2010).

Figure 5.2.3.3 Corpuscle: Syntactic similarity, Spain 2010 (PI)

**Corpuscle :: Child Rights :: Concordance**

Advanced search | switch to Basic search | Query history ...

\*specific\* %c \*and\* %c \*measurable\* %c \*objectives\* %c | Run Query | Saved queries ...  
Done. Running time: 0.02 sec. (0.02 CPU sec.)

Hit 1 - 4 of 4 | Previous | Next | Download ( Excel mode) | Type: [kwc] | Show line filter | Attributes ... | Structures ... | Page size: [ ] | Context size: [500px]

match	country	document
an identify priorities actions to fight against exclusion, included, should be	Spain	NGO Compl. 2010
lies and children, lack of coordinated policies to combat child poverty, with	Spain	NGO Compl. 2010
an identify priorities actions to fight against exclusion, included, should be	Spain	NGO Compl. 2010
framework identifying priority actions against the exclusion of children, with	Spain	CRC Concl. Spain 2010

An interesting aspect regarding this specific example is that it is much longer than the previously exemplified similar recommendations. The same example is presented in its entirety below. The passages of texts are quite similar with their more than three lexical items following each other. In addition, it turns out that the CRC recommendation has included both synonyms and paraphrasing of PI's recommendation.

*Example 2: Syntactic similarity*

<p>We recommend <b>the creation of a National Plan</b> against childhood poverty that establishes a <b>coherent framework</b> in which we can identify <b>priorities actions to fight against exclusion, included, should be specific and measurable objectives, with clear indicators, with timeframes, and with the necessary economic and financial support.</b> This plan should be capable of effectively <b>coordinating actions</b> on a <b>national, autonomous and municipal level</b> including specialized <b>areas</b> (especially <b>economy, health, social policy and education</b>), which all have responsibilities with <b>children</b> (PI 2010).</p>	<p>→</p>	<p>The Committee recommends [...] <b>the creation of a national plan to combat child poverty, which establishes a coherent framework identifying priority actions against the exclusion of children, with specific measurable objectives, clear indicators, deadlines and sufficient economic and financial support.</b> The plan must provide for the effective <b>coordination of actions</b> at the local, <b>national and regional levels, and in different areas</b> (in particular, the <b>economy, health care, housing, social policy and education</b>) that are specifically responsible for <b>children</b>, and must include the necessary participation of girls and boys (CRC 2010).</p>
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5.2.3.2 Organizational structure

The following presentation of the findings of the final aspect with regards to the third power dimension will seek to reveal whether the *organizational structure* of a CSO can influence the CRC's concluding observations, or as Türkelli and Vandenhole suggest, to answer the question of *whether CSOs act individually or jointly* will have an impact on the CRC. The joint alternative reports from an NGO-coalition constitute a model that Child Rights Connect developed for national NGOs to report to the CRC (Child Rights Connect 2014). CSOs are quite aware that the organizational structure might influence the CRC's perception of the alternative reports, and thus influence the concluding observations. The interviewed representatives from the NGO-coalitions indicate that their organizations cover a broader specter and consequently achieve a greater impact on the concluding observations than others:



*A main goal in working as coalition in writing the alternative report is to achieve a greater impact. We cover more. (FFB 2017).*

*[Our member] organizations feel that it is very informing and that it is [an] influential way to do this reporting process (CUCW 2017; brackets added).*

According to the statements provided by the CRC-members, the findings demonstrate some dissenting opinions regarding the coalition structure: Two CRC members state that the organizational structure does not influence their perception of the alternative reports or the organization's credibility:

*No, no. We give it equal weight. We can perhaps dialogue more in-depth with an NGO that files an individual report, rather than a coalition of NGOs who, you know, they might be 10 NGOs and they file a combined report (CRC5 2016).*

*[...] Both yes and no. I believe that the [CRC] pays attention to the issues presented in the alternative reports, and not so much who sends them [...] at least that is what I do (CRC6 2016; Brackets added).*

However, the majority of the interviewed CRC members (4/6) expressed that a coalition has an effect on how they perceive the information in the alternative reports. As indicated in the examples below, the joint alternative reports are seen as practical reading material and facilitate the discussion during the pre-session:

*[...] it is very practical for us to receive reports from coalitions [...] then we do not have to relate to different reports (CRC1 2016; brackets added).*

*Oh, [they are] very important. We can only invite this many people, and we do not have much time to discuss. The coalitions facilitate that (CRC3 2016; brackets added).*

The NGO-coalitions were also mentioned as more relevant compared to an individual NGO as they cover a broader field. Moreover, they are perceived as more credible due to their expertise and their broadened scope. However, important to point out, as the following statements both indicate, is that the CRC is obliged to read and consider *all* material submitted by CSOs, and does not reject the importance of other CSOs reporting to the CRC. Furthermore, as expressed in the second statement below, the interviewed member holds that the CRC cannot generalize, and that it always depends on the CSO.

*The internal scope of the coalition is more effective regarding having a strong voice with the [CRC]. To the extent that there is a coalition in the respective country, we prefer national coalitions compared to an individual NGO [...] they are more relevant for us. However, we consider all alternative reports, but national coalitions make more comprehensive reports. All their members agree upon the priorities in the reports, which is very special. But, at the end of the day we read everything (CRC2 2016; brackets added).*

[...] *it depends on [the] NGO [coalition]. A coalition for me is more credible. In a coalition, you have experts [...] with different backgrounds [...] And [their] widespread [...] broaden all aspects* (CRC4 2016; brackets added).

The statements presented above suggest that information from coalitions is preferable, thus indicating that the organizational structure might have an impact on some of the CRC-members' perception of the reports' reliability, credibility, and coverage, and stated is also that they are perceived as time-efficient.

An obvious fact, even seen in this thesis' cases, is that the CRC receives reports not only from NGO-coalitions, but also from Ombudsmen, NHRIs, and children. One of the interviewed CRC members mentioned specifically the importance of (independent) NHRIs and children's reports. Another member also underlined the children's reports:

*The reports from the NHRIs are very important if they are independent. The children's report is also very important* (CRC2 2016).

[...] *Children's reports [are] quite interesting as the descriptions of how they feel and think, and what they want us to do are so direct"* (CRC1 2016; brackets added).

One of the representatives from Child Rights Connect, on the other hand, expressed concern with regard to the role of Ombudsmen:

*It was always [...] tricky with the so-called ombudsmen [...] we might be [wearier] of their independence [...] In cases like that the [CRC] can still meet with them or hear from them but they might [...] do a separate [...] meeting, so that [NGOs] feel that they can speak freely, because if they feel like the person is not completely independent they might not want to speak freely* (Child Rights Connect 2016; Brackets added).

This may indicate that the Ombudsmen have less impact on the concluding observations than other organizations – an issue that has been brought up as regards *to what extent* each CSO can influence the concluding observations. This will be discussed in the upcoming analysis.

#### 5.2.4 Communicative power: Informal meetings

The occurrence of the communicative power dimension in the empirical data material is rooted in the same principles as the occurrence of it at the CSO level. Namely, that actors involved in a mutually accepted deliberative setting act rationally and justify their actions and methods for achieving their goals.

At both levels, there exist possibilities to interact with the CRC members, where the CSOs may talk and present information to them in an informal forum that presumably gives the CSOs a way to influence the concluding observations. It is apparent that CSOs actively use these opportunities to talk to the members of the CRC. As previously mentioned, only one

of the interviewed CSO representatives has previously attended the pre-session. The representative focuses specifically on possibilities to talk to the CRC members during the lunch breaks, in between the meetings (during breaks), as well as to provide the CRC members with handwritten notes.

*You always eat lunch with three to four [members] but we also use the breaks in between meetings. In addition, we also try to write something to the [CRC] (The Norwegian Ombudsman for Children 2017; brackets added).*

Moreover, the statement below suggests that the CRC members voluntarily take part in such informal meetings as they wish to receive information from the CSOs.

*I have experienced that CSOs have not been able to participate in the pre-session, and asked if I could talk to them for 15 minutes outside [the formal process]. And I have accepted this because the [information] that they provided is important. So yes, we actually talk with [CSOs] outside [the formal process], it is an informal meeting, but at the same time also formal, because there are interpreters. But [we] also meet for coffee in the cantina and discuss what [the CSOs] want (CRC1 2016; brackets added).*

These informal meetings might, to some, be problematic since they are not rooted in the formal institutionalized process. However, on the other hand, the CRC may only spend 2.5 hours with the CSOs, thus the informal meetings may be a requisite due to the short time limit. In the findings stemming from interviews with the CRC members it has become evident that the time is an issue throughout the reporting process. Five of the six interviewed CRC members, including the representative from the Secretariat stated that the scheduled time for their meetings in Geneva is too short and that the work might be affected by it. I demonstrate this unanimity with one of the CRC respondents' answers:

*We never have enough time [...] but I think we all recognize that the system cannot allow us to debate all the issues and investigate in detail for six months. It is just not possible, but the short answer is that we never have enough time (CRC5 2016; brackets added).*

While concerned about the limited time they as a committee have for the work of monitoring the State parties, the CRC members all the same seem to acknowledge that it is not possible for them to prolong the reporting process.

### **5.3 Findings at the Supra-national level**

The following presentations of the findings are anchored in the empiricism outlined above, however, they are supplemented with additional information provided from relevant (and also previously utilized) websites and guidelines. The outline below unfolds along the deliberative-normative points of reference provided to analyze the legitimacy of the CSOs'

role in the reporting process, and hence is concerned with the thesis' second research question.

### 5.3.1 Access to deliberation

The first normative point of reference provided to analyze the legitimacy of the CSOs' role on the supra-national level is whether there exists institutionalized access for the CSOs within the process. Against this background, I have extracted information regarding the possibilities for CSOs to send alternative reports, and gain access to the deliberative settings in the pre-session in Geneva.

#### *5.3.1.1 Possibilities for sending alternative reports*

As previously mentioned, according to the OHCHR's website, all non-governmental actors such as NGOs, NHRIs, Ombudsmen, and children are entitled to send written information to the Committee (OHCHR 2016a). Furthermore, Child Rights Connect defines "alternative report" as:

A country-specific report, about children's rights as defined under the Convention and its Optional protocols, submitted by an individual, a group or an organization, which is independent from the government, to the CRC (CRC Reporting 2017).

This points to two criteria for submitting an alternative report, namely that the CSO must be a non-governmental actor and that the report must revolve around children's rights.

Furthermore, there is nothing that points to CSOs being restrained from submitting reports: "*We accept reports from every one that wants to report*" (CRC2 2016).

The statement below is not as firm as the response above regarding any overriding criteria. Nevertheless, the respondent expresses that if there were an overriding criterion, it had to be the Convention:

*I [do not] think [that] there is one overriding criterion [for participation]. If there is one it is the [Convention]. It has to be all about the [Convention]. I mean we are a children's committee, we are not the human rights council (CRC5 2016; brackets added).*

This indicates that the role of the CSOs – as eligible providers of a country-specific report – is institutionalized in the process. The only two clear criteria that one *may* derive from the descriptions on the websites and the two responses, is that the CSOs that submit reports must be (1) a non-governmental organization, and (2) working with issues concerning the Convention. Not all respondents answered this question during the interviews, and the findings lack a formal verification. An example of this is one of the respondents' answer, "*I*

*have no idea*” (CRC4 2016). In my analysis I must therefore consider that there is some uncertainty regarding whether there exists any other overriding criterion; however, the findings presented do not suggest this.

### 5.3.1.2 Institutionalized participation in the pre-session

Secondly, there is the *institutionalized access to participate in the pre-session*. As problematized in section 5.2.2.1, there is uncertainty regarding, firstly, *if* there exists a gatekeeper, secondly, *who* that is, and, finally, *what* the criteria for participating in the pre-session are. Despite these uncertainties, the findings nevertheless show that among the CRC members, there is a lack of information regarding this specific inclusion and exclusion procedure, suggesting that maybe the CRC members indeed are not the *de facto*, or in-practice gatekeepers to the pre-session. This is in fact contrary to what the OHCHR and Child Rights Connect’s guidelines explain. An example that might underline that it is *not* the CRC who is the gatekeeper is clearly demonstrated in the response:

[...] *so you know it is not like we get a list and [...] say ‘you can come, you cannot come [...]. They [i.e. the CSOs] make the decisions [themselves] (CRC5 2016; brackets added).*

As has already been documented above, one of the suggested gatekeepers is Child Rights Connect, and one of its representatives expressed, as previously put forth, that Child Rights Connect has been given responsibilities for tasks that earlier had been the Secretariat’s – one of these new responsibilities being the invitation of the CSOs (see section 5.2.2.1 for context).

As we have already seen suggested by a CRC member above: *“I have experienced that CSOs have not been able to participate in the pre-session, and asked if I could talk to them for 15 minutes outside [the formal process]” (CRC1 2016; brackets added).* This statement indicates that not all CSOs have access to the deliberations during the pre-session. Although the empirical data material cannot further support any overriding criteria for invitations to the pre-session, the findings presented nevertheless point to uncertainties especially regarding access, which demonstrates a lack of transparency surrounding the process. This will be further discussed in the analysis.

### 5.3.2 Transparency and access to information

The findings such as information retrieved from descriptions of the process from OHCHR’s and Child Rights Connect’s websites demonstrates that the process is open in such a way that the CSOs may access the same information as the State parties. The state report is an official

document which, after having been submitted to the CRC, is posted on the OHCHR's website. Furthermore, based on the provided description of the reporting process in the chapter 2.0, the CSOs have access throughout the process. They may even appear at sit-ins during the sessions with the State parties, as the session is a public meeting, although none other than the State parties and the CRC may speak there (Child Rights Connect 2016a). As the CSOs may both read the state report and participate during the session (though silently), they have full access to the same information as the State parties.

The State parties, on the other hand, cannot participate during the pre-session, as the CSOs may in the session, which indicates that the State party does not have the same information flow as the CSOs. However, after the pre-session is terminated, the State party concerned receives an update, as previously mentioned, called the List of Issues (LOI) which includes issues that request for updates on new laws, policies, institutions etc. as well as specific statistics and data (Child Rights Connect 2016a). Although not containing a comprehensive overview of the issues having been discussed during the pre-session, the LOI may nevertheless give the State party an indication of what topics have been on the discussion table. On the one hand, the LOI may function as a transparency mechanism where the State parties get some insight into what has been discussed during the pre-session. On the other hand, however, the description of the LOI arrangement indicates that the State parties do in fact not have access to the same information as the CSOs. This will be further problematized and discussed in an upcoming section.

### 5.3.3 Responsiveness to stakeholders

I will not dive deep into the responsiveness of adjustment, as section 5.2.3.1 covers the data material concerning the aspect of adjustment. However, what I will point out is that the findings demonstrate that the CSOs possess a power to influence the CRC and its concluding observations as their recommendations are often reproduced as concluding observations. Although Nanz and Steffek (2005) argue that CSOs almost never have the power to adjust the agenda in international organizations, the findings, nevertheless, indicate that CSOs in fact can influence the CRC's concluding observations, as the lowest impact percentage is 21% (PI) and the highest being 54% (FFB).

#### 5.3.4 Inclusion

As operationalized in section 3.2.1.4, the normative point of reference for *inclusion* concerns whether there exists any form of arrangements, i.e. economic resources to support disadvantaged stakeholders. Regarding appropriate arrangements for such stakeholders and the CSOs representing them, I have, through the course of the data collection process, been able to establish that Child Rights Connect provide financial support to organizations situated in countries with limited capacities, as one of the interview respondents made clear:

*We used to support them financially [...] we would have some money to support NGOs from the global south or from countries that had limited capacities. I think we paid some people from certain European countries, especially from central and eastern Europe, where they just would not have the money to come to Switzerland, because they didn't have support from the big international organizations. We would pay for one or two people, usually for people who are from a coalition. We would have a real national focus* (Child Rights Connect 2016).

*If they came from countries like Spain or Norway we would not do all the financial and visa stuff, but we would still do the briefings and the advisory stuff* (Child Rights Connect 2016).

These statements indicate that there at least used to exist arrangements to support disadvantaged stakeholders. Furthermore, they indicate that the countries my thesis is concerned with (save perhaps Finland, though most likely this goes for Finland, too) would not receive resources. This is in line with the responses that the Norwegian CSOs provided, which said that they did not receive any support. CUCW also stated that the organization did not receive any support for the process: “*No, we don't get [funding], we self-fund it*” (CUCW 2017; brackets added).

Surprisingly, the data material, then, indicates that Child Rights Connect provides economic resources to disadvantaged organizations, while none of the CRC members mentioned that the OHCHR, the CRC or the Secretariat provide such arrangements.

I have now presented the data material for this thesis, and I have sought to make a first step in tying these to the theoretical underpinnings. The following analysis will discuss these findings in light of the research questions, the *assumptions*, and the theoretical framework.

## **6.0 Analysis**

This chapter will connect the empiricism with the chosen theoretical framework, both of which have been presented in the foregoing chapters. Together the empirical evidence and the theoretical framework will help answer the raised research questions: *How and to what extent can CSOs influence the CRC and its concluding observations? Is the CSOs' role in the*

*reporting process legitimate?* As declared, the aim of this thesis is twofold: the main objective of the analysis is the discussion how CSOs can influence the CRC and its concluding observations, and to what extent they can do so. The subordinate, yet complementary, objective is the critical analysis of the CSOs' role in the process.

To answer the first research question, I will employ the four power dimensions that will function as analytical tools to explain and understand the CSOs' role in relation to the CRC reporting process and their means to influence the CRC and its concluding observations. Habermas' deliberative democratic theory will be employed to discuss and analyze the second research questions. This discussion will amount to a critical analysis of the CSOs' role and influence in the process. Based on Engelstad's (2010) power paradigm, I will provide a concluding summary of my analysis of power relations at the CSO and the CRC level, based on my findings and supported by theoretical considerations.

The qualitative interviews and the quantitative content analysis led to the findings that I have presented in the previous chapter. Now I will discuss and utilize the findings to answer the raised research questions. Through the discussion, I will also seek to confirm or invalidate Türkelli and Vandenhole's (2012) suggested impact factors. I acknowledge that the empirical evidence might not have captured *all* possible power dimensions present during the reporting process. Nevertheless, the findings and the discussion as follows derive from a meticulous and thorough data collection process. The discussion unfolds along the three previously outlined analytical levels, namely *the CSO level*, *the CRC level* and *the supra-national level*.

There are few findings that I can compare mine to. The closest study on this topic is the article written by Türkelli and Vandenhole (2012) focusing on NGO impact throughout the CRC's work. Although their explorative exercise utilizes different categories, includes only NGOs, and employ different cases than the ones employed in this thesis, I will nonetheless refer to their article to complement some of the findings presented in chapter 5.0.

### **6.1 CSO level: Grass root influence**

The first analytical level seeks to identify how the CSOs may influence the CRC and its concluding observations outside of the formal steps of the reporting process. Rooted in the theoretical framework and based on the empirical evidence extracted from the data-collection process, I have identified four different types of power relations that the CSOs hold and which can have an impact on the CRC.



### 6.1.1 Governing through guidelines

CSOs may influence the CRC and its concluding observations by following comments offered by the Liaison Officers of Child Rights Connect. The Child Rights Connect Guidelines imply a better impact on the CRC. Following the comments and subsequently altering the alternative reports may improve the CSOs' impact factor on the CRC's work, i.e. the concluding observations.

The NGO Child Rights Connect has had a long experience with the Convention, the CRC and the reporting process. Subsequently it has gained knowledge of how to conduct such a process, and thus, through experience, established formal guidelines for how to write an alternative report. The NGO seemingly holds some type of power as it is a junction between the national CSOs and the CRC. To apply Dahl's theory to understand and explain where and how the power is being exercised and how the CSOs may influence the concluding observations by complying with Child Rights Connect's power demands, one needs to identify the three previously presented underlying causes: First, that there is a conflict of interest, values or action between *A* (a Child Rights Connect Liaison Officer) and *B* (a staff member within a CSO). Secondly, that *B* (the staff member) complies with *A*'s (a Child Rights Connect Liaison Officer) wishes. Finally, that *B* (a staff member within a CSO) is fearful that he or she will be deprived of something that is more valued than what can be achieved by non-compliance. First, as the findings indicate, the conflict of interest can be rooted in both *efficiency* and *subjectivity*: If the CSOs do not follow the guidelines and consequently present an inefficient report, *and/or* if the report contains subjective interests/critique (or "*personal rant*" as the respondent called it), the Liaison Officer(s) can request alterations to the report. Based on the findings, it appears that Child Rights Connect wishes to establish a uniform format for the alternative reports through the guidelines. If the guidelines are not followed in certain aspects, a Liaison Officer will request alterations. One may take it that these changes can sometimes conflict with how a CSO wishes to present the alternative report, although I have not found empirical grounding for this.

Secondly, it is the Liaison Officer(s) that process(es) the alternative reports, and who subsequently possess the power to alter or influence the CSOs' way of writing them. It has not been clear *who* submits the alternative reports, thus I cannot pinpoint *whom* the power is being exercised over (i.e. actor *B* according to Dahl's theory). However, it is likely that the persons(s) responsible for putting together the report and/or submitting the report to Child Rights Connect will have their behavior altered by the Liaison Officer *if* amendments to the

report are requested. If a CSO re-submits an alternative report, now in an amended form, to Child Rights Connect it implies an action that would otherwise not have occurred if the Liaison Officer had not requested any amendments.

Finally, although not empirically proved, one may assume that a CSO complies with the Liaison Officers' request as the CSO might be fearful of not achieving the intended or desired impact. As previously argued, the comments to the reports are believed to work in the CSOs' favor as they may improve the chances for an impact on the CRC. This can suggest that the power dimension does not necessarily need to be zero-sum, although it changes another actors' behavior.

The Guidelines and the Liaison Officer(s) govern(s) not only the practices of how to write the alternative report, but also what to include and exclude, though the latter will of course be rooted in the Convention. Enforcing preferable norms that suggest how the CSOs should report, and asking them to change the report if the guidelines have not been followed, are direct forms of governing behavior. Evidenced in my presented findings, I cannot empirically demonstrate a situation where a staff member within a CSO has altered the alternative report as per Child Rights Connect's request. This is because I have not been able to uncover whose behavior has been altered by the Liaison Officer(s) comments, nor have I obtained a first and a second draft of the alternative reports to empirically illustrate the alteration. Nonetheless, the issue was highlighted during an interview with a Child Rights Connect representative, in addition to being mentioned in their Guidelines. Therefore, I assume that it is common practice, and consequently I include this power dimension. To sum up with the use of Engelstad's (2010) model:

**Relation:** CSOs submit alternative reports to Child Rights Connect. A liaison Officer goes through it.

**Intention:** A liaison Officer wants the reports to be efficient and to exclude subjectivity

**Action:** A liaison Officer requests amendments to the alternative report

**Result:** A CSO-representative changes the report. This is believed to result in greater impact.

To tie this analysis to the raised research questions, CSOs may influence the CRC and its concluding observations by following Child Rights Connect's suggestions and comments while they will obtain greater impact in so doing. This, in turn, may indicate that the power, although direct, is not necessarily zero-sum. However, it is the staff members of Child Rights Connect that hold the power to alter the CSOs' staff members' behavior, but the action is believed to strengthen the CSOs' impact factor. In conclusion, as demonstrated by way of empirical evidence and the analysis above, the impact factor *quality of information*, suggested

by Türkelli and Vandenhole, will have an influence on the CRC's work – subjectivity is not perceived as quality. However, it is important to underline that the “quality” of the information in the alternative reports is defined by the NGO Child Rights Connect.

#### 6.1.2 NGO-coalitions – cut from the same cloth?

The work with the alternative reports in both FFB and CUCW is conducted the same way: by setting up working groups that work with different set of clusters stipulated by the Convention, and out of which the group is selected that lies closest the member organizations' focus area. During this work, the members within each working group are expected to propose recommendations for inclusion in the alternative report. Naturally, when members are working within their respective fields of expertise, and simultaneously try to submit recommendations for inclusions on the agenda, conflict of interests and values are likely to arise, as they would in any agenda-setting process. This is because the coalition members presumably have different stakeholders (children) and different interests. The existence of a conflict of interest is best illustrated by the statement: “*the problem lies in the situation where half of our group disagrees with an issue or how it is put forth*” (FFB 2017). As this power dimension is likely to occur when a strong culture is created, it is also likely to occur within the agenda-setting processes for the NGO-coalitions reporting to the CRC.

The smaller member organizations in FFB are often concerned with thematic issues that are much more confined than is the focus of larger organizations. With reference to my theoretical framework, the smaller member organizations are often focused on *routine issues*. Their interests are consequently not always in line with FFB's stipulated criteria for *key issues*, which are threefold: a recommendation (or the key issue) should a) concern many children or have considerable consequences for the children concerned, b) be viewed as conflicting with the Convention, and c) be on a UN-level. If the smaller organizations often present *routine issues* as opposed to *key issues*, this might open up the possibility for larger member organizations to ignore the smaller ones' recommendations by disfavoring them and by arguing that the topic of the recommendation is too narrow. When barriers such as the presented threefold criteria are reinforced in order to concentrate or limit the scope of the political process, one may assume, in line with the principles of the agenda-setting power, that the issues of a smaller organization can “be organized out” by the larger ones. As is illustrated in FFB's response: “[when] *an organization [...] contribute[s] with an issue that 95% of FFB disagrees with [...] it is hard to reach out to the organization and explain that [...] FFB does*

*not believe it conflicts with the [Convention]”* (FFB 2017), hence *routine* issues which are too narrow in their scope are organized out.

However, small organizations are often more active than the larger ones. Even though a recommendation proposed by a small organization is not relevant for a large number of children, nor a grave concern for the few it concerns, there exist possibilities in which the smaller organizations nonetheless can affect the agenda: When the other members are disengaged in the process, this might leave room for moderation: “*when [larger organizations] didn’t contribute, we were moderate [sic] and included topics from small organizations under general clusters to make it a concern for all children”* (FFB 2016). The norms operative in for the agenda-setting and decision-making process as regards the alternative report are anchored in active participation. Hence, when the larger member organizations are less active in the process, this consequently leads to smaller organizations’ benefiting from it: “[The smaller member organizations will consequently] *get more breakthroughs in our alternative report [...] which will benefit the children that they work for”* (FFB 2017). Thus, the smaller member organizations may obtain agenda-setting power (above the ordinary) as a “default”.

The decision-making power in FFB is distributed amongst all members. The decision-making model is based on a consensus to ensure that (at least) 90% of the organizations can back the proposed recommendations. This is to secure that none of the larger member organizations can decide alone. However, even though the content of the alternative report is agreed upon by all members, my findings do nonetheless demonstrate that not all issues are included on the agenda, implying that some child rights issues are organized out or given less importance. Such *routine* issues have been exemplified in the findings and include recommendations regarding Sami children and health issues. The theory that I lean on here seeks to capture the absence of something, which in turn makes the analysis a challenging task, yet it is nevertheless possible to conclude that the agenda-setting power, is operative during the agenda-setting process of the NGO-coalition FFB.

Although the CUCW’s process of writing the alternative report is similar to FFB’s, the decision-making power regarding what content to include in the alternative report is here not based on a consensus between the member organizations but rather, the power is concentrated on a few hands: “*it is the [board members] that make the final decisions [...]*” (CUCW 2016). By having an institutionalized practice of collecting information in working groups and letting the CUCW board make the final decision, one has enforced, as Bachrach and Baratz (1970) suggest, a practice which may limit the scope of the political process, preventing the members

in deciding what issues or recommendations to include in the alternative report. While in the last instance this task is left to the CUCW board, the latter possesses both the formal and the *de facto* agenda-setting and decision-making power. For a member organization or a public institution to succeed in getting child rights issues on the CUCW-agenda, it needs to get past the board members. Considering the agenda-setting principles, this emulates the “elitist” view on power, where the agenda-setting and decision-making power is found to be held by “privileged” groups.

However, the theoretical approach is also concerned about issues that are suffocated before they gain access to the decision-making arena. Comparing the case of the CUCW to FFB’s agenda-setting and decision-making process, one may assume that, as with FFB, such issues are already organized out before ever gaining access to the decision-making arena, i.e. the CUCW board. While my findings have been unable to “capture the absence of something”, yet – as with any agenda-setting process – it is safe to assume that some issues do not gain access in the alternative reports, and are consequently not heard by the CRC. Furthermore, the word count ceiling to the report enforced by the OHCHR may play a contributing part in provoking or reinforcing barriers to the public airing of issues, a case in point to the obvious fact that no all issues *can* be included. Consequently, some issues are kept out of the alternative report. A possible explanation for why the decision-making power is in the hands of to the CUCW-board, is the sheer diversity of members. While CUCW consists of both organizations but also state institutions, its board may provide assurance that the state institutions’ and the civil society members’ concerns do not conflict with each other. However, these are mere assumptions that would require further investigation in another context. Based on Engelstad’s power paradigm, I here provide a concluding summary of my analysis:

**Relation:** Members of NGO-coalitions collaborate on writing the alternative reports

**Intention:** Each member tries to include the interests of their stakeholders.

**Action:** Joining a working group and proposing child rights issues.

**Result:** Some child rights issues are included in the report, others are not.

In conclusion, then, the respective members of both FFB and CUCW have different approaches to air child rights issues, concerns, and recommendations, which later might reach the CRC’s agenda. However, both agenda-setting and decision-making processes may be interpreted in regards with the principles of the agenda-setting power. Tying these findings to Türkelli and Vandehole’s research, one can interpret that *quality of information* as regards the

alternative report and how the content for the report is collected, is an important impact factor. What is seemingly considered *quality of information* in the alternative reports is determined by a set of criteria (i.e. FFB's threefold criteria) which focuses on child rights issues that are of high enough importance and grave enough for the children they concern. Furthermore, the quality may also be controlled by the word-count limit posted by the OHCHR. As a matter of fact, the word-count limit may, not surprisingly, delimit the scope of the report, thus institutionalizing a barrier for the CSOs to overcome – a barrier which in turn may influence the agenda-setting processes for all CSOs. My collected empirical data suggests evidently that the decision-making power within FFB rests on a wider ground than CUCW. However, the CSOs that are members of an NGO-coalition can affect the concluding observations by joining working groups and by being active contributors to the process. Coalition members will most likely be able to influence the CRC's work by promoting *key issues* as opposed to *routine topics*, i.e. narrow issues that are not in line with the pre-set criteria. The findings suggest that larger organizations gain more impact on the report than the smaller ones in FFB, although the smaller member-organizations may have the power to influence the agenda as a “default”, i.e. by being active.

#### 6.1.3 Collaboration – a strategic mechanism to influence, or to overcome restraints?

Türkelli and Vandenhole (2012) suggest that *whether CSOs act individually or jointly* is an impact factor believed to heighten the possibility to influence the CRC's work. The CSOs that report to the CRC are aware of and know their “reporting partners”, i.e. the other CSOs that also report to the CRC. In addition, the CSOs are in constant contact, although they do not have a formal role in each other's organizations, they share information with each other, they are on each other's mailing-lists, and they work closely with the cluster-related issues in the alternative reports. A reason for collaborating with other CSOs is to obtain a greater impact on the child rights issues that are of a particular concern for the CSOs. The idea is that when an issue is mentioned by more than one CSO within a country, it is likely to obtain additional attention during the CRC's assessments of the report. This suggests that when a national civil society mentions the same issues, it will be perceived as consensus regarding the given issue highlighted, and as a result it will seem more credible. The values inherent in the alternative reports may thus help form the mindset of the CRC members and the way they act, since it is likely they might internalize these values into their own perceiving of the situation for children's rights in a respective country – all of which indicating that the CSOs hold (or are recognized for holding) the third power dimension: preference shaping. Through

collaboration on issues, concerns and recommendations in the alternative reports, the CSOs might steer the apprehension and consequently the actions of the CRC members in a given direction since the CSOs can influence the CRC's perception of the truth. This may occur even to the extent of having the CRC then raise issues with the State party, that might possibly also find their way into the concluding observations. Such scenarios will emulate – as Lukes (1974) will have it – with nothing short of the supreme exercise of power. The statement below confirms that when several reports mention the same issue, it seems more credible to the CRC members and fosters the likelihood of being emphasized:

*If several alternative reports say the same, then we emphasize that issue and the reports. (CRC1 2016).*

Moreover, the presence of “an intentional stance”, which Dowding (2006) states is a requisite for the use of this power approach, is possible to identify while FFB collaborates with the Norwegian Ombudsman for Children with an intention to influence the CRC. In other words, collaboration is used as a strategic mechanism to highlight in the alternative reports a specific child rights-issue that the CSOs are highly concerned about. Although not explicitly stated by the Norwegian Ombudsman for Children, it is safe to assume that strategic collaboration is used in the same way. After all, the Norwegian Ombudsman for Children views collaboration as an “*important*” and “*useful*” tool. CUCW, as with the other two organizations, underlines the significance of collaboration with other partners; however, the respondents were uncertain whether this was adequately reflected in their report. However, one can nonetheless assume that if CUCW reports the same issues to the CRC as another CSO, it will be perceived as more credible by the CRC members. In conclusion, the impact factor *acting individually or jointly*, suggested by Türkelli and Vandenhole, will have an impact on the CRC. When CSOs act jointly with partners in the field, they will obtain a greater breakthrough in the CRC's work, including presumably also the concluding observations. When a national civil society appears intact and agrees upon important and grave child rights issues, it will seem more credible to the CRC members, since this enables them to verify the issues raised. The findings suggest how CSOs can obtain such a perception. To summarize the power relation expressed through collaboration:

**Relation:** National CSOs collaborate on the thematic content in the alternative reports, which the CRC will later assess.

**Intention:** Make the CRC emphasize the issue and address it with the State party in the session and the concluding observations.

**Action:** CSOs collaborates by highlighting the same child rights topic in the alternative report

**Result:** The CRC perceives the issue as important and addresses it in the session and in the concluding observations

Yet, another important aspect of the collaboration not discussed so far, and that might undermine my analysis and analytical argument above is the fact that the CSOs do not *only* collaborate to highlight important and grave concerns. As my findings demonstrate, the CSOs also collaborate in order to include *all* issues, which they wish to address in the alternative reports. Due to the word-count limitation enforced by the CRC and its apparatus, the CSOs cannot include all concerns and recommendations. A way to facilitate crossing this barrier has been to divide issues amongst the national CSOs in order to bring *all* important concerns and recommendations to the fore. While it occurs that the CSOs divide the issues amongst themselves the argument for a unison or consensus-based report highlighting the same important child rights-concerns, is undermined by this mere fact. Yet in spite of this, both ways may, as the FFB respondents imply, still exist simultaneously.

#### 6.1.4 Communicative lobbyism?

Türkelli and Vandenhole (2012) propose that *opportunities for informal meetings* will have an impact factor on the concluding observations. My discussion below will tie the findings to the communicative-power dimension and will demonstrate how the proposed impact factor can be confirmed as having an effect.

The child-rights network is compact and small. Within this network there are conferences, workshops, seminars and more, organized to share and discuss child-rights thematics, issues, and research – as in any other field. Such gatherings function as venues for both CSOs and the CRC members. It is evident that the CSOs make use of such arrangements to come into contact and discuss with the CRC members. During such meetings, they have the possibility to present the CRC members with child-rights issues in the respective countries, or discuss the reporting process. Furthermore, this opens up for opportunities to invite CRC members to in-country conferences or to meet with children or other organizations and institutions to demonstrate and discuss the situation for children's rights, all of which may consequently have an impact on the respective country's reporting process.

At the time the CRC members appearing in this study were interviewed, such “deliberative forums” were as yet unknown to me and did not strike me as significant for the CSOs while these forums were not part of the formal reporting process. Although the CRC members present at such encounters were not provided with the simultaneous option to verify



the CSOs' statements, one can, nonetheless, assume that such a communicative forum (where the CSOs and CRC members meet "off the grid" and discuss child-rights issues) is based on mutual communicative norms voluntarily accepted by all parties. This assumption is credible because CSOs (and at that: from different organizations and countries) would not be likely to express contentment, as they did, at having the possibility to meet and discuss with the CRC members outside the formal reporting process, had the CRC members not consented to do so.

Having established that such meetings are rooted in mutual norms that both parties voluntarily have accepted, the next step will be to seek to identify the deliberative transformative ability, in other words: to identify whether decisions or actions are based on the force of the argument, rather than the status of the speaker or the number of votes. Such a deliberative transformation can be evidenced in statements provided by the two Norwegian CSOs. The CRC rapporteur for the Norwegian reporting round in 2009 visited Norway to discuss the situation for children's rights and prepare for the reporting round with various children's institutions and including children themselves. Such informal encounters proved to have a positive impact on the CRC rapporteur, witnessed by both of the Norwegian CSOs as they experienced support for their concerns: "*We immediately experienced breakthrough because we noticed that [the rapporteur] brought with him the information that he had received from the children to the session with Audun Lysbakken*" (FFB 2016), the latter being the Norwegian State party counterpart, the Cabinet Minister in charge.

During his visit to Norway, the CRC rapporteur gained knowledge of important and grave child-rights concerns. It is evident that the rapporteur's arguments during the session with the Norwegian State party were rooted in the information received during the rapporteur's visit. Firstly, this entails that the informal visit had an impact on the CRC rapporteur. Secondly, and rooted in the principles of communicative power, this suggests that the arguments and information obtained during this visit have had the ability to deliberatively transform the apprehension of the situation of children's rights in Norway. This in turn indicates that the arguments from the children and the institutions then attained the level of communicative rationality as the CSOs' (and children's) arguments were preferred over the State party's.

Furthermore, the empiricism available to me points in a similar direction regarding CUCW. The CUCW also stated that their staff members have a close relation with the CRC (see section 5.1.4), where a CRC member often seeks out CUCW at conferences to ask about the situation for children's rights in Finland. When CRC members are deliberately seeking out

CSO members and asking for their concerns regarding children's rights, it does not only entail that the information provided by the CSOs is perceived as credible, but that the CSO's concerns and arguments are perceived as rational, which in turn points to the fact that CSO members' arguments bear a communicative transformative ability.

Having no empirical evidence to support this claim, I argue that it is unrealistic to expect or demand that the CRC members do *not* meet with the CSOs during network-conferences, seminars or meetings in their own capacity. The CRC members are, after all, experts within the field. In conclusion, my findings followed by my analysis have shown support for Türkelli and Vandenhole's claim that *opportunities for informal discussions* (i.e. outside the formal steps of the reporting process) have a likely impact on the CRC's work throughout the reporting process. The findings further suggest that that "communicative lobbyism" can have an impact on the CRC and the formal steps of the reporting process, as shown specifically in the country study of Norway. Furthermore, the first *assumption* can here be verified: CSOs can influence the CRC through means by which they exceed their formal role in the reporting process. To connect the discussed power dimension and the empirical evidence in a compendious manner:

**Relation:** CSOs meet with CRC members at, or invite them to conferences etc.

**Intention:** Address children's rights issues, the reporting process, what the focus of the CRC is

**Action:** Discuss with CRC members at such conferences, or invite them to the CSO's countries.

**Result:** Impacting the CRC and its work during the reporting process.

Based on the analysis on the CSO level, I have here identified and discussed four means by which CSOs may influence the CRC and presumably also its concluding observations. To summarize the discussion on this analytical level, I have identified that CSOs are bearers of alternative information to the CRC (*relation*). The CSOs want the CRC to address the CSOs' child rights concerns in its evaluation of the State parties' compliance with the Convention (*intention*). Hence, the respective CSOs write alternative reports (in compliance Child Rights Connect's guidelines), collaborate on certain issues, and discuss with CRC members during conferences and other events (*action*). The CRC addresses the issues with the State parties during the reporting process (*result*).

## **6.2 CRC level: Influence during the reporting process**

The concern at my analytical CRC level is to highlight and discuss how CSOs may influence the CRC during the formal steps of the reporting process. This discussion will provide answers to my first research question raised, which is twofold: It will answer both *how* and *to what extent* CSOs can influence the CRC. The discussion that follows will address six ways in which the CSOs can exercise their influence, and they will be analyzed in light of the chosen and previously operationalized theoretical framework. The analysis will, furthermore, seek to confirm or disprove whether the impact factors suggested by Türkelli and Vandenhole (2012), in fact *are* factors which can impact the CRC.

As justified in section 3.1.2, the probability of finding the first power dimension at the CRC level has been low. Consequently, I have excluded the power dimension from this analytical level. Furthermore, the empirical evidence has not supported the existence of this power dimension, therefore, it will not be addressed here. However, I do nevertheless not reject its existence during the formal steps of the reporting process.

### **6.2.1 The mysterious gatekeeper – outsourcing the selection process?**

Türkelli and Vandenhole (2012) state that presenting child rights issues by being *physically present* in the pre-session can have a greater impact on the CRC as opposed to non-attendance. If this is the case, it is important to discuss the role of the gatekeeper (i.e. who invites the CSOs to Geneva). According to the OHCHR's website there are no uncertainties regarding who the official gatekeeper to the pre-session is, namely the CRC. However, as demonstrated, there are uncertainties of (or an unwillingness to share) *who* in fact is the *in-practice* gatekeeper. Table 5.2.2.1 presents an overview over which actors were believed to be the gatekeeper, and it shows a centralized tendency on Child Rights Connect and the Secretariat. The explanation for the different answers given to me may be rooted in two aspects of the process: Firstly, in the fine line between public and confidential knowledge. The ambiguous answers may be a result of not knowing exactly what to share with me in my role as a researcher. And secondly, in the previously mentioned *opaqueness* of the reporting process. Apparently, not all of the actors have a complete overview of everyone involved in it.

Despite the diverging responses, it is evident that the gatekeeper has the power to include, and consequently to exclude actors from the process. The gatekeeper thus holds a position that could help foster a political organizational structure that may block the participation of certain groups and opinions. Reasonably one may then consider the agenda-

setting power theory as a framework to explain and understand the gatekeeper's work and what effect it may have on the CSOs likelihood to influence the CRC. In analyzing the gatekeeper-role by assessing the collected data material against the principles of agenda-setting power theory, one has to furnish empirical proof of the existence of selection strategies. While I find that my collected data material testifies to what may be leaning toward the existence of selection strategies, yet it at the same time restrains me from concluding firmly as to who possesses the power to favor or disfavor interests (theory's actor *A*), I select the following to analytically present all available knowledge: Firstly, we know that no observers are allowed into the pre-session (this I experienced myself as I was unable to enter inside the room of the pre-session). Secondly, we know that in order for a CSO to be invited, they must request so in the alternative report. Hence, organized out are the presence, opinions, concerns, opportunities and conditions of both non-CSOs (i.e. observers, State party representatives, etc.) and CSOs that have not contributed with an alternative report. This transpires by way of the enforcement of the gatekeeper's institutional practice. With the gatekeeper rests the *de facto* and formal power to exclude issues, arguments, concerns and recommendations provided by a CSO before they even enter the agenda-setting (not to mention the decision-making arena), *the pre-session*. The basis for holding pre-sessions is to critically discuss child rights issues with civil society actors. Therefore, one may reasonably exclude the views of the State parties from these deliberations because the State parties have their own session with the CRC. However, most importantly, the State parties' presence is prohibited to ensure that the CSOs who are reporting do not face reprisals for doing so. Furthermore, as the pre-session is a closed meeting, no observers or any other people without any intention to contribute in the discussions during the meeting are allowed access – their opinions, opportunities and conditions are consequently organized out. The pre-session is an interactive deliberative setting where all participants are expected to contribute with information and the word "observer" deviates from this mere principle. Finally, against the background of the delimited time the CRC members have to prepare for the reporting round for each country, it is arguably fair that only CSOs who have contributed with a report are permitted to access the pre-session.

While the findings fail to identify any formal or informal selection strategy, it is evident that there exist CSOs that have not been able to attend the pre-session. However, Child Rights Connect's Guidelines state that only a limited number of CSOs will be invited (Child Rights Connect 2014), which entails that not all CSOs can attend. This was elaborated

on by a CRC member: “*I have experienced that CSOs have not been able to participate in the pre-session, and asked if I could talk to them for 15 minutes outside [the formal process]*” (CRC1 2016) (see full context in section 5.2.4). This indicates that there are in fact certain CSOs’ views, opinions and concerns that are denied access in the pre-session. The power that the gatekeeper has entails the defining of *key issues* and consequently also *routine* ones. An assumption is that NGO-coalitions are perceived as providers of *key issues* whereas individual NGOs represent *routine* issues. This assumption is built upon the findings to be discussed in 6.2.4 and 6.2.5.

In conclusion, there exist institutional practices which limit the scope of the political process to the public airing of some CSOs’ child rights concerns. However, my findings have not been able to pinpoint precisely which criteria underlie the exclusion. A possible explanation for the existence of the gatekeeper, is not that the OHCHR, the CRC, Child Rights Connect, nor the Secretariat intentionally exclude issues that it/they are uncertain of winning. The reason for having a gatekeeper may be to keep the pre-session confidential between the CRC and the civil society to ensure that State actors, informants, journalists and others cannot access the deliberations, which in turn safeguards CSOs from facing any reprisals. The power relation present during the selection of CSOs can be summarized as followed:

**Relation:** Child Rights Connect/the Secretariat invite(s) CSOs, who have written an alternative report and requested an invitation, to the pre-session

**Intention:** Keep State party officials, observers etc. from participating in the pre-session. However, there may exist other intentions which the findings have failed to point out.

**Action:** Child Rights Connect/the Secretariat send(s) out invitation to a selected group of CSOs.

**Result:** Some CSOs are invited to the pre-session in Geneva, other CSOs and State party officials and observers are not. Thus, some issues are included on the agenda, others excluded.

In sum, the findings indicate (in harmony with what is available knowledge on the OHCHR’s website) that CSOs may attend the pre-session by submitting an alternative report and requesting an invitation. As the upcoming discussions suggests – in line with Türkelli and Vandenhole’s assumption – *physical presence* has an impact on the CRC’s agenda. The findings could not point to any selection *strategies* which can organize CSOs out of the agenda-setting process (the pre-session), but the existence of a gatekeeper demonstrates an organizational structure which can include and exclude not just actors, but presumably also

their concerns. As discussed here, and which will become even clearer below, CSOs may influence the CRC by being physically present at the pre-session.

### 6.2.2 Stretching time

Exceeding the allocated time for discussion is a mechanism CSOs can use to exercise influence over the CRC, it contributes to organizing certain issues on the agenda, and consequently others out if they speak beyond their allotted time. The data material shows that when CSOs exceed their allotted time it can have a negative effect on others as it conceivably blocks either their participation in the discussion or their child-rights issues.

The formalized structure of the pre-session consists of an introduction by the CSOs followed by up to 50 questions asked by the CRC members regarding certain issues within their alternative reports and other child rights questions that the CRC members are particularly interested in (Child Rights Connects 2014). There is no given structure for how the CSOs are to answer the questions asked, nor is there a pre-set structure as to which of the CSOs shall answer. The second power dimension may contribute to explain and understand how CSOs can influence the CRC by exceeding the allotted timeframe. However, to do so one must identify *the* actor that has the power to do so, and whether there exist any conflicts of interests between the CSO participants in the pre-session. On the one hand, this analysis can be conducted on an individual level; one may assume that the conflict of interest is present when several CSO participants attempt to address their child rights concerns before the CRC within a limited timeframe. The most powerful actor gaining ground for his or her concerns will be the CSO representative that is the most talkative person, or who has the greater knowledge on an issue. If he or she exceeds the allotted time, it will in turn affect the other CSO representatives from bringing their child rights concerns to the fore. The “loose” discourse structure, may make leeway for certain people to talk, which contributes to the creation of barriers. Hindering others to talk during the pre-session is a means to activate the agenda-setting power in line with Bachrach and Baratz’ understanding of it: issues are consequently suffocated before they are even voiced. If this is done intentionally, the individual creating such barriers will likely perceive *its* concerns as *key issues*, and others’ as *routine*. However, this is not to say that the CSOs present during the pre-session are not concerned about the same issues at stake. If a powerful actor excludes an issue from the agenda, it does not necessarily mean that the issue is excluded intentionally because the powerful actor is uncertain of “winning” over the issue, as Bachrach and Baratz suggest. The

powerful actor may do so because he or she wishes to ensure that the CRC addresses his or her child rights concern. What is at stake is demonstrated well by this statement: “*There is tension when [...] 10 people have to answer. The [CRC] asks a lot of questions without pointing to a specific organization*” (The Norwegian Ombudsman for Children 2017; brackets added). Such an organizational structure seems to create a “first come, first served” attitude in the entire deliberative setting of the pre-session. When the CRC members ask questions, some CSOs may try to answer quickly in order to present their issues or measures to the CRC.

On the other hand, the phenomenon of exceeding allotted time may also be discussed on an organizational level: It is tantamount to politicizing it when the organizational structure blocks the participation of one CSO representative in letting another one exceed the allotted time for discussion. Apparently, and as the statement above indicates, there is no mechanism to secure the CSO representatives’ allotted time or their participation in the pre-session. This leaves a void that furnishes the CRC members – knowingly or unknowingly – with the opportunity to favor one group to the detriment of another. According to Schattshneider’s (1969) contribution to the theory, this demonstrates that organizational structures affect the possibilities and conditions for the actors participating in the process. Which in turn entails that *physical presence* in fact has an impact on the CRC, whereby CSOs may seek to obtain more “face” or “discussion” time with the CRC members by exceeding their allotted time for discussion. The findings hence suggest that Türkelli and Vandenhole’s (2012) assumption of *physical presence* being an impact factor can be confirmed.

However, the scope of this thesis is not *why* the CSOs exceed their time as I have not had the possibility to extract empirical evidence that can be used in an explanatory manner. What may, nevertheless, be stressed is that exceeding the allotted time for discussion may favor certain CSOs and their issues, which consequently may let them influence the CRC members and conceivably also the concluding observations. This in turn indicates that *physical presence* or attendance will have a greater impact on the CRC as opposed to non-attendance. In conclusion, the simplified power-relation model can summarize the discussion above:

**Relation:** CSOs and the CRC deliberate in the pre-session.

**Intention:** Promote the children’s rights issues emphasized in the CSOs’ alternative reports. Making the CRC listen to the CSOs’ concerns and measures.

**Action:** Exceed the allocated time for discussion and quickly answer questions from the CRC.

**Result:** Certain CSOs may talk longer than others and consequently promote their views, concerns and measures to the CRC. Other CSOs that are present will as a result not have the same opportunity. Their concerns will hence be organized out of the agenda-setting process.

### 6.2.3 The real chairmen

CSOs have an opportunity to “steer” the dialogue with the CRC towards its own interests. As this may be a mechanism to change the course of the dialogue, and a possibility for the CSOs to highlight their interests, one may reasonably turn to the agenda-setting power dimension to explain and understand it in light of my raised research question.

During the pre-session, the CRC members ask questions regarding the alternative reports and children’s rights in the respective country. Some of these questions are perceived as recursive and irrelevant by the CSOs. The CSOs may therefore turn to means that let the CRC members know that a question raised is not a main concern nor relevant (for the CSOs, that is), by redirecting the question, and thereby highlight another issue that is more relevant. Furthermore, this possible occurrence implies that a CSOs can “steer” the dialogue from issue *A* to issue *B* if the CSOs believe issue *B* to be more important and relevant for the situation for children’s rights than issue *A*. Moreover, as suggested, the CSOs may clear up any misunderstandings of an issue, and indicate that another angle should be brought to bear on the discussion: “*if they see that the CRC understands an issue, but is asking the wrong question, they can put them back on track*” (Child Rights Connect 2016). The agenda-setting mechanism which redirects the CRC members’ questions leave certain questions regarding children’s rights unanswered, while others are included as part of the discussion. This implies that CSOs possess the power to define *key issues* by suffocating responses to the CRC members’ “irrelevant” questions, which in turn are perceived as *routine issues*. Hence the CSOs contribute to blocking grievances which never become part of the official political agenda. If successful, this will lead to an issue never being brought up before the State party during the session. Consequently, it would neither become part of the CRC’s agenda. The opportunity to redirect the CRC’s questions is hence a barrier that may prevent some children’s rights issues from ever being discussed. As materialized practice, it serves the CSOs’ interests to keep certain issues and questions from coming to the fore during the pre-session because answering the “irrelevant” questions is time consuming, and it gives the CSOs less time to talk about their own interests or what they believe to be important. Therefore, the conflict of interest can be identified in the felt irrelevancy of the CRC’s questions. Due to the timeframe of the pre-session, the CSOs only wish to spend time on



issues that they perceive as important. The conflict arises when the CRC raises irrelevant questions that are time-consuming, and prevents the CSOs from discussing *their* concerns. By redirecting the CRC questions, the interests brought forth by the CRC can thus be marginalized, as they are not recognized as important enough for the CSOs.

Even though the Norwegian respondents do not implicate the possibility of redirecting the CRC's question, one can nevertheless identify the conflict of interest while there is an evident discontent as regards the often-irrelevant questions that the CRC members ask:

*[...] some of the members have the same four questions that they always ask, irrespective of being relevant or not [...] We want to be kind and provide an answer to everything instead of just skipping something and say that we do not want to spend time on it because it is not important for children in Norway [...] We should be more cynical, and let them know that we only spend time on what we believe to be the most important issues for children in Norway, because we know what that is (The Norwegian Ombudsman for Children 2017).*

The statement does not reflect on the possibility to redirect the CRC's questions. It nevertheless indicates that there is an issue regarding the questions that are asked and their relevance. Explanations as to why the Norwegian representatives have not redirected questions in the previous reporting rounds can be that it is not an integrated practice, that it was integrated *after* Norway's previous reporting round in 2009, or – as the respondents' explanation – because Norwegians are *too* polite. However, the opposite may also be the case, that it is the CRC members that have the power to define *key issues* and not the CSOs. Thus, the CRC members can also hinder child rights issues from ever being heard by – consciously or unconsciously – blocking certain issues from gaining access to the official political agenda. While the CRC members are experts within the child rights field, they may be focused on eliciting answers pertaining to particular topics and problems of professional interests, therefore highlighting these in their questions. However, the same conflict of interest can be identified: the CRC addresses issues that are perceived as irrelevant for the CSO members, consequently taking time from the CSOs to bring their interests to the fore. The implication that the CRC member also has the power to define *key issues*, suggests that the CRC *can* create or reinforce barriers to the airing of CSOs' concerns.

I have not been able to gather empirical data material that clearly supports either of the discussed claims. However, if redirecting a question is a measure to obtain a position of “steering” the dialogue with the CRC, it is fair to say the CSOs make use of it because they wish to discuss and spend time on matters they believe to be more important. An obvious proposal as to how this aspect of influencing the CRC could be studied more thoroughly,

would be to observe the dialogue in the pre-session itself. As I have discussed already, this remains an unavailable option in the reporting process. However, my purpose of discussing and analyzing the power aspects embedded in the extant practice of redirection as one of six ways the CSOs can influence the CRC at the CRC level, is to gain a maximum of available knowledge of, inform about and elucidate analytically how redirection of questions *can* be a measure to influence.

By redirecting the CRC's questions the CSOs can influence the CRC and possibly also the concluding observations by letting the CRC members know what issues are the most important (for the CSOs). To the extent the CSOs are successful in doing so, we can again confirm that Türkelli and Vandenhole's supposed impact factor *physical presence* is an important one that may influence the CRC's work. In conclusion, one may sum up the power relations for the here discussed influential opportunity as follows (rooted in the CSO perspective):

**Relation:** CSOs and CRC discuss as interacting partners during the pre-session.

**Intention:** Highlight certain child rights issues that are important to the CSOs and its stakeholders.

**Action:** Divert, redirect or take the steering over "irrelevant" questions asked by the CRC.

**Result:** CSOs can emphasize their interests and exclude "irrelevant" subjects.

#### 6.2.4 Phrasing and re-phrasing the truth?

The findings suggest that inherent in the CSOs lies the power to influence the CRC by defining their very understanding of the situation for children's rights in the country under assessment. The following discussion relates to Türkelli and Vandenhole's exploratory exercise, which has confirmed that CSOs may influence the CRC by submitting alternative reports. This is well-rooted in their findings, and in their suggestion that "ready-to-use" recommendations are more likely to be prioritized and taken up in the concluding observations (Türkelli and Vandenhole 2012: 51).

CSOs phrase the recommendations submitted in their alternative report in a specific manner to influence the CRC. Hence Dowding's (2006) requisite for the third-dimensional power, an intentional stance, is identified, which avoids any over analyzing of the intentions and interests of the CSOs. This – according to Dowding – allows for the continued analysis of the third-dimensional power relation. An explanation for why CSOs write the recommendations in such a manner is to make the child rights issues in questions both explicit and comprehensible. As the Norwegian Ombudsman for Children has stated: "*we are*

*dependent on the [CRC] to understand what we are talking about*”, which can explain why CSOs provide the CRC with the “*right*” words, or “*the words they need*” (FFB 2016), to, firstly, make them understand what is meant, and secondly, suggest their preferable measures. Thus, the idea of having precise and accurate phrasings of what the CSOs want the CRC to address, might actually facilitate the entire process. The values and concerns that are inherent in the alternative reports are represented as “truths” of what the situation for children’s rights in a given country is “in fact”. By putting forth explicit and unambiguous recommendation the CSOs, through the wording of the alternative reports, may influence and form the way the CRC members think and behave. As a result, the CRC may perceive it as the truth, and subsequently address it during the session and in the concluding observations.

Moreover, the role of the civil-society actors in the process is to provide the CRC with information on the situation for children’s rights, based on the State party’s report. The alternative reports are to praise those of the State party’s initiatives which are improving child rights concerns, yet also to offer a critical view of the content in the State party’s report, and highlight issues that need improvement. When the CSOs intentionally phrase their recommendations in a manner that is “ready-to-use” and the CRC re-phrases these recommendations in its concluding observations (as seen in the findings under the category *syntactic similarity*), this demonstrates that the CSOs have the possibility to control, firstly, *what* the most pressing child rights issues in a country are, and secondly, *how* these issues are to be interpreted. Against the background of the three presented examples of *syntactic similarity* for CSOs from Norway, Finland and Spain, one may question whether the CRC have had knowledge of e.g. “*the Norwegian Data Inspectorate*” (see section 5.2.3.1). prior to the reporting process, or whether such information has been given to the CRC members written or orally. In addition to coming close to the phrasing of the original recommendation submitted by FFB constituting a *syntactic similarity*, it suggests that the CRC members have obtained knowledge of the Norwegian Data Inspectorate and its mandate during the process. One may pose the same question for the CUCW’s recommendation regarding “*permanent and sufficient funding for phone and Internet helplines*” and PI’s “*the creation of a National Plan against childhood poverty*”. Do the CRC members possess such detailed information about *all* the states that have ratified the Convention? Or do these examples demonstrate that the CSOs can influence the CRC members’ comprehension of what is “correct” or “the truth” by submitting alternative reports with “ready-to-use” recommendations? If the CSOs have – by submitting such reports – altered the behavior of the CRC, the CSOs are therefore recognized

for possessing the power to influence the CRC members' perception of the situation for children's rights.

However, this in turn may lead to the CRC's acceptance of biased decisions without questioning the content nor their intentions. A riveting example of this, is the previously mentioned statement of the FFB respondents which indicates that the information provided in their alternative report was misinterpreted by the CRC. This may suggest that the CSOs in fact are in control of defining the "truths" to the extent that the CRC members select to understand them as such (even though the members might literally misunderstand), and that the CRC members do not necessarily question the content or intention of the recommendations. The specific phrasing of the recommendation thus functions as an institutionalization of the truth regarding the situation for children's rights. In other words, the CSOs – wittingly or unwittingly – may in some cases be said to even gain the literal power to "control" how the CRC's interpretation of children's rights is formed, as well as the same literal power to shape the CRC's interpretations. This is not to say that the CRC members are not capable of drawing their own conclusions regarding pressing child rights issues. It may, however, indicate that the alternative reports are highly valued.

The findings for the category *syntactic* and *semantic* similarity apparently demonstrate how the CSOs have been able to influence the perception of the CRC members. Furthermore, by re-phrasing the recommendations proposed by the CSOs, the CRC may ameliorate the pressing time issue, which five CRC members have expressed is problematic during the reporting process. Employing the CSOs' recommendations in the CRC's concluding observations may simplify the process of writing the recommendations *and* make sure that the recommendations are speaking to the issues that they are intended to address. If this is the case, then the CSOs are successful in influencing the way the CRC members perceive the children's rights issues.

Türkelli and Vandenhole's (2012) findings cannot be compared to mine as the starting points for the two analyses are different. Despite these empirically different starting points, categories and cases, I will carefully attempt to discuss them. My findings regarding *similarities*, where both concerns and recommendations are accounted for, demonstrates that 21-54% of the CSOs' recommendations were taken up as either a concern or a recommendation by the CRC in the respective concluding observations. Türkelli and Vandenhole's study (2012) found that 60-70% tended to be taken up by the CRC. My more in-depth analysis demonstrates that the results are much more diversified, which can be an

effect of the different categorical basis. Furthermore, my numbers demonstrate that 46-79% of the CSOs recommendations resulted in *no similarities*. Compared to Türkelli and Vandenhole's findings of 30-40% unaddressed issues, again the picture is more diversified in my study.

Despite the largely incomparable results, both the exploratory exercise conducted by Türkelli and Vandenhole, in addition to the more in-depth linguistic examination of the reports from the three reporting rounds conducted for this thesis, demonstrate that whether it be NGOs' concerns or CSOs' recommendation, the civil-society actors do have an impact on the CRC's concluding observations. As the two scholars have confirmed, and which my findings also do, submitting alternative reports is a way for CSOs to influence the CRC and the concluding observations, hence supporting my second *assumption* that CSOs can manifest their impact on the concluding observations by submitting alternative reports.

Moreover, it is striking that the Spanish reporting round in 2010 received the lowest breakthrough across the cases and across the CSOs, supporting the raised *assumption* that CSOs from Norway and Finland have a greater impact on the CRC than the Spanish CSO. I wish to offer and discuss possible explanations for this, in line with the findings, and with the previously mentioned parameters which guided the selection of the three country cases: Firstly, Spanish PI was the only national CSO that contributed with an alternative report in the 2010 reporting round. With reference to my discussion in section 6.1.3 regarding influence through collaboration, the NGO-coalition had no other organization to collaborate with when fostering the recommendations (i.e. it had no peer partner whose agreement of opinion might function as a bolstering and reinforcement of which specific issues to highlight in the alternative reports). Potentially, the lack of such *could* affect the CRC's perception of the report's verifiability and/or credibility. Secondly, the fact that only PI reported to the CRC in 2010 can presumably be explained by the structure of Spain's civil society and welfare systems: Franco's death in 1975 and the variety of social reforms introduced by the socialist government from 1982 formed the basis of Spain's development towards democracy (Tusell 2011). In a European context, Spain is considered a young democracy. This might indicate that the structure of the civil society, pertaining to the "emerging civil society cluster" is – as the name indicates – less developed than the Norwegian and the Finnish, which have both been democratic states longer than Spain, and which pertain to the "Nordic and socio-democrat civil society cluster". While there are not as many CSOs working with and on children's rights, can demonstrate that CSOs' space for action in the Spanish society is still

more restricted. The implications of being a young democracy may also effect the welfare system and the particular cultural child rights perspectives. As the Spanish “sub-protective” welfare system of high socio-economic inequality and not “child centric” as the two Nordic countries are, it may suggest that the civil society and welfare focus lies on socio-economic rights rather than individual and child rights in particular.

The content analysis foregrounded the extent to which CSOs may influence the CRC’s work and its concluding observations, although the results by no means are generalizable. As the findings from the analysis indicate, in all the concluding observations deriving from the three reporting rounds, the information taken up from the alternative reports is for the most part contextual similarities. As previously mentioned, this makes it extremely difficult to establish whether the findings are evidence of CSO impact, or of instances where the CSOs’ recommendations and the concerns and recommendations of the CRC coincide. However, the greater the similarity in the wording of a recommendation, the higher the potential probability for CSO impact. Cross reporting rounds combined, the categories *semantic* and *syntactic* similarities have registered fewer hits than the *contextual*. The CSOs with the highest numbers of *syntactic similarities* were the Finnish Ombudsman for Children and FFB. The starting point for the Ombudsman was 84 recommendations in total. The Ombudsman was registered with 11 *syntactic similarities*, which is equal to 38% of its alternative report. Furthermore, the NGO-coalition, FFB, started off with 63 recommendations in its alternative report, and was also registered with 11 *syntactic similarities*, which is equivalent to 32% of all its recommendations. These numbers are relatively high in comparison to the other CSOs’ recommendations registered in the same category, and one might ask whether this is problematic: Can one interpret these re-phrasings of the CSO recommendations in the concluding observations, while they may demonstrate the CSOs’ power to influence the concluding observations? Might it be considered to be unfortunate for or detrimental to the CSOs when the extent is demonstrated of the impact the CSOs have on the CRC, when in reality it is the CRC that has the mandate to evaluate the State party’s implementation of the Convention? Although I am delimited from drawing any substantial conclusion as to whether the *semantic* and the *syntactic* recommendations have been influenced by the CSOs’, it appears that this might be the case. Nevertheless, I wish to remind the reader that the objective of my study is not to compare in order to identify *which concrete* organization receives the highest impact, i.e. semantic and syntactic similarity, on the concluding observations as the discussion evolves around bettering children’s rights. The most interesting

and pragmatic angle to examine, in line with the research question, is *how* CSOs can impact the concluding observations, and *to what extent* – which is the main objective throughout this thesis.

The conclusion to the analysis of phrasing and re-phrasing, and of what power dimension this problematic belongs to, ties back to the first research question: One may determine that the CSOs' influence the concluding observations by employing a specific sentence formulation. Although the numbers differ between the reporting rounds, and between the CSOs, the findings demonstrate that 21-54% of the recommendations offered by the CSOs were taken up in the concluding observations, which is a direct result of the CSOs' specific phrasing of the recommendations, and the CRC's re-phrasings of them. Interestingly, the results deriving from this analysis contradicts Willetts' (1996) and Nanz and Steffek's (2005) assumptions that CSOs almost never have agenda-setting power (Nanz and Steffek 2005: 376).

**Relation:** CSOs are providers of critical comments to the states' compliance with the Convention – a report which is delivered to the CRC.

**Intention:** Influence the CRC's perception by providing them with specifically phrased information.

**Action:** Submitting an alternative report and phrasing the recommendation in a certain manner

**Result:** Having an impact on the concluding observations (and for the CRC's work in general).

#### 6.2.5 Reporting individually or jointly?

Prior to my investigation in this master's project, there existed a strong suggestion that an alternative report submitted by an NGO-coalition is more likely to have a greater impact than a separate NGO submission (Türkelli and Vandenhole 2012: 51). This is also suggested by Child Rights Connect all the while the organization only funds NGO-coalitions or NGOs to come to the pre-session in Geneva (Child Rights Connect 2013c). My findings complement this suggestion in indicating that NGO-coalitions are preferred, hence NGO-coalitions *may* have a higher impact factor than the other CSOs reporting to the CRC.

We have now established that 4 of the 18 CRC members perceive the information from the NGO-coalition as more relevant as well as less time-consuming, and hold it to provide a more broadly based coverage of child rights concerns (two of the interviewed CRC members did not distinguish between the coalitions and other actors). Hence it is not inconceivable that when the CRC members are exposed to information from an NGO-coalition (be it an alternative report or an oral answer during the pre-session), the members

have predetermined assumptions that the information the coalitions provide is more credible and relevant. In the assessment of the alternative reports or during the discussion in the pre-session, such presumption may result in the CRC members foregrounding the information presented by an NGO-coalition. This can contribute to the understanding that systems of knowledge, i.e. the submissions of alternative reports – providing the CRC with information regarding children’s rights – in themselves are a manifestation of power. Fostering such predetermined assumptions regarding the role of NGO-coalitions suggests that the organizational structure functions as a “symbol” for credible and relevant information because the CRC know, or at least think they know, that all child rights concerns included in an alternative report is based on a consensus among the coalition members, that their report covers a wider ground, and that it can be more efficiently read. The way the NGO-coalition communicates the information in the alternative report, i.e. it being backed by member NGOs and other civil societal actors, entails that the coalition members are perceived as dominant actors within the child rights field. The specific views of NGO-coalitions can consequently be installed as beliefs by the CRC members. Thus, the NGO-coalition, a “symbol” of a credible and relevant CSO, can influence how the CRC members interpret the situation for children’s rights, giving such coalitions a possibility to define the “truth” regarding any given state’s implementation of the Convention. Reporting jointly as a coalition consequently furnishes the coalitions with a greater impact factor than e.g. Ombudsmen. This is well demonstrated by the findings derived from the content analysis: Based on the percentage of *similarities*, both the Norwegian and the Finnish NGO-coalitions had a greater impact on the concluding observations than the Ombudsmen. As seen, FFB obtained 54% similarities, whereas the Norwegian Ombudsman for Children had 50%. As was the case for the Finnish reporting round: CUCW reached a 42% similarities, while the Finnish Ombudsman for Children had 35%. Furthermore, they *can* be explained by the CRC’s attitudes towards NGO-coalitions consisting of independent NGOs and Ombudsmen, quasi-governmental institutions. Against this background, the third dimension of power, the power to shape preferences and define truths, is present during the CRC reporting process. However, it is important to underline that *all* reports are read, as I clarified in a previous chapter. In addition, one cannot disregard the information provided by other actors and organizations such as children, NHRIs and the Ombudsmen, as they are vital to the process as well. In conclusion, the suggested impact factors proposed by Türkelli and Vandenhoele, which my analysis sought to address, confirm that *whether NGOs act individually or jointly* – especially whether NGOs act as a coalition –



will have an impact on the CRC's work, and subsequently the concluding observations. As seen, NGO coalitions have had a greater impact factor regarding percentage of similarities based on the content analysis. However, my discussion has as well established the impact factor *the CRC members' attitudes* does also influence how organizations (based on their organizational structures) are perceived. The discussion above has shown that CSOs that report jointly as an NGO coalition can obtain a greater breakthrough than other CSOs. However, this is not to say that other types of CSOs cannot influence the CRC. On the contrary, as demonstrated, other CSOs have also obtained a great impact on the CRC. The power relation analyzed above can be briefly summarized in the power model by Engelstad:

**Relation:** NGOs submit an alternative report as an NGO-coalition to the CRC.

**Intention:** Provide the CRC with information regarding children's rights as a coalition.

**Action:** Establish and report as a coalition.

**Result:** NGO-coalitions are foregrounded as they presumably are more credible and thus obtain more attention.

#### 6.2.6 Informal affairs

Informal meetings with the CRC members enable the CSOs to present and discuss the situation for children in a given country outside the formal steps of the reporting procedure. While the discussions in the pre-session is short, such meetings are common practice. Hence, they allow for the CSOs to elaborate on issues that have not been discussed during the pre-session, presumably due to the delimited timeframe. However, such meetings may also exert influence on the course of the dialogue, in that the informal meetings provide a setting for asking the CRC members to address certain issues. The informal meetings take place during the breaks or in the cafeteria during lunch. As seen, such informal "meetings" can even materialize in the form of handwritten notes that are passed on to the CRC members. Even though such deliberative forums are not institutionalized as a formal step of the reporting process, it is nevertheless evident that this type of communicative interaction is anchored in mutually accepted norms, as both CSO representatives and a CRC members approve of such meetings. It is apparent that the CSOs can present information regarding the status for children's rights in a country to the CRC members, presumably by the use of moral arguments in the rhetoric interaction. By doing so, the CSOs attempt to convince the CRC members (being part of the interaction) that *their* concerns and measures need to be addressed by the CRC. While this is the case, then the CSOs are inherently bearers of a form of communicative power, whose purpose it is to convince the CRC members to listen to their concerns and

measures regarding children's rights through arguments. The findings show that there in fact exist "windows of opportunity" to discuss children's rights issues with the CRC members during the pre-session and try to influence them through such informal meetings, which support the first *assumption*, that CSOs can influence the CRC outside the formal steps of the reporting process. However, the findings have failed to identify any deliberative transformative ability, probably due to the nature of such meetings. Engelstad's power model summarizes and anchors the findings, analysis and the theoretical framework in a simplified overview:

**Relation:** CSO-representatives have informal meetings with CRC members during their stay in Geneva.

**Intention:** To influence the CRC members to address the important child rights issues and concerns during the session and in the concluding observations.

**Action:** Discuss with or pass notes to the CRC members during breaks or the lunch hour.

**Result:** It gives the CSO representatives more time to discuss child rights issues with the CRC members, which may result in more influence.

While these informal meetings are not institutionalized in the reporting process, though seemingly anchored in mutually accepted norms, they can pose as a problem: As discussed at the CSO-level, the CSOs can interact with the CRC members *outside* of the reporting process, such as during conferences, seminars and workshop. However, evidently only the CSOs that are invited to the pre-session and have the possibility to travel to Geneva are among the ones who gain the opportunity influence the CRC members during such informal meetings at the CRC level. As I have established, only a limited number of CSOs from each country can be invited to the pre-session, hence only a limited number of CSOs will be able to discuss with the CRC members during such informal meetings, and to exert communicative power over them. In the conclusion of Türkelli and Vandenhole's study (2012) they suggest that *physical presence* and *opportunities for informal discussion* may influence the degree of impact a CSO has on the CRC and presumably also the concluding observations. While impossible for me to trace whether such informal meetings have had an impact on e.g. the concluding observations (due to the nature of such meetings), one may nevertheless conclude that they are common practice during the pre-sessions, and one may further assume that they can impact on the CRC.

To summarize the analysis at the CRC level, I have established that CSOs attend the pre-session with the CRC in Geneva (*relation*), in order to discuss and promote child rights concerns, which the CRC later addresses to the State parties (*intention*). This can be

accomplished (prerequisite: presence) by speaking beyond allotted discussion time, redirecting the CRC's questions, submitting alternative reports with ready-to-use recommendations, reporting jointly, and by meeting with CRC members in informal meetings (*action*). If the CSOs are successful, the CRC will address these issues to the State parties during the reporting process (*result*). After having analyzed the findings for the first and twofold research question, I now turn to the analysis of the legitimacy of the CSOs in the reporting process.

### **6.3 Supra-national level: Inclusion if world citizens' concerns?**

The following critical analysis will build on the above findings and the discussion of CSOs' possibilities to influence the CRC's concluding observations. It will contribute to explaining and understanding the *legitimacy* of the role and influence that the CSOs hold. The critical analysis will unfold around the deliberative normative points of reference for legitimacy presented in section 3.2.1.

#### **6.3.1 Access to deliberation**

As suggested, and considering the fact that all CSOs may submit written information to the CRC, and that the CRC reads and assesses *all* alternative reports (this is testified to in the responses from the CRC members), one may accept the view that their arguments in fact are included in the deliberative process. Access to the deliberative settings is institutionalized by the UN both in the form of submitting alternative reports *and* in the form of participation at the pre-session. However, the notion of *equal physical access* is in fact not institutionalized. There are some problematic aspects as regards the uncertainty of the gatekeeper's possible selections strategies, while it at any rate remains an obstacle to gaining a full overview of the entire process concerning the CSOs role. Therefore, in order to make headway with the critical analysis of the CSOs' role in the reporting process, additional information is needed about how the gatekeeper-process is conducted. Knowledge of whether the gatekeeping practice is conducted in-house or outside of the (formal) UN system (i.e. Child Rights Connect), should be made more transparent, hence further research is needed before any firm conclusions can be drawn.

### 6.3.2 Transparency and access to information

There is no information that the CRC receives from the State parties that is not published on the official OHCHR website, hence, the CSOs share the same information as the State parties. Regarding the CSOs the case is not entirely the same: CSOs and their respective reports can be held confidential, entailing that the State party under consideration might not have the possibility to read the CSOs' alternative reports. Although kept confidential, one may nevertheless argue that the State parties – officially or not – are, or should at least be aware of policy areas that the CSOs comment on, since the liability for complying with the Convention remains solely the role of the State parties'. Furthermore, the LOI contains questions which the CRC and national CSOs have discussed, ensuring that the State parties in fact receive some information regarding the CSOs' concern, yet they are not necessarily informed of *who* provides the CRC with such information. This demonstrates that the steps of the reporting process apparently ensure that neither the State parties nor the CSOs are blindsided with information that has not been known to them before meeting with the CRC. One can therefore conclude that all the actors involved in the formal process have access to the same information which the CRC later assesses. Although arguably not *equal* access to information, as the State parties do not receive the full reports nor the names of the CSOs that submit the alternative reports, there nevertheless exist mechanisms such as the LOIs that makes the process more transparent also for the State parties.

### 6.3.3 Responsiveness to stakeholder concerns

It is evident that CSOs have had some impact on the concluding observations. The responsiveness to stakeholders' concerns has for the most part been included as contextual similarities, however, some raised issues have been included in their entirety (i.e. syntactic similarity). Hence, the findings show a strong evidence of *adjustment*, at least regarding the CRC and the concluding observations: Although some of the CSOs in the country studies had less total impact than other actors (i.e. especially PI and the Finnish Ombudsman for Children), the numbers nevertheless show impact which consequently entails adjustments of actors' position in the concluding observations.

### 6.3.4 Inclusion

The democratic quality of the deliberative process relies on its capacity to include arguments and concerns raised by *all* the stakeholders concerned. This may become quite problematic

when certain stakeholders are hindered from voicing their opinions due to resource and organizational disadvantages. However, to combat such issues during the reporting process, there exist appropriate arrangements including economic resources for disadvantaged CSOs. Such arrangements function as a mechanism to support the CSOs – as seen, especially the ones “from the global south” or from countries with limited capacities. One of the respondents suggested that the economic assistance would not apply to the countries in the country study. The normative criterion suggests that public organizations need to make appropriate arrangements for empowering the most disadvantaged stakeholders, however, apparently it is Child Rights Connect that supports the CSOs by both empowering them, providing such stakeholders with economic resources, *not* the UN. In other words, the public political organization – the UN – does not secure the inclusion of the disadvantaged stakeholders, that is apparently the job of Child Rights Connect. Despite the long history the NGO Child Rights Connect has with the CRC and the Convention, one can naturally view them as a part of the UN and the reporting process. However, Child Rights Connect is in fact not part of the UN system, which may raise some questions as to its power and influence over the reporting process, and later to what legitimacy the influence entails.

After having presented the theories, the methodical approaches to extract the empirical data material, and presented, and analyzed the findings against the theoretical framework, I will now conclude this study by summarizing the main findings while also discussing their limitations, and suggest what can further be explored in this research field.

## **7.0 Conclusion**

The starting point of this study was to confirm or disprove Türkelli and Vandenhole’s (2012) suggested impact factors through which the CSOs can influence the CRC. These are *CRC members’ attitudes, quality of information provided, physical presence, opportunities for informal discussion, and whether CSOs act individually or jointly*. These impact factors led me to the formulation of my research questions: *How and to what extent can civil society organizations influence the UN Committee on the Rights of the Child and its concluding observations? Is the CSOs’ role in the reporting process legitimate?* The CSOs investigated in this study have been selected based on both pragmatic and strategic factors, and they have been categorized into *NGO-coalitions* (FFB, CUCW and PI), *Children’s Ombudsmen* (from Norway and Finland), and *NHRIs* (NCHR). I have launched three analytical levels – the CSO,

the CRC and the supra-national level, which have facilitated the comprehension of the CSOs' impact on and involvement in the CRC in an otherwise opaque reporting process.

Guided by the research questions and existing research in the field, I have developed three *assumptions* (see next paragraph), which have suggested some expectations as to what this study would find. These were tested through interviews with CRC members, representatives from the Secretariat and Child Rights Connect, *and* interviews conducted with three CSOs, namely FFB, the Norwegian Ombudsman for Children and CUCW. Furthermore, the *assumptions* were also tested through the quantitative content analysis of the alternative reports submitted by the six above-mentioned CSOs and of the three concluding observations submitted to Norway (2009), Finland (2010), and Spain (2010). The findings in relation to the first and twofold research questions (i.e. the thesis' main objective) have been analyzed by the use of the four power dimensions, direct power, agenda-setting power, preference shaping, and communicative power – constituting the main focus of this thesis. Moreover, I have also analyzed the legitimacy of the CSOs role in the reporting process using Nanz and Steffek's deliberative-normative criteria.

My study has shown that most of the power dimensions are operative at two analytical levels, the CSO and the CRC level. The empirical data material further proves that CSOs can both exercise power to influence, but they may also be subject to power in order to have a greater impact on the CRC. Türkelli and Vandenhole's suggested impact factors have all been confirmed to be means to influence the CRC. Moreover, the findings have also supported the three *assumptions*, namely that CSOs can influence the CRC outside of the formal steps of the reporting process, that they can manifest their impact on the concluding observations by submitting alternative reports, and, that CSOs from Norway and Finland have had a greater impact on the CRC than Spain.

### **7.1 Answering the research questions**

Theoretically motivated, and in line with existing research, this study supports the notion that CSOs are political spaces with inherent political behavior (Keck and Sikkink 1999; Willetts 1996). CSOs are agenda-setters during monitoring processes such as the CRC reporting process. While CSOs are more commonly recognized for holding power to influence the political agenda in international governmental regimes (i.e. influencing public debates) (Willetts 1996), this study of the CRC's interaction with CSOs has nevertheless identified that CSOs *can* influence the formal agenda of issues under consideration by the UN decision-

making body, the CRC. While supporting available knowledge of the means by which CSOs can influence UN Treaty bodies, this study has also identified new means in relation to the particular reporting process, and provided a measurement for the extent they can do so, i.e. by collaboration, exceeding allotted time for discussion, redirecting the CRC's questions, and reporting jointly as an NGO-coalition. Moreover, I have verified Türkelli and Vandenhole's (2012) explorative investigation, not least by the novel use of *Corpuscle*.

It is ultimately the CRC that has the formal decision-making power of what to include in the concluding observations. However, this thesis has shown how CSOs have the power to influence the CRC's decisions also in line with Heywood's definition "the ability to affect the content of decisions through external factors" (Heywood 2004: 122). In the data material, I have identified such literal *external* factors, i.e. means to influence the CRC outside the formal steps of the reporting process – these pertain to the first analytical level, the CSO level, and this supports the first raised *assumption*. CSOs *can* influence the CRC (1) by conforming to Child Rights Connect's required amendments encouraging unison and objective reports, which in turn supports the suggested impact factor on "quality of information provided". This demonstrates how Child Rights Connect regulates said quality. (2) CSOs *can* influence by addressing child rights issues concerning many children or amounting to grave problems for the children it concerns, addressing issues that breach with the Convention and that are on a UN level, and by being a large and/or active member of an NGO-coalition during the agenda-setting of the alternative reports. This yet again supports and demonstrates the criteria determining the *quality* of CSO reports. (3) CSOs *can* influence by collaborating with other national CSOs on certain issues – which supports the suggested impact factor that acting *jointly* as a united national civil society will achieve more impact on the CRC, as the information is perceived as more credible. Finally, (4) CSOs *can* influence by meetings and discussions with CRC members during conferences and seminars, or by inviting them to meet with children and child institutions in their own countries.

The ability the CSOs have to affect through factors, *during* the reporting process has been analyzed at the CRC level. However, in order to do so, CSOs must be *physically present* during the pre-session: - which supports yet another suggested impact factor: presence. While this study has not identified the actor(s) that possess(es) the role to invite (include) and leave out (exclude) certain CSOs from the pre-session, it has nonetheless been established that physical presence arranges for CSOs to influence the CRC by exceeding their allotted speaking time, and by redirecting the CRC's questions during their deliberations.

Furthermore, CSOs can influence the CRC by submitting an alternative report, especially when using ready-to-use recommendations. This could be confirmed by identifying phrases originating from the recommendations in the alternative reports, in the CRC's concluding observations. Moreover, CSOs can influence the CRC and expect greater breakthrough by establishing and reporting as an *NGO-coalition*, as coalitions are perceived as agents generating credible, relevant and time-efficient information – this supports yet another suggested impact factor: that of “acting jointly”. Finally, CSOs can influence the CRC in informal meetings or by the submission of handwritten notes during in-between breaks of the ongoing pre-session – which validates the suggested impact factor of “opportunities for informal discussion”.

My analysis of the available data material demonstrates that 21-54% of the recommendations presented by the six CSOs from Norway, Finland and Spain were taken up by the CRC in the three respective concluding observations, leaving 46-79% of the recommendations unaddressed. These findings support my second *assumption*, that CSOs can manifest their impact on the concluding observations by submitting alternative reports. Moreover, based on this analysis, the study has identified a prominent distinction between the Nordic CSOs and the Spanish CSO, the latter of which achieved the least impact on the CRC. This confirms my third *assumption* that CSOs from Norway and Finland can influence the CRC to a greater extent than Spain. As to how CSOs can influence, my conclusion has similarities with Türkelli and Vandenhole's findings in their exploratory content analysis, yet there are, *mutatis mutandis*, also similar traits between my conclusion and the findings demonstrated in Kearny and Merrill's study on *Amicus* briefs.

Finally, with reference to the identified influence that the CSOs have on the CRC, this study has pointed to four deliberative-normative criteria concerning the legitimacy of the inclusion of CSOs in the reporting process. Based on the evidence available to me, the CSOs role in reporting process can be considered legitimate. However, certain issues fall short of meeting the criteria to the full: While CSOs have an equal institutionalized access to the deliberative setting in submitting alternative reports, the CSOs do not, however, have the same and equal *physical* access. Furthermore, the CSOs representing disadvantaged stakeholders do not receive economic support by the UN, but by Child Rights Connect. The analysis has disclosed a need for further openness as to *who* controls the access to the physical deliberative setting, and for higher transparency regarding Child Rights Connect's role in the process in order to continue the critical analysis on the supra-national level.



## **7.2 Limitations to this study**

Some limitation should be pointed out. Firstly, regarding the methodological approach: Although I have justified the selected methods, there are methodological approaches that I *could* have used, but was delimited from using due to time and resource restrictions as well as confidentiality policies. A fruitful alternative approach to explore the raised research questions would be a (comparative) case study following one or more reporting processes in their entirety. Yet another valuable approach would be to observe the actual pre-session, which could provide in-depth information on how such meetings unfold, i.e. the deliberative setting proper, seeking to critically analyze the CSOs' way to influence through discursive practices, exceeding those identified in this study.

Furthermore, while I have been able to compare the findings stemming from the respective national CSOs, it cannot go unmentioned that the rejection to participate in interview from both the Finnish Ombudsman for Children and Spanish PI has made the comparison somewhat incomplete. While acknowledging that these respective CSOs were not available to participate in my project, their inclusion might have provided me with materials that this thesis has not been able to address.

A clearly relevant factor for CSOs to influence the CRC, yet one deliberately not researched in this study, is *media*. While media attention has been mentioned by several scholars, I have left it out due to the massive increase in empirical materials it would have entailed and to time and space limits for this study. Yet I strongly support further investigation in this respect. However, while Keck and Sikkink (1999) suggest that media attention is a means by which CSOs can influence international governmental regimes, the findings from my material did not point to media as a way to influence the CRC, yet I cannot reject it as a possibility.

A final possible limitation to my study is *investigator bias* – researcher bias during the processes of planning and conducting a study. Personal beliefs, experiences and perceptions may unconsciously provide bias towards studying a phenomenon from a certain perspective or drawing certain conclusions. While unaware of any bias in planning and conducting my study, my work has regularly been commented upon by PGI, my research group and its professors, PhD candidates and master's students at the University of Bergen. To my best knowledge, I have avoided possible pitfalls, and have objectively answered and concluded my

research questions in presenting an academic study that both builds on existing and contributes with new knowledge in the field.

### **7.3 Generalization**

This study's objective has not been to extract knowledge that is statistically generalizable for all CSOs participating in the reporting process, but to provide an in-depth insight into the CRC's interaction with CSOs as a phenomenon. As mentioned, this study does not have a large set of independent variables, and is therefore not relevant for generalization. However, the theoretically based selection of the independent variables *may* provide certain *assumptions*. As seen, the CSOs from Norway and Finland show similar traits regarding the extent of influence, while the Spanish CSO differ from these. Hence, one *may* assume that CSOs from countries with similar permanence of democracy, the same cluster of third sector and welfare systems *can* show similar traits as to influence. Moreover, the theoretical framework used to analyze the empirical data has supported results from similar studies, however, it has also explored new paths of CSO behavior and influence. While the phenomenon under investigation has not been widely studied, I cannot claim that the theoretical framework provides the "best" explanation of CSO influence (George and Bennett 2005: 117). However, I will argue that the employment of the theoretical framework has contributed to identifying new knowledge. Finally, while the findings support that of other studies, one may further assume that CSOs by the same means can influence other UN decision-making bodies, but this claim needs to be further examined.

### **7.4 What may be further explored?**

It will be of interest in further studies to examine critically whether CSOs are legitimate *vehicles of information* in international governmental regimes. Questions such as *why* and *which* CSOs should be entitled to represent citizens' (or children's) concerns are of the utmost importance in that respect. Moreover, further research on the representativeness of CSOs, and whether they are interest groups concerned with only the voices of a few people should be conducted, since such critical questions are crucial for the further understanding of how CSOs work. Lastly, and due to the fact that also children can submit reports to the CRC, it will be of interest to analyze how their reports are written, and the extent to which their reports can influence the CRC's concluding observations.

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### **Concluding observations and Child Rights Connect Guidelines**

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### **Interviews conducted in the period 2016-2017**

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CRC1 2016, UN Committee member 1, 03.10.2016

CRC2 2016, UN Committee member 2, 05.10.2016

CRC3 2016, UN Committee member 3, 04.10.2016

CRC4 2016, UN Committee member 4, 05.10.2016

CRC5 2016, UN Committee member 5, 06.10.2016

CRC6 2016, UN Committee member 6, 04.10.2016

# Appendices

## Interview guide for members of the UN Committee on the Rights of the Child

### Part 1 Background Questions

1. How long have you functioned as a Committee member?
2. When were you elected Committee member?
3. What is your academic background/discipline? And what is your relevant work experience?
4. Besides functioning as a Committee member, what is your occupation?
5. How often do all 18 Committee members convene?
6. How many times a year do you work with the Committee's reporting process?
7. During your time as a committee member, how often would you estimate that you worked with the reporting process?
8. How many days do you spend in the Pre-session working group?
9. How many days do you spend questioning the state parties?
10. In your estimate, do you consider the amount of time at your disposal in the Committee sufficient to do a thorough job?
11. Would you prefer the reporting process to last longer? In what way? Why?
12. Would you prefer some parts of the reporting process to last longer? If yes: for what part of the process would you like to have more time?

### Part 2 NGO's role in the reporting process

1. Are the supplementary reports – the NGO contribution to the process – vital for the evaluation of member states' compliance with the Convention on the Right of the Child?
2. Do you consider the NGO supplementary reports to be vital for the Committee's work?
3. Can any national NGO report to the Committee?
  - a. Is there a process for which the NGOs must enter to be able to contribute to the Committee's reporting process?
  - b. What are the formal procedures that the national NGOs must finalize before contributing to the reporting process?
  - c. Do the national NGOs have to go be confirmed by the Child Rights Connect to be able to contribute with supplementary reports?
4. How often does the Committee invite NGOs to the Pre-sessional Working Group?
  - a. Do national NGOs always attend/participate?
  - b. Does the Committee always invite national NGOs?
  - c. Are all NGOs allowed to join the reporting process?
  - d. Do both international *and* national NGOs attend the meeting?
  - e. Do you only invite NGOs that work with children's right to contribute with a supplementary report?
  - f. Are there any NGOs (or other actors) that are excluded from the reporting process?
  - g. Do you/Does the Committee contribute more attention to joint supplementary reports (i.e. from network/umbrella NGOs) vis-à-vis a report from only one NGO?

- h. Do you know if there is a selection process within a country when it comes to what NGOs can participate?
- 5. Does the Committee rely on recommended questions to the state party from the supplementary reports?
- 6. If you were to estimate, how many of the recommended questions from the supplementary NGO reports do you use when talking to the state parties?

**Part 3 The Committee's reliance on NGOs**

- 1. Do you adopt a critical perspective when reading the supplementary reports?
  - a. How often?
  - b. Why do you adopt a critical perspective?
  - c. Do you or does the Committee adopt a critical perspective on a particular type of supplementary report?
- 2. Does the Committee have a lot of confidence in the NGOs that participate in the reporting process?
  - a. Are there particular NGOs or NGO reports that you have more confidence in than others?
- 3. Do you ever fact check the supplementary reports (e.g.) consult with other experts/researchers?
  - a. How do you fact check the material?
  - b. Who do you contact?
- 4. Have you/Has the Committee ever doubted the material in the supplementary reports?
  - a. Can you elaborate on what types of facts you/the Committee have/has doubted? Is there a trend?
- 5. If the content in the supplementary reports seems incorrect/irregular, has the Committee ever contacted a third party like an independent experts/researches to check the facts?

**Part 4. Concept of justification: justification of information**

- 1. Does the Committee perceive the concerns that are written in the supplementary NGO reports as unbiased, rational, and well reasoned?
- 2. Do you perceive the concerns written in the supplementary NGO reports as unbiased, rational and well reasoned?
- 3. In the Pre-sessional working group, is it mandatory for an NGO to elaborate its concerns, or justify its concern when presenting it before the Committee?
- 4. If the NGOs present questions that they recommend the Committee to ask the state party, do you ask them to justify the question that they present?
- 5. Does the Committee assert a criterion/ have a clear criteria for a "well reasoned concern"?
- 6. Would you say that the concern in the supplementary reports from FFB was well reasoned?
- 7. (If representatives from both NGOs were invited to the Pre-session): How did you assess the critique that was raised during the deliberation in the Pre-session with Barneombudet/FFB?
- 8. Do you recall whether the concerns during Norway's previous reporting process (2009) rooted in specific examples?
- 9. While presenting their concerns towards the state's compliance with the Convention, did NGOs regularly base their concerns on specific examples?

**Part 4.1 Consensus based concern: did the NGOs express the same concerns?**

1. Was there a consensus-based critique in the supplementary NGO reports?
2. Do you or have you experienced that disagreements surface in the supplementary NGO reports submitted by different interest parties?
  - a. If yes: How often does this happen?
  - b. If yes: How do you/How does the Committee interpret the information that comes out of the different NGOs' disagreement?
3. Have you experienced that there is disagreement between NGOs during the Pre-sessional working group?
  - a. How do you handle it?

**Part 4.2 Consensus based decision-making: are the Committee's decisions based on a consensus?**

1. Was there a consensus-based decision-making process during the Pre-sessional working group?
2. Are all of the Committee's decisions based on a consensus?
3. Have you experienced disagreements between the committee members while deliberating?
  - a. If yes: is this common?
  - b. If yes: How do you resolve these disagreements (e.g. voting?)

**Part 5 Concluding observations**

1. When deciding upon the concerns in the concluding observations (and while writing them), do you look to the deliberation in the Pre-sessional working group and the supplementary NGO reports?
  - a. Why?
2. If you were to estimate, how much of the concerns that are represented in the supplementary reports, are published in the concluding observations?
3. Have you experienced, in your time serving as a committee member, disagreements between the committee members on parts within the Concluding observation?
  - a. How is this solved?
4. Some scholars have criticized the Committee and its Concluding observation for dealing with relations it does not have analytic basis to criticize. Do you agree with this critique? (nevnes i Søvigs utredning f.eks.)
5. The Committee has also been criticized for going too far in making social policy issues conventional and judicial problems. What thoughts do you have regarding this critique? (må omformuleres – kritikken er hvert fall at Komiteen går for langt i samf.pol spørsmål og gjør dem konvensjonsrettslige).

**Part 6 Conclusions**

- 1) If you were in position to improve something regarding the reporting process and the evaluation of the state members, what would you improve?
- 2) Are there any other comments you wish to add before we finish the interview?

**Thank you for taking the time to participate in my research project.**

## **Interview guide for CSOs**

### About the organization

- 1) What is your profession?
- 2) How do you collect the information for the alternative/supplementary reports?
- 3) Does your organization have collaborators in all of the country's provinces/constituencies?
- 4) Does the organization you work for have contact with or relation to the organization "Child Rights Connect"?

### Pre-session in Geneva

- 5) Were representatives from the organization you work at present in Geneva during the pre-session for the previous reporting round?
- 6) If there were, how was the dialog with the Committee? Could the representatives speak freely or did the Committee steer the dialogue by asking questions?
- 7) If representatives attended the pre-session, were they in contact with "Child Rights Connect" before or after the pre-session?

### CSOs and economic resources

With respect to the scope of my project, the economic-aspect is not of a particular interest. I do, however, ask these questions to see if there are any significant differences between the thesis' different cases.

- 8) During X's reporting round starting in X, did the organization (where you work) receive any economic assistance from the Government for working on the alternative reports?
- 9) During X's reporting round starting in X, did the organization (where you work) receive economic assistance from "Child Rights Connect"?

### CSO-working methods and the Committee on the Rights of the Child

- 10) Does the organization (where you work) have a specific strategy, working-method or a pre-decided structure for working with and writing the alternative reports?
- 11) How does the organization (where you work) go about writing the "concerns" and "recommendation" in the alternative reports?
- 12) What strategies would you say that the organization (where you work) use in order to influence the Committee? E.g. do you experience that you may influence the Committee and its concluding observations only during the pre-session (the formal meetings), or also in informal forums, e.g. during the lunch break in Geneva etc.?
- 13) Do you experience that there are other strategies (outside of the formal meetings) that the organization (where you work) can utilize in order to influence the Committee. E.g. in the media etc?

### Opportunities and obstacles for civil society organization in general

- 14) What are the obstacles of being a civil society actor? Are there any restrictions? If yes, which restrictions?
- 15) What are the opportunities of being a civil society actor? Which possibilities does the organization (where you work) have to influence the implementation of the Convention on the Rights of the Child?

- 16) If you were in a position where you could change something with regard to the CRC-reporting process, what would it be?
- 17) Any comments you would like to add?

## **Interview guide for Child Rights Connect**

### **Interview guide: Child Rights Connect**

#### **Part 1 Background Questions**

1. How long have you worked with Child Rights Connect?
2. What has been your motivation to work with and for Child Rights Connect?
3. How were you recruited to Child Rights Connect?
4. What is your academic background/discipline? And what is your relevant work experience?

#### **Part 2 How CRC Mobilizes National NGOs**

1. What is the primary work of CRC?
2. How do you work with national NGOs?
3. How and in what way do you mobilize national NGOs?
  - a. How do you reach/contact them?
  - b. How do you get information on NGOs that work with child rights?
    - i. Do you go through the state party?
    - ii. Do you work closely with international NGOs/Do international NGOs play a vital role in reaching national NGOs?
    - iii. Do you contact independent “facilitators” that help you to get an overview of national NGOs in a country?
4. If you could estimate, how many national NGOs do you normally mobilize in a country?
  - a. Is there a limit?

#### **Part 3 What National NGOs Are Mobilized?**

1. What national NGOs can be mobilized?
2. Do you apply a specific strategy for election which NGOs to mobilize/facilitate through the Committee’s reporting procedure?
3. What strategy for mobilizing national NGOs does the CRC use?
4. Is the primary focus of the CRC to mobilize international NGOs?
5. Is there a selection process of which national NGOs to mobilize?
6. Are joint NGOs or network NGOs easier to mobilize/contact than others?
7. What is the CRCs policy when it comes to national NGOs that operate under the administration of national departments but has the function of an NGO?

#### **Part 4 NGOs’ Working Strategy**

1. How do NGOs prepare for the Committee’s reporting procedure?
2. How do you assist national NGOs to prepare for the Committee’s reporting procedure?
  - a. Do you give more assistance to some national NGOs than to others?
  - b. Do you perceive the assistance as vital for the NGOs to report in the Committee’s reporting procedure?

- c. Do you believe that the national NGOs perceive the assistance as vital for their contribution to the Committee's reporting procedure?
- 3. How long does it take for the CRC to assist national NGOs?
- 4. (If you know) How long does it take for national NGOs to prepare the supplementary report?
- 5. Does the CRC recommend a working strategy for the national NGOs when providing information to the supplementary reports?
  - a. If yes: what is this working strategy?
- 6. (If you know) What is the general working strategy for national NGOs when gathering information to the supplementary reports?
- 7. Since the Committee's reporting procedure is quite lengthy, do you know if the national NGOs constantly work to gather information to use in the supplementary reports?

### **Part 5 National NGO participation in the Committee's reporting procedure**

How can national NGOs participate in the Committee's reporting procedure?

- a. What formal procedure do national have to finalize before being able to contribute to the reporting process?
- 2. Can national NGOs participate with out contacting the CRC? Is this a regular practice or do they have to go through the CRC?
- 3. Do you know if the Committee accepts supplementary reports from national NGOs that have not been in contact with the CRC?
- 4. How can national NGOs be invited to the Pre-session?
  - a. After talking to the Committee members as well as other interviewees it is evident that the Child Rights Conenct invites the NGOs on behalf of the Committee. How do you select?

### **Part 6 Conclusions**

- 1) How do you perceive the work of the national NGOs?
- 2) If you were to change anything regarding the work that NGOs do, what would this be?
- 3) Are there any other comments you wish to include?

**Thank you for taking the time to participate in my research project.**

## **Inquiry regarding participation in the research project**



### **Inquiry regarding participation in the research project**

*«How and to what extent can civil society organizations (CSOs) influence the Committee on the Rights of the Child's (CRC) Concluding Observations? Is this potential influence legitimate?»*

#### **Background and objective**

The purpose of this research project is to take a closer look at how the UN Committee on the Rights of the Child relates to civil society organizations (CSOs) (including non-governmental organizations (NGOs), Ombudsmen/-persons and NHRIs) in its mandatory reporting and evaluation process of the member state's compliance with the Convention on the Rights of the Child. During the data collection process, the student will employ a combination of interviews of committee members as well as CSO staff, and content analysis of the supplementary reports and the concluding observations from two specific reporting rounds: Finland 2008, Norway 2009 and Spain 2010.

#### **What does it mean to be a participant in the research project?**

The fundamental features of this research project is to uncover how the UN Committee on the Rights of the Child works and what relation it has to the CSOs that participate in its reporting procedure. Furthermore, the research project will attempt reveal how the CSOs work in relation to the reporting procedure and how they gather information to their supplementary reports.

If the respondent allows it, I will collect my data during the interview by using a voice recorder. However, if the respondent does not approve of the voice recorder, the interview will be conducted with out it.

#### **Protection of personal data**

My research project has been reported to, evaluated and approved by the Norwegian Centre for Research Data. The approval number is 49306.

<http://www.nsd.uib.no/nsd/english/index.html>



All personal data will be treated confidentially. Student Hilde Svrljuga Sætre and supervisor Marit Skivenes, are the only people that will have access to the personal data. The master project will, according to plan, be handed in 01.06.2017. The data collected through interviews will be deleted after the result of the master's thesis has been published.

The respondent might be indirectly recognizable by information regarding their occupation. If the respondent does not want to be indirectly recognizable, this will of course be respected.

*I want to keep my anonymity and do not want to be indirectly recognizable*

However, the participants will be given the opportunity to read through their own information and approve it before it is published.

### **Voluntary participation**

Participation in this research project is voluntary. The participant can at any moment withdraw from the project. The information given by the participant will then be deleted immediately.

If you have any inquiries, or if you need any further information regarding the research project, do not hesitate to contact the student, Hilde Svrljuga Sætre or her supervisor, Marit Skivenes.

### **Contact information**

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### **Consent regarding participation**

I have been given information regarding the research project, and I hereby agree to participate in it.

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(Signed by participant, date)

