



Looking Back and Moving Forward **challenges and opportunities for children's rights** **research**

Post Doc Panel and Abstracts

Post Doc Panel (13th of June, 14.30 - 15.30)

Spelbomskan, Aula Magna

Moderator: Pernilla Leviner, Stockholm University

Children's Right to the City – a Critical Legal Analysis of Children's Rights in Relation to the Regulation on Urban Planning

Tim Holappa, KTH Royal Institute of Technology, tholappa@kth.se

When the Convention on the Rights of the Child (CRC) was incorporated into Swedish law in 2020, the government emphasized that legal practitioners must interpret Swedish provisions in accordance with the CRC. The implementation of the CRC has received varying degrees of attention in different areas of law. In urban planning, it is often stressed that the built environment is important for children's living conditions(1), but little is known about what children's rights in the CRC mean for the legal field of planning and building. In this paper (which is a work in progress), I aim to develop an understanding of how children's rights could (and should) be addressed in relation to the legal framework for urban planning. The analysis is based on Henri Lefebvre's work on the rights of the city.(2) The main idea behind the concept of the right to the city, which was a critical response to the commodification and capitalism that controlled urban spaces, is the emphasis on inclusivity, accessibility and democracy. The paper consists of a critical analysis(3) of the relationship between the rights of the child in the CRC and the Swedish Planning and Building Act (2010:900). The main research question is whether the incorporation of the CRC has strengthened the position of the child in urban planning, or in other words, whether we are moving towards a right to the city for children. Preliminary conclusions are that, on the one hand, the incorporation of the CRC emphasizes the importance of children's rights, which has great potential to contribute to a shift in perspective towards the inclusion of children and children's rights in urban planning. On the other hand, the current legal framework is fragmented and unclear, and places high demands on various actors, not least children and their parents, to invoke and claim children's rights through legal proceedings.

(1) Boverket, rapport 2020:24, *Barnkonventionen i fysisk planering och stadsutveckling – Kartläggning och analys* (National Board of Housing, Building and Planning, report 2020:24, *The Convention on the Rights of the Child in spatial planning and urban development - Survey and analysis*).

(2) Lefebvre, H., *The Right to the City*, 1968 (original title: *Le Droit à la ville*).

(3) The analysis is, among others, inspired by Desmet, E., Lembrechts, S., Reynaert, D. & Vandenhole, W. Conclusions Towards a field of critical children's rights studies, in Vandenhole, W., Desmet, E., Reynaert, D. & Lembrechts, S. (Eds.). (2015). *Routledge international handbook of children's rights studies*. Taylor & Francis Group.

When Parents Do Not Agree

Emelie Kankanpää Thell, Stockholm University, emelie.kankanpaa@juridicum.su.se

A specific legal exception to the rule of joint decision-making for parents to ensure the best interests of the child in certain matters

This planned study aims to investigate the practice and implementation regarding an exception to the rule that parents with joint custody take common decisions over the child under Swedish law.

Swedish legislation strives towards joint custody of parents over their children also when the parents do not live together. When parents have joint custody, the general rule is that decisions concerning children are made by the custodians together. However, the Swedish legislator has included exceptions to this rule, to ensure that the main rule does not operate to harm the best interests of the child. Under Section 13 a of Chapter 6 of the Parental Code, the Social Welfare Board can under certain circumstances, make decisions that can be of an intrusive nature, with the consent of only one guardian. The provision includes, among other things, decisions on health measures and decisions under broader social law (e.g. appointing a contact person). How the provision is interpreted and applied in practice remains somewhat unclear. Moreover, in 2024, a new section was added to the provision. This section concerns situations when a child and parent are protected in a sheltered accommodation. In these situations, a custodian can decide in matters that usually require both custodians' consent, even without a decision by the Social Welfare Board. This can include measures such as changing the school of the child. The purpose of this study is to investigate whether the provision works as intended and fulfils the needs of children, without restricting the rights of parents as guardians in a disproportionate way.

“Now or never”: Analyzing Children and Youth Climate Litigation Through Temporal Dimensions

Florencia Paz Landeira, University College Cork, fpazlandeira@ucc.ie

In recent years, research has increasingly shown that children and youth are not merely passive victims of climate change; rather, they are actively engaging in a diverse array of climate action initiatives, deploying unique perspectives and political engagement. Within the framework of the ERC-funded “Youth Climate Justice” project (University College Cork) my aim is to explore the temporal dimensions of the relation between children’s rights and the climate crisis.

The first part of the presentation delves into a critical examination of the diverse temporalities associated with the climate crisis and children's rights. I argue that the climate crisis presents multiple temporal challenges, from rapid acceleration to gradual onset, experienced in unique ways by children across different regions. Children's experiences of these temporalities are intertwined with the pervasive

precarity imposed by the climate emergency, shaping their present actions and future prospects. This presents new challenges to children's rights and raises the need to transcend the dichotomy between 'being and becoming', in order to envision children as active social agents of the present, but also as future agents with the potential to imagine, produce, and fight for the future as a collective horizon. This implies, then, reimagining the relationship between childhood and the future.

In the second part, drawing from the previous conceptual debates, I analyze the temporal aspects of the landmark case "Sacchi, et al. v. Argentina, et al," where sixteen children petitioned against several countries for violating their rights under the United Nations Convention on the Rights of the Child, by making insufficient cuts to greenhouse gases and failing to encourage the world's biggest emitters to curb carbon pollution. By focusing on emerging dilemmas regarding causality, victimhood, and the role of children's rights in intergenerational issues, the research sheds light on the complex temporal dynamics inherent in children and youth climate litigation.