

Children's Rights and Participation Conference

July 1, 2008

Morning Session – International Focus

International Overview: Key Participation Issues – Chaired by Lena Barrett, Centre for Applied Human Rights

1. **BHARTI MEPANI (Participation Advisor, Save the Children)**

- ⇒ Opened the presentation with 5-min video of young people in Nairobi, Kenya: drawing pictures of the problems faced by young people (teenage pregnancy, FGM, child soldiers, drugs), and discussing these issues in groups.
- ⇒ **What does participation have to do with children's rights?** Absolutely everything. By failing to involve children in plans/issues and to actively bring them to the fore, we're failing future generations. Children's participation is about power and addressing the issue of discrimination, the issue of status in our societies.
- ⇒ **Does their participation bring change?** Yes. Several examples given of why children's participation is important and how it can bring change: i.e. Ethiopia (members of the Child Conversation, prevented an act of early forced marriage).
- ⇒ There are **4 challenges** remaining: funding; access to information and people in power; status of the child in any given society and the attitudes of the children; and ensuring that children's rights are taken on in a holistic way.



2. **SHARON GWATI (Protective Fellow, Centre for Applied Human Rights): "Zimbabwe – Stars Shine on a Cloudy Night"**

- ⇒ **Factors affecting and inhibiting participation of children:**
 - Public Order and Security Act (it's illegal for people to gather in public places without police permission); macro socio-economic conditions (attending children's workshops is not a top priority when children can be earning money); HIV/AIDS (due to the high infection rate, children are often taking care of family members); political discontent (view that if parents feel their own votes are ineffective, how can children's forums be effective).
- ⇒ **Areas in which children do participate:**
 - Community politics, health (HIV/AIDS), social structure.
- ⇒ **Tools in use – how they participate:** Child Parliament (child community councils that represent children, who in turn elect parliamentarians who represent the councils in the

child parliament); Peer Educators (it is easier for Peer Educators to gain access to local groups, gatherings); Child Forums (child gatherings organized by NGOs, which provide a platform for the children); the Arts (use of drama and music to communicate with children and for children to communicate with others); International Children's Day of Broadcasting (in December – allows for children's views to be presented on this day).

⇒ **Organizations:** Young Voices Network (international organization with branch in Zimbabwe), Shape Zimbabwe (uses art and music to communicate with children), Zimbabwe Women's Lawyers Association (defends children's rights).

**3. SAIFORA IBRAHIM BAREKZAI (Protective Fellow, Centre for Applied Human Rights):
"Afghanistan"**

⇒ Afghanistan: is not as lucky as other countries because it is still in conflict.

⇒ Thus, many factors still affect Afghan children, resulting in violation of their rights.

⇒ **Certain improvements** have occurred: development of national strategy, building of schools, the signing of the UN Convention on the Rights of the Child.

⇒ **The Constitution** now includes several commitments relating to the rights of children: right to family security, right to health, the banning of child labor, and the right to education.

⇒ Children are the most vulnerable group in Afghanistan: economic poverty is victimizing children, there is a lack of awareness of the rights and needs of children, and unaccepted customary practices continue to affect children's rights (early marriages, discontinuing education).



International Case Studies – Chaired by Michael Kearney, Centre for Applied Human Rights

4. JENNY KUPER (LSE): "Child Participation in Situations of Armed Conflict"

⇒ **"Participation"**: the general sense of simply getting involved vs. the 1989 UN CRC article 12 meaning that implies that, even in armed conflict, children should be consulted (about evacuation? education?). Reality = during armed conflict, children are NOT consulted.

⇒ **"Child Soldier"**: very broad meaning – includes children who carry arms, AND those who are involved in ANY way (spying, acting as guards, cooking, training).

⇒ **Reasons for participation?**

- Forced recruitment? Choice? (For reasons of revenge, part of a military family, drawn to the action. But if that is the only environment they know, what other choice is there?) Military Advantage? (They are considered very useful).

⇒ How realistic is **the age of 18** for the cut-off? 18 can mean different things in different societies (18 in Africa versus 18 in Europe).



Human Rights Watch- Child's Drawing from Dafur

⇒ **Misperceptions**: child soldiers and civilians as victims (child soldiers are possibly more dangerous than real soldiers). Article 12 states that you can express your wishes and feelings for what you want, but the law also prohibits being a child soldier.... So what if you express a desire to become a child soldier? Clash?

⇒ **Perspectives of the Child**: Problem of access since they are generally hidden from view during armed conflict (How do you get to children? And talk to them?). Organizations do try and talk to them (eg. Amnesty), but often this is in the post-conflict phase.

- Ishmael Beah – wrote a first-hand account of a child soldier in Sierra Leone.
- ⇒ **Achievements:** UN Special Rapporteur for Children in Armed Conflict; UN Security Council, Working Group on Children and Armed Conflict; ICC and Sierra Leone (prosecutions of those who recruited children).
- ⇒ **Way Forward:** development issues, military and other training (to teach people to encourage child participation).

5. KIRRILY PELLS (Centre for International Human Rights, University of London): “Talking does not Bring Change’: the Challenges Facing Child and Youth Participation in Post-Conflict Contexts”

- ⇒ **Children and young people’s understanding and experiences of participation**
 - *Performed Participation* – extraordinary to daily life, a simple consultation or one-off event, (lack of follow-up). Promoted skepticism.
 - “Are the UN people here to help us or for business?”
 - *Lived Participation* – rooted in the structures and activities of daily life, ongoing series of supportive relationships, means to access other rights.
- ⇒ **Case Study #1: Rwandan National Summit for Children and Young People**
 - Language of participation was used but this was not matched in practice.
 - Resulting in a failure to understand what goes on in daily life and an assumption that things can be changed from the top-down.
 - Question of whose agenda is being promoted? What emerges is a manipulation of rights for the government’s purposes. Power-imbalance – overarching sense of patriarchy.
- ⇒ **Case Study #2: CARE Rwanda: NIPS**
 - Community-based approach for child/youth-headed households where children selected people from the community to become their mentor (Nkundabana).
 - The child/youth-headed households were visited by their mentors and received advice on health issues, education, and livelihood concerns. Participation was rooted in building structures and relationships, and it was a bottom-up approach, involving the entire community.
 - Agenda and agency – children were involved in decision-making and gave feedback. But there was a lack of participation in certain areas, such as resource allocation.
- ⇒ **Conclusion:** lived participation is used to access other rights and build protective relationships, bottom-up and focused on the child-in-community, not in isolation. Whereas performed participation can provide a platform but should be rooted in daily life. Participation cannot exclude or act as a substitute for politics. For children and young people, meaningful participation is the ability to participate in daily life.



From Krrilly Pells' Presentation

6. VICKY JOHNSON (Development Focus and University of Central Lancashire): “Reflections from a Development Perspective”

- ⇒ Main issues: How is the rhetoric of rights translated into reality? Why do we need an evidence base? A case study: ‘Rights through Evaluation’ in Nepal (research project by development NGOs).
- ⇒ **Why involve children in this research?**
 - Child rights and rights-based-programming at the time were not linked.

- Improve development programmes and improve lives of girls and boys.

⇒ **Preconditions for Research:** Agenda? Adequate time-frame? Resources and mechanisms for follow-up? Agreed ethical framework? Agreed research protocol?

⇒ **Understand Local Context:** What, Where, When, Who?

- Project was to develop and test out different visual methods with girls and boys to enable them to evaluate a rural development programme, encouraging and developing different spaces for participation. Often involved talking to children where they were collecting wood/water, etc.

⇒ **Factors that affect applied action research**

- Local power differentials and dynamics, and local/national policies.
- Children's cultures and different attitudes of adults towards different children.
- Background and skills of researchers (sex, age, insider/outsider, etc).
- Agenda – research or advocacy?

⇒ **Who's listening? And what accountability is there for outcomes/action?**

- An evidence base allows for greater accountability upwards. Also must develop children's indicators for ongoing monitoring of impact on child's life.
 - Are there any champions to carry the action forwards?



From Vicky Johnson's Presentation,
Development Focus

⇒ **Outstanding questions:** Are we trying to be too rigorous? How to do this while building on/capturing the imagination of boys and girls?

⇒ **Conclusion:** Participatory worldview in action research, but must maintain an element of pragmatism in applied/real world research that depends on different factors.

QUESTION AND ANSWER PERIOD FOR THE TWO MORNING PANELS

Q. Are we expecting too much of children? Should they just be participating in things within their own context, instead of flying them around the world to international events?

- Giving kids a choice whether they want to participate is important. Some kids gain a lot individually from participating in international events... but not all can participate equally, so they should be able to opt out. (Vicky Johnson)
- Agreed that kids should be in their own context. In the Rwanda Summit, they were peer-elected children from schools, meaning the child was in school in the first place AND had to be able to speak English. What about the others? Going to the local environment is definitely helpful. (Kirrily Pells)
- Although Save The Children does fly children around the world, it is sometimes necessary and important to ensure that they are visible when they are too often invisible. It's not just about 1 kid attending a meeting, but rather the process behind that child getting on a plane. They represent the voices of the children who don't get flown over. Usually these children have a real sense of responsibility about what/who they represent. It is also important because of the affect this has on the bigger structures and mechanisms. For the UN to allow children, there were major



structural and procedural changes made, so the very fact that children are there shows that this is important. (Bharti Mepani)

- Q. Usually, it's the 15-16 yr olds who participate. What about involving younger children?
 - Allowing younger children to play and draw, and do different things is a good method – you still get participation, just in a different way. (Sharon Gwati)
- Q. Concerning the interface between democracy and children's rights (i.e. Zimbabwe, which lacks democracy but where there seems to be lots of child participation)... are we wrong that children's rights can be a way to influence the whole human rights situation of a particular country?
 - Well, it's actually the lack of democracy that made these changes possible. It was the mentality of fighting for something that was possible to get, rather than fighting for things that was impossible to get. (Sharon Gwati)
- Q. How to support kids saying what they feel, even when it's not what people want to hear?
 - Accountability is extremely important. Must ensure that they're equipped and have their space to talk/answer. (Vicky Johnson)
 - Accountability – What does it mean? We must try to give children the space to explore. (Kirrily Pells)
- Q. What about the follow-up? How is it possible to maintain/continue the importance of children's participation, after the researchers have left?
 - It's important to identify the key people in children's lives so as to make it last. (Kirrily Pells)
 - It's important to build local capacities so you're not just doing research and leaving. That's why research preconditions are identified, there must be someone there after it's finished for the people who remain. (Vicky Johnson).

Afternoon Session – UK Focus

UK Overview: Key Participation Issues – Chaired by Paul Gready, Centre for Applied Human Rights

7. KALIKA SUNGER, SHARON SKINNER (Children's Rights Alliance for England): "Get Ready for Change: Being a Children's Rights Champion"

⇒ Since the UK signed the UN Convention on the Rights of the Child, the government must submit a report to the UN every 5 yrs, and CRAE (and other NGOs) submit their own separate report as well.

⇒ "**Get Ready For Geneva**" Project: designed and led by young people, through CRAE, to engage in monitoring the implementation of the UN CRC

- **Steering Group** – includes children/young people (7-17 yrs), and it discusses budgetary concerns (difficult to do with 7-yr olds!).



- **Website Team** – to make the topic more interactive and give it publicity, using the feedback creatively, i.e. the postcard and campaign pack.
- **Children's Rights Investigators** – trained in social research methods (qualitative and quantitative), designed online surveys, and ran focus groups across England.
- **Children's Rights Champions** – campaigned locally for change in children's rights, encouraged local decision-makers to make public pledges on children's rights issues, spread the word about children's rights and the UN CRC.
- **Drafting Committee** – analyzed results from the investigation, wrote some chapters of the report, and helped decide on design and layout.

⇒ Made 14 recommendations based on **key findings, for example:**

- **Education** – children want involvement in decision-making; want to be respected in schools; concern about bullying and feeling unsafe in schools.
- **Family and Friends** – need better support for families, such as family counselor services.
- **Health and Safety** – children feel stressed out by education and pressure of life in general.
- **Crime** – feel stereotyped and discriminated against.

⇒ **What's next?** Will develop criteria to prioritize these recommendations.

⇒ **Examples** of things done by CRAE volunteers: designed flyers for buses; made speeches at the Treasury and national conferences; met with MP's to get public pledges; made templates for citizenship lessons; interviews with journalists; and written press releases.

⇒ **Why is children's participation important?** Right to participate; fresh ideas and are passionate; linking children with policy makers; increases awareness of the decision-making process; for individuals (the presenters) - important role in individual's future – good for public speaking, overall development.

⇒ **Challenges?** Local support; ethical concerns; juggling commitments, certain times of year are “out” (exams); travel and accommodation can be expensive; need to be creative and cater for originality of thought; participation requires commitment/time/energy; making issues interesting and interactive.

8. ROB WILLIAMS (Chief Exec. of 11 Million, Deputy Children's Commissioner): "Yes, We Can"

⇒ **11 Million** was established by the *Children Act* of 2004, and its purpose is to promote awareness of the views and interests of children. They adopt both a proactive and responsive approach (leading attitude-changing campaigns and engaging in policy debates), as well being available to all children and young people (website, text, hotline).

⇒ **Powers:** can enter any premises, other than private dwelling, to interview any child cared for there, and if the child consents, interview that child in private.

⇒ **Targets for participation:** no children/young people on the board, but half of the budget is decided on by children (at a yearly conference – this year they chose gun/knife crime to focus on). Over 300 children per year are actively involved (50% of whom are from marginalized backgrounds). And no staff can be recruited unless they go through both a children's panel and an adult's panel.



- ⇒ **How do children feel working with 11 Million?** Like having the responsibility and being listened to, they like when they make a change, they like meeting other children. They don't like the lack of time, questionnaires, being pushed around by adults.
- ⇒ **Any progress/changes after 3 years?**
 - Mental Health Act – no child will be cared for in an adult mental health ward.
 - Kent Mosquitoes – banned based on Youth County Council recommendation.
 - Tesco in Newton Aycliffe - no longer has policy to ban young people after 7 pm.
 - Grimsby infant playground – consulted 5-yr olds about playground equipment.
- ⇒ **Space for change is not unlimited:** difficult to change the punitive mindset about youth crime right now; some resistance to children's rights, as adults may argue that they're losing control; media pressure creates a hostile environment (all young people are scary); the shape/inequality of the economy (must address inequality to crack poverty).
- ⇒ **Challenges:** using child participation is not a quick way of doing things. Also, how robust/scientific is the research? There's uncertainty as to how far we can react to the agenda without using participation. There's also uncertainty about WHO to talk to (marginalized kids, average kids, etc).
- ⇒ So are we at the "**end of the road**" **yet?** Probably not, maybe the end of the beginning?

UK and Irish Case Studies – Chaired by Kalika Sunger, CRAE

9. TRICIA SLOPER (Social Policy Research Unit) – “Having a ‘Say’ in My Life: Disabled Children’s Rights to Participation”

- ⇒ **UN CRC – Article 13:** freedom to seek/receive/impart information and ideas... either orally, in writing, in print, in the form of art or through any media of the child's choice.
- ⇒ **Policy in England:** “a disabled child cannot be assumed to be incapable of sharing in decision-making”. But is this the reality?
 - Disabled children are frequent users of services (health and social care), and research shows that they're NOT participating in decision-making processes.
 - ⇒ **Why not?** Confusion amongst professionals about what “participation” means for these children; concerns over their competence and abilities to participate; and unease about the interpretation of their views.
 - ⇒ **Hierarchy of participation?** Striving for ideal participation? Levels of participation can vary depending on the decisions being taken and the capacity and choice of the child.
- ⇒ **Main barriers to a new way of working:** shift in attitude; lack of time/resources and skills/training; fragile/fragmented progress (resting in a few key individuals, so if these people are absent, work ceases); staff turnover; need to instill a culture of participation into all professionals; lack of evidence on methodologies/outcomes; fear (fear of getting it wrong and fear of failing, fear of upsetting the child).
- ⇒ **Enablers – general principles:** addressing attitudes and concerns; understanding the meaning of participation; clarity on purpose; training of staff; providing information in appropriate forms (symbols, etc); partnership working amongst professionals; embedding of practice – recording of communication methods.
- ⇒ **Mixed Messages:** policy statements claim that government will set a clear standard and give disabled children and parents the option to be fully involved. But where's the money? (£5 million given for parents' forums?)



- ⇒ **How to make participation a reality?** Must create a more inclusive society, and create new understandings of communication as not just a verbal skill; need the resources to follow the policy set out by the government; need training for practitioners and time required for practitioners to engage with disabled children.
- ⇒ “I may not have speech, but I have a voice and I can argue”.

10. **ELLIE MUNRO (National Youth Agency)**

- ⇒ **UN CRC – Article 12:** cornerstone of the entire convention. But how can we safeguard against tokenism?
- ⇒ **What is participation?** There is a constantly changing definition – so much so that UNICEF is coming out with a pamphlet for parents about how to deal with empowered children!
 - **Example** – After consulting with young people, Community Health Services obtained the right equipment to do a 15-min AIDS test, and STD screening.
- ⇒ However, things/changes tend to happen on an ad-hoc basis.... How do we achieve organizational change?
- ⇒ **Rights and responsibilities:** too much talk about who is responsible for what. In fact, it's everyone's responsibility to make sure that young people's rights are respected. And that the “no children, no dogs” signs are taken down.
- ⇒ The audience were asked when they thought this statement was made: “We live in a decaying age. Young people no longer respect their parents, they frequently inhabit pubs they are rude and impatient, and have no self control”. Answer: inscription on a 6000 year old Egyptian tomb.

11. **AOIFE DALY (School of Law/Children's Research Center, Trinity College): “Participation of Children in Custody and Care Proceedings Affecting them in the Republic of Ireland”**

- ⇒ **UN CRC – Article 2, Section 2:** the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or indirectly.
- ⇒ **How?** Indirectly, usually by a guardian *ad litem* (GAL), OR directly by a judge.
- ⇒ **“Best interest” principle:** legal device used to ascertain what is best for the child.
- ⇒ Why are GAL's needed? Court environment is distressing for the child, but how to reconcile this with their right to be heard? Use of indirect participation.
- ⇒ **Constitution of Ireland:** seemed to be more in favor of the rights of parents and the family, rather than the rights of children. But the influence of international law has changed this attitude somewhat, and legislation was introduced to focus on children. (*Child Care Act 1991* and *Children Act 1997*– appointment of GAL).
- ⇒ **GAL in Ireland:** can interview the relevant parties and represents the wishes/feelings/best interests of child. But judges have varying ideas on what/when GAL should be/do.
- ⇒ Estimated that GALS were used in only 40% of public cases where they could have been used... and only in a handful of private cases.
- ⇒ **Factors:** lack of awareness of judges about the service; high cost of service; lack of regard for capacities of child; shortage of available experts.
- ⇒ **Indirect Representation:** problem of divided loyalty – “wishes v. welfare” (wishes of child on the one hand, and the welfare of the child on the other hand).
- ⇒ **Meeting directly with judge:** Is this appropriate? Caselaw shows all different outcomes (sometimes judge listens to child, sometimes they don't).



- ⇒ **Model of implementation:** make the child aware of rights; ascertain whether the child wishes to express their views; decide on method of facilitation.
- ⇒ **Other reforms needed:** guidelines to assist the court; develop a definition of GAL; training of judges; less minimalism; less discretion; make children aware of their rights.

QUESTIONS AND ANSWERS - AFTERNOON SPEAKERS

Q. When reporting to the UN, are there problems in collating information from all different parts of the UK (Scotland, Wales, Northern Ireland, and England)?

- There is difficulty with the distance and traveling, but several organizations are interlinked (UNICEF, British Youth Council, CRAE). (Kalika Sunger)
- The 4 separate UK commissioners produce 1 report. Otherwise it would be too difficult because there are 11 million children in Scot/Wales/N.Ire. (Rob Williams)
- However, it is important to remember that there are different problems within different areas (i.e. the tensions in N.Ire between Catholics/Protestants is unique to that part of the UK). (Sharon Skinner)
- CRAE incorporated different groups from Scot/Wale/N.Ire in their joint NGO report. (Carla Garnelas)

Q. Since the government listened to the UN's recommendations last time (by creating 11 Million), will they listen to the recommendations this time? How will that affect young people?

The government probably can and will listen, because they're a little bit worried about what the Committee on the Rights of the Child will say. But don't be too hopeful that they'll do everything! (Rob Williams)

Q. Is there any gender issues? Aren't boys more disengaged than girls?

- Have found quite a mix of boys and girls participating in their experience, and sometimes there are more boys than girls. (Kalika Sunger and Sharon Skinner)
- Hasn't noticed this pattern. But he has seen a difference in how they communicate their ideas (i.e. boys rapping versus girls presenting poetry). (Rob Williams)

Q. Comment that the North-South divide is still a major issue. For example, kids from Newcastle spending hours on a train to get down for a participation event in London.

- When setting up 11 Million, staff considered how many offices they could have, but it would be impossible to provide the staff for every city. Instead we do lots of traveling, hoping to minimize the travel of the children. (Rob Williams)

Q. Comment that there may be a conflict about what participation is and isn't?

- For disabled children, this is especially something to consider. They can't take part in the same way that non-disabled children can. (Tricia Sloper)

Q. Question directed to Ellie about whether she felt her own under-18 participation was different from her participation as an adult?

- No. There's a transition age when you're over 18, but, you're not quite an "adult". You still need some help/support at this age in order to participate. Is it a valid

argument that the state will empower/teach youths to do more, and then as adults, they can take what they have learned and are able to change things on their own?!
(Ellie Munro)

Summing Up – MARY RENFREW (Health Sciences, University of York)

- ⇒ There was a focus on the interplay between participation and rights:
 - How can a rights-based approach enable participation?
 - How can a participatory approach enable rights?
- ⇒ **Recurring themes** included: having a say, having a voice, strengthening resilience, re-defining terms, identifying issues and finding solutions, changing attitudes/policies/laws.
- ⇒ **Problems?**
 - Reaching most disempowered among all children.
 - Bridging gaps between policy and practice (at the local, national, and international level).
 - Having an evidence base is good – but how is it heard?
 - How to affect outcomes for children that are sustained?
 - Problems around ethics of listening.
- ⇒ **Questions to Consider:**
 - Do we know the purpose of participation?
 - What do participation rights have to do with the outcome/impact for children's lives?
 - What are the benefits? Problems? Hazards?
 - What is the role of parents and carers? How can parents strengthen children's rights and participation? What is the role of the wider community?
 - How can parents/professional be educated? To support and promote children's rights? We don't live in a participatory society.... So how do we change that?
 - How can we benefit from the energy and fun and passion of children? Make things more fun? Do things in a more fun way next time?