Children’s rights, and their value and meaning, were in the spotlight as academics, activists and civil society met at a two day conference in London, UK.

Dr Ginny Morrow, of London's Institute for Education, opened the event, noting: “There has always been critique of the Convention on the Rights of the Child.

“However, it has enabled children to be thought of in the here and now rather than as future adults.”

Dr Jo Boyden, Director of the Young Lives Project, began the presentations with an overview of the utility of the Convention, and its capacity to change lives, as well as a critical insight into the challenges of implementation.

She began: “The CRC is an instrument of extraordinary political power, and we should not forget that.”

Dr Boyden, went on to outline ways in which the CRC has achieved change, including: the development of a far better understanding of the problems facing children in the world; the relative explosion of information on the needs of children - there was almost no information out there prior to the CRC; the political will behind the Convention and ensuing huge rises in services for, and amplifying society's focus on children.

Nonetheless, Jo emphasised that the challenges of children’s rights were also many and varied. Indeed, she said, “the title of this conference, ‘Easier Said Than Done’, is very apt.”

She spoke of four conceptual challenges to the Convention:
First, the rights of the Convention must be ensured by others. The paradox of the Convention is that the State is the prime duty bearer, but often also the main perpetrator of violations. This makes it difficult when trying to effect change.

So, asked Dr Boyden, “can we countenance giving children the scope to realise their own rights? This is good rhetoric, but extremely difficult in practice. It may be OK for specific projects, but this is problematic when broadened into children’s lives.”

Second, best interests should be primary. But, Dr Boyden said, there is no internationally agreed framework on what constitutes best interests. She used an example of a situation she had experienced in Ethiopia, where she saw the challenges of rolling out an education programme. All the children understood the importance of education, but they also wanted to work, since work is how they learn social skills, life skills and contribute to their families.

She concluded: “It is very hard, then, to say whether it is in their best interests to get an education or to work.”

Third, despite universal ratification, there is a clash of cultures. Dr Boyden said: “I don’t want to make a case here for cultural relativism, but the problem lies in implementing very broad principles in very local contexts. What may work in one context won’t work in another.”

She noted that while some would identify local practices as trafficking, in fact researchers have found these same situations might more aptly be described as work migration, in the accompany of parents or friends.

Fourth, the sense in which the Convention bestows rights over and above rights for other members of the population. There was a good rationale for codifying child-specific rights because of children’s specific situation. But this privileges children in some degree when adults don’t have them – and it may isolate the child from their social context. A lot of societies worry that we are spoiling children, she argued, so there is the very real potential to upset child/adult relations.

“I am not saying we shouldn’t have a notion of children’s rights, but if we are not careful, we run the risk of setting up an opposition,” Dr Boyden said.

She then sketched the ‘operational challenges’ to the Convention.

Firstly, she said that international work on children’s rights too often tends to be remedial rather than preventative.

“A big thrust of activities has been concerned with legal frameworks. This has been extremely important for governance, however the law is unfortunately a very blunt instrument,” she said.

“I have seen more laws making children worse off, than laws making their lives better. This is particular the case with laws that are about prohibition or abolition. Abolitionist
approaches can often in practice put children more in jeopardy.” Dr Boyden used an example from Bangladesh, where the US invoked laws to ban the import of products manufactured using child labour. However, almost overnight, between 50 and 60,000 children were laid off. The idea was that they were to go to school instead – but almost none of them did. In fact, many of them ended up in far more dangerous occupations such as prostitution and more dangerous forms of child labour.

She noted that advocacy and social mobilisation had increased. The advantage of this kind of work, she said, is that it is preventative, creating an enabling environment. It also increases the scale of your impact. So if you are an NGO, with little resources, you can reach many people rather providing service for a few.

However, the so-called recipients of such advocacy are often very upset that NGOs are spending money on campaigns that they don’t feel are relevant to their daily life. They want services, not advocacy, and food, rather than rights, said Dr Boyden. “A lot of advocacy is designed at HQ, not responding to children with specific needs in specific circumstances,” she said. In many cases advocacy is moreover not based on research. Also, whose norms are going to apply? Most advocacy initiatives fall back on international norms and standards.

“It is easy to problematise local ways of doing things.”

She added: “Education programmes means lots more children going to school, but can these services be sustained when aid budgets reduced?”

Dr Boyden also talked of the ‘development threshold’. “It’s easier and cheaper to reach the first 80 per cent of the population than last 20 per cent. But it is often the most vulnerable who are the least likely to access services.”

Meanwhile, social targeting can be productive, but risks stigmatising children. Children often say they do not want to be separated from their social environments because they may be a former prostitute, combatant, and so on.

Finally, Dr Boyden identified issues around working with governments. She questioned the naming and shaming, approach: “In one way it may help, but I’m not sure that its very meaningful to compare one country with another, or that it really engages political will.”

She added that there needed to be more research on causal processes in politics. “Passing a law is easier for governments to do than to implement it. There is also too much focus on policy, and I think we need to be thinking more about politics. Policy is only as good as the politics behind it. We need lots more evidence around what happens behind the politics.”

Dr Boyden said she thought child rights may be suffering a backlash. She said: “It’s amazing how many people are now talking about children’s rights. The problem is we’ve raised expectations, but we are not seeing change. I am now seeing more resistance, because people are saying well we’ve had children’s rights for a while, why is nothing changing? There is a backlash.”
“Unfortunately, they are also attributing blame to the people trying to make a difference.”

Dr Boyden concluded by highlighting the importance of non-discrimination. “We are observing growing inequality and growing inequity. Growth has not turned out to be the engine for the reduction of inequality.”

The floor was then thrown open for questions. One delegate suggested that children’s rights might best be repackaged for local contexts, at least in terms of the language used. Dr Boyden agreed. However, she cautioned: “It’s very hard though, because political will has been won on the child rights framework. It needs to be about not shoving the rhetoric in people’s faces.”

Nigel Cantwell, human rights expert, said he felt best interests should “never been seen as some sort of trump card, or super rights. Rather, they should be taken into consideration.” He added that children’s rights needed to be brought back into the human rights framework. “Too many organisations are now trying to drag them out of the human rights framework, so that children are put on a pedestal like in the 1970s. The children’s rights community is divorcing itself from the human rights community,” he said.

A delegate from the University of Childhood said she thought children’s rights were too much about marginalisation rather than the everyday lives of children. She said she was not convinced how international instruments took daily lives into account. Dr Boyden agreed that the most attention was always going to be on the most sensational aspects of children’s rights.

There followed a session on 'General measure of implementation: Making child rights a reality.'

Nevena Vuckovic-Sahovic, of Serbia, former member of the Committee on the Rights of the Child and human rights expert, began her presentation on general measures of implementation professing: “I have been in love with the CRC from the beginning.”

She disagreed with any suggestion that the words child rights should be scrubbed, or redefined. “This indicates how long the road is in front of us”, she said, “lots of people are still scared of rights, because as long as we don’t use rights, we can say it is about our benevolence, rather than children’s entitlement. This is the major challenge for me, and something we are fighting all over the world.”

She also challenged the idea that little has been achieved in spite of the Convention. “People say haven’t done enough in 20 years, but I think we have done a lot. 20 years is no time at all. We cannot achieve the realisation of all children’s rights in this time.”
Ms Vuckovic-Sahovic then explained some of the background to the Convention, and the process of implementation and incorporation into national law.

Overall, she said, “children’s voices are being listened to more and more. We don’t usually name and shame on the Committee [on the Rights of the Child], but even those that have been shamed have changed legislation. Everyone wants to feel like they have done something good. We have seen changes across the world – national plans of action and so on. “

She described some of the accomplishments of the CRC, including the establishment of national human rights institutions, the work of civil society organisations, data collection and statistics, as well as the adoption of legislation.

She added that factors impeding implementation included poverty, exclusion, marginalisation, security issues such as armed conflict and terrorism, natural disasters and social factors such as stigmatisation.

Ms Vuckovic-Sahovic noted that “what is lacking in general measures of implementation is something about the judiciary. We can’t really talk about it as a result on the Committee, but it is so crucial.”

Sharon Gwati, of the Young Voices Network Zimbabwe, then offered a grassroots perspective. She talked about child rights, and whether they are an entitlement or luxury, emphasising the meaning rights has for her work in community HIV and AIDS projects. She said: “HIV/AIDS impacts heavily on the rights of all children.”

Ms Gwati was also saddened by some of the opposition to rights. She said that when she heard someone say that human rights meant nothing for people on the ground, she “was so insulted.”

She added that: “In societies where the influence of religion and culture is so great, it’s rare that rights are ever realised. The first thing that children learn, before they go to school, is their culture. The way it is being taught to the child, and the way it is carried by the child, is proving to be a hindrance in advocating for the rights of children.”

In the discussion that followed the talks, a representative from the Network of Young People Affected by War criticised the lack of child participation. He said” The participation of children is not there. Children too often invited just to come and witness things rather than actually take part. Also we still see children as objects. “

In response to other questions, Ms Gwati went on to emphasise that the CRC is a tool: “As much as we want everything in it to work and make everything OK, it is a tool.”

Ms Vuckovic-Sahovic noted the difficulties defining best interests: “Its very difficult because people have different ideas about what child rights mean.”
A student from Bath asked about the role of political economy. She said: “I would argue that problems are not just about religion and culture but also about politics. What is the role with rights?”

Ms Vuckovic-Sahovic replied: “There’s no continuity. One government says one thing, but the next government may go back on promises, or say we can’t commit. Also coalition governments are a real problem because they can’t function.”

In response to a question about the complaints mechanism, Ms Vuckovic-Sahovic said: “It's an open process, there is lots of activity around it in Geneva and there is more or less a consensus. NGOs should be alert, and be there to make sure that the document we get is a good one.”

Dr Jenny Kuper, of the London School of Economics, concluded the session by reciting how, while in Uganda, she heard someone say during human rights training that the “Geneva conventions are up there, not down with us in Uganda.” She said: “The real challenge is how to lessen the gap between theory and practice.”

The Benefits and Limits of the Law

Jennifer Grant from Save the Children, chairing the session, opened by defending the role of the law in advancing child rights. It is not a sufficient condition, she said, but a necessary one. Change does not happen without the rights laws in place. We must be careful not to associate law solely with theory and not with practice. Law is not just about legislation; it is an approach and tool to be used. Strategic litigation can result in changes in law and changes in children’s lives.

Helen Stalford, from the University of Liverpool, set out a framework for using the CRC to develop children's rights in the European Union.

The EU is often the best level at which to address children’s issues which straddle national boundaries, she said.

And yet, until recently the EU did not have a single provision on child rights, resulting in a conflation of child-related provisions with those targeting other, mainly adult, EU citizens. There is now a greater focus on child rights, with the development a child rights strategy and the inclusion of child rights in the Lisbon Treaty.

Read more here:
http://www.europeanchildrensnetwork.org/euronet/resources/infodetail.asp?id=18857
http://www.europeanchildrensnetwork.org/euronet/resources/infodetail.asp?id=18857

There are increasing references to the CRC at EU level, but application of the CRC is largely tokenistic. Asylum documents for example, are peppered with mentions of the CRC, but do not talk about how this translates into national obligations. The European Court of
Justice has shown reluctance to draw on the CRC in its decisions on children. The family reunification directive, for example, hampers the reunification of children over the age of 12 – a clear case of discrimination. The Court has refused to apply the CRC - specifically article 10 – to such cases. The only decision where it has drawn on the CRC relates to the free movement of goods and transportation of media images.

To apply the CRC more effectively, the EU must move beyond passing references to the Convention to active endorsement. This entails structural, budgetary, attitudinal reform. There is we must move beyond talking about the capacity of children in EU questions and focus on the capacity of experts to interpret the CRC in a meaningful way.

For more information, see EU: Developing indicators for the protection, respect and promotion of the rights of the child in the European Union

Angela Melchiorre, Institute of Commonwealth Studies, London, illustrated the tension in the CRC between child protection and respect for children's autonomy with an analysis of the minimum age of marriage, based on State party reports to the CRC.

The CRC fails to indicate where it stands on child marriage and does not require States to take action in this respect, leaving some questions unanswered e.g. are married children still protected by the Convention? In some countries children acquire majority through marriage, creating a tension with article 1 on the definition of a child. Madagascar for example sets the minimum age of marriage for boys at 17, and 14 for girls (in certain circumstances)

Many States have set a minimum age, but there is a great deal of inconsistency both between and within countries. In Kenya, for example, different minimum ages exist in customary law, religious, civil law and exist side by side without hierarchy. In many countries, marriages are not even registered, calling into question the relevance of law.

Child marriage at a glance

- 46 countries have no minimum age of marriage
- 87 set the age below 18
- 5 set the age above 18

- 16 is the most common minimum age is for boys and girls
- 18 is a more common minimum age for boys than girls
- in 47 countries girls can marry earlier than boys, especially in Latin America.

Melchiorre highlighted the trend to set 18 as the minimum age based on article 1. The Committee takes the stand that minimum ages should be the same for boys and girls. Yet the definition of a child goes beyond the text in article 1. It needs to be read in conjunction with other articles and general principles, especially with article 5 relating to the evolving capacities of the child.
Other considerations include sex discrimination, consent, religious or cultural values, overlapping laws, majority. In Lesotho, for example, women have the perpetual status of minors. The concept of evolving capacities idea disappears here. State reports usually mention parental consent, judiciary, yet few mention the consent of the child.

**Recommendations**

Melchiorre recommended one absolute minimum age range of 15-18, supplemented by safeguards, including enforcement penalties, etc.

She recommended a ‘4 C scheme’ to provide a framework of guarantees and safeguards:

- cogency: there must be a clear logic, benefits;
- conformity: to CRC general principles and idea of child as a subject of rights;
- consistency: with other minimum ages, age of majority, scope of the CRC; and
- context

Mariya Ali, Deputy Minister for Health and Family in the Maldives, presented a case study from the Maldives on Sharia Law and child sexual abuse.

She commented that Sharia law is often understood as monolithic, when in fact its application has enormous variations.

The Maldives has two reservations to the CRC on freedom of religion and adoption, referring to Sharia. The Maldives has a dualist legal system, which means that the CRC must be incorporated into international law and that national law would take precedence over the CRC.

She went on to list sources of Sharia law, including the Qu’ran and Sunna (sayings and traditions of prophet), and Fiqh, ijma, qiyas etc – principles of sharia.

Presenting a case of child sexual abuse from 2007 of a 12 year old who was raped by four men, she said the judge argued that the child did not struggle and gave the men just eight months exile from their island - the most lenient sentence available. The High Court later raised this to two years' punishment and 15 lashings.

In another case, a girl abused by her father was lashed in public. She had told a people about the case 14 times which was interpreted to mean that she consented.

National law is, in theory, compatible with the CRC, but not in practice. Minors who are excluded and liable to huddud and tazir punishments (corporal punishments) include those who: enter into marriage, become a parent, are in employment, commit a Shari’ah offence e.g. sex out of wedlock.

Other elements of the system include:
the testimonies of four male witnesses may be considered stronger evidence than forensic evidence;
- sentencing can include banishment, imprisonment (up to 10 years), lashings (19-39) and house arrest, which implies children's revictimisation;

Nigel Cantwell, International Consultant on Child Protection, - a lack of options for victims who fall pregnant out of wedlock. Abortion and adoption are not an option, although there is now a push to remove the Maldives reservation on adoption, (this exists in some form – the court can give a child to adoption to their kin, for example)

- the pardoning of sex offenders is based on the Islamic law concept, e.g. if praying and fasting.

She recommended the use of an existing doctrine within Shari’ia as the way forward. This is called “almaqasid al – shari’a”, which means the objective of Shari’ah: promotion of human welfare and prevention of harm.

Concluding the session, Jennifer Grant, emphasised the need for judicial reform, training of the judiciary, and the challenges of negotiating different legal traditions.

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**Contexts and environments**

Nigel Cantwell, International Consultant on Child Protection, discussed the need for, and context of, the draft UN guidelines on alternative care.

*Note: The resolution was due to be tabled at the UN Human Rights Council on the day of Mr Cantwell's presentation, but this was blocked by the UK among others.*

Cantwell set out the concerns around alternative care published in the UN Study on Violence against Children, including: unregulated residential facilities, orphanages financed in the ‘south’, despite the north having decided they aren’t a good idea; the misleading idea of ‘social orphans’ - children who are not orphans but are left in institutions by their parents who do not have the means to care for them.

The UN guidelines aim to build on the CRC and give further direction in areas where the CRC is unclear, including:

- the relationship between parental care and the child’s family environment
- obligations of kinship or other informal care
- obligations to street children, child headed households
- the goals of alternative care
what does the term ‘institutions’ cover? What should determine their suitability doesn’t say about any other forms of care e.g. foster care. Why? There was an attempt by the drafters of the CRC to highlight that institutions are not nice, but this doesn’t help with non-institutional forms of care.

The guidelines, which were first mooted in 2004, aim to better define the goals of alternative care, ensure that it is used only when strictly necessary, and then in the most suitable form for the child concerned.

Alternative care providers and other services should work towards the quickest possible family reintegration with family under appropriate conditions where feasible. Where this is not possible, a long term alternative care setting must be identified that meets the needs and respects the rights of the child. Essential elements of alternative care are stability and security: some children don’t know why they are in care, when will get out, or where they will be in two years’ time.

Key thrusts of the guidelines include:
consultation with the child at all stages
major emphasis on promoting parental care
preventing family breakdown, facilitating family reintegration
child always to be supported by a recognised and responsible adult
care relying as little as possible on institutions
permanency planning (stable and durable)
preparation and support for those leaving care
oversight of all care providers, etc

Read the draft guidelines here: xx

Catherine Klirodoakou, from Childhope, gave an overview of Childhope's work to support children in hazardous labour in Peru.

An estimated two million 6-17 year olds work in Peru. Childhope has supported children and families, with local partners, working in quarrying, brickmaking, rubbish recycling. They have helped to slowly reduce children’s involvement by bolstering the family's economic opportunities, and strengthening child participation, among other methods.

Remaining challenges include engaging men, debating children’s right to work, for which youth-led organisation MANTHOC is advocating, advocating for change as a middle income country. International Development departments are pulling out countries with middle income status, and international development assistance is primarily mediated
through international and regional development banks. This is a worrying trend she said, especially in Latin America where inequality remains stark.

Read more here: http://www.childhope.org.uk/article.asp?id=537

Mary Wickenden from the Institute of Child Health talked about the double disadvantages faced by children with disabilities.

Ten per cent of children have disabilities. In the UK, about seven per cent of children have a disability. Many countries have no accurate figures for adults or children with disabilities.

The UN Convention on the Rights of Persons with Disabilities recognises people with disabilities for the first time in international law are citizens with rights rather than victims and patients. Read more about the Convention here: http://www.crin.org/email/crinmail_detail.asp?crinmailID=3136

Children with disabilities may be doubly protected with two Conventions, but they could also be doubly forgotten. There has been relatively little sharing between the two.

Read more here: See Me, Hear Me - A guide to using the UN Convention on the Rights of Persons with Disabilities to promote the rights of children (Save the Children, 2009)

Article 23 of the UN Convention on the Rights of the Child – a separate article for disabled children now seems dated and segregationist, taking a health and welfare approach, when other articles cover problematic areas for disabled children. Articles 12, 13 and other articles which are circumscribed by children's capacity can be particularly slippery for disabled children. People are quick to make judgements about what they think a disabled child is capable of, which may be very different to how the child him or herself sees their own capacities. In addition, information must be provided in an accessible format for children with disabilities to be able to respond.

What can we do?

- Actively include disabled children in mainstream children’s projects
- include children with disabilities in the budget line, providing for sign language interpreters/ Braille/ visual materials/ extra support
- think about physical access of venues
- Factor in time to allow disabled children to participate
- Disaggregate data about disabled children to highlight their situation as a particularly excluded group
- Try to counteract the hierarchy of impairments
- Remember that disabled people are usually the biggest minority

She concluded by saying that disabled children themselves are more interested in the ways they are the same as other children than in the ways they are different.

## Day Two

Gerison Lansdown, international child rights consultant, opened the second day with a presentation on the “difficult and elusive concept” of evolving capacities and the exercise of rights.

Ms Lansdown began by explaining the relevance of articles five and 12 of the CRC.

She emphasised that it is crucial that parental rights only extend as long as the child is unable to exercise his or her rights. She said: “If you own a house, you have rights as long as you have title. The same has traditionally been the case with children, but article five says that once the child has capacity those rights must be transferred to the child.”

She added that a crucial aspect of evolving capacities concerned the balance between a child's right to be involved and his or her protection. “There is therefore an inherent and inevitable tension here.” Both articles five and 12 recognise children as social actors, she added.

Evolving capacity is both an emancipatory and protective concept. There is limited research on defining age competencies, Ms Lansdown continued. She said: “We don’t know enough about what children can do. The methods for assessing are inadequate and contradictory. “

She used an example from Brazil, where a researcher assessed the maths skills of street vendors. Although the level of maths was the same, where the test involved examples from the street, using language from the street, children scored 98 per cent. Where the tests were taken in the classroom, in formal settings, children scored 37 per cent.

Similarly, in the US, researchers investigated the issue of 14-year-olds deemed incompetent to act as witnesses in court, with the result that their cases could not be heard. The judge had asked the young children: “Do you understand the implications of telling a lie”, to which the children responded: “I’m not going to lie.” So the judge asked the question again, but the children gave the same response. As a result the judge concluded they did not have capacity. However, when the researchers illustrated the question posed to the children in a cartoon, 69 per cent of the children deemed incompetent were capable of understanding cartoon. Lansdown concluded: “So we have to be sensitive about the ways in which children demonstrate capacity.”

“We are blind to many of children’s capacities, because we see them through a lens that defines them as incompetent.” She noted how, in the same way that the work done by
women in the family was often invisible, children’s contributions are often not recognised. “Age is not a terribly useful determinant”, she said.

Ms Lansdown also outlined the protective element of the concept, since we also have obligations under the CRC to protect children, such as their freedom from sexual exploitation. Once again, cultural sensitivity is important, for example Inuit communities expose children to dangers with a view to building up their resistance and ability to withstand hardship, but in other countries “such children would be carried off to social services.”

She also highlighted inconsistencies, for example the fact that the age of criminal responsibility is ten in England, but that in civil legislation, decisions for children under the age of 16 are taken by parents. In the Ugandan wars, research found how children had to take on huge responsibility at young ages. At the same time, they were denied access to the support mechanisms that were available to adults.

There is of course, she cautioned, also a strong case that excessive responsibility can harm, denying the opportunity for education and the right to play.

Ms Lansdown also noted that there is a “general international trend towards greater protection”, but that overprotection could also be problematic. For example, some consider the age of sexual consent should be 18, but this can criminalise young people and deny them access to life-saving information.

She added that it was important to think of how we involve children in their own protection. She said: “There is a very strong case for much more active involvement of children in their own protection.”

Finally, she invoked the example of a school in Devon, UK, that was considered failing, with poor behaviour and bad results. The school was turned around when a new headteacher came in and created a space where children could talk about what they felt. They were engaged in the process of change, and involved in recruitment, budgets, and policy-making. Children were trained as mediators and guardian angels for other pupils having, for example, problems at home, or with bullies and so on.

She concluded by emphasising the dearth in laws on evolving capacities. Indeed, she said, “there isn’t a country in the world that has created a legal framework taking into account these issues.”

In responding to questions at the end of the presentation, Lansdown, noted how “there’s been a real Western export of childhood.” She observed how this has “taken away children’s capacity to give.”

**Linking research with practice**

Rachel Hinton, of DfID, opened the subsequent session on 'linking research with practice'. 


She said that it was often those who shouted loudest who secured research funding. As such, with an issue such as child rights, which receives less attention, “it is important to be loud”, she said.

Ms Hinton said that DfID was constrained by lots of factors, such as strategic overview including MDGs, and that programmes were moving from the traditional project-based approach, to more strategic outcomes.

She added most of money goes to economic processes rather than child rights and understanding people’s lives at grassroots level, and this was a shame.

She said researchers and policy makers clash, since researchers take time but policy makers want quick wine. There is little time to assimilate knowledge.

Ms Hinton used the example of an education researcher in Kosovo, working with the government. His attitude to staff was dismissive, and he thought everything needed to be started again. In a meeting, he once said: “You grab the person by the neck and you just have to pull him up to safety”. Examples such as this created a mistrust of foreign experts, she said.

After the presentation, Jennifer Grant, of Save the Children UK, asked, given that research had suggested DfID was not child rights orientated, how were they to source funding from the organisation?

Ms Hinton replied that there was “no quick win”, but that you need to have champions within the organisation. She added: “The greater profile on these issues, the more likely they will get funded.”

Lea Esterhuizen, consultant with Save the Children Sweden, followed with a presentation on 'young people as researchers'.

She said: “You have given me 20 minutes of your lives, but why me and why not a child researcher. Why? Because I and we have not gone far enough in our work.”

She continued: “I want to argue very strongly that child participation in research should be happening today, can certainly happen literally tomorrow, and if we are genuinely interested in practising what we preach, will.”

She reiterated that she was “a little ashamed that you are getting a talk on child participatory methods from a 37-year-old.”

She emphasised that you do not have to be an expert to precipitate child participatory research.

“I would encourage you to have a go, with careful consideration of the risks,” she said. She added it took faith and a “low appetite for control” to undertake such work.
Ms Esterhuizen added that prior to women’s participation, men were saying they knew what constituted women’s best interests, in the same way we still do with children. During Apartheid in South Africa, Whites similarly claimed they knew what was in the best interests of Blacks. “Why are we so slow to learn?” she asked.

She said that there is, in particular, a reluctance to involve children in actually setting the research agenda – right from the start.

Myths about child participatory research include: the 'incentive myth', that children and young people need sweeties, payment or certificates to participate; the capacity myth - that children, for example, cannot analyse data. “My experience over the last 12 years is that children are better analysing at the first stage than adults because they don’t get caught up in the details”, Ms Esterhuizen said.

She explained the tendency to think of ‘extreme cases’ when thinking about such research, so that adults imagine the most vulnerable child. Ms Esterhuizen added that she had “never come across children lacking the confidence for participatory research.”

She concluded by listing some compelling reasons for engaging with young researchers.

- The more children are involved, the more we will live alongside a generation of children that are used to identifying their needs.
- Genuinely participatory research results in unexpected outcomes, which is exciting.
- Young people like to think that they matter.
- Many of us walk into a room with an air of knowing. Children often don’t have this.

In response to a question from the floor, Ms Esterhuizen also said that she did not think literacy had to be a perquisite for taking part.

Therese Hesketh, of the Institute of Child Health, at University College London, the spoke of the one child policy in China and the impact on children.

She explained the impacts of the policy on small families, which meant there were more resources for fewer children. However, she added, the policy also contributes to female foeticide.

**Policy Making and Children’s Rights**

Ruth Payne, Research Consultant in International Development, spoke about her research on child headed households in Zambia. The work took an 'action research' approach, which
drew on understandings of child headedness originating from child headed households and their communities themselves, rather than through pre-defined categories.

At first, participants used donor language to express their situation, but through action research, which puts people at the centre, and by going to their houses, etc, it was possible to create collaborative spaces which led to deeper understanding of notions of agency and vulnerability by child headed household members themselves.

One of the biggest issues in the relationship between practice and research is that research is often viewed as important only in terms of output, said Payne, when in fact, the knowledge producing process itself is where much of the learning takes place.

Explaining some of the challenges of action research, she mentioned:
- knee jerk reactions e.g. the desire from members of the community to assist immediately without programme design can make it difficult for researchers to 'let go'
- competing agendas of stakeholders and the difficulty of balancing the immediate demands of grassroots with a long term, less tangible, research agenda.
- changing staff, stakeholders and fortunes

Pre-determined research, involving tools such as surveys, is problematic because it defines the issues before hand, rather than learning what the issues are in the course of research. More interest is desperately needed from policy makers in the research process, which embraces the mess of research, and listening and ethnographic principles.

She concluded by saying that collaboration must a be comprehensive process not an event at the beginning and end of research.

David Archer, from Action Aid, discussing the role of education in HIV prevention, pointed out that schools can be places where rights violated rather than enhanced, and - with expanding class sizes – a form of containment rather than education.

Eighty per cent of people with HIV don’t know it. Most parents expect schools to teach children about this. There is a clear correlation between education and HIV infection, he said: children who continue to secondary education are much less likely to be infected.

Barriers to children's education include school fees, as well as invisible costs, such as uniforms and textbooks; donors failing to deliver on aid, government spending, IMF policies; as well as ideological interventions such as the abstinence policy of the Bush administration.

A range of comprehensive strategies has proven most effective in HIV prevention, particularly if they use participatory methods which talk about sex, and address gender and power dynamics.
Archer recommended putting teachers and teacher training at the forefront of the fight against HIV, criticising the World Bank's idea that anyone can teach with a few days training. It is crucial, he said, to give teachers training for them to feel equipped to talk about some of the more challenging issues.

**Coming Full Circle: How can children and young people own their own rights?**

Roy Huijsmans, of the University of Durham, provided a critique of the discourse child trafficking. Focusing on the issue of consent vs coercion, he said that many children who are classified as victims in fact migrate voluntarily for work.

Barry Percy-Smith and Nigel Thomas from the University of the West of England and the University of Central Lancashire discussed some of the failures of participation and set out an agenda for overcoming these.

Where participation has gone wrong:
- Failure to make participation the norm for all children
- Limited impact on decisions
- Limited benefits as a result
- Failure to challenge the status of young people
- Failure to fundamentally to challenge power structures

Some of the main reasons for these failures include a focus on consulting with children, rather than fully involving them; the fact that most participation is undertaken on adult or organisational terms, rather than those of the child; and that participation is narrowly focused on decision making and not broader citizen issues.

Self determination and agency in making choices and decisions in their own life helps young people to know they can deal with the future - a primary concern for many young people. There are many examples of self-determination from the majority world, where greater belief is often shown in young people's abilities.

They set out a new agenda for children's participation, also proposed by others. This includes promoting wider interpretations of participation, beyond having a say; developing capacity in individuals and communities; and implementing a framework of civil rights and engagement for children.

Rebecca Collins, former Consultant with Young Minds and the Mental Health Foundation, presented the work of Young Minds in involving young people in the mental health arena in the UK, and Right Here, a project by the Paul Hamlyn Foundation and the Mental Health Foundation.
One in four people experience mental health problems in life. This is not a justifiable reason for not involving them, said Collins.

Outlining young people's participation in the work of Young Minds, she said that young people contributed to policies and procedures within Young Minds, assisted in providing training to managers and commissioners. They worked closely with the children's commission to lobby for the amendment of the Mental Health Act 2007, particularly over Tier 4 specialist inpatient facilities. Their involvement included presenting evidence, advocating against the inappropriate admission of children and young people onto adult wards as equals in the process. This culminated in the obligation that by November 2008, no child under 16 would be admitted to an adult mental health ward and to ensure, by April 2010, that no young person under 18 is inappropriately admitted to an adult mental health ward.

Read more here: http://www.right-here.org.uk

Kirrilly Pells from the Institute of Child Health, drew a distinction between 'lived vs performed participation'. In performed participation, children took part in a way which was extraordinary to their daily life. Children described those who involved them in such activities in the following way: “They say they're here to help then we never see them again.”

In contrast, 'lived participation', advocated by Pells, unfolds in an ongoing series of supportive relationships, as a means to access other rights. It is a framework rooted in every structure of children's lives.

Group recommendations/ observations

Participants were asked to discuss the following questions:

(Q1) How to adapt the CRC not only to the specific rights of specific children in practice, but also to the different environments that put them at risk

There is a tension between theory and practice. This is context dependent, and it is easy to fall into the trap of different standards for different children. The way forward would be to ask children what they feel; to begin from their experiences rather than to adapt the CRC to what we consider to be their reality. A group of children at a railway station in India provided a concrete example of this to one of the NGOs present, saying that their biggest problem was the police and police corruption, and they recommended police training to combat this.

Another question that arises is what happens when the CRC has not been incorporated into domestic law. It is important for the community to know about the CRC, but how can this happen if the CRC is not incorporated?
(Q2) How to feed back the lessons learnt from field practice into the national and international level?

- Find alternative ways of communicating with young people and pay more attention to their information rights.

- Organise and use more fora around particular themes or regions to share practices. Existing examples include CRIN and the Better Care Network (BCN).

- Organisations on the ground often do not listen to local partners.