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A child's right to participate: Implications for international child protection[†]

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ABSTRACT

Child protection is an essential international policy and programming priority involving various efforts. While different actors attempt to redress child protection issues, it is unclear how they appreciate and respect child participation in their work. Consequently, the essential question for this article is how child participation is understood and implemented in international child protection efforts. The child's rights to participate and to protection are included in several provisions of the United Nations Convention on the Rights of the Child (1989) and other international human rights instruments. Due to numerous benefits, much literature and various actors and organisations support the role and value of child participation. Nevertheless, child participation poses a significant challenge in practice for various reasons including age discrimination, denial of opportunities, as well as tokenistic and irrelevant participatory efforts. Accordingly, this article reviews the international human rights framework and the literature in order to obtain a thorough understanding of how participation and protection are defined and practiced in international child protection efforts and the implications for international human rights in order to generate some considerations for future work. It is submitted that the role and right of child participation reflects rhetoric rather than practice in relation to the historical priority of child protection in most development and humanitarian efforts concerning children.

KEYWORDS

child participation; child protection; children's rights; Convention on the Rights of the Child

We are the world's children.

We are the victims of exploitation and abuse.

We are street children.

We are the children of war.

We are the victims and orphans of HIV/AIDS.

We are denied good-quality education and health care.

We are victims of political, economic, cultural, religious and environmental discrimination.

We are children whose voices are not being heard: it is time we are taken into account.

We want a world fit for children, because a world fit for us is a world fit for everyone.

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Children's Forum¹

The difference between tokenism and meaningful participation is some kind of follow up, and being included from beginning to end.

Consulted young person²

1. Introduction

Due to the pernicious effects and scale of such issues as violence and war, child protection is an essential priority for international development policy and programming at bilateral and multinational levels. Child protection is generally understood by the international community as 'preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage'.³ It is widely acknowledged that the risks of poverty and vulnerability fall disproportionately on children.⁴ Thus, there are numerous organisations including UNICEF, Save the Children, Right to Play and Plan International that implement many programmes and projects around the world in order to support child protection in their international development and humanitarian efforts.

However, labelling children affected by these issues as 'victims' is insufficient and ineffective: human rights require a different approach that respects children and their capacities. Consequently, as Graça Machel outlines, young people should be seen 'as survivors and active participants in creating solutions, not just as victims and problems'.⁵ Child participation is a complex concept and a right outlined in article 12 of the United Nations (UN) Convention on the Rights of the Child (CRC),⁶ which every country in the world except the United States of America has ratified.⁷ According to the CRC's general definition of the child, everyone under the age of 18 years in accordance with article 12 who is

capable of forming his or her own views [has] the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

International human rights law recognises the importance of both child participation and child protection. Although child participation is widely endorsed as a fundamental human right relevant to international development and humanitarian work (hereinafter 'international child protection'), it remains a significant challenge to implement in practice. The essential question for this article is how child participation is understood and implemented in international child protection work?

Due to numerous benefits, international human rights law, much literature and various international and national development actors and organisations support the role and value of child participation. Nevertheless, participation poses a significant challenge in practice for various reasons, including age discrimination, denial of opportunities, and tokenistic and irrelevant participatory efforts. As a result, clarifying the nature and requirements of effective child participation in international child protection continues to confound most international actors and organisations as a recent international conference discussed.⁸ Accordingly, this article reviews the literature in order to obtain a

thorough understanding of how participation and protection are defined and practiced in international child protection efforts in order to generate some considerations for future work. Further, it is submitted that the role and right of child participation reflects rhetoric rather than practice in relation to the historical priority of child protection in most development and humanitarian efforts concerning children. As the children enunciated at the UN Special Session on Children in the article's opening quotation, their 'voices are not being heard' and children need to be 'taken into account'. This message, drafted, debated and agreed on by 400 child delegates, highlights not only the necessity of child protection but also the role of children in advancing that goal. While international human rights are interconnected and equally important, analysis of the connection of these two rights to participation and protection illustrates ongoing challenges in the discourse and practice.

The article uses the following working definitions to inform discussion. First, child participation involves: 'ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes'.⁹ Second, international child protection is defined as measures including international development and humanitarian policies and programmes by global and bilateral actors that aim to ensure that child rights are advanced and improve the quality of life and well-being of children around the world under the age of 18.¹⁰

The article is organized in the following manner. First, understandings of child participation and protection are described. Second, a brief synopsis of international child protection policy and programmes in relation to child participation is provided before generalisations of some challenges in practice. Third, some implications of international human rights for the connection between child participation and protection are explored before the conclusion.

2. Conceptualisations

This section briefly examines how children's participation and protection are elaborated in the international human rights framework, and then the academic literature.

2.1. International human rights legal framework

International human rights law enunciates various provisions in the areas of child protection and participation. While most UN human rights treaties are not child-specific (except the CRC discussed below), they are applicable to every individual, with some specific provisions for children. As examples, the UN instruments related to migrant workers and their families, torture, persons with disabilities and against discrimination based on race and gender, concern protection of all human beings.¹¹ There are also issue-specific treaties¹² and regional instruments from the African Union, Council of Europe and Organization of American States.¹³ The following discussion focuses on the international bill of human rights: Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR),¹⁴ due to their great significance,¹⁵ as well as the primary instrument for child rights: the CRC.

The UDHR provides for inter alia: the protection of the family (without specifying the child) in article 16(3), '[m]otherhood and childhood are entitled to special care and assistance' in article 25(2), and the right to education in article 26. These provisions from 1948 do not have a specific monitor and are elaborated in provisions in the rest of the international bill, which in relation to the child generally focus on protection.

The ICESCR includes: protection of the family; special protection and assistance for children and young persons and from 'economic and social exploitation'; support for the child's healthy development, and the right to education (articles 10(1), (3), 12(2)(a) and 13 respectively). The UN Committee on Economic, Social and Cultural Rights acknowledges children in several General Comments with limited elaboration. For example in General Comment 14, the UN Committee enunciates the right to health for infants, children and adolescents, non-discrimination between boys and girls, harmful traditional practices, the CRC's provision of access to essential health services, and child-friendly information.¹⁶ General Comment No. 16 outlines gender discrimination that affects girls adversely including safety to/from school, preferential treatment of boys for schooling, and child marriage.¹⁷ While understanding of the child has gradually improved over time in these and other efforts, this committee generally continues to perceive children as passive and needing protection as a 'disadvantaged group', rather than recognising children's capacities and contributions to their families and society, which reflects the legal text's limited view of children.¹⁸

The ICCPR addresses inter alia publicity of legal proceedings relating to 'juvenile persons' and the guardianship of children in article 14. Protection should be afforded to children in the case of marriage dissolution of parents (article 23(4)). As a 'minor', the child is entitled to measures of protection without any discrimination, birth registration, a name and the right to a nationality (article 24). The treaty monitor, the UN Human Rights Committee, has considered children, and two general comments on articles 7 and 24 are particularly significant.¹⁹ Under article 7, the right to dignity and integrity of the person includes prohibition of corporal punishment in educational and medical institutions, and protection from medical or scientific experimentation without free consent. Recognition of these two issues is important because the former position highlights a concern of the UN Committee on the Rights of the Child²⁰ and the latter confirmation was a lacuna from CRC drafting.²¹ Elaboration of article 24 affirms every child has the right, without discrimination, to receive protection from the family and state, that this obligation is often underestimated, and state party reports 'supply inadequate information on the way in which children are afforded enjoyment of their right to a special protection'.²²

Yet, while the UN Human Rights Committee outlines 'as individuals, children benefit from all of the civil rights' in the Covenant,²³ Van Bueren argues that its approach may not consider children to have the Covenant's political rights; or consistently and thoroughly examine the best interests of the child in all actions concerning children. For example, General Comment 17 on child rights focuses on such issues as protection from discrimination, birth registration and a name, but does not explore other ICCPR rights in relation to the child or his/her agency or capacities.²⁴ Further, the committee produced a general comment on the freedom of opinion and expression in 2011 but there is no specific reference to the child or young person, which ignores the opportunity to affirm it and identify the challenges that a child may have in relation to this freedom.²⁵ While children are

recognised, particularly in relation to protection, they are essentially silent members of families and the child's right to participation is not recognised. Even with greater awareness of child rights over time, the general efforts of these treaty committees highlight the importance of specific child rights attention and monitoring.²⁶

Accordingly, the CRC is influential in framing and guiding the nature and scope of child rights. Like other treaties, all rights are interdependent (see below). Child protection provisions include the right to survival and maximum development in article 6, which, due to its significance, the UN Committee on the Rights of the Child has designated as a general principle with non-discrimination, best interests of the child, and child participation (articles 2, 3, 12 respectively). These four CRC general principles are rights and 'should also be considered in the interpretation and implementation of all other rights'.²⁷ CRC article 19 requires all appropriate protective measures against 'physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse' and effective prevention and intervention programmes and systems. The UN Committee affirms children's 'empowerment and participation should be central to child caregiving and protection strategies and programmes'.²⁸ The child's right to protection cannot be implemented in isolation from other rights.

Other provisions are pertinent too. As examples, article 7's right to birth registration, to a name and nationality provides 'a first step in ensuring the rights to survival, development and access to quality services'²⁹; and article 9 protects against separation from parents unless it is 'necessary for the best interests of the child'. Measures to prevent child abduction, sale and trafficking of children (article 35) are elaborated in an optional protocol to the CRC.³⁰ Protection is affirmed for other issues and populations including: adoption, refugee children, children with disabilities (articles 21, 22 and 23 respectively). The right to health includes measures to abolish 'traditional practices prejudicial to the health of children' (article 24). Protection involves provision to a standard of living (article 27), the right to and aims of education (articles 28 and 29), and acknowledgement of minorities or those of indigenous origin and from economic and sexual exploitation (articles 30, 32 and 34 respectively). As criminal justice can also result in abuse, treatment is outlined in articles 37 and 40. Armed conflict (article 38) has also been subsequently elaborated in another optional protocol.³¹ Recovery and reintegration of children who have experienced neglect, exploitation, abuse, torture or armed conflict are provided for in article 39.

As outlined earlier, the key CRC provision for child participation is article 12. There are elements of participation recognised in other provisions including: freedom of expression, freedom of association, and access to information (namely articles 13, 15, 17 respectively). The optional protocol to the CRC provides an avenue for children and their advocates to pursue complaints about the implementation of these rights, which supports their right to participation³² as well as their other rights, including to protection.

In summary, the international human rights framework emphasises child protection with limited but important provision for participation.

2.2. Academic Literature

This section explores how these international commitments to child protection and participation have been elaborated in the child rights and childhood literature.

2.2.1. *Child participation in the literature*

Several definitions of children's participation exist, including 'taking part in an activity or specifically taking part in decision-making' and that it is a process or an outcome.³³ Participation is important for several reasons including respect of child rights, realisation of legal responsibilities, improvement of services and decision-making, advancement of democratic dialogue, protection and empowerment of children.³⁴ Positive participation can improve children's self-confidence, self-esteem and skills.³⁵ Participation can support mutual learning of children and others in processes and makes children visible outside traditional private spheres of the family and institutions, including schools. Researchers have documented how children influence decisions that affect them.³⁶ Participation also strengthens the wider community through enhanced voice, access and influence, and supports meaningful social development.³⁷ Hart's ladder of participation has been influential in conceptualising the degrees of participation in processes.³⁸ Children's active roles are described in social life and politics with the support and assistance of adults in Europe, South Asia and Latin America.³⁹ Note that participation should not be romanticised⁴⁰; and that the participation of individual children should not be equated with participation of children as a group as they should be considered differently in terms of processes or results.

There is some criticism of children's participation in the literature. For example, Hafén and Hafén describe participation and child rights as 'irresponsible' 'autonomy'.⁴¹ However, the CRC does not identify autonomy but children's relationships with others, recognising family/caregivers in the Preamble and in articles 5 and 18(1).⁴² The UN Committee on the Rights of the Child recognises that CRC article 12 'is a unique provision in a human rights treaty; it addresses the legal and social status of children, who, on the one hand lack the full autonomy of adults but, on the other, are subjects of rights'.⁴³ Participation is complicated and 'does not require children to have more influence or authority but requires consideration of their views along with others'.⁴⁴ Yet, the CRC has significance for child autonomy in relation to protection in certain contexts, including, for example, minors deemed mature enough to make decisions about their medical treatment.⁴⁵ Further, evidence about children living on the street around the world has revealed that children often choose to live on the street in order to advance their protection due to such reasons as escape from abusive caregivers, lack of family resources to care from them, and so on.⁴⁶ Consequently, though adults may disagree with a child's views on such important matters due to their concerns about protection, a broader understanding is needed of what constitutes the best interests of the child in relation to other child rights including protection in such matters of concern to them. This requires greater guidance by the child's views.

While child participation has advanced due to the CRC's affirmation, there continues to be room for progress. Children's participation is inadequately theorised, generally conceptualised through typologies and models to advance more participation activities without redressing limitations in practice.⁴⁷ The literature also tends to reflect universalism and assumptions that generalise children as if they are identical across time and space.⁴⁸ Deferring to extreme cultural relativism is another problem that can inhibit or violate a child's right to participation and protection.⁴⁹ It is argued that children's rights should be reconceptualised to influence international efforts and highlight how children and others 'craft these conceptions as they actively engage with the issues that confront them'.⁵⁰ Freeman

also cautions that we should not see the CRC as ‘the final victory for children’.⁵¹ He highlights the emphasis and authority of the adult in article 12: the adult evaluates whether the child has the capacity to express views, assesses those views and whether they should be given ‘due weight’ as they think they should.⁵² Consequently, he questions whether attention should progress from participation to citizenship.⁵³ Barber critiques adult-focussed consultation and advances a more democratic approach to child participation and citizenship.⁵⁴ As the CRC does not enunciate citizenship beyond the right to nationality, citizenship should be further examined as a means of advancing meaningful participation in society.

2.2.2. Child participation in international child protection

Largely due to the CRC’s influence, there is much support in literature specifically for child participation in international protection,⁵⁵ which should be understood and practiced as a process, rather than a project.⁵⁶ Participation assists with children’s protection by identifying their need for protection⁵⁷ and by improving ways of protecting them.⁵⁸ It can promote more informed decisions⁵⁹ about individual children and/or services, programmes and policies. Children are described as: articulate agents of change⁶⁰; and collaborative change agents in their communities.⁶¹ In sum, child participation is understood as a protection system in order to end the challenges in communities.⁶²

Nevertheless, age discrimination against children as a group or category inhibits child participation in protection for several reasons. First, children’s participation challenges ‘traditional’ ideas about childhood and understandings of children as victims and dependent and their protection.⁶³ Second, debates are ongoing about how best to support protection that children may resist or some approaches that may actually worsen the situation.⁶⁴ Third, children’s participation processes face well-documented challenges: tokenism (where children’s views have no influence on decisions); lack of feedback to children; and failure of institutional structures and adult decision-makers to adapt and involve children meaningfully, effectively and sustainably.⁶⁵ In other words, ‘recognition that children possess such rights presents an enormous challenge to long established attitudes and practices’.⁶⁶

Hence, there is much theoretical and international rights support for child participation and child protection. It has been described that a human rights-based perspective involves both legalistic and empowerment goals.⁶⁷ This study also observes the pertinence of this conclusion because the international human rights framework outlines the legalistic objectives and the academic literature describes empowerment as a rationale for child participation, including for protection. The next question is how participation is implemented in child protection practice.

3. Synopsis of international child protection policy and programmes

In examining the question of how participation is implemented in child protection, it is noted that current policies and programming in international child protection address a range of issues in different geographic areas, both across regions and countries. There is much international protection programming with children, children’s movements and organisations in relation to such concerns as armed conflict, human trafficking and institutional care. Nonetheless, child participation occurs in communities whether or not

protection actors specifically provide it.⁶⁸ Further, the identification of priorities in relation to child protection has changed over time. Based on the review of more than 300 documents from 1989 to 2009 and key informant interviews, for instance, ‘the child victim of violence has replaced the street child as the dominant icon on the international agenda’.⁶⁹ ‘According to child rights advocates, the *scope* and *gravity* of social problems are key factors in deciding which issues should be given priority attention.’⁷⁰ To address the question of how child participation figures in protection efforts, it is noted that this article is not a monitoring report, rather it discusses various examples. In summary, despite much theoretical and international legal support, child participation in international child protection reflects rhetoric rather than practice due to various challenges.

For some governments, a major difficulty results from the lack of guidelines, lack of public knowledge about child rights and the need for responses.⁷¹ Consequently, some laws and policies have been developed to specifically promote participation, including Uganda’s National Child Participation Guide and Liberia’s Children’s Law.⁷² Another example is the National Commission of Child Protection in Tajikistan, which developed child-friendly documents to gather children’s viewpoints and to represent their voices in its efforts.⁷³ Research in Ghana and The Gambia also highlights the important policy role of the voice of young people in relation to work, education and livelihoods.⁷⁴ Participatory political processes have also been developed. In Egypt, the banning of female genital mutilation resulted in 2008 after a five-year social movement that encouraged participation by young people and strategising through social media.⁷⁵ The development of Nepal’s first democratic constitution in 2006 following civil war involved the active engagement of children in nationwide constituent assemblies, which generated priorities for constitutional consideration including such concerns as protection against sexual abuse, child marriage, discrimination, bonded labour and provision for the rights of children with disabilities.⁷⁶ As a result, a National Framework for Child-Friendly Local Governance mandates 10% of the budget be directed to programmes for the most disadvantaged children and 15% of total capital investment flow to the children’s sector.⁷⁷ As Gibbons outlines, this involvement of young people facilitates their positive constructive contributions to post-conflict society, allows the practicing of democracy and increases their investment and stake in the country.⁷⁸

Children’s participation can have a significant impact upon processes and results. The valuable ‘Out of the Shadows’ summit of 54 sexually exploited young people from across the Americas (Latin America, the USA and Canada) held in June 1998 developed an influential declaration and plan of action.⁷⁹ ‘As a result the term “juvenile prostitute” has virtually vanished from the international lexicon to be replaced by “children exploited in the sex trade”’.⁸⁰ The Winnipeg conference on war-affected children involved children and young people from various conflict-affected countries who influenced a resolution that was subsequently incorporated into ‘A World Fit for Children’, the outcome document from the UN General Assembly Special Session on Children.⁸¹

Nonetheless, the practice of child participation is keenly debated⁸² due to several challenges with current participatory efforts in child protection. This discussion focuses on the following difficulties: restricted understandings of children and their capacities; power struggles; and institutional barriers.

3.1. Restricted understandings of children and their capacities

The literature elaborates the importance of contextualising children in relation to their realities, however policy and programming responses continue to reflect restricted understandings of children and their capacities. There is a persistent view that children are incapable to contribute to child protection efforts, and thus, adults do not take their ideas seriously. While there are strong social constructions that children are innocent and require protection, which scholars strongly critique, there are also pervasive narratives across societies that understand children as incapable of forming coherent opinions.⁸³ For example, the international discourse on business objectifies and disempowers young people.⁸⁴ As Mayall outlines, adults often ascribe negative characteristics to children, including instability and incompetency.⁸⁵ Thus, adults need to protect them. ‘Most professionals who work with children (i.e. social workers, educators, lawyers, health care providers) are “accustomed to making assumptions about the needs of children and what is best for them”.’⁸⁶ As a result, there is a danger of ignoring the resources that marginalised children already rely upon in their daily lives.⁸⁷

The problem of limited understandings of children is reflected in several examples. The Western sentiment that all children should not work and instead remain in school is insensitive, according to Rampal, towards the diversity of childhood that is present in a country like India where children may be contributing and participating more in the social world as compared to those who are undergoing formal schooling.⁸⁸ Chilwalo’s study identified the barriers hindering children’s participation in agencies addressing child labour in Zambia. There, the idea and value of children’s participation in decision-making ‘is not only misunderstood but also unaccepted amongst practitioners in agencies addressing child labour’.⁸⁹ Similarly, Chant and Jones ‘found that young people described a rough interface between education–work, that education often required work for financial and other reasons, and that leaving school was not a parental decision but often involved the agency of the young person’.⁹⁰ Thus, Chilwalo argues:

Child protection programmes that seek to address the needs and problems affecting children ought to recognise children as stakeholders. Every stakeholder has the right to be accorded an opportunity to be heard ... As duty bearers, agencies are obligated to respect, protect and fulfill children’s rights.⁹¹

The lack of understanding of children’s capacities and potential contributions is illustrated in the words of one child protection officer: ‘The issue of children participation has generated a lot of problems. When we tell adults to involve children in decision making, they ask, “What do these children know?”’⁹²

Consequently, adult culture and narratives about children are a major barrier to child participation, requiring an adjustment in adult thinking and behaviour from believing that children do not know anything as well as advancing caregivers’ understanding and support.⁹³ A cultural shift is needed ‘from an exclusionary to an inclusionary approach to children and their capabilities – from a world defined solely by adults to one in which children contribute to building the kind of world they want to live in’.⁹⁴

The capacities of children’s participation must be recognised and respected in relation to their protection. Not only were children key political actors in the anti-apartheid movement in South Africa, for example,⁹⁵ they play important social roles in their families and

communities. For example, Berman's study of the K'iche children in Guatemala highlights how children mediate between adults from different families in running errands, conveying messages and acting as buffers between groups of disputing adults.⁹⁶ Participation must reflect the diverse realities of children and their social contexts⁹⁷ whether in such realities as refugee camp settings or conflict zones for instance.⁹⁸ There is little understanding of child protection from the perspective of children themselves,⁹⁹ which is a critical component to ensuring that interventions reflect and respond to their lived realities.¹⁰⁰ The choice of children to participate or not must be respected, but a supportive environment and adults are necessary for engagement and ownership to develop.¹⁰¹

3.2. Challenge of power

Respect of child participation is often hindered by adults' exercise of their power and/or authority over children.¹⁰² Indeed, most societies subordinate children to adults¹⁰³ and the right to participation can be perceived as challenging existing hierarchical structures.¹⁰⁴ This was exemplified at the Third Global Conference on Child Labour in Brasilia, Brazil in October 2013.¹⁰⁵ Despite the fact that working children have come together in different types of movements and organisations for the past four decades, these movements were not officially invited to participate in this conference and conference attendees' understanding of children as rights holders and agents of change was also very limited.¹⁰⁶ This issue of child labour originally gained prominence during the 1990s when such major multinational companies as Nike were found to engage child labour,¹⁰⁷ which was perceived as exploitation in violation of children's rights. But working children and children's movements are raising awareness that this perception and many resulting responses are problematic and that they have the right to work.

However, even if children are invited to participate, it does not necessarily involve meaningful roles or having their knowledge and views respected about their protection. The global debate about Bolivia's recent legislation exemplifies the challenge that child participation poses for traditional practices and processes of international protection. It became the first country to reduce the minimum age of employment to 10 years from 14 years in July 2014 and advance rights and protective measures against exploitation and power abuse.¹⁰⁸ Liebel explains that the drafting of the new Children and Youth Code of Bolivia¹⁰⁹ actively engaged children, who were organised and well prepared; and it is 'mainly the chapter concerning children's rights in relation to work that was influenced by children, and it is no accident that this diverges particularly widely from the child and adolescent laws of other countries'.¹¹⁰ International organisations including the ILO and UNICEF have strong anti-child labour positions and they have been vocal in their opposition to this legislative development.¹¹¹ But this criticism should consider and give due weight to the expressed wishes of working children themselves. In addition, research also highlights concerns that the ILO's positions on child labour is not having positive impacts upon children.¹¹² This evidence is not restricted to Bolivia. 'It is the African pedagogy to effectively teach by involving children in the social construct in which they live day to day. Children learn by imitation and extracting the meanings and purposes of each action and interaction.'¹¹³ This is the approach to children's involvement on family cocoa farms in Ghana based on their experience and ability where they were generally supervised and guided appropriately.¹¹⁴ While there are abuses of children

in child work,¹¹⁵ international child protection work can redress the power imbalance when involving child representatives from Asia, Latin America and Africa to advance change.¹¹⁶ It must be asked then: how does one protect children who do not want protecting and should we?

Even if international child protection actors and organisations embrace the right of child participation, there are often potential and actual problems in practice. The current adult-led, ‘top-down’ approach to participation generates conflicting priorities.¹¹⁷ Child sociologists have revealed a problem with the participation agenda, where instead of empowering children and challenging existing forms of power, it has become another means through which power is expressed, further denying children’s voices and protection.¹¹⁸ Another issue is that while children’s participation is increasingly a concern in international child protection, tokenism does not reflect participation since ‘children are manipulated by adults’.¹¹⁹ As Mayo identifies, children’s participation in development agendas is still quite tokenistic.¹²⁰ It is not restricted to international development contexts since in minority world societies it is also ‘rare’ that children participate in planning.¹²¹

White outlines that participation involves conflict, creating tensions (discussed below) from existing power relations and can involve a power struggle between groups.¹²² Consequently, there is some scepticism whether child participation can ever be genuine and effective or simply symbolic, where adults are naturally resistant to a loss of authority and power to child-centred approaches.¹²³ The politics of participation should not be ignored and should be critically analysed: who is allowed to participate in the context of development planning?¹²⁴ Roche outlines that children are consistently marginalised from participatory decision-making and that there are definite obstacles preventing participation of children in times of crises.¹²⁵ Ensor and Reinke also note that there is a similar protectionist priority over child and young people’s empowerment in post-conflict Sudan, even though: ‘South Sudanese children have traditionally exercised significant independent – and interdependent – agency in developing strategies for their own survival and that of their families.’¹²⁶ Paternalism continues to be pertinent in child protection.¹²⁷

Participatory development involves political struggle, which necessarily involves unintended positive and negative consequences.¹²⁸ As a result, careful attention to children’s protection must be emphasised at all times,¹²⁹ but child protection and participation should be integrated in the approach.¹³⁰

3.3. Institutional barriers

Due to the aforementioned issues of restricted understandings of children and power, participation is misunderstood and unaccepted among practitioners,¹³¹ influencing barriers within or across various child protection institutions at bilateral or international levels. Despite good intentions, the bureaucratic processes of sponsoring non-governmental organisations (NGOs) can distort or prevent child participation.¹³² For instance, there is evidence of participation having ‘little bearing’ on creation and implementation of project proposals.¹³³ While most agencies are aware of the child’s right to participate, in relation to addressing child labour for example, it ‘still remains minimal and non-existent in some agencies’.¹³⁴ International child protection tends to be primarily preoccupied with development outcomes and effectiveness to justify expenditures and efforts within

the context of current monitoring and evaluation frameworks and results-based management systems. This institutional priority poses difficulty since real participation involves paying attention to *processes* and how these outcomes are achieved.¹³⁵

Institutional barriers are furthered by the great emphasis given by key international actors to the 'systems approach' to child protection in recent years. This means that international development focuses on strengthening a country's formal capacity to address child abuse, neglect and violence. This approach starts with a normative framework to enunciate the formal boundaries of the system and establish the basis of accountability to support enforcement as well as connect the child protection system to the larger system of social protection.¹³⁶ In general, children's protection depends on their care-takers' efforts, which in turn relies upon a secure and a protective environment and access to community supports for the child and family; and communities generally need greater support organised by the government, which has the primary responsibility for child-friendly services, policies and regulations to advance children's protection and well-being.¹³⁷ Effective child protection systems at different social levels 'bring together formal, statutory elements and non-statutory, or non-formal elements in a comprehensive, coordinated manner'.¹³⁸ These national systems are essential to facilitate identification and responses to protection challenges but the formal nature tends to emphasise the role of the authorities, not the child. There is limited emphasis on the informal child protection supports often preferred by children and families in the community.¹³⁹ Consequently, despite the affirmed role of children,¹⁴⁰ the priority of systems raises the question about where the child's voice fits, whether child participation is a consideration and if it is, how easily is it practiced or disregarded?

Institutional processes generally do not include children's participation, reflecting the position that adults can address these problems without children's input, but in the process reflect: 'The tendency to ostracize children in decision making results in coming up with solutions that do not only work very well but also ma[r]ginalises and devalues the knowledge and lived experiences of children'.¹⁴¹ For example, Bangladeshi NGOs are frustrated with official agencies and their development policies and the levels at which participation is actually being considered with regard to social and political policies.¹⁴² Skelton highlights UNICEF's important leadership role since, if UNICEF struggles with engaging children, 'then what hope is there of beleaguered and impoverished governments, communities and families' carrying it out?¹⁴³ Other agencies and organisations must also ensure child participation is inclusive since the level of participation in the context of developmental planning is critical.¹⁴⁴

Child participation requires the effective support of NGOs and professionals for its success.¹⁴⁵ This intergenerational dimension must not be ignored, as discussed below. Children need to be fully informed of both the purpose and process of participation because it is the lack of understanding that directly results in poor participatory practices conducted by agencies and organisations.¹⁴⁶ While there are challenges in effectively practicing child participation, there is still strong support in the literature whereby the benefits outweigh the concerns.¹⁴⁷ Yet, there is a dichotomised and 'ironic state of affairs' in James's view between the academic understanding of children as agents of change that contrasts with the suppression of children's voices in everyday life.¹⁴⁸ Therefore as Naker, Mann, and Rajani outline, there is a 'Gap between Rhetoric and Practice' of support for child participation.¹⁴⁹

4. Implications of this topic for human rights

The relationship between the child's rights to participation and protection is complex in practice due to the difficulty in reconciling the protectionist approach with child participation. In order to explore some implications of this topic for human rights, the following issues are discussed in turn below: tensions; complexities of rights; the influence of agendas; child protection assumptions and goals; and the indivisibility and interdependence of rights.

4.1. Tensions

Due to the scope of human rights, it is perhaps unsurprising that tensions develop in the implementation of rights due to competing priorities or views of various individuals, groups and institutions involved. Accordingly, strains can be significant in practicing child participation in international child protection as elaborated at a recent conference.¹⁵⁰

The question, here, is not *whether* to apply the Convention, but *how* to apply it most effectively, particularly in cases where different rights provided by the CRC cannot be equally protected at the same time and authorities have to make difficult choices, balancing different rights.¹⁵¹

The discourse tends to dichotomise efforts between those that support child participation from those directed to protecting children with the selected focus affected by financial, political, technical, practical or other reasons. This occurs rather than combining participation and protection effectively. There is a historical dimension as Ensor and Reinke enunciate:

the debate regarding children's rights has examined whether the role of the relevant human rights instruments is to empower children or simply to protect them. This question goes back to the roots of the children's rights movement which juxtaposed the views of the 'child savers', who emphasised children's need for protection and care, and those of the 'kiddy libbers', who advocated empowering children to develop their own agentive capacities. Arguably, in war-torn societies and those emerging from violent armed conflict such as South Sudan, a general focus on 'child saving', in the positive sense of facilitating the entitlement of children to protection from life-threatening situations of violence and deprivation, seems justified. This should not, however, preclude efforts to empower children ...¹⁵²

This characterisation is not only relevant for conflict and post-conflict situations but also international child protection efforts. There is tension due to the tendency to understand and implement these rights as if they are juxtaposed, rather than interdependent. This point seems reflected in the documented concern that the emphasis upon children's participation by some countries and development agencies should not hinder children's rights to food, shelter and schooling in relation to children living on the streets¹⁵³ or impede the priority of survival rights.¹⁵⁴

While protection and survival are essential rights, a holistic understanding of child rights necessitates addressing the tensions that may be perceived between children's protection and participation. In fact, they need not be regarded as conflicting approaches, but rather complementary.¹⁵⁵ Yet many international child protection workers may reflect a myopic priority of protection in practice so that participation is dismissed or ignored when dealing with complex situations, crises and/or when resources are limited. However, this tension must be resolved as 'meaningful implementation of children's

rights must include attention to the ways in which children actively practise those rights and protections in the context of their lived experiences'.¹⁵⁶ How to balance these rights then? It requires careful child rights-based attention on a case-by-case basis with not only key stakeholder involvement, which necessarily includes children, but also respect of the CRC's general principles, the child's evolving capacities and the particular context. While the tension may be challenging, it is also an unavoidable obligation because children must be seen as both competent and vulnerable,¹⁵⁷ and the relationship between agency and vulnerability must be respected in international child protection efforts.¹⁵⁸

The nature of relationships between adults and children is another tension in connection with child participation and protection. For instance, both Concerned for Working Children and Rampal critique Hart's famous ladder of participation in describing the roles of adults with respect to children.¹⁵⁹ In another example, the Ghanaian Minister of Roads and Transport 'listened and responded with great care and thoroughness to the issues the children raised on the basis of their research and analysis' reflecting his 'perception of the accuracy and importance of their findings – but he was also keen to caution that “adults here also don't want child imperialism ... [and] do not frighten us with any form of child imperialism”'.¹⁶⁰ On the one hand then, the literature reflects the need to emphasise the roles and capacities of children in isolation of adults, and on the other hand, there is concern, even fear, that participation necessitates that children's voices should trump all others. Yet it must be remembered that child rights rely upon others for their realisation. Alanen outlines that 'child' and 'adult' are distinctive and different categories, but there is a relational dimension where both adults and children develop and refine their identities in and through routine engagement with each other.¹⁶¹ Further, adults have important roles including promotion of children's interests at a political level.¹⁶² Graue and Walsh outline that the boundary between the child and adult can be much more elastic than most adults may believe.¹⁶³ Accordingly, rather than focus on the individual in isolation, it is more appropriate to emphasise the relational element in connection with children's participation.¹⁶⁴ Child participation should be encouraged in all efforts and spheres with appropriate adult roles.¹⁶⁵ Guidance can come from a relational approach from child and youth care practice that focuses 'on the characteristics of the co-created relationship, not on the individuals in the relationship'.¹⁶⁶ In this way, issues of power can be redressed and child participation respected in international child protection.

Another tension is due to the problematic tendency to homogenise children's experiences through the conceptual goal of gathering children's voices. This reflects an understanding of a 'class-neutral category of “children”' where many development agencies undertake child participation activities involving a small group with little or no representation from a broader constituency.¹⁶⁷ Thus, participation often neglects children's diverse experiences whereby children become only one category regardless of class, culture or age¹⁶⁸ and fails to accommodate for the plurality of childhood.¹⁶⁹ As such, efforts can bring about more harm than protection, as Ensor and Reinke caution:

In highly ethnically and culturally heterogeneous African countries like South Sudan, child-inclusive participatory approaches also require addressing power differentials among children that result from variables such as ethnicity, gender, age, religion and geography. Attention to these issues is crucial not only in terms of child protection, but also in the interest of peace and the security of the society at large.¹⁷⁰

A human rights-based approach requires that one should be concerned with protection of all children through attention to their diversities, including various marginalised children since they are experiencing discrimination and disadvantage¹⁷¹ as the CRC's non-discrimination principle recognises for instance. Child rights also necessitate respect of children's age, maturity, their evolving capacities, and best interests (CRC articles 12, 5, 14 and 3 respectively) and other rights. Thus, recognition of, and responding effectively to, children's diversity are necessary to respect their human rights.

Thus, child rights should guide international child protection actors to understand the tensions of participation and protection and respect all the children involved. It is also clear that, in balancing, child rights require specialised understanding to move beyond paternalistic, protectionist approaches and that child participation should not be dismissed, minimised or homogenised in the process or results of protection practice.

4.2. Complexities of child rights

While some child protection organisations formally identify their support of child rights, there are complexities in understanding and responding appropriately to these rights in practice. For instance, the aforementioned example of child labour continues to be generally understood as exploitation by many child rights-oriented organisations even though children identify their right to work. Children's contributions to the child labour debate have significantly advanced the understanding of globalisation and a more sophisticated understanding about the complexities of child labour.¹⁷² In another example, an oversimplified approach to ethics may facilitate research but it will inadequately consider children's consent and protection in complex situations including orphaned, separated and street children.¹⁷³ Culture continues to be a major barrier to children's participation both for children and for child protection organisations.¹⁷⁴ It is not surprising then that these complexities mean that some international development NGOs interpret human rights language only to strategically frame operations rather than as a basis to guide their approaches as Miller identifies.¹⁷⁵ Child rights require more contextualised and nuanced understandings and responses. Yet, while this complexity requires resources to fully assess and respond appropriately to issues, better attention to children's views and all their rights could mean that measures are more effective.

The complexities of rights must not continue to hinder implementation because they provide guidance to support the tripartite relationships of the child, family and the state, needed to realise these rights.¹⁷⁶ These rights enunciate how children should be treated and involved in matters of concern to them. While states parties are formally bound by international human rights law, families play an essential role as do enlightened adults¹⁷⁷ and institutions are responsible for respecting and supporting rights, including government officials, teachers, police officers, judges, child protection/welfare and advocacy actors. So while these rights are children's, they also concern those around them who have the responsibility to respect and implement them fully.

Despite the challenges, the complexities of child rights should be addressed in order to improve understandings and responses to child protection issues. Thus, actors and organisations must engage with children throughout their efforts to ascertain the impact and effectiveness of processes and results as well as respect all rights.

4.3. Influence of Agendas

Pertinent to the rights implications of child participation and protection, questions and critiques about agendas may relate to the motivations of particular agencies either seen generally to represent minority world priorities or their particular mandates.

4.3.1. Human rights as minority world priorities

Consistent with historical critiques about rights, some literature identifies concerns about how rights reflect minority world conceptions and priorities, also described in the literature as ‘Western’ and/or ‘European’.¹⁷⁸ The child rights discourse has long been ‘plagued by ethnocentrism’.¹⁷⁹ More recently, for instance, Nsamenang outlines that Western organisations attempt to enforce Western ideas on African people so that the ‘Discourse on child development and the “quality” of childhood care and services inspired by and framed within the dominant mainstream narratives generally pathologize African forms of childrearing and child guidance.’¹⁸⁰ This conclusion highlights ‘the significance of context and culture and the need to notice, accept, and be inclusive of the huge variety of childhoods that international child rights instruments appear to subvert’.¹⁸¹ In another example, the tension between the local and international is evident. For example, ‘the CRC stands accused of attempting to impose Western ideals on African societies’.¹⁸² Nsamenang critiques the ‘interventionist’ approach to addressing Western concerns in Africa and that aid to African children is not ‘culture-fair or context-valid’.¹⁸³ Indeed, to ‘better reflect African cultural concerns and to address other relevant issues not addressed in the CRC’, South Africa, for example, ratified the African Charter on the Rights and Welfare of the Child¹⁸⁴ in 2000.¹⁸⁵ But others have pointed out that African countries were part of the CRC drafting process and that African children are often precluded from enjoying many CRC rights due to factors that have nothing to do inherently with culture but with the conduct of power elites, warring factions, ethnic tensions, etc.¹⁸⁶ The CRC is also criticised because some interpret it as emphasising the individualised child, reflecting the controversial values of Western countries.¹⁸⁷

This traditional challenge to human rights reflects difficulty with universal claims. However, Brown enunciates that in order for rights to have meaning, that ‘social criticism should rest on conceptions of the good which relate to the contexts in which life is lived rather than that they should rest on “general moral standards” applicable to all humanity’.¹⁸⁸ In other words, as Rorty explains: ‘Rights act to “summarise our culturally influenced intuitions about the right thing to do in various situations”’.¹⁸⁹ But this does not mean that rights do not challenge problematic or harmful measures that either ignore or violate the child’s rights as they urge dialogue to understand and respond appropriately to these protection challenges because ‘uncompromising positions that do not reflect the realities of the context do not necessarily support the human rights of those involved’.¹⁹⁰

Gaps in understanding and responding to protection concerns can be reconciled through child participation. However, demobilisation efforts for child soldiers in South Sudan for instance, particularly when lacking effective reintegration elements, ‘are perceived as an unwelcome and unjustifiable intrusion of international norms on local realities. Discouraged by the lack of viable options offered by civilian life, many ex-combatants are reportedly joining irregular militia groups after compulsory demobilisation.’¹⁹¹ Berlan also concludes that

Although the welfare of children was construed as being the central factor behind the frenzy of stories of abuse in the West African cocoa industry, this was undermined by the failure to conceive of child rights holistically, the lack of sensitive research in the form of in-depth field investigations, and an insistence on pre-conceived moral judgements.¹⁹²

Therefore, apparently simple conclusions that children must be forcibly removed from armed conflict and that child labour must be eliminated in every context in order to advance children's right to protection are not necessarily effective when their right to express their views is not taken into account. To be clear, efforts must address the pernicious effects of such issues as armed conflict in light of obligations under the optional protocol to the CRC on the involvement of children in armed conflict, which prohibits conscription of those under the age of 18, and other international human rights obligations earlier. Yet, the issues that led children to engage in armed conflict must be taken into account and redressed in order for international child protection to be effective. The roles and influences of pertinent cultural and religious traditions or national concerns must be considered with due weight to child participation in the process in the necessary task of balancing the rights of all involved. Above all, a child's rights are fundamental and must be respected around the world. The importance of more nuanced and rights-respecting analysis and measures for children's protection and participation rights should be advanced. As such, human rights do not simply reflect the minority world agenda and the meaningful engagement of children can help in understanding and implementation of more effective protection measures.

4.3.2. Mandate or priorities of the development agency/organisation

While there are several general critiques about international development assistance,¹⁹³ the focus or mandate of child protection of the development agency may be understood to contradict the contexts and realities of children of concern. For instance, it has been observed that there are dangerous transformations when child-led organisations associate with the larger adult development agenda.¹⁹⁴ White and Choudhury also refer to 'projection' in development agencies in Bangladesh, which can limit considerations of children's lived experiences so that child participation in practice can become a project in itself, inconsistent with children's everyday routines and discourses, thus making it both tokenistic and irrelevant to children's lives.¹⁹⁵ As adults have a dominant role in agendas relating to children,¹⁹⁶ this adult development agenda can be problematic for advancing rights-respecting child protection.

The influence of a development agency's agenda is evident when children themselves contradict what the agendas are for them. For example, there is a common child protection objective to reduce and eliminate marriage due to such concerns as early pregnancy, reduced education opportunities and so on.¹⁹⁷ Yet, recent research about child marriage in Zambia that involved various key stakeholders including girls, boys and adults reveals that this dominant understanding is not so straightforward. 'Children often decide on their own to marry'; and many of these marriages reflect the wish to improve one's situation and in addition to reflecting inter alia social and economic inequality, it is also 'a protective strategy employed by parents as well as boys and girls'.¹⁹⁸ As such, the development agency agenda does not necessarily reflect the local reality, as discovered in Zambia. Cheney argues that due to an over-emphasis of 'a protectionist, "best interest" approach to the fulfilment of the CRC over an empowering one ... the problem lies in

adults' use of children's rights for their own self-interest'.¹⁹⁹ In this way, the child's right to participate is not challenging and guiding child protection approaches, instead the language of the right to protection overrides other rights. Without a doubt, international child protection remains important because, using the earlier example, leaving a child in such a marriage can also be very harmful depending upon the spouse involved and support the paternal status quo in the local, elite, male-dominated society. Such challenges to child protection as power, institutional barriers and misunderstandings about children and their human rights identified earlier remain significant in many contexts. Accordingly, conclusions about child protection issues should not go unexplored in research and the development, implementation, and monitoring of appropriate measures. International child protection should not involve the imposition of development agency priorities without considering the views of children and others in the targeted community. A more comprehensive approach is required to effectively address such systemic issues as violence, conflict, poverty and discrimination and their specific local manifestations that lead to child protection concerns. The aim should be for meaningful dialogue between international and local child protection actors with the particular population concerned, including children and young people, in order to find an acceptable way of working together for common objectives and the respect of child rights.

So while development agencies may have difficulty with children who arm themselves with guns in conflict situations, choose to be sexually exploited by adults or live on the streets, such simple responses as removing these guns or institutionalising them will not necessarily be effective in advancing their protection over time. Children themselves can offer much insight into understanding the realities of these issues and what the protection requirements are in the particular contexts. By involving children, they can inform about what is in their best interests, not simply provide stereotypes and assumptions about them.²⁰⁰

In summary, both of these critiques pertaining to agendas – whether minority world or development agency mandate/priorities – are similar in that the organisation or influence may be inconsistent with the particular context or reality. These charges question the integrity of efforts and respect of all child rights. Rather than reflect the positions of the critics, child rights should not be misinterpreted or misappropriated. While universal, child rights do not mean similar implementation in every context. The Vienna Declaration and Programme of Action enunciates:

While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.²⁰¹

In other words, rather than dogmatically requiring standard interpretation and application, child rights should be understood as flexible and respectful of the child in question and the particular context.

4.4. Protection assumptions and goals

Child protection is a traditional provision in international rights, as described earlier, yet research reveals that organisations and actors must pay careful attention to avoid assumptions and stereotypes in their policies and programmes that misguide them about child

protection and what is needed, what constitutes vulnerability and harm or risk, and what is necessary to support child participation or other child rights. Assumptions about what the child ‘needs’ and the goals or intentions of protection must be examined. Further, critical analysis is needed of the practices and results of child participation in terms of determining which and why specific children need protecting and how to respond appropriately to them. For example, some children and young people recruited as soldiers have expressed that they acted willingly for causes that they believe in, reflecting their own agency, and often the desire to contribute to their household income, rather than reflecting the dominant discourse that they need to be protected from armed conflict.²⁰² While some may challenge their conclusions due to limited options, their perspectives must be taken into account in order to design and implement effective prevention and interventions. As Denov found in research with former child soldiers in Sierra Leone, restrictive understandings of them by media and popular discourse do not represent their realities.²⁰³ In order to have accurate understandings of specific issues, research must include various perspectives, including:

listening to children’s feelings, perceptions and views as an essential source of the evidence on the way work affects their development, especially psychosocial aspects of development. Their feelings about work, about school and about core social relationships that support or undermine their dignity and sense of security are vital indicators of hazard and harm.²⁰⁴

Yet, as described earlier, the literature includes various examples of how child protection efforts seem to disregard the complexities of children’s realities. Further, child rights necessitate understanding and respect of each child and are not realised by considering and treating all children similarly; children’s experiences have to be contextualised.²⁰⁵ It is not reasonable to assume that children should follow the same cultural expectations as in the West.²⁰⁶ At the same time, protection should facilitate children to be informed about, and supported to choose viable options beyond, restrictive, harmful structural constraints, for example sex work, in order to realise their full potential in accordance with child rights.

The motivation in practicing child participation is also influential. Thomas, for instance, recognises the challenge because, if the purpose ‘is to improve children and young people’s sense of personal efficacy or self-worth’, participation will be undertaken and evaluated differently than if it is in order to improve decision-making about public service provision.²⁰⁷ Is the goal social change or systems change and how does this distinction influence efforts? If the aim is systems change for instance, efforts may ignore children’s participation in order to be ‘expedient’, particularly if key actors assume to know children’s views. In order to avoid problematic assumptions and goals, then, the effective engagement of children can guide these efforts and the respect of their rights, including their right to protection. Through participatory research for instance, marginalised groups can analyse issues and advance respect for diversity and multiple perspectives.²⁰⁸ If done well, child participation can support international child protection.

4.5. Indivisibility and interdependence of rights

The focus upon the child’s rights to participation and protection illuminates the ongoing challenge of the essential human rights principles of interdependence and indivisibility in international child protection.

International human rights law reflects the historical and political categorisation of economic, social and cultural rights as distinct from civil and political rights, as evidenced in the existence of the two, rather than one, international covenants. Yet, the universality and indivisibility of human rights have been long established,²⁰⁹ through inclusion in the Universal Declaration of Human Rights preamble,²¹⁰ and recognition by the majority of the UN General Assembly at its fifth session (1950).²¹¹ Moreover, the Vienna Declaration and Programme of Action outlines that: 'All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.'²¹² This means that human rights cannot be separated or divided since they are dependent upon each other in terms of implementation and priority. However, the advancement of human rights principles in practice beyond the traditional categorisation of rights continues to challenge the human rights community. As Brems explains, indivisibility 'is generally disregarded in practice' in relation to economic and social rights, generally considered less important.²¹³ Similarly, indivisibility appears to be often ignored due to the emphasis upon child protection, which seems to marginalise other rights including to participation.

International development actors tend to emphasise child protection, rather than all child rights. Child protection is a historical international goal since the League of Nations adopted the Geneva Declaration on the Rights of the Child in 1924.²¹⁴ The pre-occupation with protection means that children's views, if they are considered, are not given 'due weight' in accordance with CRC article 12 about what is needed for their own protection, thereby reflecting the paternalistic understanding of what is necessary for the child's best interests. This is illustrated in the fact that children were not included in the ten years of negotiations for the CRC. This likely led Hart to critique the CRC in 1992 as overly concerned with protection,²¹⁵ despite the CRC's breadth of rights. Just as attention to economic, social and cultural rights can illuminate the restrictions of the traditional categories, instead of the interconnections among all rights,²¹⁶ the longstanding priority of child protection in practice can also hinder understanding of, and commitment to the indivisibility and interconnections among rights. The CRC reflects a holistic approach to all rights, incorporating both categories in an international instrument for the first time in its comprehensive scope.

The principles of interdependence and indivisibility mean that protection cannot be fully realised without respect and implementation of other child rights. The CRC guiding principles guide understanding and realisation since they are important in interpreting and implementing all other rights.²¹⁷ The literature also acknowledges this interconnection of processes affecting children.²¹⁸ Hence, the role and value of child rights are important in understanding and responding to child protection concerns. 'While children's rights can usefully be invoked to isolate injustices affecting children, their greatest value may lie in connecting these injustices with larger patterns of hardship, exclusion and violence.'²¹⁹ Thus, these issues and the implicated rights concerns cannot and should not be redressed in isolation. With respect to child participation then, it is advanced through other CRC provisions including the aforementioned principles of best interests, evolving capacities and non-discrimination as well as the freedoms of expression, association, and access to information. After all, the appropriate response to human rights is greater attention to the rest of child rights.²²⁰ Consequently, due to the human rights principles of

interdependence and indivisibility, international child protection actors should reflect upon and respond effectively to child participation and other child rights in order to support effectiveness of these efforts.

5. Conclusion

In summary, a review of the international human rights framework and literature has found that there is ample theoretical support for child participation but that it is not well practiced in international child protection for several reasons. There continues to be such issues as: limited understandings of children and their capacities; power struggles; and institutional barriers. The interconnections between the two fundamental rights and principles of child protection and participation remain underappreciated and underpracticed in international child protection.

Dyadic positioning of the child rights to participate and protection in practice is problematic. While seemingly contradictory, a child has both agency and vulnerability, which must be recognised and advanced. As outlined earlier, despite the challenges, child participation is needed in international child protection efforts to avoid short-sighted understandings and responses. As Poretti et al. outline, more complex narratives are necessary to address ‘culture and attitudes denying equal status of children and adults’.²²¹ This observation is also relevant in relation to children’s protection since children themselves must also contribute to adult efforts to protect them.

The CRC has been very influential in transforming understandings and attitudes of adults about children.²²² The former chair of the UN Committee on the Rights of the Child, Jaap Doek, outlines that child rights rhetoric is often considered a problem, or ‘insincere eloquence’; well-intentioned rhetoric must be followed up by practice. While states parties have the responsibility to support their obligations under the CRC and related international instruments, other actors are also involved as CRC article 45 affirms. He correctly explains, ‘CRC implementation can only be successful if there is a shared responsibility of the State and all other relevant actors’.²²³ In order to respect the international human rights commitments to child participation and protection and international child protection priorities, there is much more work to do by policymakers, programmers and analysts. In light of the interdependence of human rights, advancement of child participation allows for progress and supports other child rights. In advancing the priority of respect for human beings, international human rights offer an important avenue of innovation to overcome these persistent challenges in order to move forward.

Partnership also offers a valuable avenue for progress because children are still excluded from participating in processes that involve their future.²²⁴ The child right to participation requires that adults see children and young people as partners rather than subordinates in planning for their well-being.²²⁵ As Masson outlines, rather than just a child focus, partnership can counter marginalisation and avoid exploitation and manipulation.²²⁶ Partnerships with children are characterised by children and staff being considered as equal, both having something to contribute.²²⁷ A framework of ‘intergenerational dialogue’ should guide children’s relationships with adults and calls for rebalancing the levels of influence upon each other.²²⁸ Calder stresses that partnership highlights shared responsibility and dilution of professional power, with more participation including children as part of the framework for effective child protection strategies.²²⁹ Further, the UN Global Survey on

Violence against Children identified several key lessons, including the importance of meaningful and ethical participation at the beginning of any process: children's abilities and capacities should be maximised; resources including time must be dedicated; community and national processes are necessary to involve children; and diversity, including younger children, should be advanced; understanding of child protection before engagement should be supported; and long-term plans and realistic goals should be generated.²³⁰ These are valuable considerations moving forward. Rather than adults 'helping' or 'saving' children then, adults should form intergenerational partnerships with them because children's understandings of the world at the local level will not only support their right to participate, but also may facilitate partnerships and more potent programming.²³¹

Graham et al. outline that attitudes, beliefs and values of all stakeholders shape the process and there is a need for reflexive and genuine dialogue in research with children,²³² but the argument also holds true with respect to participation and international child protection. The main obstacle as Graue and Walsh point out, lies within ourselves as adults so there is a need to improve an in-depth and inclusive approach.²³³ Both research and dialogue among academics and practitioners should continue about the role of child participation and how it influences policy and programming of international humanitarian and development work. There is a need to identify and share best practices for international child protection settings in order to advance and ensure the authenticity, representation, inclusiveness and extensiveness of child participation and the respect of all children's rights in international child protection policies and programmes. Due to the need to monitor and evaluate child participation, Lansdown and O'Kane have developed a useful toolkit for practitioners offering exciting possibilities.²³⁴ In this way, attention can be directed not simply to protection outcomes but also to the *processes* and how outcomes are achieved,²³⁵ in contrast to almost all current monitoring and evaluation frameworks and results-based management systems.

In addition to establishing the child's right to participate, CRC Article 12 calls for the establishment of mechanisms to promote and support participation.²³⁶ An international research partnership involving scholars, practitioners in NGOs and eventually children themselves is currently building and mobilising knowledge and understanding about the nature and requirements of effective child participation in international child protection. It is hoped that this partnership will advance coordinated efforts with children and support understanding and progress through monitoring.

In conclusion, rather than simply responding to the child as a victim in need of protection, analysis of the relationship between children's participation and international child protection leads one to recognise that a more complex appreciation of child rights is needed. Further, as noted by the young person at the article's outset, follow-up to what children and young people contribute is also required. After all, we should simply heed the advice of the young person who outlined:

I have the right ... to be treated like a human.²³⁷

Confirmation of ethics compliance

This article is a literature review and is in compliance with university ethics requirements.

Notes

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