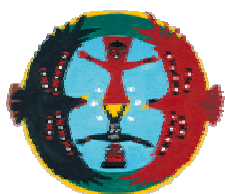


Evolving Capacities and Participation

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1 The concept of children's evolving capacities.

Children are in a process of continuing development. Adults, too, continue to acquire skills, knowledge and competencies throughout their lives, but childhood offers a unique window of opportunity for unlimited development and learning. However, the fulfilment of children's potential is not a given. The extent to which children acquire cognitive, emotional, social, moral and physical competencies are derive largely from their life experiences: the social, cultural, economic and emotional environment in which they grow up. And it is largely through respect for their rights that children achieve the optimum environment through which to fulfil their capacities. The UN Convention on the Rights of the Child provides a principled framework for promoting this process. This is realised through three differing but linked strands.

Firstly, many of its articles are directed towards ensuring that the child is provided with the necessary environment to stimulate the optimum opportunities for development: the right to survival and development, the right to an adequate standard of living for adequate development, the right to play, to education, and to protection from harmful work.

Secondly, the Convention recognises the child's 'emancipatory' rights: that as competencies develop, so too must the child's entitlement to take increasing responsibility for the exercise of their own rights. The Convention makes clear that parental direction and guidance to children must be provided in accordance with the child's evolving capacities.

And thirdly, the Convention acknowledges that children are entitled to protection from harm where they lack the knowledge, understanding or experience with which to protect themselves. In other words, these protective rights are derived from recognition of children's 'unevolved' capacities.

In summary, children's evolving capacities need to be understood in the context of the child's right to optimum development, a respect for the competencies they have acquired and protection from experiences and decisions they have not yet acquired the capacity to take responsibility for.

2 Participation and children's evolving capacities

A key element linking these three strands is the recognition that children are active agents in the realisation of their own rights. The participation of children in decisions and actions that affect their lives is fundamental to the promotion of, respect for and protection of their evolving capacities. They are participants in their own development. The process of participation also plays a major role in helping acquire and strengthen capacities. It is through participation that children are empowered to take greater responsibility for the exercise of their own rights as they gain confidence and competence to make informed choices. Appropriate protection of children that takes into account their 'unevolved' capacities is also most effectively provided in consultation and collaboration with children themselves. The UN Committee on the Rights of the Child recognised the centrality of the principle of children's own

engagement as actors in the exercise of their rights when identifying Article 12 as a key underlying principle to be considered in implementing all other rights.

a) Promoting children's capacities through participation

There are, of course, important developmental differences that are linked with age. It seems clear that, although Piaget's ideas on discrete and defined stages of developmental growth have been largely discredited, it is impossible to discount the concept of stages altogether. It is widely accepted that some significant changes in physical strength, agility, and cognitive and social competencies take place during a child's second year, at around 6-7 and again at puberty¹. Cognitive performance is dependent on the emergence of specific skills, which are simply not available to young children².

However, more recent research has increased the awareness of different patterns of childhood experienced by children in different cultures and socio-economic environments, and has highlighted the limitations of using age as a proxy for assumptions of competence. Providing children with adequate nutrition, intellectual stimulation, opportunities for play, a healthy environment, rest, social interaction and emotional care and security are necessary for healthy development and realisation of the child's potential capacities. Conversely, their deprivation will impede the child's growth and development³. In addition, there is a growing body of evidence indicating that where children are given opportunities to participate in the development and fulfilment of their own capabilities, they acquire greater levels of competence, which in turn enhances the quality of participation⁴. It is the experience of involvement in shared activities with both adults and peers where there is a presumption of ability to complete a task successfully, which encourages children's development. Such skills are neither innate nor inevitable consequences of social maturation. They develop in accordance with experience, and are influenced by adults' attitudes and the levels of responsibility afforded to the child.

Children are not merely passive recipients of environmental stimulation. Rather, they actively engage with their surroundings in purposeful ways, even from babyhood⁵. Indeed, they play a key role in influencing their own development. Participation is not only a means by which children can effect change but also provides an opportunity for developing a sense of autonomy, independence, heightened social competence and resilience⁶. This process is evidenced in the very different levels of competence attained by children according to their contrasting life experiences.

Positive change through participation in school

For most children in the world, schools operate on the basis of the child as a passive recipient of adult expertise, with a range of punitive measures that can be brought into play by the teachers, if children fail or refuse to conform to the requirement to learn in this way. What this traditional approach to education fails to recognise is the contribution that children themselves are capable of making to the creation of an effective learning environment, and the learning that arises from children's own active engagement in education.

Evidence of how much more children can achieve through a democratic and socially relevant education can be seen in the New Schools programme in Colombia. Through this programme, schools have introduced a flexible curriculum with mixed-age classrooms that allow children to learn individually and in groups, with the teacher functioning as a facilitator⁷. They have also developed structures that enable children to function as a democratic community. For example, one school has developed a forest conservation project in which the children are seeking to save the mountain slope by planting native species of trees. The children must first meet the challenge of educating local villagers about the problem of using wood for firewood and for sale. Next, they collect seeds from existing trees to establish a nursery, which will ultimately be used to replant all the slopes with native trees in close collaboration with the adults of the community. The strength of the programme lies in the wide range of competencies children acquire, backed up the opportunity to learn through practice. Beyond the basic skills of literacy and numeracy, they learn environmental science, development and sustainability, processes of democracy and decision-making, how to formulate and present arguments and skills of negotiation. A key element of this educational process is that children learn by being respected to take responsibility for the project, with the support of committed adults.

In a completely different context, but with a similar approach to participation, is a junior school (7-11 years) in a particularly deprived area of England. This school had been characterised by high levels of violence, disaffection, bullying and truancy. A new head teacher decided to involve the whole school community in making the school a safe and effective educational environment. She consulted with all the children, as well as teachers and administrative staff on what changes were needed. The outcomes of the consultation included:

- The establishment of a school council in which the children had genuine power. They were involved, for example, in the development of all school policies and in the recruitment of staff;
- Regular 'circle time' where all the children in the class had an opportunity to discuss any issues of concern;
- The creation of a bullying box where children could, in confidence, give information about having been bullied;
- The appointment of 'guardian angels' – children who volunteered to befriend children who were without friends, being bullied, or simply in need of support; and
- The implementation of child mediators who would help children resolve conflicts in the playground.

As a result of these changes, the children were happier, achieved better educational results, and acquired considerable skills of negotiation, democratic decision-making and social responsibility. The experience demonstrated that young children are capable of accepting considerable levels of responsibility when invested with trust and support. Indeed, children can act to protect themselves and others when their rights are respected. By respecting and investing in children's active engagement, the children acquired skills and confidence that would have been denied them in a more traditional and authoritarian environment.

This process of acquiring competence through responsibility also applies to very young children. In one nursery of 20 children up to the age of four years, the staff decided that the children could help themselves to fruit and water when they wanted

to. Initially the children asked for permission until they understood that they could help themselves. Some spilt the water, but they learned to mop up the spills and to pour the water more carefully, as they acquired experience. In being consulted in this practical way about what they actually preferred, the children were able to behave more responsibly and the staff were free to do other things⁸.

What these examples illustrate is that children's capacities are developed most effectively through interaction: the process of learning generates development and children grow in competence through participation. Rather than development taking place in orderly, predictable stages, children come to know and understand the world through their own activities in communication with others⁹. In other words, the most effective model for developing competencies is one where children work collaboratively, each serving as a resource for others, and taking varying roles and responsibilities according to their understanding and expertise¹⁰.

The importance of direct participation in acquiring democratic responsibility

Children can participate at a number of different levels¹¹:

- Onlooker – observing, not taking an active role
- Audience – a recognisable place but no power
- Members – potential rather than immediate power
- Active functionary – power over part of the setting
- Joint leader – shared immediate authority over the setting – for example, representative of a school council
- Single leader – immediate and sole authority

While participation often starts with children being given opportunities to observe, this alone provides minimal opportunity for the development of competence. The most effective preparation for a sense of self-efficacy is to achieve a goal for oneself and not merely to observe someone else achieving that goal. For example, research in schools found that in small schools, the opportunities for taking on a responsible position were high when compared with larger schools, and accordingly, far more children in the small schools had opportunities to exercise responsibility and develop competence¹².

Nowhere is this process better illustrated than in those few schools that have allowed children complete democratic rights. For example, Summerhill in the UK, one of the earliest such schools, continues as an environment in which children, aged between 6-18 years, are given total democratic control over all aspects of school life, through the weekly school meeting. At this meeting, at which staff and children have an equal vote, and therefore children significantly outnumber staff, all school policy and practice is decided. The meeting is responsible not only for the establishment of school rules but also their enforcement. Classes are not compulsory: children are responsible for making their own decisions about attendance. And, although many children who arrive at Summerhill from more traditional schools tend to go through a period on non-attendance, ultimately they all participate in classes and the educational attainment of children in the school is good¹³. The school argues that '*Giving children*

*freedom and power over their own lives promotes a feeling of self-respect and of responsibility to others. They learn from an early age that what they think is important and that others will listen to what they have to say - and that what others say and think is equally important, and should be listened to*¹⁴.

What is striking about this environment is the extent to which children develop in direct response to the responsibilities and expectations placed upon them. The school meetings, the vehicle of self-determination for the community, are the basis of the freedom its members enjoy. But they have other effects on the children: the many visitors to the school invariably comment on the children's articulacy, their self-assurance, their general air of being in control of their own lives, as well as their degree of social responsibility, compared with their contemporaries at other schools.

The impact of social exclusion on the development of capacities

In most countries in the world, there are groups of children whose experience of discrimination and social exclusion means that they are largely denied any real opportunities for meaningful participation: girls, children from ethnic minorities, refugees, children in penal institutions, children with disabilities, and street children. For example, the social marginalisation of girls limits their opportunities for engagement in decisions that affect them and accordingly their opportunities for the development of skills, confidence, and the capacity to make informed choices. Subservient roles, constraints on personal autonomy, exclusion from education, sexual exploitation and arranged marriages, lower wages, domestic work and lower status within the family will all affect girls' self-perception, and indeed, realisation of their capacities and abilities.

In societies where disability is viewed as a punishment or a curse, children with disabilities grow up with a profound sense of their own incapacity. They are consistently defined by what they are not and what they cannot do, and denied the emotional and educational investment to allow their capacities to develop. Many are forced into residential institutions where they have little or no control over any aspect of their day-to-day lives, very little opportunity for creative interaction with adults or their peers, and only limited educational provision. They are marginalized from society, and rendered passive and isolated. The consequence is that the experience of the institution itself serves to further disable children and deny them the opportunity to develop their capacities¹⁵. Even where children with disabilities remain in the community, discrimination and ignorance often combine to deny them opportunities for social or economic participation. For example, in Nepal, as in many other countries, children with disabilities often spend much of their lives at home in the back of their parents hut¹⁶. They cannot play with other children, cannot go to school, are not included in social festivities and are not encouraged to take part in the economic life of the family. Through this process of social exclusion, they are forced into a downward spiral of helplessness and dependency. Because the adults around them fail to demonstrate confidence in their abilities to participate in activities and decisions that affect them, the children, in turn, fail to develop the confidence and competence to do so¹⁷.

Yet, when opportunities for real participation are provided, children with disabilities, like all other children, are able to benefit from the experience. For example, an

evaluation in 1999 of the children's clubs in Nepal revealed that none had included children with disabilities¹⁸. Since then, efforts have been made in some parts of the country to make the clubs more inclusive. In one area, for example, the three local children's clubs involve 20 children with disabilities with five of the leading members having a disability. In one such club, the children decided to undertake a house-to-house survey in their village to find out how many children with a disability were not enrolled in school. Once they had identified the children, they counselled the parents to persuade them of the value of their children getting an education. In some cases, the problem was primarily one of poverty, and accordingly, the children undertook fundraising to help the family cover the costs of books, equipment and school uniform¹⁹. This initiative vividly illustrates that by participating, the children achieved not only greater social awareness and confidence, but also encouraged them to take the necessary action to utilise their experiences for the benefit of other disadvantaged children.

b) Respecting children's capacities to participate

Article 12 of the Convention on the Rights of the Child asserts that all children are entitled to express their views on all matters of concern to them and to have those views taken seriously. It goes on to assert that those views must be given due weight '*in accordance with the age and maturity of the child*'. The implication of Article 12 is that decision-making responsibility rests with adults, but must be informed by the views of children, and that the greater the level of competence of the child, the more weight that must be attached to what they say. Article 5, however, introduces an additional concept. It states that that parental direction and guidance in the exercise by the child of their rights must be provided, '*in a manner consistent with the evolving capacities of the child*'. It therefore implies that, once children are competent to exercise an informed choice, then they are entitled to take responsibility for making their own decisions. However, although very considerable thought and energy has been invested in developing principles and practice in respect of children's participation in decision-making in recent years, relatively little attention has been given to developing the tools for assessing whether and when children have the competence and maturity to take responsibility for that decision-making on their own behalf.

Much of the current thinking in respect of children's developmental capacities is derived from Western child development theories, which rest on a presumption that adulthood is the normative state, with children being in a state of immaturity characterised by irrationality, incompetence, passivity and dependence²⁰. The goal of childhood is thus to acquire the competencies associated with adulthood. This 'deficit' model of childhood leads to a failure to recognise the extent of children's actual capacities. It means that much of what children are capable of is rendered invisible. Their views are not taken seriously because it is believed they lack the competence to know what they want or need²¹. These assumptions about childhood capacity have profound impact on the extent to which children are encouraged and enabled to participate in decisions affecting their lives, and have led to persistent under-estimation of the children's potential for participation in competent and rational decision-making. Indeed, children in most societies in the world are denied opportunities to participate in decisions they are actually or potentially competent to

make because of negative assumptions made by adults about the nature of childhood. Yet, there is a wealth of evidence to counter the prevailing perception of children as incompetent beings, all passing through a universally and pre-determined process of development.

Different cultural assumptions about children's capacities to participate

If one looks at the widely differing patterns of social and economic participation by children in different cultural environments, it is apparent that children's developmental capacities owe less to biological or psychological determinants and more to expectations of their community, levels of support and goals associated with childhood. Woodhead has argued that three elements influence children's development – the physical and social environment, the culturally regulated customs and child rearing practices, and the beliefs and values of the parents²². And we can better understand childhood as a product of these processes, rather than as a series of universal stages.

In most Western countries, children are expected to remain in full time education for a minimum of 10 years, and often longer, during which time they are socially and economically dependent on their parents. Work during this period tends to be discouraged, although many children do, in fact, obtain part-time work. In practice, children spend much of their childhood in schools that are largely segregated and insulated from the adult world, with only limited opportunity for active participation in the social and economic life of their community. Indeed, the expectation is that children are recipients rather than contributors to their family and community – emotional rather than economic assets. The experience of childhood largely seen as a period devoted primarily to play, and the acquisition of educational skills and knowledge, precludes children from opportunities to take responsibility for themselves and others. Limiting the autonomy of children in this way promotes a self-fulfilling prophecy of learned helplessness where they know they are not free to decide major issues, their decisions are not binding and their dissent can be easily over-ruled²³.

Children's experience in many developing countries is rather different, with much higher expectations of social and economic participation. For example, at the age of 10 years, Tonga children of both sexes in Zimbabwe participate in the household's agricultural enterprise as farmers, livestock owners and cash earners, often owning and controlling both land and livestock. At this age, boys would be expected to build their own house whilst girls would be considered capable of running a household in the absence of a more senior woman²⁴. Children in Peru's asparagus farms are generally regarded as having almost adult competence by the ages of 11-14 years, often taking sole responsibility for the cultivation and management of a field²⁵. Research into young people's lives in rural Bolivia, indicates that from the ages of 13-16 years, they are negotiating decisions about future work or education, and, despite major structural constraints limiting their choices, are nevertheless exercising clear agency in deciding whether to stay in school or to start work, whether to work within the local community or migrate to seek better financial possibilities, and whether to opt for a rural or urban lifestyle. Furthermore, they exhibit a strong sense of family responsibility and their choices are heavily influenced by the importance of balancing

their own wishes with the needs of the family. This research highlights that young people of this age, not only demonstrate the capacity to make informed choices based on realistic assessments of the options available to them, but that in doing so, they are aware of and able to take account of other perspectives than their own²⁶.

In light of these differences, it becomes apparent that it is not possible to make universal assumptions about the capacities of children to participate in the decisions and actions that influence their lives. Children's competencies evolve in large part in response to the world they grow up in. This evidence poses significant challenges to the defence of excluding children from participation in decision-making processes on the grounds of inexperience and incompetence.

The invisibility of children's participation

Lack of awareness of children's capacities is compounded by the invisibility, to adults, of much of what actually goes on in their lives. If one scratches below adult perceptions of children's lives, a different picture of children's activities, behaviour and responsibilities emerges. For example, Mayall's research amongst nine year olds in London reveals that they carry out complicated lives, '*managing bodies, brains and emotions in the highly structured world of schools*'²⁷. They take charge of books, clothing and equipment needed for the day, they cope with and negotiate social relationships with peers and staff, organise homework and manage deadlines. In addition, in the context of changing family patterns, many were offering support to their mothers in the aftermath of divorce, negotiating new relationships with new family members, and negotiating contact with the absent parent. In other words they are participating with high levels of responsibility across their daily lives. Alderson's work on children's capacity to consent to surgery reveals that children as young as 5-6 years old, who have experienced intensive levels of medical treatment, can acquire the ability not only to understand their condition and any proposed treatments, but also to participate in wise decisions based on the information available to them²⁸. Their competence develops in response to their own experience, reasonably high expectations and supportive relationships. Punch's research with children in rural Bolivia also highlights how children consistently re-negotiated adult-imposed boundaries, asserted autonomy and took initiatives to shape their own lives. Whilst in a relationship of relative powerlessness, they nevertheless adopted a range of strategies, including those designed to avoid work, to enlist support in tasks undertaken or to re-negotiate workloads²⁹.

In other words, children across very different societies and in widely differing contexts are demonstrating skills and judgements in respect of the management of their day-to-day lives. However, much of this is achieved without adult recognition or acknowledgement. The extent of the invisibility of children's contribution is highlighted in Solberg's work with families in Norway in which parents commented that as children grew up, they created less work. The implication was that these tasks had somehow 'disappeared'. In fact, of course, they were still being done, but because they were undertaken by children themselves, they were not recognised³⁰.

Benefits of respecting children's capacities to participate

Despite this very positive evidence of children's capacities for high level participation in all aspects of social and economic life of their communities, relatively few children in either the West or in developing countries have traditionally been afforded the opportunity either for participation in political processes, the development of the public policy and services that impact on their lives, or in many aspects of personal decision-making. In other words, children are widely excluded from the opportunity to influence most areas of public life, as they are deemed incompetent to do so. These restrictive attitudes are exemplified by the comments of a member of the House of Lords during a recent debate in the UK on a bill to lower the voting age to 16 years, who expressed concerns that democracy could be made less reliable by involving "*vast numbers of semi-educated or under-educated children*"³¹.

However, the obligations in the Convention on the Rights of the Child to promote children's active participation have begun to have a positive impact. The 1990s were witness to a proliferation of projects and programmes to give children a greater voice in all regions of the world. Emerging from these initiatives is a consistent body of evidence of the capacities of children of all ages to participate effectively in a range of activities from which they have traditionally been excluded. Children in countries throughout the world are now demonstrating the capacity to participate in research, programme design, implementation, monitoring and evaluation, peer support, representation and advocacy, policy analysis and development, campaigning and lobbying, development and management of their own organisations, participation in and use of the media, conferences, youth councils and parliaments³². What emerges from much of this work is that, when working in partnership with adults and given the appropriate encouragement, support, information and opportunity, children display far greater levels of competence than they are traditionally presumed to be capable of. These capacities take a variety of forms:

Bringing a youth perspective to professional expertise

An increasing body of evidence is emerging as to both the value of involving children as researchers, and their capacity to participate effectively at all levels of the research process. Such approaches do not merely improve the quality of research outcomes but also achieve greater social justice and democratic participation for young people. They provide opportunities for them to influence what is researched, how their lives are represented, the recommendations that arise and the action that follows³³.

For example, in a project on sexual exploitation in Eastern Europe, 60 young people under 18 years from six countries were given the opportunity to participate as researchers:

- a) To gather baseline data on the awareness and extent of sexual abuse and the available services, and
- b) To develop training and advocacy material and strategies for challenging sexual abuse of children³⁴.

These young people were directly involved in developing the survey material, determining the methodology to be used at local level, conducting the research, analysing the data and producing recommendations for future action. In all 5,700 survey responses were returned producing a wealth of information

from which to build future strategies for addressing sexual exploitation. Interestingly, there was initial resistance from some of the partner organisations who felt that young people lacked the competence and expertise to take responsibility for research in such a sensitive and complex field. It was suggested that, in order to test out their concerns, a pilot should be held using first the adult professional researcher and then the young people themselves. The outcome was that the young people elicited more comprehensive responses, in large part because the children in the survey felt more at ease with their own generation when responding on issues of sexual exploitation and abuse³⁵.

Demonstrating unique expertise and knowledge

An interesting example of the fact that children can have a level of knowledge and awareness unavailable to adults is highlighted in a project undertaken with 4-5 year olds in a poor district of London in the UK in 1993³⁶. The children were participating in an initiative to identify major public health concerns in their locality. As part of this process they decided to produce a mural depicting the local environment as it currently was, and then as they would like to see it. The researchers found that children objected to the local council providing play areas covered in grass - widely thought to be the most appropriate surfacing. Rather they wanted concrete areas because grass made it impossible for them to see the broken glass, dog excrement and discarded needles used by the drug addicts. In this example, these very young children were better able to identify what was needed for their own protection than the adults with responsibility for environmental health policy.

On the other side of the world, research with street children in Bangladesh highlights a similar divergence between adult and children's views on issues of priority. 11 children aged 10-15 years undertook a survey of around 50 street children on priorities identified by them in their daily lives. Contrary to the professionals expectations that the priorities would relate to the need for health, education and care programmes, the children were far more concerned with violations of their civil rights. The majority of issues they raised concerned torture, injustice, exploitation, cheating, name-calling, never using the child's name, forcing the children to do unpleasant and 'bad' work and the lack of an adult guardian to assist them in realising their rights. The research provided clear evidence that adults cannot simply guess children's views. It is imperative to involve children themselves in both the identification of problems and strategies for their solution³⁷.

In one community in Uganda, it was young children who identified the need for improved water and sanitation for the village. The 600 children at the primary school became concerned that animals used the village pond that was the main water supply. They spoke with the village leader who called a village meeting where the children presented poems and dramas about the value of clean water. As a result, children and adults worked together on cleaning the pond and building a fence to keep the animals out³⁸. In an Indian village, the World Bank and local authorities funded a new school but a year after its completion; the children were still not attending. When asked why, they explained that there was an 'invisible' boundary around the village which

marked the limit of safe travel on foot from their homes and that the school was outside this boundary. Had the planners involved the children in the development of the new school, they would have been able to advise them and the school could have been more appropriately sited³⁹.

Children supporting children

A project initiated by Save the Children UK in Nepal has sought to enable and encourage children with disabilities to obtain primary education by drawing together role models – children who had successfully overcome discrimination, poverty and immense physical and social barriers to become high academic achievers. Initially the project identified key individuals in villages to mobilise support for encouraging parents to send their children to school. They also offered small incentives to reinforce the process. However, they gradually found that it was not the incentives that were having an impact but rather, that once some children with a disability were in school; they began to serve as role models for other families. The project now works by using community motivators to bring forward children as role models to share their stories and advise other communities. These children talk to other children, to government officials, to parents and the media. The scheme is now operating in 32 villages in 3 districts. In other words, the project has moved from adopting an incentive reward approach given to children, towards *‘a social movement for and by stakeholders with a thirst for education’*.

A number of the children involved in this initiative took part in a consultation process with children who had a disability to explore the nature of discrimination they experience in Nepal and what action was needed to challenge its pervasive influence⁴⁰. Also taking part were many children who had never before been involved in any discussions about their rights. Those participating included blind and deaf children, and children with physical and intellectual disabilities. They decided from the outset that they should work in groups of mixed disabilities. In this process, the confidence and knowledge of those children with previous experience of working on rights was shared within the wider group with the result that all the children were enabled to participate effectively. The outcome was a detailed document outlining a comprehensive set of demands for action to overcome discrimination and social exclusion and a commitment on the part of the children to launch a campaign to take their demands forward.

Children acquiring competence through partnership with adults

Article 12 is an UK wide organisation run by and for children under 18 years⁴¹. It evolved from a conference organised in 1995 at which the participating children felt that they needed an organisation through which they could represent their own views on children’s rights, rather than simply relying on adult organisations to act on their behalf. However, the children recognised that whilst they had the capacity to develop their own views, to articulate them and to campaign for greater respect for their rights, they needed to do so in partnership with adults in order that they could benefit from their expertise and support. The children identified a need for help with fund-raising, media work, administration, finance and budgets, and lobbying. However, they were concerned that if they brought in adult help, those adults

would, effectively, take over the organisation. Accordingly, they drew up a constitution in which an adult support worker would be appointed to manage the day-to-day administration, and an adult committee could provide advice and information, but all decisions, policies, campaigning, training and promotional work would be done by the children themselves. In this way, the children recognised both the extent and the limitations of their capacities, created a framework for collaboration with adults but retained ultimate control of their own agenda. And, using this approach they have achieved a great deal. They produced and presented a report to the Committee on the Rights of the Child⁴². They have developed a resource pack on understanding children's rights⁴³. They have campaigned against the parental right to hit children, to lower the voting age to 16 years and to introduce more democratic schools. They have run conferences, participated in training courses, commented on government bills and policies, and advised government committees.

c) Children's capacities to participate in their own protection

Children have a right, not only to respect for their 'evolved' capacities, but also to recognition of their 'unevolved' capacities⁴⁴. The Convention recognises that childhood is a period of entitlement to special protection for children as a consequence of their relative youth and immaturity and this is reflected in many of its articles. Perhaps most fundamentally, the obligation to give primary consideration to the best interests of the child reflects the view that childhood is a period of relative vulnerability, limiting children's capacity either to engage in certain activities or to take the necessary action to protect themselves from any consequent harm. One of the most fundamental challenges posed by the Convention on the Rights of the Child is the need to balance children's rights to adequate and appropriate protection with their right to participate in and take responsibility for the exercise of those decisions and actions they are competent to take for themselves.

The difficulties are compounded by the fact that there is little consensus between, or even within, different communities as to the level and nature of protection children need to ensure their optimum development. It varies widely according to cultural, economic and historical determinants. And the consequent treatment of children results in very different levels of participation by children in the day-to-day management of their own lives. For example, children in the fishing village of Angang in Taiwan are actively encouraged to take part in survival strategies which 'build up the body person'. Inuit children are taught survival strategies by experimenting with uncertainty and danger, the idea being that they should utilise instability and solve problems quickly as they arise. These practices stand in stark contrast with the growing emphasis in most European countries on protecting children from their environment, as fears of traffic accidents and abduction have grown. In the UK, for example, in 1971 80% of 7-8 year olds were allowed to go to school alone, but by 1990, the figure had fallen to 9%⁴⁵. Expectations that children take care of themselves or younger siblings are considered normal and functional in many societies, but dangerous and neglectful in others. These differences exist even between Northern European countries. For example, whereas in the UK it is generally considered inappropriate to leave a 10 year old alone in the home, in Norway, there is widespread acceptance of such practices⁴⁶. Clearly, Norwegian and British children

do not have innately different levels of competence to look after themselves and needs for protection. Rather, all these differences indicate not only the widely divergent societies in which children live and the expectations placed on them, but also the extent to which protection of children needs to be understood in the context in which it arises.

However, the demands can be too high, with profound detriment to children's development. Evidence, for example, from sub-Saharan Africa indicates that when heavy workloads leave parents with little time for active parenting, children feel the subsequent demands on them are even more harmful than the consequences of inadequate food⁴⁷. And as war and HIV/AIDS produces a growing number of child-headed households, it becomes apparent that even though many young children are carrying high levels of family responsibility, it is at enormous cost to their well-being⁴⁸. The challenge is to find appropriate balances. The available evidence indicates that with cultural and community endorsement, and in the context of a supportive family environment, young children are capable of high levels of social and economic participation within the family and community, and that this involvement promotes mental health and psycho-social development⁴⁹. The expectations and confidence of parents and children themselves, prevailing social attitudes, the immediate needs of the family and the external environment are the critical determinants of the nature of protection needed, and their capacity to play a part in providing that protection for themselves. This challenges the conventional approach to protection from adverse circumstances, which constructs the child as the passive and vulnerable object needing rescue by adults from potentially harmful life experiences. In its place, it suggests the importance of engaging the child as an active participant in his or her own protection.

Involving children in their own protection

Four primary arguments arise for recognising children's capacities to participate in their own protection. They suggest that it is not effective, morally acceptable nor practical to seek solutions to child protection without building on the resiliencies, capacities and contributions of children themselves. Over-protection can be every bit as harmful as under-protection. Of course children are entitled to protection from harm, and this does necessitate the introduction of some legal age boundaries and provision of protective care and services. However, the right to protection is not inconsistent with the equal importance of respecting children's own participation and agency in initiatives designed to provide that protection.

Child participation in the development of protective strategies

There is a growing body of research that testifies to the failure of many adult-designed strategies for protecting children where children themselves are not consulted or involved. For example, in Bangladesh, children who were laid off from garment industry jobs after an American campaign to end the employment of children under 15 in this industry led to those children entering forms of employment which were less appropriate and more hazardous than the jobs from which they were sacked⁵⁰. At no point were the children themselves consulted about what strategies might be effective to reduce their exploitation and protect them from harm. Similarly, many programmes designed to remove children from the streets by providing them with institutionalised accommodation and education failed because they did not

seek the views of the children themselves. Those programmes, which have been effective, are those, which seek to empower children by working with them to enable their own experience to inform the development of appropriate interventions and services. For example, Bangladesh is now creating appropriate education for children in all types of work through participatory workshops with groups of children from every occupational category.

The child-led organisation, Article 12, has developed, and takes responsibility for the implementation of its own internal protection policies. For example, the following rules apply at all meetings:

- No alcohol or any illegal drugs are permitted;
- Children under 12 must always be accompanied by someone over 12 years when leaving the premises;
- There must always be an adult female worker on residential meeting;
- Anyone who goes out in the evening must return by 11pm;

In addition, adult support workers are police checked for any offences against children. The children themselves are responsible for addressing any breaches of these rules, with the support of the adult worker. In the event of a problem with the adult support worker, the children have access to two nominated adults from their management council who can provide advice and support.

Child participation in identifying where protection is needed

Too many adult interventions are based on an adult understanding of the risks children face and the nature of protection they need. They are not informed by children's own perspectives, and accordingly, often address the wrong issues with the wrong solutions. For example, recent evidence from the UK indicates that whereas parents felt that the most serious concerns facing their adolescent children was coping with a drug culture, the children were much more concerned with difficulties in relationships and dealing with problems in school. Furthermore, without respecting children's own experience, the adult world can be blind to serious protection issues facing children. Indeed, it is only in the past decade, as children themselves have begun to make their voices heard, that the extent of violence experienced within the family, and its devastating impact on children has begun to be understood, and responded to. In a survey undertaken by UNICEF polling 15,000 children across Europe and Central Asia, an average of 6/10 children reported experiencing violent or aggressive behaviour at home. And the seriousness with which they view this issue is reflected in the fact that 43% of those surveyed identified their primary aspiration for the future as a world without crime and violence. A consultation exercise was undertaken in the UK with 70 children aged 5-7 to explore their experiences of physical punishment. Their eloquent accounts of how hitting affects them contrast starkly with the widely prevailing and complacent view from many parents that such punishments are delivered with love, do not cause real hurt and are only applied *in extremis*.⁵¹ The children provide graphic evidence of the humiliation, pain and rejection they experience when their parents hit them. When asked what they understood by a 'smack', they all described it as a hit. Comments such as '*it feels like someone banged you with a hammer*', '*it's like breaking your bones*', '*it's like you're bleeding*' and '*it hurts, it's hard and it makes you sore*' were amongst those used to describe how it felt.

Even in those areas of child protection that seek to address extreme violations of rights, it is not possible to make blanket assumptions about what is needed without consulting children themselves, and utilising their understanding of the nature of the abuse. There is evidence, for example, that some girls experience a certain liberation in being a child soldier. It provides access to social power, food, clothing and companionship and it is these factors that influence their assessment: they do not perceive the role as exploitative or violating their rights⁵². Of course, this does not justify the use of children in this way: in large part, it reflects the bleak alternatives available to girls. However, awareness of and respect for their experiences must inform the way in which strategies are designed to provide protection.

Avoiding over protection and increased dependency

Protective approaches that leave children completely dependent on adult support run the risk of abandoning children without resources when those adult protections are withdrawn⁵³. This was a point made strongly by the youth delegates in the Winnipeg conference on war-affected children who stressed that they no longer wanted to be cast in the role of passive victims⁵⁴. Rather they wanted recognition that, although they had suffered in their experiences of war, they had also developed coping strategies to deal with those situations and wanted to use and strengthen their experiences to contribute to their communities. In South Asia, the regional consultation for the Second World Congress against Commercial Sexual Exploitation of children, and in which 25 out of 140 delegates were young people, also stressed this issue⁵⁵. In the strategy arising from the consultation, the delegates emphasised the importance of partnerships with children that enhanced the capacities of children themselves to address abuse. It suggested that this be achieved through provision of information, promoting inclusion of children at all levels of activity, supporting children in accessing the media, and enabling children to participate in sensitisation programmes at local, national and regional levels.

Furthermore, active recognition of and support for children's participation enhances and strengthens their developmental capacities. Too often, the downside of being offered an entitlement to protection is that it offers less status and power with which to influence the means of protection provided. Children often feel that some of the protections 'imposed' by the adult world are unnecessary, inappropriate and intrusive. This problem was exemplified in a project undertaken by Marshall in Scotland to explore children's capacities for participating in processes designed for their protection. A series of case studies posing dilemmas as to whether children should be involved in child protection decision-making processes were presented separately to groups of professionals and groups of children who had experience of the child protection system. Marshall found consistent evidence that the extent of protection offered by professionals exceeded what the children felt they needed. The professionals sought to protect children from access to painful information that they considered the children to be unable to handle. The children, on the other hand argued that this meant that they were excluded from decision-making processes, which they felt, not only that they had a right

to be part of, but also to which they could contribute significant relevant experience and perspectives⁵⁶. And research in Romania on children with a disability's capacities for taking responsibility for their own decisions, found that the children indicated consistently that they were being over-protected at the cost of their own development, with the parents under-estimating the children's competence to participate more actively in their own lives⁵⁷.

And too often, adults deny children access to information with which they can acquire the knowledge to make informed choices, on the basis that excluding them from information will serve to protect them from harm. For example, in Zimbabwe, government policy in respect of reproductive health is simply to promote abstinence. In a study of adolescent reproductive health rights, 42% of the children reported a lack of information on forms of contraception, and in the absence of official provision of information, children acquire it from unreliable and ill-informed sources. This leads to misconceptions that enhance rather than reduce exposure to harmful behaviours, such as 60% of respondents believing that family planning leads to infertility, and many others that condoms weaken sperm and that contraceptives cause viruses⁵⁸. The problem is compounded by the fact that children are not entitled to seek medical help or advice in confidence. Staff are required by law to inform the child's parents. A survey of children in the transition countries found that over 50% reported having little or no information about HIV/AIDS and 60% felt that they had little or no information about sexual relationships. Yet maintaining children in ignorance disempowers them and denies them the opportunity to develop their understanding, and take increasing responsibility for their own protection in accordance with their evolving capacities.

Developing children's capacities to protect against adult abuse

Protection strategies which fail both to build and draw on children's own strengths and capacities, and to offer children a right to be heard, also render children more vulnerable to abuse by the very adults responsible for their protection. Research from Save the Children Alliance indicates that 40% of sexual abuse of children is perpetrated by those in and around their home environment⁵⁹. Statistics confirm that the vast majority of sexual abusers know their victims and use that relationship to groom children and maintain their silence. For example, in the UK, a series of public inquiries in the 1980s and 90s documented widespread systematic physical and sexual abuse by staff in children's homes over many years, which had been surrounded by a culture of collusion, neglect, indifference and silence on the part of staff. One of the most forceful lessons to emerge was that the abuse had been able to continue because children were denied any right to challenge what was happening to them⁶⁰. They were systematically disbelieved in favour of adult accounts. They were denied access to any advocacy to help them articulate their concerns. Indeed, if and when they did complain, they risked further abuse. In other words, the adults involved could, with impunity, violate the children's rights because children were silenced. Where children are entitled to speak about and participate in strategies for challenging such abuse, it is far harder for the abuser to continue.

For children with a disability, many of whom are profoundly disempowered; it is even harder to challenge abusive behaviour. Too often children with a disability experience life in terms of actions done to them, rather than as active participants with the capacity and power to influence their own lives. This places them at disproportionate risk of abuse. Although there is inadequate research undertaken in this field, it is generally estimated that children with a disability are three to four times more likely to be abused than children without a disability⁶¹. A residential centre for children with multiple disabilities in the UK initiated a project in collaboration with children with disabilities to address this problem⁶². The staff realised that the child protection resources available for work with children in this field were totally inappropriate for many children with a disability:

- The pictures only included children without a disability.
- The safety messages were based on skills and resources that were not available to many of the young people at centre: messages to say no or to run away are singularly unhelpful for children who do not talk or walk. Equally, advising children to say no when they spend their lives in residential settings where they have no control over any part of their lives is unlikely to be effective.
- Messages about adults not touching the private parts of the body were very confusing for young people who need help with intimate care.

They also decided that they could not teach children that they have rights not to be abused, and to reject unwanted touching or interference unless the children began have some control over other aspects of their lives. Only when the children felt empowered in relation to what was happening to them generally, would they be able to protect themselves in situations of abuse.

Accordingly, it was decided, in collaboration with young people and a group of parents to produce a children's charter as the basis for the treatment of children at the Centre. It included four basic rights:

- To be valued as an individual
- To be treated with dignity and respect
- To be cared for as a child first
- To be safe

All staff were trained on its implications for the way in which the centre was run. The training addressed the way that prevailing attitudes and cultures devalue and disempower children and render them more vulnerable. Work was also undertaken on helping young people understand their responsibilities as well as their rights. A young people's group was set up to develop ways of helping young people who come to the centre to be able to complain, express their worries or communicate their opinions. The group appointed an independent advocate for any child needing help.

The project has broken new ground in two ways. It first recognises that child protection resources targeted at children without a disability are both inadequate and often inappropriate for children with a disability. It also recognises that vulnerability to abuse arises in the context of vulnerability and disempowerment in the daily lives of children and that the solution must therefore lie in creating environments which build on children's capacities to take greater control over their day-to-day lives. Accordingly, the methodology

of involving the children at every stage was vital to its effectiveness. An adult-imposed charter and practice guidelines would have simply replicated the children's sense of impotence and inability to take responsibility for what was happening to them.

3 Moving forward

In most societies in the world, adults continue to assume they know best: that they have the wisdom, the experience, and the knowledge with which to act in children's best interests. However, the Convention on the Rights of the Child demands that we question that assumption. It insists that we listen to children and that their views must inform decisions and actions taken on behalf of children. It also insists that we promote, respect and protect children's own capacities to take responsibility for those decisions and action they are competent to take for themselves. Opportunities for active participation are essential for the development of children's capacities. Recognition of children's capacities for participation is an essential element in the realisation of their rights. And respect for children's capacity to participate is essential for their own protection. These messages have begun to be understood over the past decade. Initiatives established to listen to children have developed in countries throughout the world, and at every level from governments down to local community projects⁶³. As yet, these initiatives tend to offer children the chance to be consulted, with relatively few opportunities for children to participate actively in the process of influencing decisions, policies and services which impact on their lives. And it is the latter, in which there is a transfer of significant decision-making to children that provides real opportunities for personal and social development⁶⁴.

Nevertheless, the wealth of experience gained over the decade has highlighted important lessons for the future. The central message is that respecting and promoting children's evolving capacities through participation is not only right in principle, but it creates a virtuous circle. Investing in opportunities for children to participate more actively in all aspects of their lives encourages the development of confidence, competence and a sense of self worth. In turn, these skills enable children to participate more effectively, thus contributing more effectively to the realisation of their rights.

Implications for practice

1. **All children can participate** – children, however young, have views on matters that affect them: the challenge is to develop appropriate mechanisms through which they can articulate them. They may express themselves differently from older children, but this does not invalidate their relevance. Given support, encouragement and motivation, even very small children can acquire skills to participate in processes and decisions about their lives.
2. **Adults can learn from children's experience** - children have insights, perspectives, ideas, and experiences which are unique to them and which are essential to the framing of effective laws, policy and practice designed to promote and protect

their rights. It is important for adults to be willing to hear and be respectful of what children say, and not dismiss it simply because it comes from a child.

3. **Participation enhances children's evolving capacities** – the more opportunity children have for participating in their own education, and in decisions and actions which affect them, the greater their competence in making informed and competent judgements. Children who are given opportunities for democratic participation will acquire skills of negotiation and communication. They learn the importance of listening to others' views and abiding by democratically agreed decisions. And when children learn that their own rights to be heard are respected, they also learn the responsibility of respecting the rights of others.

4. **Experience is as significant as age** - children's capacities to exercise responsible decision-making and participate actively in matters affecting them are less influenced by age than by the emotional, social, economic and cultural environment in which they live. It is not appropriate to use age as universal proxy for competence. Rather, it is important to recognise the context of the child's life in seeking to assess their level of understanding and confidence.

5. **Respectful adult support is essential** - within any given culture, children's capacities to participate effectively are directly influenced by the level of adult support provided, the respect with which they are treated, the trust and confidence invested in them and the opportunity to take increasing levels of responsibility. This places explicit responsibilities on adults to create an environment in which children have the space to develop. Children will acquire competence in direct relation to the scope available to them to exercise agency over their own lives. However, excessive responsibility without adult support can be damaging to children's development. Children benefit from partnerships with adults in whom they feel respected, are given opportunities for personal development, but can draw on adult experience and support.

6. **Participation is a protective process** - children who are empowered to articulate their views, and to build and strengthen their own competencies to take control of their lives are less vulnerable to abuse and more able to contribute towards their own protection. Children need access to information necessary for their protection, to participate in key decision-making processes, to be encouraged to articulate their views and to be empowered to challenge abusive behaviour. An insistence on passive obedience renders children powerless to exploitation and abuse. This does not mean that adults have no role to play in protecting children. Clearly they do. However, creating a safe environment for children is best achieved by working with rather than for children. Allowing children to contribute to their own protection provides them with opportunities to explore and understand the nature of the risks they face, and take increasing levels of responsibility for avoiding harm.

7. **Discrimination impacts on realisation of capacity** - Children who experience discrimination and social exclusion will often have lower self-esteem, poor self-confidence, and less opportunity for participation and the consequent development of their skills and strengths. They are trapped in a downward spiral in which they internalise the negative attitudes held within their community to define their own limits and capabilities. It is important to recognise that lower capacities on the part of

minority groups are likely to be a product of poor life experiences rather than any indication of potential. Opportunities need to be created to ensure that children who do face social exclusion are provided with appropriate support and encouragement to overcome the impact of discrimination.

8. Children have strengths to offer other children - Children have the capacity to offer considerable support to other children in developing effective models of participation - as positive role models, as researchers, as peer educators, as partners, as mentors. There is a need to review the traditional assumptions of adults as providers and children as recipients and begin to acknowledge and nurture the contribution children can play as a resource for other children.

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