

Chapter 1 Example of research

Example of research: 'what do they know?' CRAE Report on the UNCRC (Davey, 2008)

The Children's Rights Alliance for England's (CRAE) 'What Do They Know?' report (Davey, 2008) contained the views and experiences of children and young people relating to the implementation of the UN Committee on the Rights of the Child. The research was conducted by young people and involved 1,362 children and young people who filled in an online survey and 346 children and young people in focus group interviews. A delegation of 12 children and young people presented this evidence directly to the UN Committee on the Rights of the Child in June 2008 at its pre-session working group in Geneva.

At present, it is clear that its as an editorial clarification (the UNCRC) implementation in England, both in legislation and practice, often leaves much to be desired. Children and young people, both in the online surveys and in the focus group interviews, gave very clear messages about what is important to them: knowing and being able to use their rights; being part of a family (meaning different things for different children); being respected, listened to and taken seriously; not being stereotyped; getting a good education; and living in a good area with a strong sense of community.

The research revealed that very few children and young people knew what their rights were, and, of those who did, few knew how to act if rights were being denied or violated. The following gives brief illustrative examples of some of the key points raised, and of children and young people's specific comments:

In 2002 the UN Committee on the Rights of the Child recommended more effective mechanisms to ensure the systematic, meaningful and effective participation of all groups of children in society. In 2008, however, the UN Committee expressed disappointment that 'there has been little progress to enshrine Article 12 in education law and policy.' In our education survey, it was noted that although most schools operated a school council, only one in three children and young people (30%) felt that their views were always listened to by their school, and that primary schools were often better at involving children in decision-making than secondary schools.

*They think because we're small and they're big
they know better . . . and they just treat us like we're
nothing, like we're just a puff of cloud or something.*

(Child under-11; Davey, 2008, 15)

Although some children and young people were very aware of a growing change in attitudes towards hearing what they had to say, many felt that children and young people's participation in these exercises was often tokenistic:

*Can't remember how many times I've been sat in the
chair, and someone's asked what do you not like about
Durham and nothing's changed.*

(16- to 18-year-old)

Yeah, they ask you your say and then they say they're listening, but then they don't take no notice of it so you think, what's the point of saying it?

(Child in care; Davey, 2008, 16)

The research revealed that one of the changes identified by the respondents 'raised most often by younger children' was for the UK government to ban smacking and for support to be offered to parents to find alternative ways of raising children: 'that did not involve the use of physical force':

I would also stop smacking because if you do something violent to your child, they'll do it to their child, and it will go on which I think now would be bad, because then it will teach the whole world to smack and be violent.

(Child under-11)

Davey notes that the constant requests parallel demands from the UN Committee on the Rights of the Child in 1995, 2002 and 2008 for the UK government 'to remove the "reasonable chastisement/ punishment" defence and to prohibit all corporal punishment in the family' (Davey, 2008, 39).

Example of research: Save the Children: You Could Always Begin by Listening to Us: A Consultation with Children on the EC Communication 'Towards an EU Strategy on the Rights of the Child' (2007)

This consultation involved questionnaires from over a 1,000 children from different member states within the EU. The following gives brief illustrative examples of some of the key points raised, and of children's and young people's specific comments:

Children were asked about what they identified as 'the most important issues affecting boys and girls in their country, why these issues were important and what needs to be done about them' (2007, 11).

In the consultation violence was identified 'as the single most important issue to address' (2007, 11).

Other issues were identified as: discrimination, social exclusion and racism, drugs, alcohol and smoking; poverty; the exploitation of children, protection of the environment and attitudes, information and support (2007, 12–15). Comments included:

It is useless to mainstream EU actions on children's rights when people are not really informed and educated about them (children's rights).

They could start by thinking of how they themselves would like to be heard if they were in our situation.

I think that the principal cause of adult misunderstanding is the absence of communication.

I would pretty much need a robot in the shape of an adult person, who can speak on my behalf. Then maybe someone would listen to what I have to say.

The EU can promote children's rights through mass media and the internet which are widely used to resolve daily problems. I think that in this case children's rights will be taken into consideration.

(2007, 17–18)

Reflections on the research

Activity 1

Review the research findings in relation to adult perspectives and child perspectives on rights described in this chapter: where can you identify parallels or tensions between adult and child perspectives? Why do you think these might be occurring?

Activity 2

In summarizing Sweden's ratification of the UNCRC Cohen, Moss, Petrie and Wallace cite the following measures taken by the Swedish government:

- The convention was to be incorporated into training and in-service training of professionals . . .
- All government decisions should be subject to child impact analyses so as to discover how any policy affected children
- The influence and participation of young people should be developed in social planning.

(2004, 142)

How do you see the ways in which the implementation of each of these measures might help address the criticisms (see pages 7–9) raised by research into UK children's and young people's experiences of the impact of the UNCRC? If implemented properly do you think they would, or would not, meet some of the criticisms?

Activity 3

Recent UK research concluded that 'More than four in five adults, especially those who were older and men without children or teenagers of their own, thought parents should be allowed to decide whether or not to smack their own children' (Madge, 2006, 72).

How do you see this finding in relation to the Key Points material above concerning the statements of child rights, children's views concerning the worth given to children's opinions, adult–child power dynamics and issues concerning protection and smacking?

Example of research: the rights dynamic at work – children’s understandings of the UNCRC in Norway

A different situation is revealed by research undertaken in Norway (Sandbaek and Hafdis Einarsson, 2008) that looked at children’s awareness of the UNCRC. This gives a relatively positive picture of children’s awareness of their rights. A total of 1,274 children and young people from different regions within the country and from different backgrounds participated in the survey; 1,139 answered questionnaires, while 135 attended qualitative interviews. The respondents were asked whether they had heard of the convention and, if so, through which channel. Some questions concerned the content of the convention and whether the children thought it was important to them. A further question asked whether they believed they enjoyed rights in various everyday arenas such as their home, school, in leisure activities and in wider society. In sharp contrast to the Children’s Rights Alliance of England’s research findings, half of the Norwegian children had heard of the convention. There was some variation between the different regions of Norway, from 43 to 67 per cent. The report discusses the different ways in which children were aware, noting, for example, the respondents’ references to a short version of the Convention in poster form issued by the Norwegian Ministry of Children and Equality:

Two of the girls remembered seeing the poster and one said: *‘Oh yes, that one! It’s hanging in the classroom.’* The children at a day care centre . . . recalled what it said, that *‘all children are entitled to have fun, to play, to have a place to live and to be fed.’* (Sandbaek and Hafdis Einarsson, 2008, 14)

One of the questions asked what the children thought the UNCRC was about. The research presented the following examples of children’s perspectives based on the qualitative interviews and open boxes in the questionnaires given to pupils:

- I think it says that children in Norway should be happy at school and at home.
- I think it’s about finding out what it’s like for children in Norway, and it’s about children’s rights.
- That children should have all rights like going to school, having a home, being fed etc.
- I think it says that children should be happy and not afraid, but feel safe.
- Children’s rights, that all children are entitled to decide and to be fed, go to school and to be loved.
- It’s about children having rights to have a say and to have an opinion without being punished.
- It’s about rules for children. It’s sort of a book of the rights of children.
- I think it’s about the rights of children in countries that are members of the UN

(Sandbaek and Hafdis Einarsson, 2008, 15)

Reflections on the research

Activity 1

Compare these comments from children with Table 2.2 (pages 43–4) in Chapter 2. It is possible to see the accuracy of many of the children’s statements in relation to the UNCRC as well as children’s own perceptions and language. The research report notes: ‘These quotes show that while children linked the Convention to their own situation, several viewed it in a general perspective as something that applies to all children’ (Sandbaek and Hafdis Einarsson, 2008, 15).

Activity 2

An earlier comment in this chapter discussed the importance of enabling children and adults to know about and to understand children’s rights, arguing that ‘the energy created by knowledge of a rights

perspective can affect how adults working with children see and review their work, for example, influencing how they create spaces and provision for children.'

Compare the situation revealed by the research that showed English children were often unaware of rights, with the picture created by this research from Norway. How do you think *knowledge* of rights and the *impact* of rights are connected? What differences might there be for adults and children living and working together in a country where children knew very little about their rights and one in which the children were informed about child rights and their implications?

Chapter 1 Extract

Extract from Chapter 3

For many years the UK government has *deliberately* retained an opt-out of the UNCRC. This opt-out allows child migrants and asylum seekers to be locked up without judicial scrutiny. So, whereas the UNCRC obliges nations to place the 'best interests' of a child first, the opt-out meant that the UK government did not need to apply it to these children. Therefore, officials could lock them up, sometimes for weeks or months pending deportation. . . . Following an inspection in 2008, HM Inspectorate of Prisons, for example, said that children were detained for too long and were left distressed and scared at the Yarl's Wood Centre in Bedfordshire.

Extract from Chapter 4

The tendency has been to link the worth and validity of a child's voice to adult opinions about appropriate 'levels' of competency and capability. This has often involved drawing broad lines about competency based on factors such as age. The idea being that a child becomes competent in a variety of areas at a certain age. Current thinking, research and areas of practice are questioning this.

Extract from Chapter 5

The UK government, for example, has increasingly emphasized the school as the physical location for a number of services for children and as a fulcrum for arenas of a child's life in areas such as health, welfare and play. Hence, the nature of the school space and the processes concerning schooling are key to any child. However, in the United Kingdom this crucial arena of a child's life is largely the domain of adult decision making, with children and their experience of the main space in their lives treated as the recipient of adult decisions. They are disenfranchised from the right to participate in most aspects of decision making within their main space in their life concerning the direction and regulation of educational experience and school life.

Extract from Chapter 6

The term 'abuse' within the family usually refers to physical and sexual abuse, but exactly what constitutes abuse is difficult to define. Instances of abuse within families are diagnosed as being pathological: not what 'normal families' engage in. One specific contentious area of potential abuse is smacking and, as this is still legal within the United Kingdom, it isn't seen as abnormal behaviour. Mason and Falloon question this adult-determined identification of abuse and researched the views of children in Australia on what they thought constituted abuse.

Extract from Chapter 5

The treatment of children in terms of their rights to be involved in decision making in education varies. Some societies have developed a positive response to the rights dynamic, in areas such as children's involvement in decision making within education. Others, such as the United Kingdom have been criticized for their lack of progress by comparison, and the lack of structured, embedded engagement with children as decision makers. The UNCRC periodic review of the UK government notes, in 2002 for example, that obligations relating to Article 12 were not consistently incorporated in legislation. In terms of education, it criticized the UK government, saying that it needed to take further steps to promote, facilitate and monitor 'systematic, meaningful and effective participation of all groups of children in society, including in schools' (para 30) . . . in a way that 'reflects article 12 and respects children's rights to express their views and have them given due weight in all matters concerning their education'.

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Chapter 1 Key points

Key points: perspectives on children's rights and children

Example 1: UNCRC excerpt and children's critique (UNICEF 'Children's Rights and Responsibilities')

Excerpt from UNICEF's summary of the UNCRC for children:

Article 1 Everyone under 18 years of age has all rights in this Convention.

Article 4 Governments should make these rights available to children.

Article 12 Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 19 Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 28 All children and young people should have a right to a primary education, which should be free.

Article 31 All children have a right to relax and play, and to join in a wide range of activities.

If every child, regardless of their sex, ethnic origin, social status, language, age, nationality or religion has these rights, then they also have a responsibility to respect each other in a humane way.

(www.unicef.org.uk)

Key points: perspectives on children's rights and children

Example 2: European Commission's Children's Rights Policy excerpt and children's critique

From 'You and the EU! The European Commission's Children's Rights Policy' (excerpt written for children):

This paper is a summary of a 'communication' (an official paper) written by the European Commission which is called 'Towards an EU Strategy on the Rights of the Child.' It explains why a strategy (a plan) on children's rights is needed; what issues will be included in the strategy; how the European Commission will help turn the plan into action.

Children's needs and children's rights cannot be separated. The respect and promotion of the rights of all children should go hand-in-hand with action to address their basic needs such as proper healthcare (good hospitals and medicines) or good schools and trained teachers. . . . It is therefore very important that a strategy or action plan is written to improve the situation of children around the world and to show how important children's rights are to the EU.

Objective One: To get the most out of existing activities and doing something about things that are urgent.

The Commission will continue its work on children's rights and continue to give money to projects promoting children's rights. At the same time it must do something about two things that need to be done urgently, which are explained below as 'urgent actions':

Urgent Actions:

1. To have a single telephone number (6-digit starting with 116) within the EU for child helplines and hotlines.
2. To launch an 'Action Plan on Children in Development Cooperation'; this plan will focus on children's needs in developing countries.

Objective Three: To mainstream children's rights in EU actions 'Mainstreaming' means to make sure that all EU policies, laws and actions respect children's rights and agree with EU and international law (such as the UN Convention on the Rights of the Child).

Objective Six: To produce an awareness-raising strategy for children on children's rights.

Awareness-raising is about people finding out more about an issue or subject.

An awareness-raising strategy with children on their rights is needed so that children can know more about their rights and how to use them.

The information discussed is available at www.crin.org/docs/FileManager/euroenet/childfriendlyversion-1317yrs.pdf

Key points: emerging issues – the rights dynamic

- The way 'child rights' as a concept has provided a language and framework to see children and childhood differently, and to draw attention to areas such as inequality and the need for radical changes.
- The dynamic energy created by child rights as a critical position to lobby for positive change in children's lives and the communities they are a part of.
- The impetus that the idea of child rights has had on macro levels of international and national government.
- The impact of child rights in rethinking and changing the day-to-day lives of children in the spaces they inhabit and in relation to the people and institutions they connect with.

Key points: rights-informed ways of relating to children

- Ways of involving children in decisions about their bodies, spaces and futures.
- Way of perceiving children's lives and experiences from a child's perspective rather than from the perspective of adult ideas and opinions about what children see, want or need.
- Specific services that are designed with children in mind rather than adult services with no, or little, adaptation for children.
- Spaces designed and created for children with input into the design, regulation or use of those spaces by children.
- Looking to see how children can be seen and engaged with as active, capable and as experts in their own lives.
- Changing adult roles and relationships with children in services and provision that try to address inequalities.
- Emphasizing child-orientated ways of participating or communicating, such as play.
- Identifying and addressing the particular ways in which social divisions within society concerning areas such as poverty, race, gender, disability and sexuality affect children, rather than seeing their impact on children's lives as identical to their impact on adults.
- Enquiry through research into children's experiences and ideas about a part of their lives or service.
- Reviewing the nature and role of policy and practice and rewriting documents and guidelines from a rights perspective.
- Changing decision-making processes to include children in decision about themselves, events or issues that affect them or within organizations that work for or with them.
- The role of advocacy within representation of children's views, opinions and decisions.

Key points: rights-informed new spaces

In local and national government

Children's parliaments or councils

See page 127

In law

The ways in which a child rights approach can be used to reassess areas such as youth justice and the way the law features in children's lives

See pages 175–8

Early years and education

Representation of children on decision making or governing bodies such as schools councils
Seeing educational settings and practices as spaces to implement and interpret children's rights

See pages 96–8 and 117–19

In hospitals and social care

Provision that is created to serve children in the creation of places and linked practices that are especially suited to children's use of health and social care services

See pages 129–31

Key points: children's rights – problems and challenges

- Adult power used to prioritize the needs of adults, rather than those of children, in thinking about and taking action in relation to, child rights.
- Countries separating children into those who are 'worthy' of rights, and those who are not
- separating rights off from other processes, such as poverty or racism, that have a negative effect on children and the families and communities they live in.
- Entrenched customs and practices that resist changes that would benefit children
- The creation of the appearance of responding to children's rights – a 'rights veneer' but, in reality, making no real change or having little real impact on children's lives.