

FOCUS ON CHILD PARTICIPATION IN MONITORING CHILD RIGHTS¹

Tara M. Collins, Programme on the International Rights of the Child
Queen Mary, University of London, England²

Submitted to UN Committee on the Rights of the Child, September 2006

In accordance with article 44, States parties to the United Nations (UN) Convention on the Rights of the Child (CRC) regularly report to the UN Committee on the Rights of the Child, which assesses the "factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention." Such monitoring offers important insight about the status and progress in child rights implementation. The general aim of monitoring should be child rights progress however, efforts to accomplish this objective can vary.³ International child rights law not only establish standards for children, but should also influence all processes related to children. Consequently, it is submitted that child participation is necessary to respect the international law of child rights in the monitoring process.

Attention to child rights necessitate the child be the centre of the inquiry, in accordance with his/her best interests. Adults must recognise the discrimination that children face in their lives and in monitoring. Children are born into an existing adult world that "constructs children *out* of society, mutes their voices, denies their personhood, limits their potential".⁴ Adults may be well-meaning in attempting to serve child needs, but their monitoring efforts may not reflect the child's right to development, or evolving capacities, or may be discriminatory. Effective child engagement can improve the monitoring process.

The paper first discusses the limited child's role in monitoring and then presents existing tools to improve participation. The paper is based on doctoral research undertaken at the University of London; the research process included questionnaires and interviews with key international actors. To elicit their knowledge and views about monitoring, focus groups with children were also convened in three countries to complement the research.

1.0 Limited Child's Role

Although children in research focus groups for instance, have clear ideas about functions and

¹Based on: Collins (2005), *The Monitoring of the Rights of the Child: A Child Rights-Based Approach*, Ph.D. thesis (law) submitted to University of London.

²Many thanks to all the interviewees, questionnaire respondents, and focus group participants, who generously gave their time, knowledge, views and documents to this doctoral research. I am grateful to the NGO coordinators: D.Millen and S.Gauthier (as she then was), Child and Youth Friendly Ottawa (Ottawa); B.Francis and B.Lekgoathi, Afrika Cultural Centre (Johannesburg); M.Solomon, Nombulelo, N.Hendricks of Children's Resource Centre (Cape Town); and S.Allen (as he then was) and J.Anderson of Article 12 (London), for supporting the focus groups by extending invitations to children and organising meeting space. All of their valuable contributions are much appreciated. In addition, I am grateful to the support of my supervisor, Prof. Geraldine Van Bueren, Queen Mary, University of London.
Contact: tara_collins@hotmail.com

³See further Collins (note 1 above), Chapter Five.

⁴Original emphasis, Alanen et al., in Ennew (1994), "Time for Children or Time for Adults?" In *Childhood Matters*. Qvortrup et al. (eds.), Aldershot: Avebury, 125.

importance of monitoring,⁵ the child's right to participate is generally not respected. While children participate in different ways including civic, religious, and education contexts, very limited research exists on children participating in monitoring.⁶ Monitoring should not only meet the needs of the monitor, but also consider the issues and concerns of children themselves according to various supporters.⁷ For instance, Santos Pais expresses "...the views of children need to be respected and taken into account when policies are shaped, actions undertaken, and results assessed."⁸ Monitoring mechanisms "should be a voice for children", as Flekkøy describes, and in so doing would:

*"transmit information from children; make the needs and rights of children publicly known; impart to children information they need to know, making sure that children are aware of the Convention and its relevance to their daily lives; ensure that the literal voices of children are heard - that is, that the concerns and opinions which children themselves have actually expressed are taken into consideration."*⁹

Child advocates cannot ensure the suitability of monitoring efforts since as Melton states: "Child advocates act on behalf of children, but they do not always represent children."¹⁰ Different perceptions between adults and children was discovered for example, in a 1993 project involving 4-5 year-olds in an economically-deprived area of London, England.¹¹ Children produced a mural of their local environment and then depicted it as they would like it to be. It was learned that children objected to grass-covered communal play areas -widely perceived as most appropriate- because it obscured broken glass, dog excrement and discarded drug needles and they preferred concrete surfacing. Thus, even young children have distinct, valuable contributions. Direct work with children is important and would advance suitable monitoring

⁵Focus Group on Monitoring Children's Rights, organised and facilitated by Ph.D. candidate (2002 and 2003), with: Child and Youth Friendly Ottawa, Ottawa: 28 June and 5 October, 2002; Afrika Cultural Centre, Johannesburg: 10 July, 2002; Children's Resource Centre, Cape Town: 27 July, 2002; and Article 12, London: July 28, 2003.

⁶Barnes-September (2002), Programme Planning and Evaluation Specialist, Institute for Child and Family Development, University of the Western Cape, Interview with author, Bellville: 29 July.

⁷Examples include: Alderson (2000), "Children as Researchers: The Effects of Participation Rights on Research Methodology." *Research with Children: Perspectives and Practices*. Christensen & James (eds.), London & New York: Falmer Press; Save the Children (2000), *Children and Participation: Research, monitoring and evaluation with children and young people*, London: Save the Children; and Flekkøy (1996), "Children's Participation and Monitoring Children's Rights". *Monitoring Children's Rights*. Verhellen (ed.), The Hague: Martinus Nijhoff Publishers.

⁸Italics added for emphasis; Santos Pais (1999), *A Human Rights Conceptual Framework for UNICEF*, Florence: UNICEF International Child Development Centre 5.

⁹Flekkøy (1993), "Monitoring implementation of the UN Convention on the national level". 1 *The International Journal of Children's Rights*, 233.

¹⁰Melton, cited in Flekkøy (1993), *Children's Rights: Reflections on and consequences of the use of developmental psychology in working for the interests of children. The Norwegian Ombudsman for Children: A practical experience*. Doctoral thesis, University of Gent, 371.

¹¹Stepney and Wapping Community Child Health Project, cited in Lansdown (2001), *Promoting Children's Participation in Democratic Decision-Making*, Florence: Innocenti Research Centre, 8.

but as the thesis explores, the child's role remains a significant challenge.

Many interpretations of participation exist along with various criteria to assess it.¹² CRC article 12 defines the right of "the child who is capable of forming his or her own views 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." It has also been defined as

*a process in which children and youth engage with other people around issues that concern their individual and collective life conditions. Participants ...respect each other's dignity, with the intention of achieving a shared goal. [And]...the child experiences ...a useful role in the community. Formal processes of participation deliberately create structures for children's engagement in constructing meaning and sharing decision making.*¹³

In general, child participation involves influential interaction with others, which positively affects relations. Mann also describes "enormous variations in the type and manner of child participation: it can vary from an infant's expressed need for love and comfort, to a child's involvement in after-school activities to an adolescent's contribution to student council."¹⁴ The most appropriate form of participation, as Chawla explains, "varies with circumstances, including culture, age, gender, setting, political conditions, available resources, and participants' goals."¹⁵

As an essential CRC general principle, participation is a child right.¹⁶ Roberts explains "listening to children is central to recognizing and respecting their worth as human beings."¹⁷ The CRC affirms, as Van Bueren explains, the value of "child-oriented freedom of expression", which involves a change of "focus from what children cannot do to what children can do, and to which

¹²Roche (2000), "Impact assessment: seeing the wood *and* the trees." 10 *Development in Practice*, 546.

¹³As a June 2000 symposium concluded, "Children's Participation in Community Settings", in Chawla (2001), "Evaluating children's participation: seeking areas of consensus." *PLA notes, October 2001*, Chawla (ed.), London: International Institute for Environment and Development, 9. Other offerings include: "the action or an act of taking part with others"; and "In its most basic sense, adolescent participation can be defined as adolescents partaking in and influencing processes, decisions and activities." See respectively Woolf (2000), "seen but still not heard? the child's right to participate." *Child participation: Challenges of empowerment, World Vision discussion papers*, no. 9 spring 2000. World Vision UK (ed.), Milton Keynes: World Vision Policy and Research Department, 15; and Rajani (1999), *Promoting Strategic Adolescent Participation*, unpublished paper, New York: UNICEF, 7.

¹⁴Mann (1999), *The Right to Participate: A Working Paper on Child Participation*, Toronto: Save the Children Canada, 9.

¹⁵Chawla (note 13), 9.

¹⁶Article 12 is often interpreted as the child's right to participate; Santos Pais (1997), "The Convention on the Rights of the Child", *Manual on Human Rights Reporting*, United Nations (ed.), Geneva: United Nations, 426-427.

¹⁷Roberts (2000), "Listening to Children: and Hearing Them", *Research with Children: Perspectives & Practices*, Christensen & James (eds.), London & New York: Falmer Press, 229.

decisions and parts of decisions children may make.”¹⁸ While children have this freedom, it is not simply a matter of States parties removing restrictions upon the freedom, children require support to express themselves, requiring significant state effort.¹⁹ States parties to the CRC are expressly obligated to provide the child with the “opportunity to be heard in any judicial and administrative proceedings affecting the child”.²⁰ While participation has gained increasing attention recently, it has not yet been widely understood in relation to monitoring. Moreover, participation rights, which are easiest to implement through legal and judicial processes for adults, are in fact “the most elusive” for children, described as “the most difficult to define, to implement and to monitor.”²¹ Influences or obstacles to participation rights include: adult perceptions of children; religious beliefs; cultural practices; traditions; and laws.²² A child can be "invisible" for various reasons including: institutionalisation, migration, fear, or monitoring procedures focusing on the household rather than its individual members; as a result, children are not easily reflected in monitoring efforts.²³ Consequently, due to widespread lacuna, child participation remains a significant challenge. Creativity is required to engage invisible children; children can contribute to revealing invisible children.²⁴ As Lewis and Lindsay confirm: “It is our task as researchers, from both practical and ethical considerations, to ensure that we ask the right questions in our studies, those which are important, and that we conduct our research in a manner that optimizes the opportunity for children’s perspectives to be listened to - and heard.”²⁵

The monitor should consider the child’s situation and the child's own perspective. If the child’s views are not addressed, not only are his/her rights not respected, the monitoring results will reflect a limited picture with restricted impact. Some individual and groups of children have been involved in some collecting and analysing data; Alderson explains the advantages: “To involve all children more directly in research can therefore rescue them from silence and exclusion, and from being represented, by default, as passive objects, while respect for their informed and voluntary consent helps to protect them from covert, invasive, exploitative or abusive research.”²⁶ Child participation is also valuable because: “Children are the primary

¹⁸Van Bueren (1995), "The International Protection of Family Members' Rights as the 21st Century Approaches". 17 *Human Rights Quarterly*, 742.

¹⁹Ibid.

²⁰CRC Article 12(2)

²¹Black (1994), *Monitoring the Rights of Children: Innocenti Global Seminar Summary Report*, Florence: UNICEF International Child Development Centre, 28.

²²Miljeteig, in *ibid.*

²³Boyden, cited in Black (note 21 above), 26-7.

²⁴Ibid., 27.

²⁵Lewis & Lindsay (2000), "Emerging Issues." *Researching children's perspectives*. Lewis & Lindsay (eds.), Buckingham: Open University Press, 197.

²⁶Alderson (note 7 above), 243.

source of knowledge about their own views and experiences."²⁷ Participatory techniques have many advantages. They "enable dialogue with children about complex and abstract issues."²⁸ Participatory research can also redress ethical difficulties in working with children and enhance the validity and reliability of the research results.²⁹ Techniques may address concerns about adult control and manipulation. For example, child impact assessments and other monitoring efforts are not simply undertaken for form, but compensate for the little political power that children have, directly or indirectly, in society.³⁰ But O'Kane acknowledges "the biggest challenge for researchers working with children are the disparities in power and status between adults and children".³¹ Thus, participation is not simply a method but "part of a process of dialogue, action, analysis and change".³²

Child participation can take many diverse forms in monitoring. Children can be consulted; they can be researchers or evaluators; they can be observed; and they can start democratic structures and guide monitoring efforts themselves.³³ Many successful examples include: child researchers with Children's Express as reporters (aged 8-13) (along with 14-18 year-old editors), producing print media reports in Europe and North America; children (aged 10-13) in Sarajevo carried out children's opinion polls in 1993 and developed radio programming;³⁴ child-led research by street children in Bangladesh;³⁵ and child researchers in Zimbabwean informal settlements.³⁶ A child participatory method is relevant at all stages of the research process: developing the project and research team and methods, as well as collecting, analysing and writing reports; and can redress

²⁷Ibid., 253.

²⁸O'Kane (2000), "The Development of Participatory Techniques: Facilitating Children's Views about Decisions which Affect Them." *Research with Children*, Christensen & James (eds.), London & New York: Falmer Press, 155, 141.

²⁹Thomas and O'Kane, in *ibid.*, 152.

³⁰Hammarberg, "Preface", in Sylwander (2001), *Child Impact Assessments: Swedish Experience of Child Impact Analyses as a tool for implementing the UN CRC*, Stockholm: Ministry of Health and Social Affairs & Ministry for Foreign Affairs, Sweden, 7.

³¹Morrow and Richards, in O'Kane (note 28 above), 136.

³²Pretty et al, in *ibid.*, 138.

³³Hart's participation ladder describes degrees of child participation; Hart (1992), *Children's Participation: From Tokenism to Citizenship*, UNICEF/Innocenti Essay No. 4, Florence: UNICEF.

³⁴Alderson (note 7 above), 250-1. See <www.childrens-express.org> last visited 25 Aug. 2003.

³⁵West (1998), "Different questions, different ideas: child-led research and other participation." *Stepping Forward: Children and young people's participation in the development process*. Johnson et al. (eds.), London: Intermediate Technology Publications.

³⁶McIvor (2001), "'Do not look down on us': child researchers investigate informal settlements in Zimbabwe." *PLA Notes* 42, October 2001, Chawla (ed.), London: International Institute for Environment and Development.

power imbalances, widen collection methods and promote understanding of the data.³⁷ Many supportive resources exist.³⁸ However: "The limitations in Europe and North America for research by children seem to lie less therefore in children's (in)competencies, than in adults' limiting attitudes, in constraints, and concern for protection over participation rights."³⁹ As children are not mini-adults, some adults may interpret children's contributions as limited or even negligible, leading to either no participation or token participation (where children lack a substantive role, serving as 'window-dressing'), which reflects adult manipulation, deficient in meaning or significance for the children or adults.⁴⁰ The ideal adult role is as a "facilitator: to guide but not to control unduly, and least of all to extinguish. The most common obstacle encountered by children ... is the uncompromising adult presence and its attachment to restrictive rules and regulations."⁴¹

Consulting with children is likely the most common and popular form of engagement in monitoring due to its simplicity, adult involvement (if not control), cost and so on.⁴² The UK government for instance, supported Save the Children to consult with 400 four to 17 year-olds for its report in 2000 to the UNCRC.⁴³ Yet, consultation is not simple or always successful. Barriers include:⁴⁴ lack of time; lack of confidence or skill in communicating with children; possible language barrier; family dynamics; fear of losing control; anxiety about children's potential problems; and prejudice against engaging young children. As adults often lead monitoring, cooperation between adults and children is required. A supportive culture is needed as part of the broader context of public participation with clarity of roles and responsibilities.⁴⁵ Adults should "be more aware of all children's potential, and to search with each child how much he or she can understand and be involved, instead of assuming incapacity."⁴⁶ Assumptions should generally be avoided since efforts to designate a minimum age for child participation for

³⁷Alderson (note 7 above), 246, 241.

³⁸As examples: Save the Children (note 7 above); Christensen & James (2000), *Research with Children: Perspective & Practices*, London & New York: Falmer Press; Masson (2000), "Researching children's perspectives: legal issues". *Researching Children's Perspectives*. Lewis & Lindsay (eds.), Buckingham & Philadelphia: Open University Press; and Greig and Taylor (1999), *Doing Research with Children*, London: Sage Publications.

³⁹Alderson (note 7 above), 254.

⁴⁰Black (note 21 above), 29.

⁴¹*Ibid.*, 30.

⁴²See further Collins (2005), *The Monitoring of the Rights of the Child: A Child Rights-Based Approach*, Ph.D. thesis (law) submitted to University of London, August.

⁴³Alderson (2000), *Young children's rights: exploring beliefs, principles and practice*, London, Philadelphia, PA.: Jessica Kingsley, 88.

⁴⁴*Ibid.*, 73-77.

⁴⁵McClain, Commissioner, SAHRC (2002), Interview with the author, Johannesburg: 10 July.

⁴⁶Alderson (note 43 above), 83.

example, are unsubstantiated in international law. For instance, CRC article 12(1) does not address freedom of expression in terms of age, but rather in terms of ability. Further, the Hague Convention on Abduction⁴⁷ does not specify a minimum age for consideration of children's objections regarding return to a parent.⁴⁸ Two decades of child development research shows competence is largely contextualised, thus the best approach "is to assume competence in some degree, and to ask at every age: what support can be provided to enable children to participate to the best of their ability?"⁴⁹ A child rights position, as Lewis and Lindsay explain, "does not absolve researchers from conducting research which is appropriate to the children's developmental and power status."⁵⁰ Children's evolving capacities must be respected, which includes recognition of their limitations.⁵¹ Scott highlights several factors for valuable data collection:⁵² Questions must be appropriate for the child's experience or knowledge; the child must be willing and able to respond to the questions and reflect his/her experience and knowledge; and attention must be given to the child's motivation to responding to the research questions, which can improve through good, respectful relationships.⁵³ Mindful of ethical issues, researchers must consider:⁵⁴ purpose; costs and expected benefits; privacy and confidentiality; selection of participants; funding; review of research aims and methods by others; information for participants and their carers; consent; dissemination of results; and overall impact upon children.⁵⁵ Moreover, when engaging children in monitoring, activities should be fun as children in focus groups stressed. With more experience of cooperative work, adults and children will then improve their confidence and expertise, leading to greater and broader participation at both national and international levels.⁵⁶ It must be remembered that participation will differ from child to child. For instance, the contributions of girls may differ from boys, so single-sex groups

⁴⁷*Hague Convention on the Civil Aspects of International Child Abduction*, Hague Conference on International Private Law, signed on 25 October, 1980.

⁴⁸Van Bueren on behalf of The British Institute of Human Rights, and Reunite: National Council for Abducted Children (1993), *The Best Interests of the Child-International Co-operation on Child Abduction*, London: Printed by Queen Mary and Westfield College, 19.

⁴⁹Italics removed. The June 2000 symposium, "Children's Participation in Community Settings"; conclusions in Chawla (note 13 above), 12.

⁵⁰Lewis & Lindsay (note 25 above), 194.

⁵¹Brems (2002), "Children's Rights and Universality", *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities*, Willems (eds.), Antwerp, Oxford, New York: Intersentia, 28.

⁵²Scott (2000), "Children as Respondents: The Challenge for Quantitative Methods", *Research with Children: Perspectives and Practices*, Christensen & James (eds.), London & New York: Falmer Press, 107-109.

⁵³Ibid.

⁵⁴Alderson, in Roberts (note 17 above), 229-230.

⁵⁵Ibid.

⁵⁶Alderson (note 43 above), 93.

may be useful in some contexts; contributions of older children will often contrast those of younger children.⁵⁷ If a child does not feel safe in a situation, it is unlikely that s/he will contribute.⁵⁸ While children's diversity complicates participatory undertakings, it also enhances the value of the exercise.

Children in Canadian, English and South African focus groups support participatory monitoring. Although some Canadian focus group participants expressed reservations about engaging children in "third world countries" in monitoring due to a necessary focus on survival,⁵⁹ another believes rights awareness remains an obstacle.⁶⁰ Yet, participatory monitoring is not simply a western, developed world proposal. Barnes-September from South Africa,⁶¹ along with individuals and groups from developing countries including Indonesia and Nepal,⁶² Thailand's ECPAT,⁶³ the Philippines,⁶⁴ and *Acción por los Niños* in Peru,⁶⁵ respect and support child participation. Many children desire to engage but not every child will or want to participate.

The influence of the world upon a child will affect his/her potential participation.⁶⁶ Notwithstanding, the child has the right to participate; whether s/he decides to participate is another matter. To support the right, structural, cultural and other barriers to participation should

⁵⁷See Johnson et al. (eds.) (1998), *Stepping Forward: Children and young people's participation in the development process*, London: Intermediate Technology Publications.

⁵⁸Canadian focus groups participants emphasised this point, namely KM., a 15 year-old girl, in June; and P., a 17 year-old boy; RL. and S., 15 and 16 year-old girls respectively, in October: Focus Group (2002) (note 5 above).

⁵⁹TA. and RJ., 13 year-old boys; and RL., 15 year-old girl, Ottawa, 5 October, *ibid.*

⁶⁰In the same session, 15 year-old girl L., originally from Kenya, stated institutions in such countries "are very defensive. There is poverty. They are not pushing to defend the opportunity to advertise our rights." *Ibid.*

⁶¹Barnes-September (note 6 above).

⁶²Nurick & Johnson (2001), "Putting child rights and participatory monitoring and evaluation with children into practice: some examples in Indonesia, Nepal, South Africa and the U.K." *PLA Notes*, October 2001, Chawla (ed.), London: International Institute for Environment and Development.

⁶³See ECPAT (2002), *ECPAT Newsletter: End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes*, No. 3, July, Bangkok: ECPAT.

⁶⁴See Sali (2000), "Expanding children's participation in social reform." *Child Participation: challenges of empowerment*, Discussion Papers, no. 9 spring 2000, World Vision UK (ed.), Milton Keynes: World Vision Policy and Research Department, 24-28.

⁶⁵See <www.accionporlosninos.org.pe> last visited 5 September 2003.

⁶⁶Qvortrup describes "no child can evade the impact of economic or spatial forces, nor ideologies about children and the family - let alone political and economic ideologies and realities"; Qvortrup (2000), "Macroanalysis of Childhood", *Research with Children: Perspectives and Practices*, Christensen & James (eds.), London & New York: Falmer Press, 79.

be challenged through provision of information and so on.⁶⁷ But this interest should not be assumed. Children in focus groups repeatedly emphasised the value of incentives (including information campaigns, music, awards) and fun for successful child participation.⁶⁸ Nonetheless, the child's individual circumstances may mean participation is not realistic or practical. Child engagement in some situations may be "exploitative or inappropriate, just as in other cases, not to involve children and young people represents poor practice."⁶⁹ Thus, the child's right to autonomy or participation includes both a developmental and a protectionist element.⁷⁰ Choosing a research method involves:⁷¹ preference, practicality, view of research or ideology, ethical considerations, and the research questions. But "practical considerations and preferences, ... should not *determine* the method, although they may determine the research focus and hence the questions."⁷² If there is disagreement about the approach, Roche advises that several perspectives about the participation and results be considered to determine the quality and depth of participation for triangulation of sources.⁷³ Hart's ladder model, describing degrees of participation, has been influential⁷⁴ in assessing rights. As Shier describes, this model's most useful contribution has been the identification of the lowest ladder rungs of non-participation (namely manipulation, decoration or tokenism), which has led to the improvement of practical participation.⁷⁵ Children themselves should be involved in determining how participation should be monitored. Thus, children in various situations should be engaged for a range of perspectives and knowledge with attention to effectiveness and ongoing improvement of efforts.

Although substantive concerns have been addressed in recent CRC optional protocols, a major procedural issue continues to be neglected. Although proposed during negotiations, a communications mechanism to facilitate individual and collective communications was not included in the CRC to avoid confrontation in favour of cooperation with states parties.⁷⁶ The omission is problematic because the procedure elevates the individual to participate in the international legal system, previously the preserve of governments, to directly address

⁶⁷For example, child researchers from Zimbabwean informal settlements overcame adult suspicion about their role and efforts through several public meetings to explain the importance of participatory consultation and the failure of previous studies; in McIvor (note 36 above), 36.

⁶⁸Children in focus groups in South Africa, England and Canada all supported this point.

⁶⁹Roberts (note 17 above), 225.

⁷⁰Brems (note 51 above), 28.

⁷¹Lewis & Lindsay (note 25 above), 190-191.

⁷²Original emphasis, *ibid*.

⁷³Roche (note 12 above), 547.

⁷⁴The model first appeared in Hart (note 33 above).

⁷⁵Shier (2001), "Pathways to Participation: Openings, Opportunities and Obligations." 15 *Children & Society*, 110.

⁷⁶Van Bueren (1995), *The International Law on the Rights of the Child*, Dordrecht: Martinus Nijhoff Publishers, 411.

complaints. However, while quicker than reporting, the procedure does not prevent human rights violations,⁷⁷ and tends to be time-consuming. Yet, Van Boven explains "...the right of petition may not only provide relief in individual cases, it has a broader impact by revealing patterns of injustice and by putting a sharper focus on the interpretation of international standards."⁷⁸ Even if children have access, existing procedures have not been designed with children in mind and lack the necessary supports to accommodate and sustain their efforts. The only major UN instruments or protocols that do not include the right to petition are ICESCR and the CRC.⁷⁹ A HRC member (as he then was) believes all major human rights treaties should include such an avenue

*...including of course the rights of the child because it is a much more pointed way of getting at a particular rights issue than is the procedure of having a country appear at a general discussion with the delegation and so on. It's absolutely clear that... it provides a mechanism for much more pointed review of state policy in a particular issue.*⁸⁰

The lacuna reflects unwillingness to consider the child's complaints. Van Boven supports an alternative proposal: a provision or protocol to empower such "competent bodies", as per article 45(a) and (b), as national and international NGOs, to inform on their own initiative the Committee about gross violations and mandate the Committee to investigate issues similar to the CEDAW optional protocol article 8.⁸¹ While a potentially useful addition, NGOs do not typically encounter obstacles in contributing to the CRC reporting process due to the a.45(1) provision. The issue of empowering children directly with communications, would be "both egalitarian and evolutionary".⁸² The proposal is consistent with existing international law. For example, the African Children's Charter affirms the role and responsibilities of the child as part of the community and provides for communications from any person or group about Charter matters.⁸³ The recent addition of the procedure to CEDAW demonstrates the evolving capacity of the international legal system to recognise and accommodate rights monitoring. While some may not support the proposal due to concern about limited resources, rights are not determined by resources. Consequently, to reflect a child rights approach, a communications procedure with adequate child-friendly support, should be incorporated into the CRC to address alleged

⁷⁷Ibid., 378.

⁷⁸van Boven (2002), "Children's Rights are Human Rights; Current Issues and Developments." *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities*. Willems (ed.), Antwerpen; Oxford; New York: Intersentia, 18.

⁷⁹Ibid., 17.

⁸⁰Yalden, member of the UN Human Rights Committee (as he then was) (2002), Interview with author, Ottawa: 23 January.

⁸¹van Boven (note 78 above), 18-19.

⁸²Van Bueren (note 76 above), 411.

⁸³Charter articles XXXI and XLIV respectively

individual and group violations in a child rights manner.⁸⁴

In summary, monitoring should include the child's perspective and priorities, which may differ from adults as children in research focus groups consistently held.

2.0 Tools to Support Child Participation in Monitoring

Various monitoring tools have been developed in recent years that further understanding of the situation of child rights in various ways including considering the child as a subject in the research process. Tools and methods associated with participatory monitoring and evaluation of projects and programmes, commonly termed "participatory rural appraisal" or "participatory rapid assessment", may be useful including visualisation (through participants' diagrams and pictures), interviewing and group work.⁸⁵ For example, Woodhead's "Children's Perspective Protocol" involves several activities with children without requiring literacy to illuminate their lives including daily activities, school and work, relationships, and views on child development through *inter alia* drawings, diagrams and maps.⁸⁶ Using role-playing and drama, video, photography, focus group work, and writing, children can also share their knowledge on a range of issues.⁸⁷ Child-to-child is another tool that can educate, empower and monitor children. The approach informs and encourages older children to consider the development of younger children in their communities, promoting the child's role, hence "...the philosophy and work of child-to-child is in fact a practical expression of the [child rights] convention's many provisions..."⁸⁸ Child-to-child has great significance: "For the first time, the experience of the South has been used to formulate an educational concept which is valid for both North and South. The immediate success achieved by this method in Africa is due to the fact that it is derived from practices already in operation there."⁸⁹ Such participatory techniques are useful and important in minimising the construct of age as a barrier to the child's ability to participate.⁹⁰

Quantitative research methods, including community surveys or ecological assessments, should be participatory to respond to community needs and situations where participants determine what

⁸⁴See examples: Kindernothilfe (2001), *Strengthening Children's Rights: Documentation of the Conference Held in Berlin on 5th April 2001*, Berlin: Kindernothilfe Joint Conference Church and Development (GKKE); and Müller (2002), *Children as Strong as Nations: Background, reasons and arguments for introducing a right of petition*, Duisburg: Kindernothilfe.

⁸⁵Estrella & Gaventa (1998), *Who Counts Reality? Participatory Monitoring and Evaluation: A Literature Review*, Brighton: Institute of Development Studies at University of Sussex, 35-37.

⁸⁶Woodhead, in Save the Children (note 7 above), 17-19.

⁸⁷Save the Children (note 7 above), 19-23.

⁸⁸Otaala (1998), "Children's participation for research and programming in education, health and community development: selected experiences in Africa." *Stepping Forward: Children and young people's participation in the development process*. Johnson et al. (eds.), London: Intermediate Technology Publications, 136-7.

⁸⁹Vanistendael, cited in *ibid.*, 137.

⁹⁰Solberg, in O'Kane (note 28 above), 140.

information to collect, the collection method and timing.⁹¹ Children's involvement will contribute to a survey's relevancy and appropriateness. Activities including children's elections, opinion polls and qualitative research, can support identification and assessment of children's perspectives although they are generally adult-instigated efforts that may be manipulative or tokenistic.⁹² Other tools include: the conversation between the researcher and a child; and listening to children, which has a long history but remains an unrealised resource.⁹³ Informal conversations with children and between children are valuable according to Mayall because they "allowed access to children's knowledge and to accounts of daily life from both child and adult perspectives."⁹⁴ The research conversation has several advantages:⁹⁵ children can control or influence the conversation, which allow the researcher to understand child priorities; adults can learn about children's social worlds and knowledge gathering; and the conversation can demonstrate children's social skills.⁹⁶ But Lewis stresses "the greatest imperative is to engender a listening culture amongst the adults to whom they must direct their voice."⁹⁷ Facilitators - whether adult or child - must be skilled in communications, facilitation and conflict negotiation.⁹⁸ Monitoring can benefit because: "Children's understandings both complement and reinforce macro-studies" about child rights and their interests.⁹⁹ Working with children in their environments can provide valuable data collection about their lives not commonly known by adults; for example, studies are investigating child use of space to develop understandings of childhood and policies for their physical environments.¹⁰⁰

Communications other than verbal means including "play, activities, songs, drawings and stories", can be utilised with children of varying ages and skills, although some methods require certain conceptual or physical abilities.¹⁰¹ With various means of communication however,

⁹¹Estrella & Gaventa (note 85 above), 37.

⁹²UNICEF (1998), *Indicators for global monitoring of child rights: Summary Report - International meeting sponsored by UNICEF, 9-12 February 1998, Geneva, Switzerland*, New York: Division of Evaluation, Policy and Planning, UNICEF New York, 7.

⁹³Mayall (2000), "Conversations with Children: Working with Generational Issues", *Research with Children: Perspectives and Practices*, Christensen & James (eds.) London & New York: Falmer Press; and Roberts (note 17 above).

⁹⁴Mayall (note 93 above), 129, 134.

⁹⁵Ibid., 133-4.

⁹⁶Ibid.

⁹⁷Lewis (1996), "Children Teaching Adults to Listen to Them." *Children in Charge*, John (ed.), London & Bristol, PA.: Jessica Kingsley, 214.

⁹⁸O'Kane (note 28 above), 151.

⁹⁹Mayall (note 93 above), 134.

¹⁰⁰Ibid., 132-3.

¹⁰¹O'Kane (note 28 above), 139, 155.

problems in interpretation can occur. Lewis and Lindsay acknowledge: "The more that a child's perspective is inferred indirectly [through drawings, photographs, models, observation, analyses of talk, diaries and so on], the greater the danger of misinterpreting or overinterpreting what children present".¹⁰² In responding to children's perspectives, adults should ensure that they are accurate and not simplifying their interpretations of children's rights.¹⁰³ Roberts notes: "It cannot be taken for granted that more listening means more hearing, or that the cost benefits to children of participating in research on questions in which they may or may not have a stake is worth the candle."¹⁰⁴

Observation is a technique common to certain disciplines but it does not involve direct contributions of children. It may be useful for interpreting child perspectives of very young children, such as those involved in early childhood programming.¹⁰⁵ However, its use should be restricted because it can become an excuse to avoid direct communications with, and engagement of children. Even very young children can be consulted or engaged.¹⁰⁶ Various tools will support their engagement in monitoring.

In conclusion, various useful tools to support participation exist. To benefit efforts, monitors should determine the most useful for their purposes and utilise them effectively.

3.0 Conclusion

Over the last century, international human rights law has evolved to specifically promote and protect the child's rights and monitoring provides the means of understanding the reality of these rights. If well done, monitoring allows understanding of child rights, provides data to inspire and mobilise ongoing progress. However, child rights have inadequately influenced monitoring as revealed in ongoing weak child engagement in the process. L. counters: "Because you are doing the monitoring for the benefit of people, so if you don't get what they want, you don't get the opinion, then what is the use of doing what you are doing?"¹⁰⁷ The contributions of children engaged in the research focus groups provided broad and thoughtful suggestions to improve monitoring. Their contributions also confirm the value and potential of improved and expanded child engagement. International child rights law offers a significant challenge to every state party, concerned organisation and individual to continually strive towards progress. Complacency with existing efforts is unacceptable as the child rights challenge must continually be addressed in and across every jurisdiction.

Diversity is valued in the process and different forms of data and analysis contribute to the

¹⁰²Lewis & Lindsay (note 25 above), 193.

¹⁰³Alderson (note 43 above), 81.

¹⁰⁴Roberts (note 17 above), 229.

¹⁰⁵Gosling with Edwards (2003), *Toolkits: A practical guide to planning, monitoring, evaluation and impact assessment*, London: Save the Children, 32.

¹⁰⁶For methods of involving young children, see Alderson (note 43 above), Chapter 4.

¹⁰⁷Fifteen year-old girl, in Ottawa Focus Group, 5 October (2002) (note 5 above).

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overall picture. Hence, coordination is essential among monitors and of procedures. Actors should use every relevant tool and avenue to advance monitoring and support child rights in the process, maximising successes, overcoming ignorance and learning lessons from failures or weaknesses.

In conclusion, child participation will benefit the monitoring process and results and serve rights. As Bernard Shaw observes: "It's all that the young can do for the old, to shock them and keep them up to date."¹⁰⁸

¹⁰⁸Shaw (1930), "Introduction", *Fanny's First Play*, From *Misalliance, The dark lady of the Sonnets, and Fanny's first play*, c1914. London: Constable and Company.