

Protection through participation

Young people affected by sexual violence
as change makers in prevention efforts

Cumberland Lodge

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Protection_{and} Participation are mutually reinforcing.

Protection is necessary in order to
participate and participation is
necessary to ensure protection

Understanding protection

General Comment No. 13, The right of the child to freedom from all forms of violence, Committee on the Rights of the Child

- Article 19 - no violence against children is justifiable. *All forms of physical or mental violence*” leaves no room for any level of legalized violence against children
- A child rights-based approach requires a paradigm shift towards respecting and promoting the dignity integrity of children as rights-holders not victims
- Children’s rights to be heard and to have their views given due weight must be respected in all decision-making processes, and central to protection strategies and programmes

In addition..

CRC recognises the right to protection from:

- Discrimination on any grounds in the realisation of their rights (Article 2)
- All forms of exploitation and abuse (Articles 32 -36)
- Torture or other cruel, inhuman or degrading treatment (Article 37)
- Armed conflict (Article 38)

Understanding participation

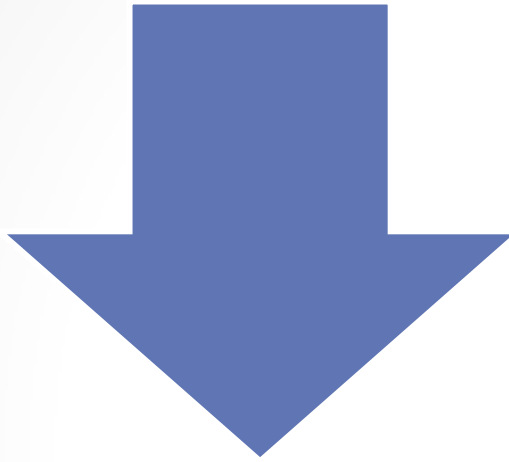
General Comment No.12, The Right of the Child to be Heard, Committee on the Rights of the Child

- Article 12 - both a substantive right and a general principle to inform the realisation of all other rights - a means and an end
- Right to be heard and taken seriously - a fundamental value of the CRC
- An entitlement - not a privilege
- Concept of participation embodied in a cluster of articles recognising child as a social actor – Articles 5, 12 – 17

Participation means what?

- Every child capable of forming a view has the right to express that view
- The right to be heard extends to all matters of concern to the child, including protection
- Children as individuals and as a constituency must have a voice
- Child's views must be taken seriously in accordance with age and maturity
- Children must be afforded space, information and opportunity to express views, consistent with their age and maturity

Balance within the CRC



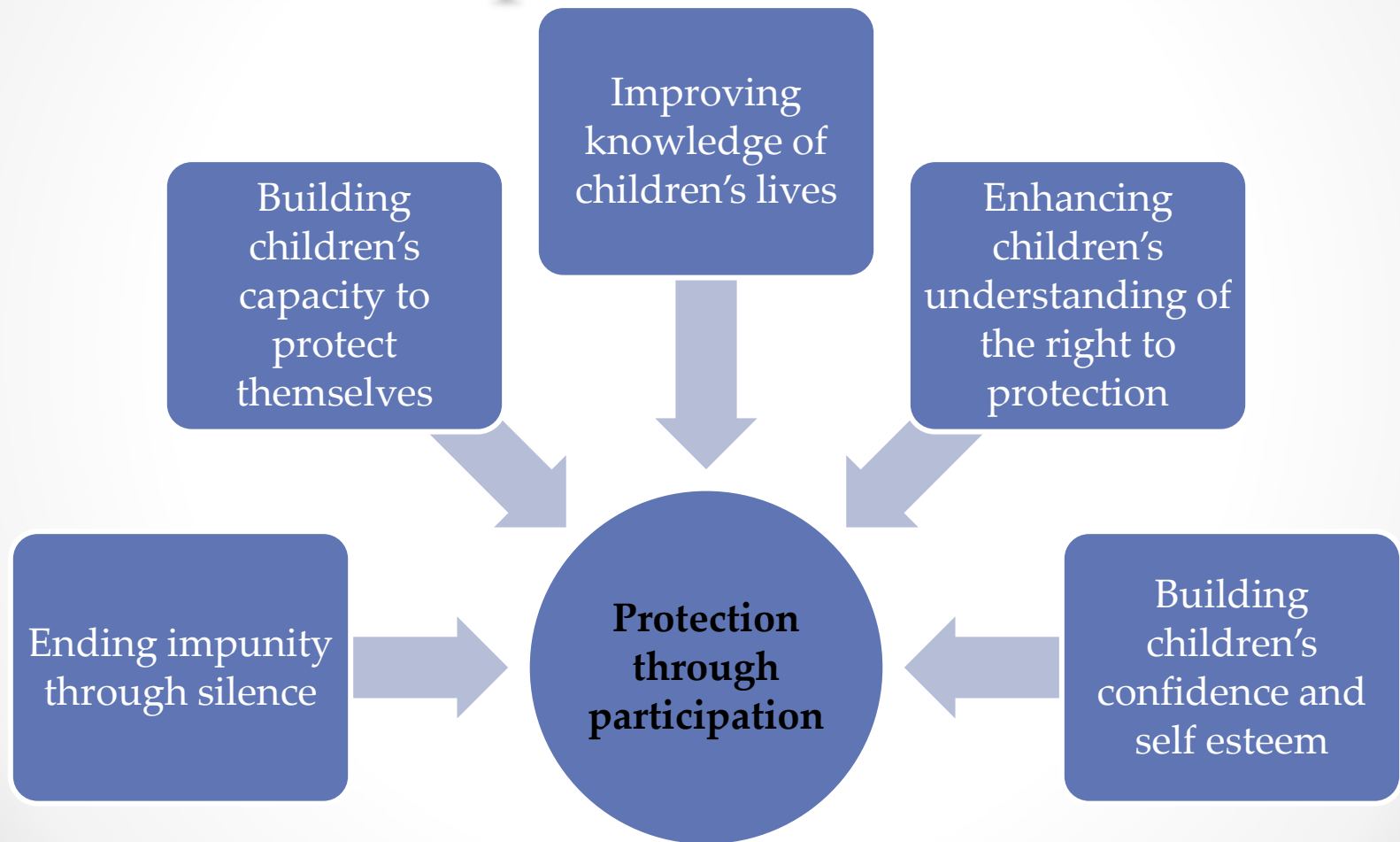
Participation: Right to be heard on all matters of concern; access to information; recognition of evolving capacities; freedom of expression, religion; privacy and confidentiality; involvement in design of services.



Protection: Protection from all forms of violence and exploitation; minimum ages for marriage, sexual consent, employment, criminal responsibility; youth justice systems.



Relevance of participation to protection



Involving children in protection

Consultative participation

- Adult initiated
- Adult led
- Recognises the value of children's perspectives and experience

Collaborative participation

- Adult initiated
- Involving partnership with children
- Empowering children to influence both process and outcomes
- Allows for increasing levels of self directed action over time

Child led participation

- Issues of concern identified by children themselves
- Adults serve as facilitators rather than leaders
- Children have control over the process

Ensuring ethical and quality participation

General Comment No.12, The Right of the Child to be Heard, Committee on the Rights of the Child

Children's experience

Respectful

Relevant

Voluntary

Transparent and
informative

Adult commitments

Supported by
training

Accountable

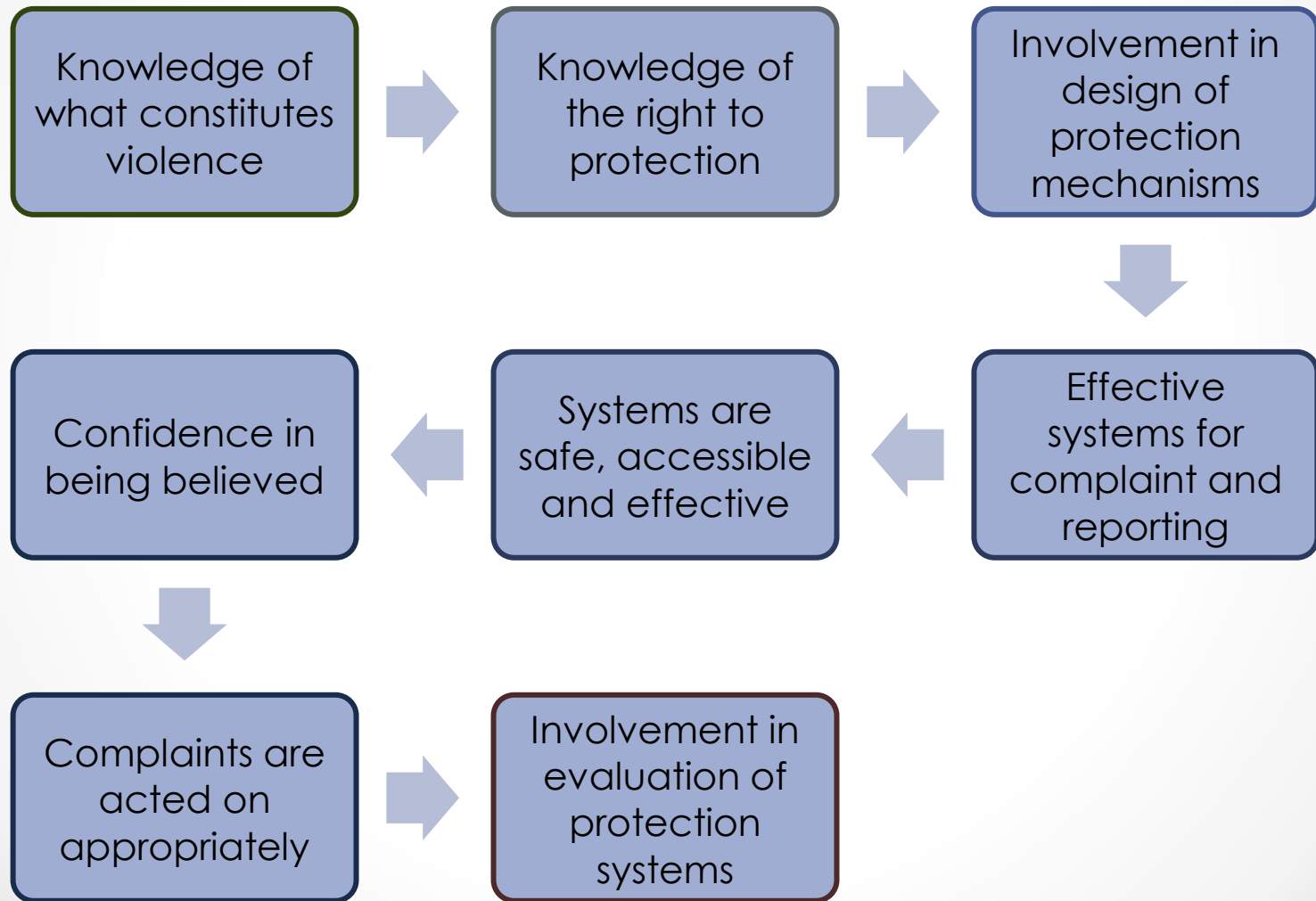
Nature of environment

Inclusive

Child-friendly

Safe and
sensitive to risk

Prerequisites of participation as a means of protection



Achieving protection through participation

- The balance between protection and participation needs to be guided by the 'evolving capacities' and 'best interests' principles
- Need to guard against both over-protection and under-protection by:
 - assessing levels of maturity and tailoring policy and interventions accordingly;
 - creating an environment which supports and actively encourages progressive development of autonomy.
- Need for greater emphasis on empowerment, capacity building and autonomy of young people in protection frameworks -rather than the greater emphasis traditionally placed on external parameters and controls on young people's behaviour.

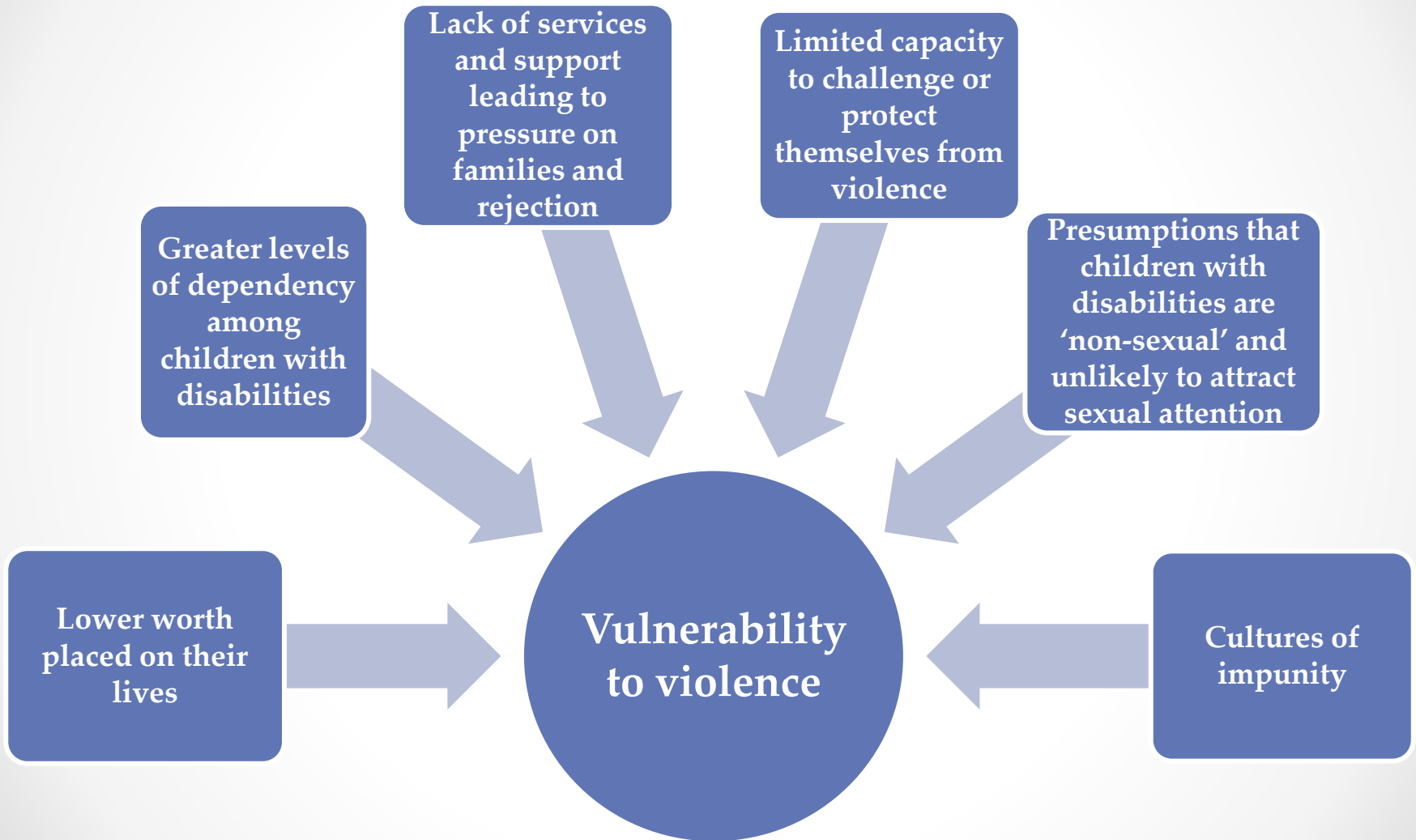
Overall barriers to participation

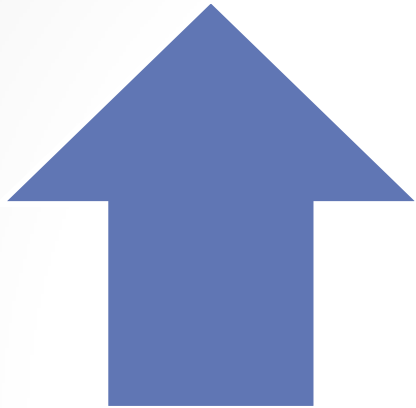
- Fears that participation may undermine protection
- Prevailing attitudes about the capacities of children or relevance of their perspectives
- Anxieties about creating space for children's feelings
- Lack of training for professionals in child participation - lack of knowledge or confidence in how to listen to children
- Perception that participation is costly, time-consuming and irrelevant
- Lack of opportunities for children to acquire confidence in articulating their views
- Lack of legislation or policy reinforcing the right of children to be heard
- Lack of access by children to information about their rights
- Social exclusion of some groups of children

Children with disabilities: an illustrative example

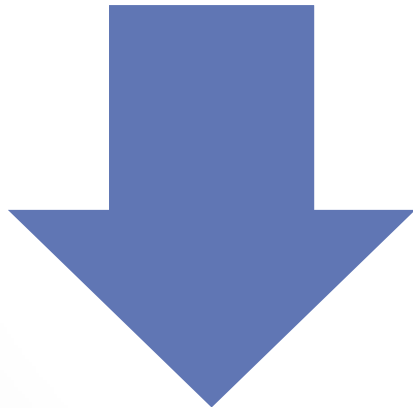
- **Global**
 - children with disabilities more likely to experience severe corporal punishment in half countries reviewed
- **US:**
 - 50,000 children – children with disabilities 3x more likely to be abused
 - 770 deaf adults – 45% experience some form of abuse as children
- **Romania (and other CEECIS countries):**
 - children in institutions tied to cribs, wrapped head to toe in sheets used as full-body restraints, open wounds and bed sores all over their bodies, malnourished, and near death
- **Kenya:**
 - 15–20% of all children with disabilities experienced severe levels of physical and sexual violence
- **South Africa:**
 - Children with physical disabilities up to 4x more likely to experience abuse
- **Orissa, India:**
 - Nearly all of the women and girls with disabilities were beaten at home, 25% of women with intellectual disabilities had been raped

Contributory factors



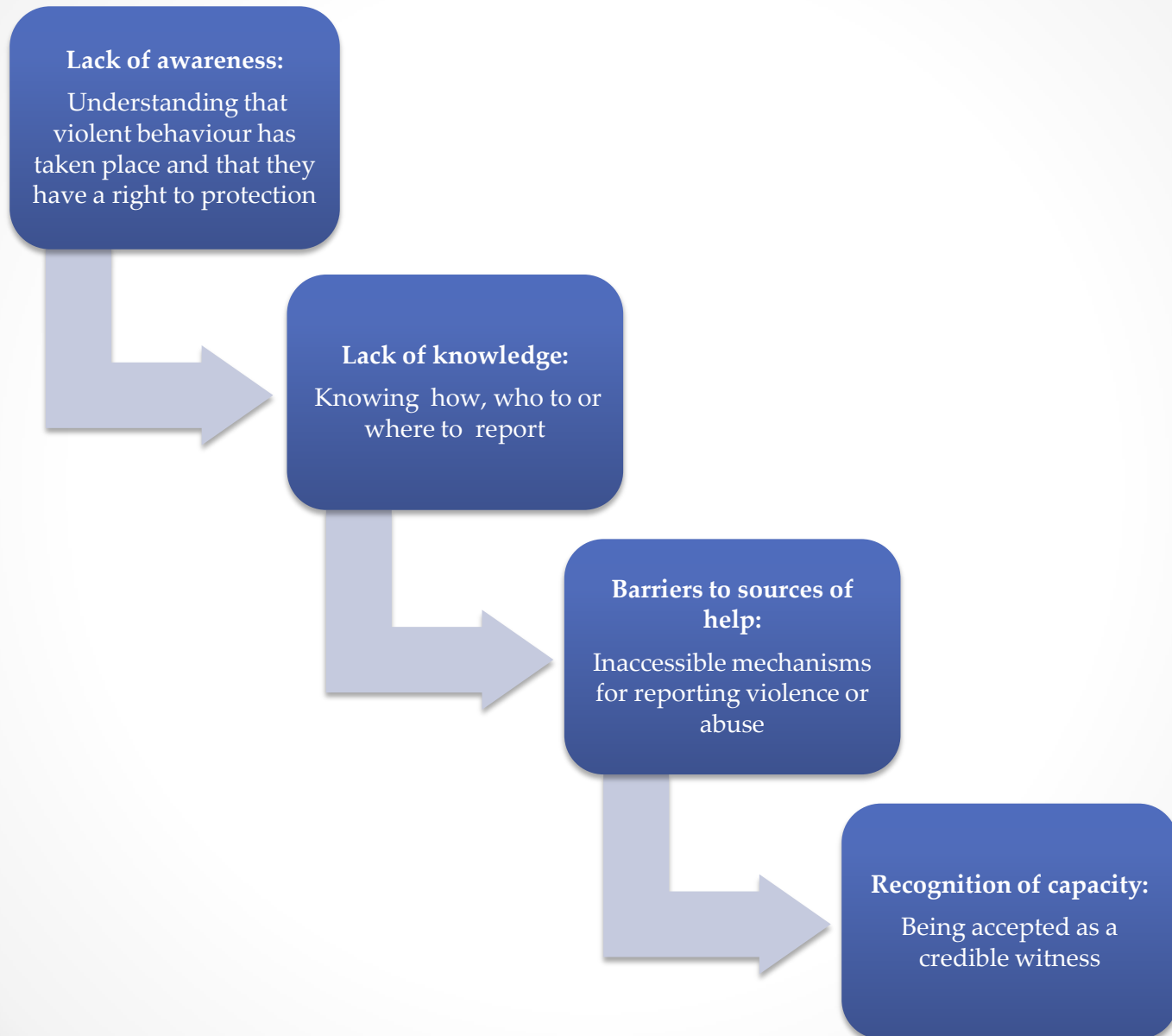


Denial of
participation
rights



Exacerbates
vulnerability
to violence

Impact of lack of participation rights



Building sustainable change for all children

Recognise children as partners in promoting protection

- Work with rather than simply for children
- Build on children's own perceptions and experiences rather than adults assumptions
- Enlist children as partners in awareness-raising and campaigns to end violence

Improve knowledge

- Ensure that every child is aware of their rights
- Provide training for all professionals on children's rights including the right to be heard,
- Undertake research with children – eg prevalence, impact, what works

Build participatory frameworks and systems

- Review all reporting mechanisms to ensure that they are child friendly, safe and accessible for all children
- Ensure that best interests of the child is determined with reference to the child's views, wherever possible
- Involve children in all levels of decision-making, consistent with their age and maturity – at individual, community, policy and legislative levels

Summary

- The obligation to respect the right of children to be heard is equal to the obligation to protect
- The right to be heard and the right to live without violence are inseparable rights
- Effective and sustainable protection for children can only be achieved through listening to children
- Failing to listen lends succour to abusers
- Children have demonstrated enormous capacity to contribute to their own protection
- Children need information on their rights in order to express their views
- There are manifold ways and levels at which children participate
- Remember that adults do not always know best!