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Response

Hanna Zimnitskaya
Macalester College

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Response

Hanna Zimnitskaya

*There's a radical—and wonderful—new idea here... that all children could and should be inventors of their own theories, critics of other people's ideas, analyzers of evidence, and makers of their own personal marks on the world. It is an idea with revolutionary implications. If we take it seriously.*¹

Deborah Meier, founder of the modern small schools movement

Professor Asha Bajpai's essay, "Children in India: Law, Policy and Practice," commences by stating that India is the largest democracy in the world, and that by virtue of this title, one of the country's main preoccupations is to remediate the law, policy, and practice related to the protection of children's rights. However, her discourse overlooks an essential component of a flourishing democracy: participation. A nation is democratic to the extent to which all of its citizens are involved. As Amartya Sen points out, "if people are involved in making their own decisions and running their own lives, their actions are more likely to result...in achievement of their well-being freedoms."²

Throughout her essay, the child is conceptualized as the recipient of a plentitude of legal protections, but is not granted sufficient recognition as the subject of *rights*. Thus, in this response, I will reflect upon the role of minors as active agents by assessing the powers codified in the Convention on the Rights of the Child, as well as the difficulty of effecting a fundamental shift in traditional attitudes toward minors. As an example of positive development of the child's status in India, I will bring forward the activities of the Indian organization Butterflies, founded on and guided by the primacy of children's active involvement. In the second part of this response, I will examine the Child Friendly Cities Initiative and participatory methods of researching children's well-being as examples of diverse strategies that aim to change the social representations of minors from the "not-yets" to the "fully qualified."³

Children are by nature an at-risk population, and for many years this has been the main factor underlying the welfare approach by which children are entitled to fulfillment of their social and economic rights, e.g., the right to education, to health care, and to an adequate standard of living.⁴ However, minors have always remained unseen and unheard in the political arena. It is embedded in traditional attitudes that listening to children and recognizing the value of their perspectives would automatically undermine the monopoly held by adult judgment. As Peter Schrag pointed out in his provocative statement, "children are a nuisance to most adults; they are a particular nuisance to the democratic theorist who wishes to exclude them from having a voice in the direction of the polity with as much vehemence as he wishes to include every adult."⁵ He laments the inability of democratic theorists to see beyond the issue of protection and their unwillingness to communicate with a diverse set of agents, which is a crucial step toward the achievement of collective well-being.

The codified intention of guarding the child dates back to the Geneva Declaration of the Rights of the Child that the League of Nations endorsed in 1924. It continued to evolve during the twentieth century up to 1989, the time of the adoption of The United Nations Convention on the Rights of the Child (CRC), whose universal standards justifiably reflect the widely held view

that children are in need of protection. Thirty-five of the forty-one substantive articles in Part I protect, secure, and guarantee welfare rights for minors. However, the remaining six articles, which specify a number of political rights, introduce a revolutionary shift in the overall legal culture by defining the child as an active agent who requires special forms of protection in light of his or her legal and developmental vulnerability. These entitlements include the right to be listened to (Article 12); the right to express their views (Article 13); the right to freedom of conscience, thought, and religion (Article 14); the right to join or form associations to represent their own interests (Article 15); the right to privacy (Article 16); and the right to information (Article 17).⁶ The Committee on the Rights of the Child, which was created to monitor the implementation of the resolutions of the Convention, identifies the child's right to participation as one of the guiding principles.⁷ In order for it to become a living reality, the governments that ratified the Convention are required to demonstrate a strong commitment by launching a dialogue in which children assume increasing responsibilities and more active roles. While adults are expected to provide a certain level of guidance, they must understand that by treating the child as an active agent they help him gain an understanding of why particular rules are to be followed. This shift in thinking about children's capabilities and contributions entails two-way communication in which minors are treated as equal partners.⁸

For a moment, let us hypothesize that the exclusion of children from politics is reasonable since minors by nature seem to lack the minimal level of cognitive capacity necessary for responsible participation in democratic procedures.⁹ The prospect of two-year-olds voting is absurd indeed. Nevertheless, political maturity is continuous and developmental, and not something a person comes to possess suddenly by waving a magic wand. Ironically, in numerous cases the benefits of citizenship are of a discontinuous nature; in other words, they become available only at a fixed age as if the child can turn adult overnight. The failure to question and modify such abrupt acquisition of political maturity has resulted in the exclusion of children from politics even though listening to them seems to lead to better decisions.¹⁰ Minors have a body of experience and knowledge that is unique to their situation, but many government policies related to children's lives are developed and delivered largely in ignorance of how they will affect the children's present and future. As striking examples, let us consider such practices as removing children from the streets and placing them in large institutions that deny them emotional and psychological well-being, or the practice of awarding post-divorce custody to the mother without asking the child. Although there is growing recognition that children have been more harmed than helped by such practices, in many instances they continue to be implemented.

Regrettably, in the majority of democracies, there is very little attention dedicated to designing participatory, transitional organizations to cultivate children's development into active citizens. As a result, many minors share the feeling of being left out. They regret the fact that they cannot influence outcomes, which makes them renounce democracy as an inefficient way of organizing a community's life. For instance, at the formal level, most children are excluded from the right to vote in elections until they are eighteen years old, and are thus unable to exercise any role in formal representative democratic institutions. The only countries that have altered this pattern by reducing the voting age to sixteen years are Brazil, Nicaragua, Austria, Estonia, and Ecuador. The voting age is especially significant for the problem of intergenerational domination.

According to Dennis Thompson's theory of popular sovereignty, citizens see themselves as a temporal series of sovereigns, in which the form of future democracy is left open. However, each action of the present generation will inescapably affect the future democratic sovereigns, thus the present generation embodies a community of "trustees of the democratic process,"¹¹ which is the

basis of the idea of an intergenerational polity. In order to create a rich pool of shared sovereignty, statuses and freedoms have to be shared as well.

Non-domination is crucial for distributing control over the citizens' own obligations and statuses in order to achieve democratic self-rule.¹² Together with stateless people, children are certainly among those who lack the key status of full citizenship or, more precisely, the communicative status of being heard and recognized in public, and the decisional status of making important choices about their lives and that of their community. The CRC's articles 12–17 establish a number of salient statuses for children, which are vital for their need to inhabit a healthy, non-dominated environment.¹³ As a consequence, in both well-established and newly formed democracies, there is a growing imperative for minors to experience the implications of possessing such powers. Children must be provided with various opportunities to learn what their rights and duties are, and how their actions can affect the rights of others.¹⁴ It is only by seeing respect for their own perspectives that children will acquire the competence to manage the intricate issues that will confront them as they approach adulthood.

Having highlighted the importance of fostering children's participation, deeply entrenched in the Convention on the Rights of the Child, let us return to India, a country that, according to Professor Bajpai, aspires to be "the largest democracy in the world." Are the voices of minors beginning to emerge from a vast sea of laws and policies? One of the most outstanding case studies is the voluntary organization Butterflies, founded in Delhi in 1989, which has earned worldwide recognition for its innovative programs for street and working children. Its volunteers are in contact with more than 1,500 minors on a regular basis through twelve contact points in Delhi. The organization is committed to a non-institutional approach, thus promoting children's participation in the process of decision making as part of its program planning, monitoring, and evaluation.¹⁵ Let us glimpse some main objectives, endorsed by the organization, that eloquently speak for themselves:

- Listen to children and let our work be guided by their views, suggestions and feelings;
- Empower street and working children with knowledge and skills necessary to protect their rights as children;
- Give vulnerable children a voice and the tools to raise issues which have a bearing on their lives and to facilitate the changes which will enable them to become valued and productive citizens;
- Encourage today's generation of children to have the confidence, motivation, and means to make the world a better place for themselves.¹⁶

The organization's activities are guided by a team of street educators who establish trusting relationships with the children and involve them in informal education, recreational practices, and health programs at the twelve contact points. The minors are encouraged to plan most of the activities through the Children's Council (*Bal Sabha*), attended by representatives who bring

issues raised by the children at each contact point. The Children's Council meetings are held every month, thus enabling children to discuss and share information, analyze various social and political events, and work towards collective action. Among the most discussed issues are drugs, police harassment, nonpayment of wages, and the need for better jobs.

Butterflies has encouraged high levels of child participation. The Council's forums have led to the emergence of a number of children's collectives such as the Child Workers' Union; *Child Workers' Voice*, a wall paper for and by children; the theatre group Butterflies; a health cooperative; and the Children's Development Bank, called *Bal Vikas Bank*. Interestingly, the wall paper *Child Workers' Voice* has evolved into national newspapers called *National Children's Times* and *National Children's Times and South Asian Children's Times*.¹⁷ In addition, the children not only plan most of their activities but in some instances also contribute materially towards them. The members of Children's Development Bank have to pay a deposit, which enables them to make business plans and to earn interest. The obligation to contribute adds to the sense of ownership of the program and a commitment to ensuring its success.

By organizing the children through the method of nonintrusive guidance, Butterflies has succeeded in uncovering the immense creative potential of minors as active agents. The organization is an effective alternative to the traditional institutionalization of children because it operates in places where the street and working children live: bus terminals, railway stations, markets, and parks. It avoids the trauma of uprooting the child and forcibly putting him or her into a shelter (as the majority of "omniscient" adults would have done in this case). A non-institutional approach develops the child's capacity to adjust to various situations and empowers him or her to be independent. By organizing the community's life and delegating power to local self-government, the program facilitates a greater public outreach and in the long run proves to be one of the most efficient and practical approaches to granting children the political respect to which they are entitled while also asserting their economic and social rights.

Another example of a successful initiative to empower children as participating citizens is the Child Friendly Cities Initiative (CFCI).¹⁸ It was launched in 1996 as a result of the resolution passed during the second United Nations Conference on Human Settlements (Habitat II) in order to make cities livable places for all. The Conference declared that the well-being of children is the ultimate indicator of a healthy habitat, a democratic society, and good governance. Child Friendly Cities' purpose is to advance the child rights agenda in both the developing world and the industrialized world by advocating for a governance approach and participatory urban management. The cities involved in the program must develop specific systems of local governance that fulfill minors' rights to influence decisions about their city; to express their opinions on the kinds of urban planning they prefer; to participate in family, community, and social life; to meet friends and to play; to take part in cultural and social events; and to be an equal citizen of their city regardless of ethnic origin, religion, income, gender, or disability.

A child-friendly city is the embodiment of the CRC at the local level; it is a space where children are active agents and their voices and opinions influence decision-making processes. Becoming a child-friendly city entails the fulfilment of nine components: ensuring children's participation, having a child-friendly legal framework, developing a citywide children's rights strategy, creating a children's rights unit or a coordinating mechanism, ensuring a child impact assessment and evaluation, having an appropriate children's budget, ensuring a regular state of the city's children report, making children's rights known among adults and children, and supporting independent advocacy for children.¹⁹ In India, an example of a child-friendly city is

Calcutta, thanks to its City-Level Program of Action for Street and Working Children (CLPOA), which is a citywide coordinating mechanism for reaching urban children.²⁰

The CLPOA is an umbrella organization uniting the government and non-government agencies that coordinate and extend a variety of basic services that address all deprived urban children. The partnership structure allows for a citywide holistic approach, thus overcoming a project-based approach to minors' rights. With the help of the CLPOA, forty-two police stations in Calcutta have become involved in the child-friendly police initiative, which consists of conducting training courses for police officers to sensitize them to the rights and needs of deprived children.²¹ The police also issue Child Protection Cards and organize self-defense training for vulnerable children. Interestingly, despite being a typical initiative aimed at protection, this program establishes a dialogue between police officers and children, thus helping effectuate a shift in their traditional attitudes toward each other.

At the same time, as a side effect of organizing the nature of child-friendly cities, especially in the Western world, childhood has become increasingly structured and controlled to the extent that some critics suggest it no longer even exists. The child's development has been directly affected by the changing spaces of childhood since access to the outdoors is more limited and the use of structured places like schools, cars, or daycare has increased.²² To avoid this problem, Italy, perhaps more than any other Western country, has dedicated a lot of effort to incorporating children into the process of planning its cities. Major architectural journals have devoted issues to child participation, which resulted in the fact that there are currently hundreds of Italian cities in which various forms of children's input influence the transformations of the urban landscape.²³

The city of Empoli, situated close to Florence, is a clear example of how the child's creative potential to design his or her own space can contribute to improving the life of the entire community.²⁴ In 1999, Empoli's local officials developed a new city plan with a major investment in children's participation, which included neighborhood workshops and citywide surveys in high schools. The minors' ideas led to numerous changes in the city's original structure, such as increased pedestrian areas and greenways for children. This project turned out to be extremely successful, which brought it a first prize for "Sustainable Cities" among small cities. Importantly, the jury revealed that the child participation component of the plan was the most effective vehicle toward citywide acceptance of sustainable practices.

The prospects for the initiative's future are quite bright since child-friendly cities have started to organize themselves into networks, which is reflected in the example of the European Child Friendly Cities Network that links Swedish, Flemish, Greek, Irish, Spanish, and some Eastern European organizations. Their objectives are to promote the rights and interests of children in local communities and to involve the youth in discussing a variety of policies issued by local authorities. The political process of decentralization that is underway in many countries contributes to the transfer of responsibilities to local governments, which helps municipal frameworks include children in local provisions.²⁵ As we have seen in the example of Butterflies, children have concrete ideas of what is best for their well-being. When allowed to take the initiative and organize their communal life, they not only contradict the traditional image of minors as "irrational beings," but on the contrary, demonstrate an impressive ability to develop their potential as responsible citizens. The implementation of the rights of minors is a feature of

progressive societies that not only offers social protection but also promotes social integration by expanding open spaces and opportunities for reciprocal intergenerational dialogues.

After considering such inspiring examples, one cannot help asking a fairly logical question: how can we establish an efficient dialogue between policymakers and children? It seems that development policies and human rights belong to two different, and yet complementary, paradigms.²⁶ The human development realm's main preoccupation is the improvement of human capacities and quality of life. In contrast, the realm of human rights seeks to improve freedom and equality. The difference between the "top-down" approach that public institutions use and the "bottom-up" approach that the subjects of rights use makes it difficult for public policies and human rights to meet coherently in the public sphere.²⁷ They need to complement each other or the paradigms risk developing two divergent spheres: the "hard" reality of needs and the "soft" aspiration of rights.

A promising effort to reconcile the groups by reducing age-based inequalities lies in the domain of measuring and monitoring children's well-being. The recent interest in such indicators is caused by the fact that numerous policies require high levels of accountability, which in turn require policymakers to collect increasing amounts of data for program creation, implementation, and evaluation.²⁸ However, much research on children's lives has been delivered in the form of objective description wherein minors are treated as passive objects that are shaped according to the conceptions of the adult world.²⁹ The main problem is that we conduct most research *on* children instead of doing it *with* them: "To evaluate quality of life of any population we need to go and ask them. It is not appropriate to discuss children's quality of life without asking children about their own perspectives on their living conditions."³⁰

Developing participatory methods of researching children's well-being will make adults understand that childhood is a phase in itself, and that it belongs to the child. By studying and interpreting minors' standpoints together with them, we take "one step forward in diminishing the ethical problems of imbalanced power relationships."³¹ In a democratic society, the citizens themselves should provide the information necessary to improve our understanding of their realities. The importance of self-reported information on living conditions is connected with the right of children to participate in the democratic processes.³² The knowledge of what issues are important for children and what their stances are in these matters are important for respecting them as persons, for informing policymakers, and for enhancing the legal and political socialization of children.

In conclusion, it should be emphasized that children's voices must become an indispensable component of any decision-making process that affects them, from planning and implementation to monitoring and evaluation. When minors engage in numerous activities, they begin to acquire and develop the knowledge and skills underlying the democratic processes of participation, thus making them self-advocating in the future. Professor Bajpai asserts that, "the need of the hour is a synergy of all the stake-holders—parents, teachers, police, NGOs, prosecution, government, media, corporates, industrialists, and the youth." It is true that without adopting a holistic approach to children's rights, it will be hard to ameliorate the status quo. The recognition of minors as stakeholders is a key factor defining what the future of Indian democracy will look like.

Notes

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3. F. Casas, "Monitoring Children's Rights and Monitoring Childhood: Different Tasks?," in *Monitoring Children's Rights*, edited by E. Verhellen (The Hague: Martinus Nijhoff, 1996), p. 53.
4. A. Rehfeld, "The Child as Democratic Citizen," *The Annals of the American Academy of Political and Social Science* 633, no. 1 (2011): 142.
5. F. Schrag, "The Child's Status in the Democratic State," *Political Theory* 3, no. 4 (1975): 433.
6. R. Maddex, *International Encyclopedia of Human Rights: Freedoms, Abuses, and Remedies* (Washington, D.C.: CQ Press, 2000), p. 67.
7. Child Rights International Network, online at crin.org/resources/treaties/CRC.asp.
8. "Democracy for All: Children's Participation Builds Citizenship," *South African Child Gauge* 2010/2011 (Children's Institute, University of Cape Town). UNICEF press release available online at ci.org.za/depts/ci/pubs/pdf/ciintheneews/press_releases/2011/press_release_gauge_2011_eng.pdf.
9. Rehfeld 2011, p.144.
10. G. Lansdown, *Promoting Children's Participation in Democratic Decision-Making*. (Florence: UNICEF Research Center, 2001), p. 4.
11. D. Thompson, "Democracy in Time: Popular Sovereignty and Temporal Representation," *Constellations* 12, no. 2 (June 2005): 248.
12. J. Bohman, "Children and the Rights of Citizens: Nondomination and Intergenerational Justice," *Annals of the American Academy of Political and Social Science* 633, no. 1 (2011): 129.
13. J. Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice* (New York: Routledge, 2009), p. 111.
14. Rehfeld 2011.
15. Online at butterflieschildrights.org/.
16. Online at butterflieschildrights.org/objectives.php.

17. Online at butterflieschildrights.org/collectives.php.
18. Online at childfriendlycities.org/en/overview/the-cfc-initiative.
19. "Child Friendly Cities Fact Sheet," UNICEF National Committees and Country Offices (September 2009), online at childfriendlycities.org/en/overview/what-is-a-child-friendly-city.
20. Online at childfriendlycities.org/en/to-learn-more/examples-of-cfc-initiatives/india.
21. E. Riggio, "Child Friendly Cities: Good Governance in the Best Interests of the Child," *Environment and Urbanization* 14, no. 2 (October 2002): 56.
22. S. Holloway and G. Valentine, *Children's Geographies: Playing, Living, Learning* (New York: Routledge, 2000).
23. M. Francis and R. Lorenzo, "Seven Realms of Children's Participation," *Journal of Environmental Psychology* 22 (2002): 166.
24. Ibid., p. 166.
25. Riggio 2002, p. 50.
26. M. Murras, "Public Policies and Child Rights: Entering the Third Decade of the Convention on the Rights of the Child," *The Annals of the American Academy of Political and Social Science* 633 (2011): 55.
27. Ibid., p. 56.
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32. Ben-Arieh 2005, p. 578.

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