



Australian Children's Rights News

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Children's participation in practice in the London Office

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Moira was the founding Director of the Office of Children's Rights Commissioner for London. She is a member of DCI-Australia's Advisory panel and has been a strong and passionate advocate for children and young people and human rights for many



years. She was previously Commissioner/Chairman of the Western Australian Law Reform Commission and the Commissioner for Equal Opportunity in Victoria. She is currently Anti Corruption Commissioner (Western Australia) and Visiting Senior Fellow, Law Schools of Melbourne University and University of Western Australia.

In this article, Moira outlines the processes and principles involved in real participation for children drawing on her experience in establishing the London Office, where she has been very successful in modelling effective children's participation in management of the Office itself and in government decision-making as well as drafting the first Children's Strategy for the Greater London Authority.

'Children are not the people of tomorrow, but people today. They are entitled to be taken seriously. They have a right to be treated by adults with courtesy and respect, as equals.'¹

The Office of the Children's Rights Commissioner for London

In 1999 I went to London to be interviewed by a panel of children on the Advisory Board of the Office of the Children's Rights Commissioner

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for London and, having satisfied them that I was a fit and proper person, accepted their offer to be founding Director.

The office was set up to demonstrate what a children's rights commissioner could do for the quality of government decision making for the new regional government of London, the Greater London Authority. It was to be a non-government 'children's rights commissioner' and help make the case for a statutory one, that it makes government effective for children, created by a consortium of children's groups and funded by charities² and by the NSPCC, the Children's Society and Save the Children (UK).

It was, from the beginning, an Office driven by the priorities and concerns of children. It was not established by the GLA. We had to work to be accepted as a contractual partner by the Mayor.

We wanted children to be involved in decision-making about the Office from the beginning and to model children's participation in 'adult' decision-making. So, the Office was created when its Advisory Board of children and young people was appointed in October 1999. The Board members, aged between 8 and 17, were trained in human and children's rights, meeting procedures, the duties of an Advisory Board, and staff recruitment and selection processes. They helped develop the selection criteria and job descriptions for and to select the staff and to find and fit out the premises. They decided to meet at least monthly and to continue to be directly involved in all the Office's work. They also asked for and received training in public speaking, dealing with media, presentation skills, research techniques and mediation.

The Office's policies and programs and publications had to be child-friendly and approved by the Board. They came out of our consultations with children through questionnaires and surveys and meetings. Children helped develop the Greater London Authority's public transport, economic development, culture and children's strategies. Nursery school children, under the age of 5, told the Mayor what they wanted their new London to be like. It resulted in a comprehensive consultation program with children on the Mayor's strategies and, on 8th April

2003, the release of the first ever Children's Strategy for a major city based on the UN Convention on the Rights of the Child and the direct participation of children. It puts children's voices, and their rights to health, safety, inclusion and to be taken seriously at the heart of the Greater London Authority's decision making on housing, public transport, public safety, housing, environment, culture and spatial and economic development: the real decisions that affect children's real lives.³

I would sum up our underlying principles in these terms:

A child's belief that they can influence their own circumstances has been shown to be a key resilience factor, enabling them to survive horrific experiences, including neglect, violence and prolonged trauma.⁴ This confidence can be built up, layer by layer, as we saw happen with the members of our Advisory Board.

Call for Articles

Australian Children's Rights News depends on the input of members affiliates and subscribers to keep providing you with a wide-ranging and informative update on children's rights issues. Others with a viewpoint on children and young people's rights are also invited to submit.



We are now seeking articles to be considered for the third edition of 2003. Contributions of between 700 and 1500 words are preferred and should be e-mailed with full author details to judycash@nsw.bigpond.net.au

Suggested graphics or photos to accompany the article are most welcome. The closing date for receipt of material is 30 September 2003 but please advise the editors as soon as possible if you are planning to submit.

If you have an idea which you would like to discuss, please phone Judy Cashmore 02 9880 2286

Articles published in Australian Children's Rights News may also be placed on the DCI-Australia Website: www.dci-au.org/

Increasingly, the law acknowledges that children do have ‘rights’ and are not passive participants in society. This acknowledgement includes human rights treaty obligations such as the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Both guarantee participation as a keystone to rights protection. Children also have civil, criminal and administrative rights, including ‘due process’ – the right to be heard and, according to the House of Lords, the developing rights that come with age and experience: *Gillick v West Norfolk and Wisbech Area Health Authority*⁵ recognised an older child’s developing ‘right’ to make decisions about their own medical treatment.

This has led to significant changes in professional practice. London is filled with ‘participation’ projects. Most health programs funded by government require the providers to demonstrate that service-users, including children, have evaluated their effectiveness. Far more lawyers are involved in formal decision-making affecting children now, and specialist professional training for lawyers representing children emphasises the duty to accept instructions from a client capable of expressing a view, whatever their age – and whatever the role of the lawyer.

What ‘participation’ means

Children have limited capacity to make decisions about their own lives.⁶ Yet as Janusz Korczak showed, children can do it effectively, if adults allow it. Korczak is not well known in Australia, though his heroic death, because he refused to leave the children in his Warsaw orphanage and went with them to Treblinka, captured the cinematic imagination.⁷ The UN established the International Year of the Child and began drafting the UN Convention on the Rights of the Child in Korczak’s honour. His life’s work as a paediatrician, author and broadcaster in his native Poland made him famous and beloved throughout Europe.

His true contribution to the rights of children was more fundamental than either his self-sacrifice or the Convention. Janusz Korczak established and ran the first democratic orphanages, in which adults and children were subject to the same rules and to the judgements of ‘courts’ administered by children. They worked.

Children have an acute sense of what is and is not just. They value the opinions of their peers. If we try to understand what they are frightened or concerned about they will trust us and we can give them what they need. Given responsibility, children learn how to exercise power responsibly. Children accustomed to being taken seriously understand the limits of freedom. Adults find it hard to share decision making with children. Perhaps that is why most of us are not clear about what children’s ‘participation’ actually means.

As British academic Jane Fortin points out⁸ in reality children’s ‘participation’ takes whatever limited form competent adults think convenient or proper in a particular context.

Key principles for children’s participation in legal decision-making

I don’t hold myself forward as a person children find easy to relax with or talk to. I’m an expert at getting the people with those skills to work for me! Many of the key points set out below came from the OCRCL Advisory Board’s own review of the effectiveness of the London project, 18 months into the work. This fundamental principle was that the Board met and worked out its aims and identity before adults were employed. It was to be their office. I suggest that the key principles are the same no matter what the endeavour

1. If young people are to participate, it should be easy from the beginning to get and feel involved, and stay involved

This cannot be done by a chat. This requires an ongoing relationship with the persons supporting the child. In OCRCL two staff took two days a week to keep 15 young people informed, attached, and interested for three years.

2. Every process must be child-friendly

In OCRCL even the application to become a Board member was ‘child tested’ first by Article 12, a young people’s self-advocacy group. It was decided to use the written application as the basis of selection for the Board so that children would not have to face a nerve-wracking interview: what might be

'normal' to an adult would not be acceptable to most children.

3. Successfully involving children means that they should not be asked to "fit in" to structures that are already in place.

In OCRCL the Advisory Board was set up before the staff were appointed meant that the children and young people who were to be involved in the project did not have to be bound by structures that were already created and we did not have to "fit in" with something that might not have been appropriate.

4. First impressions count

If you keep a child waiting they will assume that they are not important, become bored and alienated.

5. Let the child set some of their own ground rules for participating: they must feel some sense of control.

In OCRCL the children set out their own conduct code. This is what they worked out:

- Listen to each other and treat what they say seriously
- Respect others – their views and who they are. Don't be judgmental. Look for people's good points. Don't let age make a difference.
- Share all opportunities and co-operate with each other
- Try not to be shy, don't be put off by others, share your ideas and encourage each other
- Ask questions and raise things if you don't understand them
- Don't assume adults have all the answers – try to find them ourselves
- Have fun together as well as work
- No alcohol or swearing
- No criticizing writing or spelling
- If you need something (drinks, going to the toilet) do it, don't ask permission.

6. Preparation is essential

In OCRCL we realised there was a fine line between involving children, and accepting their experience as real and essential, and giving them our own adult and 'knowledgeable' agenda. In the same way children can be 'coached' to give someone else's story. If children are to be effectively involved, adults should not take away their voice and impose their own. However, children had to get the skills to make them effective, and to build their confidence up.

7. Keeping children involved takes planning and forethought

The original OCRCL Board members did stay, remarkably, involved and loyal. Keeping them involved was a key responsibility for all staff. To make sure that they really got involved the children:

- Knew well ahead of time what was to be discussed
- Had the opportunity of being briefed on the meeting business ahead of time, knowing what to expect
- Had meeting rules that, among other things, permitted them to speak first
- Having plenty of food and drink and breaks
- Met in a comfortable, friendly environment
- Started their meetings with games and fun
- Were not inflicted with jargon and long words or boring stuff during meetings
- Broke regularly – i.e. no business went on for more than an hour
- Wherever possible, either chaired or managed the meetings themselves with adults taking the notes
- Were given ways to make it clear when the conversation wasn't making sense to them, without feeling silly
- Received materials that were easy to understand, with lots of pictures, diagrams and clear explanations
- All minutes and papers were written in a child-friendly way – easy to read, large print, illustrated if appropriate, and very

plain about who was expected to do or say what and when

We found, for example, that it was perfectly possible to translate large formal policy documents, such as the GLA's 250 page draft transport strategy and economic development strategy, into a simple 8-page consultation document, which had the space for comment on the key questions or issues.

Lessons from London

The Office of London Children's Rights Commissioner was my only experience of a successful project focused directly on the experience of children and giving children a direct management role and a voice of their own, with government and in the management of the office. We learned a lot from this process.

Lesson 1. Understand and establish the participation principle before you start

The children themselves said that this was fundamental to their being involved in this kind of work. Without such a principle, it would be easy to drift into a fuzzy view of 'consultation' that satisfies adults but alienates children and does not really draw on their experience.

Lesson 2. A focus on children's own voices and experiences affected the way the adult staff's work was achieved.

For example, because of the work done through the survey with 3000 children, our research report, The State of London's Children Report emphasised the 'nowness' of children's lives and the need for a different policy approach. The children's rules about effective communication and dispute resolution were applied to adult behaviour too.

Lesson 3. We get more out of listening to children than they get out of it.

One serious ongoing issue came to the fore through the project: how much can be reasonably expected of volunteer children? Some of our young people worked very hard, coming in to the office frequently during the week, advising on our work in progress, meeting with visitors and giving presentations. We needed their input, more than, perhaps, they benefited from it personally.

Lesson 4. Establishing a clear values framework was very helpful when decisions had to be made in particular cases. The OCRCL values statement said in part:

Our values are:

- *Children are born with and entitled to enjoy the same human rights as adults*
- *Children are also entitled to extra help to claim and extra protection of their human rights*
- *We will always respect children's rights and expect others to*
- *We will treat everyone inside and outside the project with respect and dignity*
- *Children are entitled to learn about democracy by being involved in it as early and actively as possible*
- *It is important that children actively participate in the daily work of our project*
- *Children and adults have the right to play and rest*
- *We like diversity and value different kinds of people*
- *We like to...cooperate, share, trust, be open, consult, be generous*
- *We like exciting and bold ideas*
- *The voice of London's children must be heard*

Our Mission Statement is:

The Office of Children's Rights Commissioner for London works jointly with children to promote children's rights and participation in all areas of London life and London government, to link children with their city's government; and to make the case

for a permanent, statutory Children's Rights Commissioner for all children.

Lesson 5. Give the task realistic time and resources. Children's time frames are different from our own and cannot always be 'managed'. This can be really challenging but it is critical to accept it. Children cannot fit into adult expectations. Maintaining their active participation is demanding work and essential. It cannot be skimmed, and it takes resources as well as time.

Lesson 6. Everything about the task must be child-friendly. It is helpful to the adults as well. We found that to assume that adults would benefit as much as children from child-friendly language was absolutely true: communicating a message requires clarity of vision and imagery.

Lesson 7 Preparation and training are crucial. It is essential that children have the skills and the confidence to participate in adult-partnered work. We also found it was important to keep parents and other caring or responsible adults informed, so that their children could be involved and grow through the process without pressure or negativity.

The two most important lessons were:

Lesson 8. Children must feel that they can influence their own circumstances. In our case, a child-centred office, it was crucial to our success that the Advisory Board be appointed first, and given the job, skills, confidence and resources to shape 'their' Office. How else can it be shown that children can contribute to 'adult' activities? How else, prove to government that listening to children's experience makes better decisions?

Lesson 9. "The child is honest. When he does not answer, he answers. For he doesn't want to lie and he cannot say the truth. To my surprise I have stumbled on a new thought. Silence is sometimes the highest expression of honesty."⁹

Footnotes

1 Korczak quotes from Joseph, S. (Ed.) *A Voice for the Child: the inspirational words of Janusz Korczak*. Thorsons (Harper Collins) London. 1999

2 National Lottery Charities Board, the Calouste Gulbenkian Foundation, Bridge House Estates Trust Fund.

3 This can be downloaded from the website of the Greater London Authority, www.london.gov.uk

4 For a summary of that evidence see Rayner M and Montague, *Resilient Children and Young People – a review of the international literature*. Deakin University 1998/CWAV 2001.

5 *Gillick v Wisbech Area Health Authority* [1986] AC 112

6 Rayner, M. *Taking Seriously the Child's Right to be Heard*, in Alston P. and Brennan G (ed.s) *The UN Children's Convention and Australia*. Human Rights and Equal Opportunity Commission, Sydney, 1991.

7 Lifton BJ. *The King of Children. The Life and Death of Janusz Korczak*. St. Martin's Griffin, New York. 1988

8 Fortin, Jane. *Children's Rights and the Developing Law*. Butterworths, London 1998, P.21-32

9 Janusz Korczak. Op cit footnote 1.

Listening to Young Children: A Participatory Approach

<http://www.earlychildhood.org.uk/articles/article.asp?id=14&Subject=1>

Coram Family's *Listening to Young Children* project was established in 2000, when listening to children was increasingly being recognised as important and valid. The UN Convention on the Rights of the Child and the 1989 Children Act require that developments across children's services in education, health and social welfare have reflected the importance that government and service providers place on this basic human right.

Listening to Young Children is an integrated resource using visual arts to enable young children under the age of eight to articulate their experiences and express their views feelings and concerns. It also supports parents and practitioners to relate more effectively with children.

Further Information:

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