# UiO : Faculty of Law
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# Meeting the needs and rights of children

A Child Rights-Based Approach to Participation in Education - Engaging Children as Agents of Change by Integrating Participation as an Essential Component of School Systems.

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# Acknowledgments

*For the children of tomorrow, in the hopes that the world can welcome us a little bit more.*

This paper is dedicated to the *Children of Kenya*, to whom being a child is not always a guarantee. It is for the children who have forgotten how to be children because the world around them has made playing a privilege for those who can afford it.

This paper is dedicated to all of those, rich or poor, who have been affected by dysfunctional ecosystems, *where adults have forgotten how to listen to the words of a child.*

A special thank you goes to the fictional characters of Peter Pan, Alice in Wonderland, and Pippi Longstockings, for tickling our imagination, and giving us a space that reminds us of what is a *free child can look like.*

To Peris and Elsabe, my supervisors, thank you for the precious guidance, support, and patience and for having recognized the rooted importance of this topic to me.

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To my parents, Elisabetta e Luca, for giving me a space, where I can truly participate, where I feel heard especially when the world does not want to listen to me.

To Elena, my precious sister, for your strength, courage, and resilience. This paper is for us.

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# 1   INTRODUCTION

*"We may be unnecessarily sabotaging our present, and our children's future, by being blind to the inconsistencies and irrationalities of adult-child interaction in family and community in this century. Mass media programmes about the right to a happy and secure childhood ... cannot substitute for the actual experience of frank and honest confrontation between generations when perceptions, needs, and interests differ, in a context of mutual acceptance of responsibility for each other".[1]*

Peter Pan, Alice in Wonderland, and Pippi Longstocking, even though fictional, depict a rather expressive narrative of childhood. They are representative of a series of realities in which children are 'free to be'. In all three storylines, the children express their thoughts, make choices independently, and challenge the adults around them. This constant battle for children to break free from the adults is represented as being rebellious and at times borderline devious. In the case of Alice in Wonderland, it is simply 'odd' to the adult world.[2]  The controversies of these stories represent concepts that still to date are 'revolutionary'. The idea that children could have the sort of self-esteem, confidence, and independence that challenges the authority of adults, is inconceivable.[3]

Taking children's experiences and views into account is seen as an advanced mechanism of engaging children and has been continuously recognized as fundamental.[4] The sociology of childhood teaches us that the notion of agency and the power to pursue one's needs is critical to the development of the child as both an individual and a member of society.[5] The tough reality of this is that adults construct, form, and educate children according to the utilitarian needs of society.[6] The ongoing narrative portrays children as "passive, dependent, vulnerable and in need of protection or, alternatively, as anti-social, deviant, irresponsible and in need of

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[1] Boulding, *Children's Rights and the Wheel of Life*, 89.

[2] Holzscheiter, *Children's Rights in International Politics : The Transformative Power of Discourse*.

[3] Cooke and Kothari, *Participation: The New Tyranny?*

[4] Franklin, *The New Handbook of Childrens Rights : Comparative Policy and Practice*.

[5] Uprichard, "Children as 'Being and Becomings': Children, Childhood and Temporality."

[6] Todres and Higinbotham, *Human Rights in Children's Literature: Imagination and the Narrative of Law*.

firm social control".[7] The underlying assumption is that children are not responsible enough to need any sort of stake in society as they are out of a protective instinct.[8]

It is essential for their well-being that perceptions shift from children as "perceived as not-yet persons, waiting in the lobby of life to become mature".[9] Participation is, progressively, being recognized as not only a principle, but a fundamental right to ensure that children become fully developed individuals.[10] For this to occur, spaces to engage and participate must be assured to all children in order for them to achieve their desires and needs. It is in this realm that the realization of this right has had difficulties in its practice, as it represents a rather contradictory notion to the nature of childhood and the views that adults have of children.[11]

This research project aims at contributing to the already existing investigation on the importance of child participation. It attempts to provide an understanding of what the current barriers to child participation are, by taking into consideration the environment in which the child is found in. A legal argumentation is presented to include the scope of the right to participation. Based on that, the policy framework explores how the right has been translated into practice. It recognises that spaces for participation are still limited and therefore reflects on child-rights based approach as the most effective entry-point. It argues towards the school system as the ideal space for social change. A case study is presented, in which a child-rights based school, currently operating in Kenya, is analysed.

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[7] Franklin, *The New Handbook of Childrens Rights : Comparative Policy and Practice,* 28.
[8] *Ibid.*
[9] Pais, "Child Protection", 93
[10] Uprichard, "Children as 'Being and Becomings': Children, Childhood and Temporality.
[11] Bellamy, "The State of the World's Children 1999."

## 2 DOES THE NOTION OF CHILDREN AS ACTORS REALLY EXIST?

*"But every day, in local arenas all the way to the White House,*
*adults sit around and decide what problems youth have and what youth*
*need, without ever consulting us".[12]*

Childhood is a social construct [13] built on the perception that societies have of children "as a class of human beings fundamentally different from adults".[14] This notion, still relevant to date, can be understood through a broader historical approach to how children have been viewed over time. The nature of childhood was initially theorised, in the 16th century, as a period of demonic-like behaviours. It was thought that during this phase, children needed control and guidance from parents and educational institutions.[15] Children were primarily portrayed "as bearers of unrealized capabilities and promises of becoming knowledgeable, responsible citizens".[16] They were represented as irrational, immoral, 'yet-to-be', and immanent, creating the narrative of children as powerless, and dependant on the responsible adults in their environment.[17]

It was not until the ideologies introduced in the 20th century, that childhood was advocated as the "greatest possible liberty from constraints, leaving them untamed, natural and innocent".[18] At this stage childhood begins to be understood from a more child-centered approach, in which institutions have the responsibility to understand the specific needs of children.[19] With the publication of the Convention of the rights of the Child (hereon after CRC or Convention) in 1924, rights specific to the period of childhood were introduced. Children, worldwide, were recognized under the status of agents in their own rights.[20] Narratives surrounding childhood have attempted to evolve towards an image of children as 'beings' who hold responsibilities and are required to have a proactive role in their societies.[21] Despite the

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[12] Todres and Higinbotham, *Human Rights in Children's Literature: Imagination and the Narrative of Law*, 50.

[13] Jenks, *Childhood : Critical Concepts in Sociology.*

[14] Holzscheiter, *Children's Rights in International Politics : The Transformative Power of Discourse*, 99

[15] *Ibid.*

[16] *Ibid,* 101.

[17] *Ibid,* 102.

[18] *Ibid,* 103.

[19] *Ibid.*

[20] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard.*

[21] Uprichard, "Children as 'Being and Becomings': Children, Childhood and Temporality."

current movement towards envisioning children as 'capable citizens', the space to participate in society as social actors and agents to their own rights has offered very limited opportunities.[22]

## 2.1  Child Participation and Childhood

Child participation, in its realization, presents a gap between the spaces provided for the child to speak up and the opportunities of being listened to. The ability of children to participate continues to be limited by the top-down relationships of power that adults exercise.[23] As processes are still adult-led, child participation presents as a conflict of priorities and interest.[24] Adult therefore have been hesitant to hand over control, as allowing children to express their opinions is seen as a form of lack of respect for the adult community.[25] It has been argued that the very concept of child participation conflicts with the cultural commitment to the importance of the family. In this participation becomes a right that should be 'earned'. Children are to demonstrate that the appropriate set of competencies, knowledge and maturity has been gained to 'earn' participatory spaces in society. [26]

The argumentation against participation goes to the extent of claiming that it is threatening to the nature of childhood. It poses a risk to children themselves in enjoying the full extent of this fundamental period in one's life.[27] There is a "tension between children having the responsibility for decision making and enjoying their childhood".[28] The child is to be protected from any physical, psychological, or societal dangers, and its innocence is to be preserved.[29] The individualization of the child is therefore seen by the adult community as a 'risky' activity. This has led to the creation of spaces in which even though children 'have a voice', under the name of protection, their needs are not realistically reflected upon.[30]

Some efforts have been made toward integrating meaningful child participation, particularly within the humanitarian sector. The interaction between children and government entities is becoming more frequent within national governments. In Nepal, a mechanism has been

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[22] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[23] Thomas, "Towards a Theory of Children's Participation."

[24] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[25] Hickey and Mohan, *Participation, from Tyranny to Transformation? : Exploring New Approaches to Participation in Development*.

[26] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[27] Garlen, "Interrogating Innocence: 'Childhood' as Exclusionary Social Practice."

[28] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*, 202.

[29] Garlen, "Interrogating Innocence: 'Childhood' as Exclusionary Social Practice."

[30] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

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introduced through which children's clubs, formed in different institutions, are given the opportunity to interact with the government at different levels. There is the example of Turkey, in which child-led rights committees inform awareness raising and capacity building of peers and adults.[31] Countries such as Mozambique, Moldova, Senegal, and such have started including the voices of children in report writing.[32] Even within these efforts of introducing child participation in decision-making processes, a more consultative approach seems to have been adopted.[33] The opinions of children are expressed but found to be powerless in the face of economic and social forces. Child participation should seek to be 'systems transforming' rather than being 'system maintaining'.[34] It is important to recognise, that as children have not necessarily been taught about their right to participation, they are often unaware and unable to use the spaces that have been provided to them. Teaching children how to express their views and experiences, and adults how to take them into account, creates a powerful cycle. The acquired skills and competencies can be used to change the life and opportunities offered to children.[35] Possessing decision-making 'power' in matters that are affecting the child, is empowerment. Without this type of freedom, children continue to be victims of their surroundings. Rather we would like to envision children who can claim their own rights, especially in situations of extreme vulnerability, where the environment around them is unable to do so. [36]

## 2.2 Theorizing Child Participation

Participatory approaches are described as spaces in which knowledge is shared, power dynamics are negotiated, and active participation of its citizens is encouraged. It is intended to place people at the centre of processes.[37] In recent years there seems to have been a rather romanticised ideal of the 'power' that individuals can have on the social world.[38] In this, "social structure is variously perceived as an opportunity and constraint but little analysed; the linkages between the individual and the structures and institutions of the social world they inhabit are ill

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[31] UNICEF, "Child Participation in Local Governance – UNICEF Country Office Case Studies."

[32] Ladegaard, "It's All about Children: Seven Good Examples and Ten Steps to Meaningful Children's Participation in Reporting to the CRC."

[33] Jans, "Children as Citizens."

[34] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[35] Jans, "Children as Citizens."

[36] *Ibid.*

[37] Cooke and Kothari, *Participation: The New Tyranny?*

[38] Hickey and Mohan, *Participation, from Tyranny to Transformation? : Exploring New Approaches to Participation in Development*.

modelled".[39] In the relationship between citizens and institutions there is a need for more space for political action in which both can constructively participate.[40] The limited spaces and opportunities for constructive dialogue, have created a sense of peer competition to 'secure' one's social position.[41]

In the conception of children as beings, "the child is active in its own right, not simply imitatively, but as … an agent in its own construction and as naturally an agent as an adult, in the sense of agency that concerns the initiation of action by choice".[42] For this to happen, there needs to be an increase in the meaningful spaces in which children feel and see themselves as (co) authors of processes.[43] To provide the space for participation, children are required to be involved in matters that concern them in ways in which their forms of expression and opinions are given due weight.[44] It is to be thought of as a progression towards information-sharing and dialogue between children and adults. This requires the existence of mutual respect between the child and the adults, in which children's experiences are considered as integral and natural components of the social world. For this to occur "the child is conceived of as a person, a status, a course of action, a set of needs, rights, or difference -in sum, as a social actor".[45] An integral part of participation is therefore agency.

To foster children as organic intellectual agents, we need to recognize that each child has different needs for what it entails to participate in social life. Simply mimicking participation to that of adults is not conducive nor empowering to the development of the child.[46] Adult lived experiences are unable to capture the much more complicated power dynamics in children's participation. In the case of children, the understanding of power is not in terms of it being possessed or not.[47] Rather it is a fluid and dynamic concept that needs to be understood based on context and negotiated to be possessed.[48] The difference in the predisposition to power and the varying realities that children live in, makes them be a minority group, subject to

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[39] Cooke and Kothari, *Participation: The New Tyranny? 8*

[40] Hickey and Mohan, *Participation, from Tyranny to Transformation? : Exploring New Approaches to Participation in Development*.

[41] Cooke and Kothari, *Participation: The New Tyranny?*

[42] Jenks, *Childhood : Critical Concepts in Sociology*, 149

[43] Rajani, "This Discussion Paper for Partners on Promoting Strategic Adolescent Participation."

[44] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

[45] Jenks, *Childhood : Critical Concepts in Sociology*, 152.

[46] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[47] Hart, "Children's Participation: From Tokenism to Citizenship."

[48] Jans, "Children as Citizens."

hierarchal discrimination. These vary between contexts and are based on the child's age.[49] The younger the child is, the less they are involved in issues present in their immediate environment. This introduces the notion of 'progressive autonomy', which rather than unifying, can fragment even further the group. Rather than age, agency should be informed based on capabilities.[50] The empowering force in this is the need of creating a 'culture' in which childhood is conceptualised as a critical period for expression beyond the power structures.[51]

## 2.3   A Child Rights- Based Approach to Participation

Human rights are transformative in nature as they are norm-driven and therefore mostly interact with policies and legislations.[52] For this reason, child (human)-rights based approaches have been used to bridge the gap between 'the theory and the practice' of children's rights, by introducing child-friendly initiatives.[53] Processes are developed and put into practice based on children's rights, norms, and principles as described in the Convention on the Rights of the Child. The normative grounding of human rights standards dictates the frame through which impact and outcomes are measured and qualified.[54] It recognises the role that duty bearers have towards the provision of capacities to ensure that obligations are met and that right holders are able to claim their rights.[55] Participation is one of the guiding principles to rights-based approaches, under the claim that children "need information, a space to express their views and feelings, and opportunities to ask questions".[56] For any initiative that undertakes a child rights-based approach, dignity, interdependence, indivisibility, best interest, non-discrimination, participation, transparency, accountability, survival, and development are to be put into practice.[57]

A child rights-based approach to participation has therefore been identified as "a principled and practical framework for working with children and young people … at the heart of planning and service delivery and integrating children and young people's rights into every

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[49] *Ibid.*

[50] Thomas, "Towards a Theory of Children's Participation."

[51] Janta et al., "Study on Child Participation in EU Political and Democratic Life Final Report."

[52] Vandenhole and Gready, "Failures and Successes of Human Rights-Based Approaches to Development: Towards a Change Perspective."

[53] Unicef, "A Child Rights-Based Approach."

[54] *Ibid.*

[55] Gready and Ensor, *Reinventing Development? : Translating Rights-Based Approaches from Theory into Practice*.

[56] Unicef, "A Child Rights-Based Approach."

[57] Unicef, "A Child Rights-Based Approach."

aspect of decision making, policy and practice".[58] In this framework participation is identified as a process that is transparent, voluntary, and inclusive to the child. For processes, to be considered child-friendly, children are to be involved in the development and implementation of methods. Meaningful participation has been conceptualized as a process in which a space for opportunity is given to the child for its views to be listened to and acted upon accordingly.[59] Adults, who are to be trained and informed on the rights of the child. They are envisioned as supporting figures who interact, without overshadowing, the individual participation of the child by engaging and reacting to what has been expressed by the child.[60] The variety of adults in the different institutions that interact with the child, are accountable for the duty to protect, respect, and fulfil the rights of the child. Children are consequently required to interact with the adults in order to claim and realize their rights.[61]
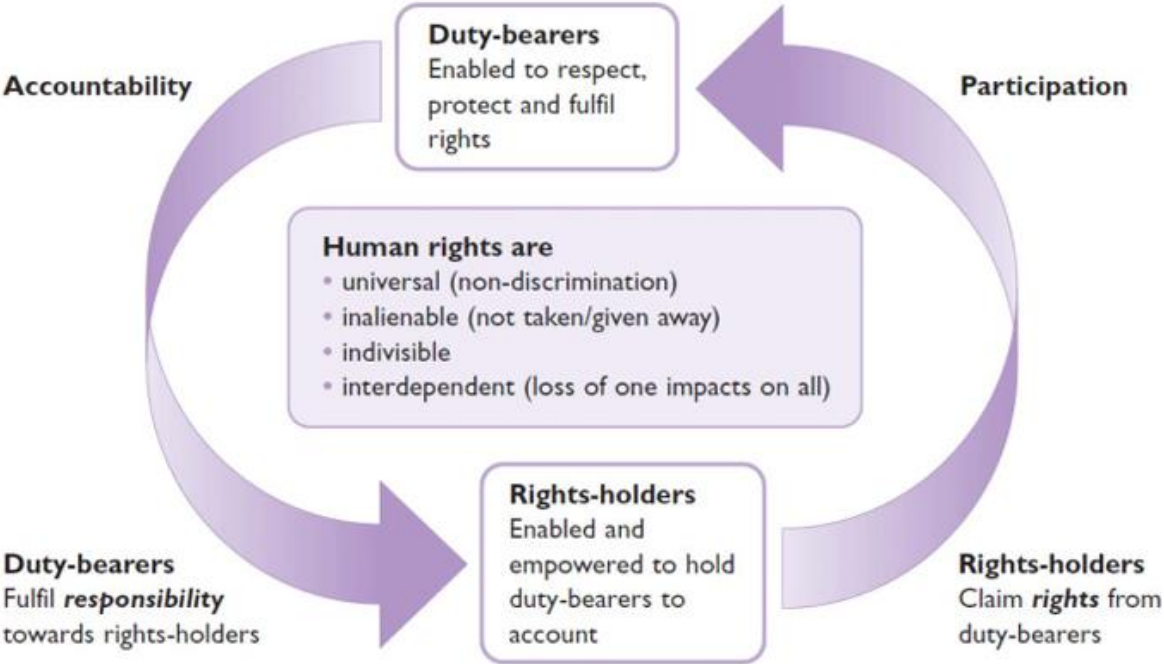


Figure 1: Relationship between duty bearer and right holder [62]

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[58] General Teaching Council Scotland, "A Children's Rights -Based Approach a Guide for Teachers Inspiring World-Class Teaching Professionalism", 2.

[59] *Ibid.*

[60] Thomas, "Towards a Theory of Children's Participation."

[61] Franklin, *The New Handbook of Childrens Rights : Comparative Policy and Practice.*

[62] General Teaching Council Scotland, "A Children's Rights -Based Approach a Guide for Teachers Inspiring World-Class Teaching Professionalism", 3.

## 2.4　Conclusion

Participation can be understood as both a means to an end and as an end in itself. Specific to children's participation, it has been framed both as a mean to uphold children's rights and as a form of protection. It is in this understanding that there seems to be a battle between the essentiality that it has to the period of childhood and the actual relevance that is being given to it. For this reason, child participation is far from being realized and appropriate spaces, despite their importance, for meaningful dialogue are limited. At the basis of this is the tensions that are found in the relationship between children and adults in their environment. For the purposes of this research, child participation is to be framed as a means to an end. It is explored as a way for children to learn how to fit in society, and gain ownership of their own citizenship. For this to be effective participation needs a rights-based approach to its practice. To better understand how efficacy of a rights-based approach, children are to be understood in reference to the environment that they are found in.

# 3  THEORETICAL FRAMEWORK: THE ECOLOGY OF THE CHILD

*"Where do human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seek equal justice, equal opportunity, equal dignity without discrimination."* [63]

The environment in which a child finds themselves is implicitly and explicitly a crucial mechanism to understanding the inhibiting factors to the realization of their rights.[64] The notion of ecological systems was proposed by Bronfenbrenner (1979) as a model to arrange structures and social relations according to the impact that they have on the child.[65] The 'microsystem' was identified as the first level and included all the direct connections that the child has in its immediate environment: the family, teachers, fellow peers, health care providers, and any other adult working in institutions that interact with the child daily. These connect and interact in the 'macrosystem' (i.e., parents collaborating with teachers). Formal and informal structures that can indirectly influence the child, such as the neighbourhood or the economic status of the parents, are found in the 'exosystem'. Finally, elements that can influence the beliefs and perceptions of the child, such as class and ethnicity are found in the 'macrosystem'. [66]

The ecology model of the child, therefore, puts children at the centre of concern, and uses development as its framework.[67] From a human rights perspective the model can be understood as a constellation of systems in which adults have moral and legal obligation towards the care and protection of the child.[68] For the purposes of this thesis, the scope of the model will be limited to the microsystem of the child. The analysis will therefore focus on "the objects to which he responds or the people with whom he interacts on a face-to-face basis".[69] To have a well-rounded understanding of the right of the child to participate it is important to understand

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[63] Eleanor Roosevelt, "Where Do Human Rights Begin?"

[64] Gal, "A Socioecological Model of Children's Rights."

[65] Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design*.

[66] *Ibid.*

[67] Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights*.

[68] Earls and Carlson, "The Social Ecology of Child Health and Well-Being."

[69] Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design*.

the nature of connections that children have with the adults in their setting. As the rights of the child are interdependent on adults, it is fundamental to analyse and take into consideration the indirect influence that they can have.[70] In order to introduce to children a more participatory and child-friendly understanding of their ecology, child rights interpretation of these interactions is provided.[71] In this, legal norms and international human rights are used to understand children's needs and how to act upon them.[72]

## 3.1    The Child Rights Ecology Model

A child-rights-based model builds on the ecology of the child, by "adding a child right, 'strength based' and culturally grounded developmental lens".[73] The child is found at the centre of model and presents with a clear system through which the needs of the child can be understood and the responsibility of meetings these needs is clearly defined.[74] The overarching principles of the CRC, inform and guide the ecology of childhood. From a socio-ecological perspective, the understanding of the ecology of the child has been used to conceptualize especially the stressful experiences of children.[75] When using it as a tool for action, it can be used as a resource to contribute to the 'healthy' development of the child. Despite the various attempts, generating a definition of a 'healthy ecology' is complicated, as there is not a universal experience or language that unifies all the realities of children.[76] The utility of a child rights ecology model, is that it introduces a needs-driven model about the child, in which: "(1) a holistic approach to best interests; (2) a commitment that unites public and private spheres; (3) a focus on systems and systemic change; and (4) a developmentally informed approach to children's participation".[77] In this model children's unique characteristics are recognized as essential guiding principles for adults in their interactions with children.[78] It encourages a more individual and

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[70] Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design*.

[71] Barbara Bennett Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights*.

[72] *Ibid.*

[73] International Institute for Child Rights and Development, "Child Rights in Practice: Tools for Social Change Workbook", 1.

[74] Earls and Carlson, "The Social Ecology of Child Health and Well-Being."

[75] Barbara Bennett Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights*.

[76] Earls and Carlson, "The Social Ecology of Child Health and Well-Being."

[77] Barbara Bennett Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights,* 220

[78] Gal, "A Socioecological Model of Children's Rights."

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targeted understanding of children, which for the realization and full integration of the right of the child to participate is beneficial.[79] For the argumentation of this thesis, a children's right ecology model of the child is proposed.

### 3.1.1  The Capabilities Approach

In reference to the development of the right to participation, the child rights ecology model recognises that all humans, including children are "entitled to hold potential functions that, if the holder desires, can become operational".[80] When putting it in human rights terms this entails that if a right-holder wants to claim its rights, it should have the means and spaces to be able to do so. It introduces to the child right ecology model a capabilities approach. A methodology is proposed in which rather than 'functioning', capabilities are defined as 'potential-led'.[81] This means that capabilities are no longer defined according to age and functions that the children are supposed to carry in society. Rather it recognises the child as an individual who can choose, how, when, and if they are to participate, and that ultimately this will come with age and the natural development of each child.[82] Amongst the central capabilities that are recognised as fundamental are "senses, imagination and thought', 'emotions' and 'bodily health' and 'bodily integrity".[83] In this methodology the environment of the child functions merely as a mean through which these capabilities can be achieved. When included in policy and legal framework, the recognition of capabilities as potential-led leads towards giving a space for the child to have a sense of autonomy. To achieve autonomy a series of 'satisfiers', need to be identified and put in place to ensure that the rights of the child can be realized. These include: "active participation and stable norms, primary effective bonds, interaction with adults, formal and non-formal education, play and recreation, protection from psychological risks".[84]

The relevance of the capabilities approach to this research is that it gives an interpretative outlook to the child rights-based approach, that is not always present. In the case of the rights to participation, it has been demonstrated how the notion of age can be impairing to its

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[79] Barbara Bennett Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights.*

[80] Gal, "A Socioecological Model of Children's Rights", 123.

[81] *Ibid.*

[82] Barbara Bennett Woodhouse, *The Ecology of Childhood : How Our Changing World Threatens Children's Rights.*

[83] Walker, "Towards a Capability-Based Theory of Social Justice for Education Policy-Making", 177

[84] Gal, "A Socioecological Model of Children's Rights" 124.

realization. By giving it a frame that is less utilitarian, and rather is more child-centered, it can make the argumentation around the importance of participation stronger. The advantage of potential-led, rather than function, is that it creates more opportunity for the child to engage. Children are given more space to be proactive in defining and measuring their own capabilities, rather than these being defined by society and its adults. Especially when the space to do so is within the school systems, whose nature is to measure capabilities, it leaves for a fairer and more neutral environment. It is therefore not enough in this case to argue towards a rights-based approach without giving it such an interpretative frame.

## 3.2   Towards a More Communicative Ecology

Our society is a fertile ground for the maltreatment of children, whether conscious or unconscious. Due to cultural premises, globalization, and introduction of technology children are being introduce to different realities that can feel more isolating.[85] It is in this realisation that the notion of children who can self-empower, to the extent possible, came along. What can be done when the ecology around the child fails to provide the spaces for children to realise their basic needs? To begin with, there needs to be an understanding of how child maltreatment can occur.

Societies are often presented with ideological systems that present with developmentally damaging behaviours within the different social structures.[86] These are often institutionalised and can intersect with, but are not limited to, detrimental beliefs on race, ethnicity, gender, or class. Maltreatment in the case of children is understood as top-down, towards children from the adult world.[87] These become problematic when they are found and integrated in the family environment. Families are recognised in human rights instruments and in children's studies, as the most important social environment of the child. The beliefs, values, and norms of parents are amongst the most influential to the upbringing of the child and in determining what the child can and cannot participate in.[88] This understanding recognises the child as dependent on and an integral part of the family unit. The ecology model puts into perspective what informs the social status of children in relation to the parents' beliefs.[89] Neglect towards the child, is present when

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[85] Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment."

[86] Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design.*

[87] Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment."

[88] Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment."

[89] Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design.*

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then are "defined as the property of their parents in contrast to being citizens… there be no universally accepted standards for minimal care".[90] Forms of abuse, maltreatment, and disregard of the rights of the child are embellished when the relationship of the family is compromised or limited with its social environment. In an ideal world, for the child to thrive, the different levels in the system are supposed to interact and efficiently communicate with one another. If, in the instance of parent-child relationship, they do not gain access to 'supporting systems', consciously or due to social injustices, they lack the critical provision of feedback.[91] This consequently affects access to resources for coping with stress and demands from within the family. It is within this motivation that this thesis is claiming that schools, as the second-best environment to the family, have a (moral) duty as a guiding agent towards the realisation of the rights of the child and their relationship to the enabling environment. It can be claimed that in this role, it is also in the duty of the school to enable the factors that can contribute to an environment that operated in a more communicative and unified manner.

### 3.3   The Role of Schools

The right of education has had difficulties in its implementation. Schools are not only active systems in the ecology of the child but also function as a transformative force. Schools could, in principle, play an important role the child's ecology. To begin with, beneficial is the role of the school system as an ideal 'neutral arena' from possible discriminations based on cultural values, norms, race, gender, or ethnicity.[92] By enacting as a safe and supporting system to the child, schools could provide a foster care system that assumes responsibility for children, when parents are unable to do so that themselves. Their role, where present in the other systems in the environment of the child, is to break down the dangerous barrier of isolation where these exist.[93] It works as a communicative agent within the dysfunctional ecology of the child. For this to happen the role of the school it to become an active agent in the empowerment and evolution of the child based on its capabilities.[94] Especially "when children live in a world of abnormal rearing, they require active allies if they are to survive physically and psychically".[95] Where there is a clear and robust education system containing children and their needs, these

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[90] *Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment", 193*

[91] *Ibid.*

[92] Brown, Jeanes, and Cutter-Mackenzie, "Social Ecology as Education."

[93] *Ibid.*

[94] Walker, "Towards a Capability-Based Theory of Social Justice for Education Policy-Making."

[95] Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment", 195

can affect the other 'dysfunctional' systems. By teaching the child of its duty in how it is expected to participate in its ecology, children themselves can become the primary support sources of feedback to the parents and the community. The role of the education system in this would be to reform the way in which adults receive and retain the feedback, and therefore their ability to listen and hear to the voice of children.[96] This would be achieved by reforming the education system towards a rights-based approach to education.

### 3.3.1  A rights-based, child-friendly school

A rights-based approach to education envisions a school system designed to fit the shape and size of children based on their needs and as interpreted within a children's rights framework.[97] It understands the child in their broader context by being aware of the story of each child, before, during and after they enter the school system. Its activities are guided by the understanding of each right that promotes and defends the wellbeing of the child.[98] In this it becomes a system that is centered about the child and that adapts, curriculum and activities, to the needs of the child rather than the needs of society.[99] This means that the education provided needs to be framed based on the realities that the child has by having a culturally sensitive approach to education and considers the needs of children over the needs of the other actors in the system. It is flexible, responds to diversity and promotes mental and physical health. To do so it invests in time and resources to align the teachers' capacities and believes to match the above. In tandem, the system encourages to strengthen family and community based collaborative partnerships.[100]

Child-centred learning is participatory in nature. It therefore requires that children themselves recognise their role as active contributors, in respect the evolving and differing capacities of children.[101] Governments need to introduce a legal framework placing an obligation on every school to facilitate the establishment of democratic procedures through which children can express their views. Opportunities must be created for children to be involved in decision-making processes. It is in the school, but not limited to, that they can have the opportunity to express

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[96] Brown, Jeanes, and Cutter-Mackenzie, "Social Ecology as Education."

[97] UNICEF, "A Human Rights Based Approach to Education for All."

[98] *Ibid.*

[99] UNICEF, "Child-Friendly Schools Manual."

[100] *Ibid.*

[101] UNICEF, "Child-Friendly Schools Manual."

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their views on the development and implementation of school policies.[102] By creating a space in which children can be creative, critically think, ask questions, and express their worries, thoughts and desires, children are able to share and exchange ideas.[103] It creates a dual relationship, as this style of communication also provides feedback to the education system itself on how it needs to improve. Student organisations can serve as a positive force within society that is free from political control and manipulation.[104]

## 3.4   Conclusions

Amongst the obstacles towards achieving participation is the fact that processes continue to put at the centre the adult figures rather than the children. The meaningful participation, particularly when centralised in processes, is contingent to the wellbeing of the child as it creates a more communicative and interactive system. Envisioning the ecosystem of the child through a child-rights ecology model, gives a perspective into opportunities that can further, in its practice, participation, as a mean to strengthen systems to better protect and support children. In this, the role and importance of the spaces that school provides has been claimed as essential to the realisation of a child rights ecology model. As a result, the notion of a child-rights based approach to education is introduced. Rights-based approaches can provide more child-specific practices. Within this, schools would be able to create an environment that recognises the potentials of the child and is able to design the appropriate environments for participation. Education systems therefore have a duty to create interactive spaces for dialogue with children and for children. It is through the introduction of a child-rights based approach to education that the child is empowered to participate in the family, community, and ecosystem, as an agent. The analysis of participation in relation to the ecology of the child is important as this thesis is not attempting to claim for the right to participation as an end to the voices of children to be heard. Rather it is has attempted to identify the space for action in which to introduce the right to participation to effectively impact the life of the child.

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[102] *Ibid.*

[103] *Ibid.*

[104] Walker, "Towards a Capability-Based Theory of Social Justice for Education Policy-Making."

# 4 METHODOLOGY

The focus of this dissertation is to further explore how children can be more recognised as citizens of society. The hypothesis is that through the increase of participatory mechanisms children could begin to more autonomously, to the extent possible based on age and maturity, contribute to the realization of their rights. For this to happen, an informed assumption has been made about the critical role that schools could have when introduced to a rights-based approach to education. Following this rationale, the research question for this dissertation is:

> *To what extent can the integration of a human rights-based approach to education be used to realise the guiding principle to the Convention of the Rights of the Child, of the right to participation?*

Based on emancipatory and participatory research this dissertation aims at being empowering and responding to children's rights concerns.[105] To do so, it will base its case study on a real-life example of a human rights-based approach to education. The project, currently being implemented in Kenya, is using education as a 'safe space' for children from the injustices present in their surroundings.

## 4.1 The Research Design

To build a theoretical framework to the thesis, a sociological analysis was carried out on the understanding of the child as a participatory actor within its social world. It is through this argumentation that rights-based approaches are understood and argued.[106] The dissertation takes an instrumental perspective to the analysis of legal instruments and the critical perspectives around how they have been put in practice through the policies and guidelines consequently formed.[107] It discusses international, regional, and national documents by making considerations on the CRC, the ACRWC, and Kenya's Children's Act. A document analysis was carried out to engage the analysis with legal realist perspectives proposed by the New Legal Realism (NLR).[108] The critical nature of this method allowed for conclusions to be draw from

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[105] Satterthwaite and Kacinski, "Quantitative Methods In Advocacy Oriented Human Rights Research."

[106] Hans-Otto and Martin "Research Methods in Human Rights: A Handbook".

[107] Bodansky, "Legal Realism And Its Discontents."

[108] Bowen, "Document Analysis As A Qualitative Research Method."

a socio-legal perspective.[109] The literature review component of the research is therefore a discussion around the legal and the sociological narratives in regards to the importance of realising the right of the child to participation and the challenges that have been present in its application. Consequently, a critique of the 'theory' presented is carried out by putting to the 'practice' the arguments developed. In doing so a case study on a child-rights based approach to education is analysed. It investigates the causality between child-friendly initiative, the role of the actors in the child's ecology and the extent to which the right of the child to participation is being realised.[110] This is done with the intent of claiming a child's rights-based approach, as the most efficient way of bridging the gaps between the theory and practice.[111]

### 4.1.1 Case Study

To gain an in-depth understanding of the topic, its features, and its developments in 'real life', case study was selected as the better option compared to a comparative study. The consideration of a case study for the investigative component of the research was chosen to give value to the work being done by the school in question.[112] In terms of generalizability "the aim is to draw, or to provide a basis for drawing, conclusions about some general type of phenomenon or about members of a wider population of cases".[113] Furthermore, the use of case study was chosen to investigate causal processes and create a narrative analysis to report back on the status of the realisation of the rights of children.[114]

### 4.1.2 Focus groups

Focus groups were selected as the most relevant method for the collection of the primary data component of the research. They are used to help "researchers understand behaviours, customs, and insights of the target audience".[115] Focus groups have recently been reported as being effective, not only for academic research, but also for the evaluation of programmes and

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[109] Huneeus, "Human Rights Between Jurisprudence And Social Science."

[110] Harding et al., "Child Rights Programming Handbook. How to Apply Rights-Based Approaches to Programming."

[111] *Ibid.*

[112] Lewis-Beck, Bryman, and Futing Liao, "The SAGE Encyclopedia of Social Science Research Methods."

[113] *Ibid.*

[114] Bryman, " Social Research Methods".

[115] Lewis-Beck, Bryman, and Futing Liao, "The SAGE Encyclopedia of Social Science Research Methods."

assessments of needs.[116] This has been done with the aim of giving the opportunity to the children to be heard on such matters. For this reason, three focus groups, each of eleven, nine and seven students, was carried out to explore how a rights-based approach to education was translated into practice. A focus group of six members of the management, was conducted to explore the approach the intent behind implementation of this method. Additionally, a focus group with five of the teachers was used to explore its operationalization.[117]

For the interviews open-ended questions were developed in such a manner to not influence the answers of the target audience.[118] Three distinct sets of interviews were developed to appropriately present the content to each group in a relevant and understandable manner. The researcher undertook the role of moderator, in an unbiased and uninfluential way.[119] The relevance of this methodology to child research is that it creates a safe environment in which the power imbalances between adult and child are neutralised and peer exchange is encouraged.[120] To ensure the development of a discussion or conversation, it is essential to have a careful consideration of the target audience being included and the environment being created by the moderator. A possible consideration to make is the importance of using an inclusive approach to the facilitation. The risk of using this method is with the possible group dynamics that could form. To observe are the power relations that could form during the discussion.[121] The role of the moderator in this is particularly sensitive, as peer-influence and peer pressure may shape the dialogue. The data collection component is therefore to be designed as a way of giving children the opportunity to have their opinion heard on matters that are currently affecting them. As this dissertation is exploring children's abilities of being heard, children's voice was selected as the primary source of data.[122]

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[116] *Ibid.*

[117] See Annex: 1

[118] See Annex: 2

[119] Bryman, " Social Research Methods".

[120] Adler, Salanterä, and Zumstein-Shaha, "Focus Group Interviews in Child, Youth, and Parent Research: An Integrative Literature Review."

[121] Lewis-Beck, Bryman, and Futing Liao, "The SAGE Encyclopedia of Social Science Research Methods."

[122] Adler, Salanterä, and Zumstein-Shaha, "Focus Group Interviews in Child, Youth, and Parent Research: An Integrative Literature Review."

### 4.1.3 Ethical considerations

Regarding the ethical consideration, the study was designed to be sensitive and flexible to enable a beneficial and mindful interaction with the participants.[123] Of at most importance is the philosophy of 'the child comes first'. As the study involved direct involvement of the researcher with children, attention must be place on the possibility of harm at any stage.[124] For this circumstance, harm is qualified as any information, action or reaction that could cause indirect or direct trauma.[125] To operationalize this principle, children in their pre-teen years (9-13) were selected based on their voluntary participation. Informed consent was received by both the parent and the child. As the question were open-ended and the structure of the interview was semi-structured, it was recognised that to an extent of offloading of delicate information could have occurred. To mitigate this, the child protection officer of the school was present during the focus groups carried out with the children. The outside observant was given the authorization from the researcher to interrupt the study in the case in which any harm was being done.[126] Participants' names were anonymized, to safeguard the children and adults involved. Each participant was assigned a name composed by their role (student, teacher, management) and a random letter in their name, resulting in for example, student O. Additionally any personal or recognizable information disclosed during the focus group was removed from the data collected.[127]

The major challenge faced when carrying out the study was mitigating the delicacy of the topic. Initially, rather than a case study, comparative research had been selected. To emphasis the benefits of child participation, Still I Rise was going to be discussed in reference to a 'normal' school in Kenya. None of the participants, outside of those at Still I Rise, adhered to participate. Even in the case of Still I Rise there were instances in which parents did not give consent for their children to participate in the study. To mitigate this, more consideration should be given to the target audience and how predisposed they are to discussing participation.

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[123] *Ibid*, p. 203.

[124] Adler, Salanterä, and Zumstein-Shaha, "Focus Group Interviews in Child, Youth, and Parent Research: An Integrative Literature Review."

[125] *Ibid*.

[126] Ulrich, "Research Ethics For Human Rights Researchers".

[127] Bryman, " Social Research Methods".

# 5 LAWS AND POLICIES OF THE RIGHT TO PARTICIPATION

The image of children in both legal and policy documentation has always been representative of a duality between an objective depiction and the recognition of the child's subjectivity. When viewing children as right holders, it entails a progressive nature, in which the exercise of rights is directly correlated to the evolving capacities of the child, based on maturity and age.[128] It has been recognized that State parties, in implementing their obligations under the Convention of the Rights of the Child, have not given sufficient attention to young children as rights holders. As a result, laws and policies required for the realization of the rights of the child do not always recognise the distinct needs that present in the phase of childhood.[129] With the recognition of childhood as different from adulthood in legal terms, the applicability of the right to participation becomes more relevant. Its scope, which is usually vague and put in generic terms, is refined, and framed though child-centered initiatives.[130]

## 5.1 The Legal Framework

> *"The modern conceptualization of children [...] is underscored by two competing ideologies: the child as a vulnerable object in law to be protected and the child as subject with rights and the capacity to exercise their agency".* [131]

The Committee on the Rights of the Child (hereon after the Committee) is concerned with ensuring that the international community upholds their obligations and duties towards protecting and fulfilling children's rights.[132] With the publication of the Convention in 1989, children began to be recognized as subjects of the law. Children became right holders with a distinct and specific legal status, that recalled the reiteration of rights relating to autonomy in beliefs, actions, and decisions.[133] The Committee reaffirms that the Convention is to be applied holistically, starting with the recognition of children as right holders and not as entities

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[128] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

[129] Brems, Desmet, and Wouter Vandenhole, *Children's Rights Law in the Global Human Rights Landscape*.

[130] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

[131] Arnold, Children's Rights and Refugee Law: Conceptualising Children Within the Refugee Convention, p. iii.

[132] Committee on the Rights of the Child, "Introduction to the Committee on the Rights of the Child."

[133] Arnold, Children's Rights and Refugee Law: Conceptualising Children Within the Refugee Convention.

dependent on the actors and institutions in their environment to fulfil what might be their inter-pretation of the needs of the child.[134]

### 5.1.1 The Right to Participation

The right of the child to participation is one of the fundamental guiding principles of the Convention, together, with the principle of non-discrimination, the best interest of the child, and life survival and development.[135] The importance of the right to participation as a guiding principle, is that in practice it must be considered as part of the scope of all the rights and matters that regard the child.[136] The principle recognizes the potential of children to share opinions and perspectives in order to participate in society as citizens and actors of change.[137] The provision of the right is found under the jurisdiction of several rights that address the legal and social status of children. The Convention states that children should have the appropriate and equal opportunity to participate in cultural and artistic life, as per article 31. Under article 9(2) the Convection recognises that the child has the right to make their views seen during any proceed-ings in which they are involved in.[138] In this, it is recognised that children have the right to participate in and affect decision making processes within family matters, in schools and in their community. Participation is further understood and defined within the right of the child to be heard and in the ability to express their opinions and access information.[139]

#### 5.1.1.1 The right to be heard

The right of the child to be heard is an important component to the interpretation and understanding of the right of the child to participation.[140] As mentioned in General Comment 12 (GC12) it ensures that where a child is capable of forming their own view, they hold the right to express it freely in all matters that concern them.[141] This should be done in accordance

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[134] Committee on the Rights of the Child, *Day of General Discussion on the Right of the Child to be Heard*.

[135] Brems, Desmet, and Wouter Vandenhole, *Children's Rights Law in the Global Human Rights Landscape*.

[136] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

[137] *Ibid.*

[138]UN General Assembly, *Convention on the Rights of the Child*.

[139] Hart, "Children's Participation: From Tokenism to Citizenship."

[140] *Ibid.*

[141] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard*.

with the age and maturity of the child and under the jurisdiction or any institutional body that represents the Government.[142]

States Parties are to comply with and implement the obligation to listen to the views of the child in such a manner "leaves no leeway for State parties' discretion".[143] States parties are under strict obligation and shall assure that mechanisms are in place to solicit the views and to give due weight to those views. It is to ensure that children and their surroundings are provided with all the necessary information, instruments, and tools in that favour their best interest. In other words, "States parties must ensure conditions for expressing views that account for the child's individual and social situation and an environment in which the child feels respected and secure when freely expressing her or his opinions".[144]

The child, as a subject of the right has the choice to not exercise the right. Children are encouraged to express their own opinions freely without being subject to any manipulation or conditioning of any sort.[145] The right to be heard must be understood as both an individual and a collective right. The conditions of age and maturity and capability of forming an opinion "can be assessed when an individual child is heard and also when a group of children chooses to express its views". [146] Maturity refers to the ability to understand and assess the extent to which the capacity of a child is reasonable and independent.[147] The assessment of these components can be facilitated when enduring structures are in place such as schools. Efforts are put in place to seek the views of those children speaking both autonomously and as a recognised collective. Having said so the views of the child must be assessed on a case-by-case examination.[148]

State parties should encourage these processes by providing conducive environments for ongoing processes, that enables dialogues between adult and children and information sharing.[149]

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[142] UN General Assembly, *A world fit for children : resolution.*

[143] *Ibid.*

[144] Committee on the Rights of the Child, "Introduction to the Committee on the Rights of the Child", 7.

[145] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard.*

[146] Committee on the Rights of the Child, "Introduction to the Committee on the Rights of the Child", 5.

[147] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard.*

[148] *Ibid.*

[149] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard.*

### 5.1.1.2  The Freedom of Expression and the Right to Information

Closely related to the jurisdiction of the child's rights to be heard are article 13 (the right to freedom of expression) and article 17 (the right to information).[150] The child "shall include freedom to seek, receive, and impart information and ideas".[151] Children should therefore have access to spaces in which not only their opinions are welcomed but they are also listened to. In terms of information, the right recognises any knowledge that could impact the well-being of the child, is to be provided to them. In this the notions of exchange of information, places children on the same 'playing field' as adults, who are assumingly can receive. The playing field, which is the space for child participation, envisions children who are free to express, exchange and gain knowledge and adults can listen.[152]

### 5.1.1.3  The Best Interest of the Child

It is ultimately in the best interests of all children to have a voice and participate in the relevant spheres of society.[153] The principle of 'the best interest of the child' is implemented in Article 3 (1) of the CRC, and provides that "in all actions concerning children, whether undertaken by public or private social welfare institutions, court of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".[154] The Commission has provided through General Comment 14 (GC14) a non-exhaustive list of elements that need to be achieved in order to guarantee the best interest of the child. These include the child's views, the identity of the child, protection and safety of the child, situation of vulnerability, and the right to education. It is from this list of elements that the linkage between the best interest of the child and their views consolidates its importance and reiterates the fundamental nature of the right of the child to participate and to be heard.[155] This entails that there should be participatory mechanisms in place in which children are systematically consulted, in a gender-sensitive and age-appropriate manner. Resources are consequently allocated on the primary basis of the best interest of the child.[156] On this basis, the understanding of participation is to

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[150] UN General Assembly, *Convention on the Rights of the Child*.

[151] UN General Assembly, *Convention on the Rights of the Child*.

[152] Parkes, *Children and International Human Rights Law : The Right of the Child to Be Heard*.

[153] Hart, "Children's Participation: From Tokenism to Citizenship."

[154] UN Committee on the Rights of the Child, *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.*

[155] *Ibid.*

[156] *Ibid.*

include the role of family and any other relevant 'adult' actors. When taking decisions relevant to the child, impact should be measured against the elements that go in favour of the child. For this to happen informed child-friendly procedural safeguards must be put in place.[157]

### 5.1.2 The Right to an Inclusive Education

The full realization of the right to participation requires recognition of and respect for nonverbal forms of communication such as play, body language, facial expression, or drawing and painting. It is through these different languages that very young children make choices, express preferences, and demonstrate understanding of their environment.[158] In GC12 the Committee dedicated a section to the relationship between the right to be heard and the right to education. It specifies that all educational environments should present opportunities for the child to express their views and should not "interfere with the liberty of individuals subject".[159] The learning environment should contribute to the formation of children as active members of society and responsible citizenship within their communities.

A child-centred approach[160] creates more conducive environments that promote cooperation, mutual support, and the appropriate utilization of disciplinary measures. Activities around this may include "steady participation of children in decision-making processes should be achieved through, inter alia, class councils, student councils and student representation on school boards and committees, where they can freely express their views on the development and implementation of school policies and codes of behaviour".[161] The introduction of human rights practices in the institutions in which the child learns, plays and lives together with other children and adults would contribute to shaping the core motivations and behaviours of children.[162]

## 5.2 The Policy Framework

A policy framework is envisioned to facilitate the put in practice of children's rights by integrating child-friendly services.[163] The Committee of Ministers of the Statute of the Council

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[157] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[158] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

[159] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard*,

[160] UNICEF, "Child-Friendly Schools Manual."

[161] UN General Assembly, *Convention on the Rights of the Child*, 22.

[162] Nastasi, Hart, and Naser, *International Handbook on Child Rights and School Psychology*.

[163] UNICEF, "Child Participation Is Local Governance."

of Europe has identified a series of 'common rules' to ensure the effective implementation of instruments that relate to the protection of the rights of the child.[164] According to the jurisdiction of the right to participation as identifies in the CRC, State Parties to the Council of Europe are recommended to provide the largest extent of legal protection to all children by maximising the opportunities to participation. To achieve this age should not be a discriminatory factor, in fact no age limit should be set, to any processes that have to do with participation of the child. Generally, all forms of discrimination should be prevented.[165] Rather as the guiding principle in the consideration of children based on evolving capacities.

For children "to participate meaningfully and genuinely, children and young people should be provided with all relevant information and offered adequate support for self-advocacy appropriate to their age and circumstances".[166] When children are given the spaces to exercise this right, they should be protected from all possible forms of harm. Participation is to be recognised as a process and not a singular event. A space though which this can be achieve is to "make the rights of children and young people under the age of 18, including the right to participate, a component of school curricula".[167] The image of the child as an active citizen should be prioritised especially in learning opportunities.[168] Education is envisioned as a way to establish an environment conducive to 'intergenerational dialogues' in which through the engagement of parent's mutual cooperation and respect can be achieved.[169] To be further considered is the integration of participation within non-formal learning opportunities.[170]

Beyond what has been presented so far, the international policy framework that does not present with extensive policies on how to put in practice child participation. Rather a broad theoretical consensus has been reached on the basic requirements which should guide national policies towards effective, ethical, and meaningful participation.[171] These overarching principles are particularly key for the implementation of processes regarding children being heard

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[164] Council of Europe, "Recommendation Rec(2006)14 of the Committee of Ministers to Member States on Citizenship and Participation of Young People in Public Life."

[165] *Ibid.*

[166] *Ibid, Section II*

[167] *Ibid, Section III*

[168] Council of Europe, "Recommendation Rec(2006)14 of the Committee of Ministers to Member States on Citizenship and Participation of Young People in Public Life."

[169] *Ibid.*

[170] *Ibid.*

[171] Lansdown, "Every Child's Right to Be Heard a Resource Guide on the Un Committee on the Rights of the Child General Comment No.12."

and participating. The Committee on the Rights of the Child therefore recommends that State parties commit to transformative and informative processes, which provide children with age and gender sensitive information regarding their rights. Mechanisms should be enacted in which children's views are treated with respect and are on a voluntary basis. Children are to be engaged in relevant matters using methods that correspond with the capabilities of child. Participation must be inclusive and give equal access to space. In these spaces, risks and exposure to sensitive environments should be minimised by adults, who are trained and educated on how to recognise, create, and sustain participation.[172] Without adherence to these standards, children are placed at a higher risk to be manipulated and maltreated. [173] The following presents a theoretical framework of models to participation as envisioned by policy makers to create real opportunities for children to participate.

### 5.2.1 Elements to Effective Participation

Participation not only ensures that the child has a recognized and valued voice, but that they are able to access their rights as engaged actors rather than passive beneficiaries.[174] Children's voices need to be consciously articulated in a responsive, reflective, and relevant way.[175] It cannot be assumed that social change deriving from adult perspectives will lead to an automatic 'trickle down' of benefits to children. Rather it should be assumed that the empowerment of children is a central objective.[176] In order to implement the right to participation a series of formal proceedings can be applied in matters in which the opinions and views of children are being expressed. Theories and models are often used interchangeably in the discourse and practice of children's participation. Without a theoretical framework, models or 'how to' guides have flourished.[177] The policies and frameworks that are created should be reflexive in considering the everchanging assumptions about adulthood and childhood. These must be continually questioned when we work with children. The importance of this is the negotiation of power that it results in, in which adults must question the language and processes they use as bureaucrats

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[172] Committee on the Rights of the Child, "Working Methods for the Participation of Children in the Reporting Process of the Committee on the Rights of the Child."

[173] Lansdown, "Every Child's Right to Be Heard a Resource Guide on the Un Committee on the Rights of the Child General Comment No.12."

[174] Hanson, "Children's Participation and Agency When They Don't 'Do the Right Thing'."

[175] Hallett and Prout, *Hearing the Voices of Children: Social Policy for a New Century*.

[176] *Ibid.*

[177] Percy-Smith and Thomas, *A Handbook of Children and Young People's Participation*.

and as members of the culture of adulthood.[178] The end goal is that there should be a collaborative approach to participation in which social justice is promoted by placing on the same level the concerns of children with the concerns of those in decision making.[179]

To truly label a process as participatory children, the first step, considered to be the lowest form of participation, is that children are to be 'assigned but informed'. This means that they understand the context they are in and who is the decision makers. The children are viewed as actors with meaningful and voluntary participation.[180] In the next step, children are 'consulted and informed'. Even though the process is run by adults, their opinions are asked and given due consideration. The notion of meaningful participation starts with 'adult initiated, shared decision with children' where processes in decision-making level are initiated and shared between both the adult and the child.[181] An added upon layer is the 'child initiated and directed project' in which the adult does not interfere, or direct, but rather allows for young people's initiatives to be of guidance. The final model is the 'child initiated, shared decision with adults' which sees the involvement of children as leaders that are consulting adults as guiding and supportive entities.[182] To give a comparative framework, forms of non-participation include 'manipulation', in which participation is used as a disguise. An example of this would be "pre-school children carrying political placards concerning the impact of social policies on children. If children have no understanding of the issues and hence do not understand their actions".[183] Finally, participation as a 'decoration' are situation in which children are informed but do not have enough knowledge to conceptualise (they are informed that they are performing at an event but have not been told enough about the specific cause).[184] As follows is a list of essential headlines that should guide participatory processes.

### 5.2.2 Children are Prepared and Informed

Firstly, the child should be prepared and informed about his rights and the impact that it has on outcomes.[185] Children should be given the relevant skills and space to reflect on their

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[178] Franklin, *The New Handbook of Childrens Rights : Comparative Policy and Practice.*

[179] Mason and Urquhart, "Developing a Model for Participation by Children in Research on Decision Making."

[180] Hart, "Children's Participation: From Tokenism to Citizenship."

[181] *Ibid.*

[182] *Ibid.*

[183] *Ibid*, 9.

[184] *Ibid,*

[185] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard,*

own circumstances. They should be able to express their difficulties and realities of oppression, discriminations and violations they have been exposed to.[186] On a more practical level, for a process to be classified as transparent and informative "Children know why they are involved in a given project/programme/activity, what their participation will help to achieve and the types of decisions and plans that their participation will influence".[187] This information is provided in a language that is comprehensible and child-friendly. This should also be always accessible to the child. As a result, the child should be able to understand their role in a given setting. Including what they are responsible for, what is expected from them, and which actors should be and how they are to be involved.[188]

### 5.2.3 Space is Provided for the Child to Exercise their Rights

To make a space enabling for the participation of children, those involved are to demonstrate their commitment to consider what is being shared. There should be a voluntary involvement of the child at all stages, beginning from the planning phase to the design, to the management of everyday activities. A safe space is provided, in which the power dynamics with the adult figures are neutralised. In other words, a culture should be created in which value and respect for the participation of the child sovereign.[189]

### 5.2.4 A Case-to-Case Assessment of the Capacity of the Child

As required by the Convention, the opinions expressed by children are to be evaluated according to their maturity and age. What this entails is that when listening to a child, a case-to-case basis approach is to be taken to consider the capacity of the child.[190] A parameter to take into consideration is the extent of self-esteem. In this case self-worth is measured based on a sense of competence, approval of others and acceptance of peers. Children with low self-esteem are more likely to distort how they communicate their thoughts and feelings.[191] It is for this reason that interventions are to be relevant to the experiences of the child. They should be able to draw upon their capabilities, knowledge, and experiences to express their views on matter of importance to their lives. The end goal is for children to feel welcomed. Adults are

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[186] Garbarino, "The Role of the School in the Human Ecology of Child Maltreatment."

[187] Save the Children, "The Nine Basic Requirements for Meaningful and Ethical Children's Participation."

[188] *Ibid.*

[189] *Ibid.*

[190] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard*.

[191] Walker, "Towards a Capability-Based Theory of Social Justice for Education Policy-Making."

therefore to be approachable and responsive with communication methods that involved children as co-developers of processes.[192]

### 5.2.5 Explicit on How Views are Considered

The child reserves the right to know what the outcome was and receive an explanation as to how their views were considered in the process.[193] In this, children should receive feedback on what effects their contribution had. They are to gain information on how to challenge actions, influence recommendations and ensure continuous quality improvement. This implies that at this stage the child has gained and has been given the space in which they feel valued. Actors that are in the ecology of the child have received the appropriate knowledge and training. They are equipped with relevant and specific knowledge on how to process, facilitate, and evaluate the environments in which children are present. Equally, children have access to training on their rights, how to advocate with them, and how to engage and hold accountable decision makers to account.[194]

### 5.2.6 The Child's Reservations and Complaint systems

In situation in which the child has not been treated with respect and dignity and its rights have not been upheld, they are to have the ability to file a complaint and seek remedy.[195] To ensure the feeling of protection and safety, the environment is to be sensitive to risk. Children have access to key stakeholders and can ask questions and provide feedback on their participation. Lessons learned are systematically documented and applied to ensure quality improvement. Appropriate feedback is provided to children in a timely and accessible manner. Children have adequate time, support, and information to share any feedback with their peers, particularly when nominated by their peers and/or communities to represent their views.[196]

## 5.3 Conclusions

The right of the child to participate has been recognised and utilised as an integral part of the CRC. Children have a legal voice and can claim their rights. The legalities of this

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[192] Save the Children, "The Nine Basic Requirements for Meaningful and Ethical Children's Participation."

[193] Committee on the Rights of the Child, "Working Methods for the Participation of Children in the Reporting Process of the Committee on the Rights of the Child."

[194] Save the Children, "The Nine Basic Requirements for Meaningful and Ethical Children's Participation."

[195] UN Committee on the Rights of the Child, *General comment No. 12 (2009): The right of the child to be heard*.

[196] Save the Children, "The Nine Basic Requirements for Meaningful and Ethical Children's Participation."

principle are non-exhaustive and up for interpretation. This is particularly relevant for the question that a multitude of decision makers ask: "do children possess sufficient procedural capacity to act on their own behalf?".[197] This makes it so that competency, according to the views of the adult are seen as a threshold for the child to access his rights.[198] The implications of viewing the principles of the right to participation as a moral duty rather than a legally binding component of the CRC right places pressure on the policies that individual institutions implement. As these are not particularly developed a 'how to' guide is presented on how institutions can put into practice child participation. This is a generic guide that can be applied everywhere, and, in this case, the school system has been chosen to test its applicability.

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[197] Holzscheiter, *Children's Rights in International Politics : The Transformative Power of Discourse*, 131.
[198] *Ibid.*

# 6  CASE STUDY: CHILDREN'S RIGHTS IN KENYA

> *"It has been in fact through the struggle against discrimina-*
> *tion and repression, that children have learnt to fight for their equal rights*
> *and have that participation, claimed individually and in solidarity with oth-*
> *ers is itself a fundamental democratic right".[199]*

Children who live in extreme poverty have great difficulties in meeting their basic needs for food, clothing, shelter, and personal hygiene. This in turn brings fear, shame, lack of self-esteem and stigmatisation by others. It makes it extremely difficult for children to participate in the life of their communities or to benefit from public services.[200] Cultural values, patriarchal structures, and political systems continue to be limiting factors in the Kenyan society, weakening children's abilities to part take in decision-making processes.[201] Discrimination and social exclusion towards the image of the child sets them apart from the mainstream of society and severely limit their opportunities and their agency.[202]

## 6.1  The African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (hereon after the Charter) has been acknowledged as having fully recognised the principles and rights presented by the CRC.[203] It has been, in many instances, recognised as having provided standards for the promotion and protection of children's rights that are of a higher standard and consideration to the legal status of the child.[204] The Charter frames the best interest of the child as 'the' primary consideration, rather than 'a' primary consideration, as referred to in the CRC. It does not though contain any specific article or provision on the right to participation or on the right of the child to be heard. This rather was integrated in the principle of best interest of the child, which includes the obligation "for the views of the child to be heard either directly or through an impartial representative … and those views shall be taken into consideration by the relevant

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[199] Hart, "Children's Participation: From Tokenism to Citizenship."

[200] Rajani, "This Discussion Paper for Partners on Promoting Strategic Adolescent Participation."

[201] Gichinga, "The Effects of Kenyan Child-Raising Practices on Adult Life."

[202] Rajani, "This Discussion Paper for Partners on Promoting Strategic Adolescent Participation."

[203] Organization of African Unity (OAU), *African Charter on the Rights and Welfare of the Child*.

[204] Gichinga, "The Effects of Kenyan Child-Raising Practices on Adult Life."

authority".[205] Beyond this the Charter recognises the child's freedom of expression and freedom of thought. It recognises the rights for children to be given a space to express their opinions and conscience. Where relevant, the guidance and direction of parents, guardians or other relevant actors is permitted and encouraged. The most important component of the ACRWC is that it includes explicitly a vision of children as duty bearer of their own rights.[206] It in fact includes in article 31 that the child, according to his age and ability, has a moral obligation towards the family, community, nation to ensure respect, assistance, preservation, strengthening, and solidarity.[207]

## 6.2   The National Legal Framework

Kenya is a signatory of the CRC, and its additional protocols. At the regional level it has ratified the ACRWC. The State has therefore committed obligations and standards in protecting, promoting, and fulfilling children's rights.[208] Within the Kenyan Constitutional law, article 53, recognises the basic rights of children. It envisions the child as an object of protection in which they are 'to be protected' by all forms of violence and have the right to parental care and protection.[209] The Children's Act, enacted in 2001 and recently revisited in 2022, presents with major considerations being made on the right to participation that have not been previously included.[210] Participation in this case is also framed as an integral part to the definition of the best interest of the child in which: "'best interest of the child' means the principles that prime the child's right to survival, protection, participation, and development above other considerations".[211] Furthermore, it introduces in article 28 the right to assemble, demonstrate, petition, and participate in public life. In this it recognises the right of the child "to freely participate in matters affecting children through lawfully established forums, associations, and assemblies at the national and county levels".[212] It goes to the extent of specifying ways in which adults can communicate with the child. In the case of children involved with the law the children's officer,

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[205] Organization of African Unity (OAU), *African Charter on the Rights and Welfare of the Child*.

[206] Organization of African Unity (OAU), *African Charter on the Rights and Welfare of the Child*.

[207] *Ibid.*

[208] *Kenya, The Constitution of Kenya*.

[209] *Ibid*

[210] The Republic of Kenya, *The Children Act*.

[211] *Ibid, 430.*

[212] *Ibid, 453.*

should address "in a language that the child understands … shall encourage the participation of the child".[213]

## 6.3 The National Policy Framework

The national youth policy recognises that a part of the problems currently affecting young people in Kenya, is directly correlated to limited participation and opportunities.[214] It stated that "despite their numerical superiority, youth are least represented in political and economic spheres due to societal attitudes, socio- cultural and economic barriers, and lack of proper organisation".[215] This can be also found in the national child protection framework in which is it advocates for a system in which "decisions are made for the paramount importance of the child … [in which] the voices and opinions of children must be sought in all efforts aimed at addressing their needs".[216] In this it recognises a system in which services towards children are part of an interdependent system that is to be informed both horizontally and vertically.[217] The policy promotes the value of equal access to socio-economic opportunities by engaging the whole of society in valuing and addressing the needs of children and empower their potentials. By bearing in mind this vision, the national education system was reformed, providing a new curriculum that was meant to enhance the employability of the youth. It is recognised that this intent did not successfully translate into practice. Within the strategies suggested by the policy, a curriculum that is more relevant to the respective circumstances of the children is encouraged to allow for more accessible and adequate education.[218]

### 6.3.1 Responsibilities of children

The policy recognises that children are also duty bearers and therefore have responsibilities and obligations of their own, that they need to fulfil. Relevant to the right to participation the child must contribute to the socioeconomic development and well-being of the country. To

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[213] *Ibid, 601.*

[214] Ministry of Home Affairs, Heritage and Sports, Kenya National Youth Policy.

[215] *Ibid, 7.*

[216] The National Council for Children's Services, "The Framework for the National Child Protection System for Kenya",10.

[217] The National Council for Children's Services, "The Framework for the National Child Protection System for Kenya".

[218] Ministry of Home Affairs, Heritage and Sports, Kenya National Youth Policy.

do so they are expected to take ownership of their lives. This is understood in the form of promotion of democracy, gainful forms of employment, and taking part in educational and learning opportunities.[219]

### 6.3.2 Responsibilities of Adults

The adults are to create all possible opportunities in the different societal levels to ensure child participation. An important duty is given to parents and adults as the role models to the child. In this they are required to provide the appropriate material needs, guidance, and support for the child to reach its full potential.[220]

### 6.3.3 Responsibilities of the State

The state has a well-founded obligation to provide to all their citizens the services that they need. Therefore, the state is to find meaningful and relevant ways of engaging the youth. In this regard "the State should carefully plan and be involved in developing the youth to be responsible". In this the State is expected to be the lead institutions by creating the spaces for opportunity.[221]

## 6.4 Why are Children in Kenya Vulnerable?

The status of Children's rights in Kenya has made progress in the last decade, with notable improvements in efforts of the Government to provide relevant services. Despite these efforts and with the effect of the COVID-19 pandemic, systematic inequalities of poverty, corruption, violence, and access to resource continue to render children extremely vulnerable.[222] As reported by UNICEF (2022) "53% per cent of children is multi-dimensionally poor, meaning that they are deprived in more than one area, including lack of access to education, housing, nutrition, water and sanitation".[223] Particularly detrimental to the vulnerability of children, in the disparities in the access that children have to education. The status of this worsened with the decision of the Government to close schools for the entirety of the pandemic. As of 2021, more than 1.2 million children were unable to attend school.[224] Children were left at home,

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[219] *Ibid.*

[220] Ministry of Home Affairs, Heritage and Sports, Kenya National Youth Policy.

[221] *Ibid.*

[222] The Borgen Project, "Continued Education for Vulnerable Children in Kenya."

[223] UNICEF, "Kenya Country Kit 2020-2022", 5.

[224] The Borgen Project, "Continued Education for Vulnerable Children in Kenya."

bored, with no alternative space to go to than their home, neighbourhood, and community. Amongst the children who are recognised to date to be in the poorest and most demanding situations are the children that were unable to go back to school.[225] The reality is that there is a rather silent endemic that sees children as victims of human rights violations. From female genital mutilation, sexual violence against children, to child labour and prostitution to a generic lack of access to basic services. Kenya sees a large number of children living in the streets, who due to psychological stress and abuse of drugs, refuse to attend schools. Refugee children in Kenya account for over half of the refugee population in the country. Of this percentage over half are not enrolled in school.[226] With lack of access to schools, these children often do not have the equal opportunities to participate and become 'lost' children in their society.

### 6.4.1 Child-Adult Relationship

> *"To Africans, the ideal is the right relationship with and behaviour*
> *to other people…This custom of instilling respect in children is regarded as*
> *a boy's demonstration of his gratitude and appreciation for his parents'*
> *careful duty and tenderness rendered him during his childhood."*[227]

Individualization is not condoned, as Kenyans tend to think communally. Based on class, culture, and rural/urban setting their values include respect for elders, obedience to parents and development of a communal view. This rather hierarchal structure of society places children at the bottom of the social pyramid. The way in which adults engage with children is not with the aim of transferring wisdom but it is rather done with an attitude towards building character. Especially in the family and the school environments 'disciplining methods', that are currently still being used, include caning, shouting, pinching, beatings and all forms of public humiliation, and isolation.[228] The family nucleus is often characterised of single mothers left alone to raise and take care of the children. Mothers, as the sole provides, often do not have the time or money to ensure for the child's health and mental well-being. The rates of neglect of the figure of the child are often varied and related to the economic status of the family.[229] This

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[225] The Borgen Project, "Continued Education for Vulnerable Children in Kenya."

[226] UNICEF, "Kenya Country Kit 2020-2022"

[227] Gichinga, "The Effects of Kenyan Child-Raising Practices on Adult Life."

[228] *Ibid.*

[229] UNICEF, "Kenya Country Kit 2020-2022"

has had negative effects on children on the lines of creating in them a poor self-image, feelings of anger and fear, and a general lack of trust.[230]

## 6.4.2  The Kenyan Education System

Education theories have recognised that power dynamics in Kenya have been observed in social and institutional contexts. This has resulted in the oppression of the more marginalised members of society when it comes to their integration in the educational system.[231] The way in which the system is designed is inherently discriminatory towards vulnerable children. Even though children do not pay 'official' fees for primary school, a series of other unaccounted for costs make it impossible for families who live in absolute poverty to afford it. These include, school uniforms, material for the school and at times fees for the teachers. It must be considered as well, that for children who do not live in cities, accessing a school is not a guarantee. For those who do not have money for transport, walking to school can take hours. Kenya's education system is characterised by a regime in which punishment is still used as a mechanism to discipline the child. It has established a culture of 'obeying' the teacher, leaving no room for the child to actively participate.[232] Undeniably teachers play a major role in the behaviours institutionalised in the education system. Reportedly mechanisms of discrimination from the 'adult' community in schools have seen children being refused in schools because they were 'too dirty'. The feelings of stigma, insecurity and at times terror are to be taught as significantly more impactful when you are disabled, an orphan or a refugee.[233]

It is to be recognised that schools in Kenya, deny, rather than facilitate, opportunities for collaborative participation and the exercise of responsibility.[234] The Kenyan public education system has been defined as 'banking education' as it views the student as a container in which the educators must pour its knowledge into.[235] It has been criticised as being as having sustained an extremely disempowering approach. Firstly, it prevents students' active

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[230] Gichinga, "The Effects of Kenyan Child-Raising Practices on Adult Life."

[231] Karanja, "The Educational Pursuits and Obstacles for Urban Refugee Students in Kenya."

[232] Mweru, "Why Are Kenyan Teachers Still Using Corporal Punishment Eight Years after a Ban on Corporal Punishment?"

[233] *Ibid.*

[234] Hammarberg, *A School for Children with Rights : The Significance of the United Nations Convention on the Rights of the Child for Modern Education Policy.*

[235] Karanja, "The Educational Pursuits and Obstacles for Urban Refugee Students in Kenya."

participation in their learning and presents a limited view of education's transformative potential. It generally denies opportunities for critical thinking skills, which are essential for the improvement of the students' academic and future lives.[236]

Children traditionally have been denied both the knowledge that they are entitled to protection from violence, and the mechanisms through which to challenge this situation. The consequent silencing of children and the abuse they experience has influenced the protective approaches which see children as being completely dependent on adult support. The result of this has left children abandoned without resources when that adult protection is withdrawn.[237] The underlying conceptual basis is that a developmental approach that emphasizes investing in young people's assets and "protective factors" is far more effective than focusing on young people's myriad problems. The developmental perspective sees a shift from vertical responses to horizontal responses by taking a problem-based approach with an understanding of the nature and impact of the social environment.[238]

## 6.5   Still I Rise International School [239]

> *"We raise passionate, caring, and brave leaders to shape a peaceful*
> *tomorrow through the best quality education. At Still I Rise International*
> *School Nairobi we change the world one child at a time".[240]*

Still I Rise is an independent international organization, that for the last five years has opened schools around the world. To ensure the equitable access to quality education for all children, their schools and projects target specifically children with vulnerable backgrounds. In the context of Kenya this translated into targeting students that reside in the areas of Nairobi such as Kawangware, Kayole, Eastleigh and Mathare. These neighbourhoods currently host most of the children that have been out of school. From refugee children who have been denied by the Kenyan government access to education, to children living in extreme poverty. In 2020, to respond to these needs, the organization opened Still I Rise International School of Nairobi. The school is designed to offer its student a seven-year program based on the International

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[236] Karanja, "The Educational Pursuits and Obstacles for Urban Refugee Students in Kenya."

[237] Lansdown, "Every Child's Right to Be Heard a Resource Guide on the Un Committee on the Rights of the Child General Comment No.12."

[238] Rajani, "This Discussion Paper for Partners on Promoting Strategic Adolescent Participation."

[239] See Annex 3 for the full project outline

[240] See Annex 3, School Mandate

Baccalaureate; a prestigious curriculum considered to be accessible only to the 'rich'. Students are selected through a rigorous selection process, that is not based on academic performance but rather on the full picture of the child. The curiosity for learning, personality traits, and the commitment of the family to engage in the child's education, are amongst the main selection criterions. The school, even though opened within the Mathare slum, provides a safe and clean environment to the children who attend. To accommodate to the best extent possible the children and their families, the school is completely free of charge, and provides for its children uniforms and transportation to increase accessibility.

In their educational methods, Still I Rise adopts a student-centered approach. In its day-to-day activities, beyond educating children, the school aims at mapping, listening, answering, and addressing the needs of the child. Majority of students come from a life in informal settlements, usually characterised by insecure and dangerous environments for their development and physical safety. The common experiences through the student populations consist of lack of food, water, and basic hygiene. A sense of lack of safety and insecurity is characterised by violence and heightened risks of sexual exploitation and abuse, exposure to smuggling, prostitution, and situation of theft, drugs abuse and alcoholism. Through the support and careful guidance of a full-time child protection officer, the school recognises the distinct needs of children who have suffered these traumas. This means that the school provides daily not only a need-based support but also food, water, clothing, education, and learning experiences. The methodology views as central the students' mental wellbeing, by ensuring that the school is a welcoming place in which the child is heard and therefore feels protected. They can do so by creating an environment in which the child is able, through various means to share their opinions, ideas, and concerns. where space for sharing ideas and concerns is made available in different ways. These include individual meetings and session on a needs-basis, student-led bodies, elections, student representatives, and an anonymous box for reporting.

The school strives towards involving majority if not all community members in contributing towards the development of the child. In this parents, different stakeholders, partners, and are included. Initiatives, especially at this stage of the project focus towards collaborating with the families of the children:

> *"Through our educational program we constantly listen and support*
> *not just the needs and the voices of our students but also the needs of the*
> *families: we facilitate access to support and protection in cases of family*
> *abuse, we support finding safe houses and accommodations, we provide*

*parents' training and sensitization sessions on positive parenting and child abuse".*

According to the different availabilities in commitment, adults are encouraged in contributing to the engage with the educational program through educational workshops, to teach the methodology, seminars on relevant topics (such as the rights of the child), and meetings to discuss and coordinate of how to support each individual child.

# 7 QUALITATIVE ANALYSIS: OPERATIONALIZING CHILD-RIGHTS BASED APPROACHES TO EDUCATION

*"As a student, it was very rare if not impossible that we told the administration what we needed, in fact it was considered a crime ... disrespectful…very disrespectful"*

The intent of this analysis is to provide a multi-layered perspective on the spheres that can be achieved, and the boundaries that can be encountered when introducing participation as a guiding principle within schools. The various layers of the analysis take into consideration the perceptions of the students on the rights-based model, and the observations of the teachers and the management team on the implementation. This type of analysis was chosen to represent and reflect on the realities present in the adult-child relationships. It looks at the outcomes and the extent of understanding between the different parties involved.

## 7.1 Children's Rights and the School System

In the words of one of the students the work of Still I Rise helps "children without wasting their profit. The school helps me as a student to learn and to know my future and how I can begin on the process". Though the methodology implemented so far, children have learned about rights through a series of workshops. Their understanding can be summarized as follows: "children's right are basically what children should have and what is definitely owned by them, like they should have their rights"; "Right are things that children or a person or people in general need to survive and need to make their own decisions"; "Children's rights is to give children what they require in life and also helping them to make the best of it". The way in which the school has used rights as a guiding philosophy in the way in which they teach and generally interact with children is through the "curriculum … it gives the students an opportunity to identify who they are like…rather than other schools that have specific ways of working that you have to fit you and flow with them".

### 7.1.1 Children's participation guides learning

In reference to the curriculum and the style of teaching, participatory pathways have been integrated in the way in which children can contribute and shape the school. As mentioned from the words of the teachers themselves: "When you are doing a unit plan, you give them guidelines and children … is part of the process, they can own up to what they learn, they make

learning more funny as they know their input was taken in". This creates a "more like a 3D perspective rather than a 2D perspective" in which children become "curriculum developers" themselves. Reportedly this has created a more focused learning environment with a culture of feedback, from both the adults to the children and vice versa. It results in making "learning I own it and I use it in real life and not I have to do my exams and I am done". The teachers and the management engage in regular check-ins at the different stages of the different units in the different subjects to give "the opportunity for the children to be part of the learning process". Furthermore, the school has introduced role-playing as a way of making learning collaborative:

"One can become a teacher, one can become a classifier, another one can become a questioner. So, whenever they read a text or they go through content, this approach of learning, students feel like they are being heard and they feel that their ideas are important, and they are contributing the development of their knowledge".

This has created a sense of "communal dialogue".

### 7.1.2  School as a safe space

From the perspective of those who are managing and have designed it, a child-rights based approach follows the following rationale: "Where we train our students to know what their rights are. Because from their background they have come to a stage where they really don't know what is acceptable for me as a child, what is my right?". The mandate of the school follows the philosophy of "these kids have seen so much, have lived a lot of traumas and the fact that they can come here and diffuse, and understand what is normal from what is not normal is very important. Education is very important." Education is not only seen as a series of subjects that the children 'have' to learn to become 'smart'. Rather it is being used as a way of normalizing the real world. In this normalization the child can conceptualize and gain a deeper understanding of its surrounding rather than living in the ignorance of it. The empowering component of this is that the child gains self-empowerment as a way of participating in their own life events rather than being passive to the happening. In this case the school creates a safe space in which they "promote self-projection from, not just from violence, but say, but also from by creating a safe environment … such an effective means of advocating for their participation … enjoying their freedom."

### 7.1.2.1 Emotionally Expressive Children

To promote this the school has what they call 'home rooms' as a safe space for the children to discuss issues that are affecting them. This has been left as a free space to discuss both personal issues affecting the child in its personal life as well as the relating to their education. The effects that this has had so far on the development of the child is that it has encouraged them to become expressive. Many of the students reported that they include emotions as a way of expressing their feelings, thoughts, and impressions: "I love this school because it helps express my frustration even if it is to a teacher and it makes me express my feeling no matter how bad they are". They are encouraged to speak to their adults as companions, by placing each other on the same level. This is revolutionary as the punitive nature that the Kenyan school has, creates insecurity in the child in terms of what is 'right' and what is 'wrong' to feel. This gives the opportunity for the child to gain the tool to use their emotions as a method of expressing their voice.

### 7.1.2.2 Adults as Friendly Companions

The school has been able to normalize in the child that the adult, especially the authoritative adult such as a parent or a teacher, is not someone to be afraid of. Rather they are to be seen as friendly because they are companions. In this "children should be able to come to the teachers to cry to talk about their opinions. They can come to speak their voice in terms of problems and in terms of education, in that sense they are very free. They are not being compressed when … this is a free environment. An important component of this is that the school "created a very comfortable classroom environment in which they can feel very comfortable and in which they know that they can make mistakes and through mistakes in when we learn".

## 7.2 Participating in the Realisation of their Rights

The school in the activities that it engages in is "focusing on what is the best interests of the child and therefore what should be taken into primary consideration in terms of offering some form of quality education". At the essence of it, is that the school values the development of the child by taking a 'survival' perspective in which they ensure that basic needs and rights are tailored to. To "provide basic services and so that all students feel that they are equal and have equal potential in order to fulfil the best to the best of their ability, whatever skill sets they have, and this has extended towards not just education but also provisional healthcare and the likes". By neutralizing the environment and creating this sense of equality the children have the

opportunity of focusing on their capabilities. In this "children they are capable … success towards more specialized care and also, I would say like the entire in line with rights, I would say more like freedom, freedom from hunger that is right of a child".

### 7.2.1 Freedom to Say No

The children themselves claim that "they told us that you have the right to say no means no. I want to add something. I can say no means no because they cannot force you to do something that you don't want to do". As part of their freedoms, many children picked up and have actively applied their right of expressing a disagreement:

"Let's say that your family tells you that you need to get married, it is your right to say no because you don't know what you are going to get through if you get married. Maybe you are going to get beaten and get babies and you cannot take care of them. It is your right to tell you mom and dad that you don't feel comfortable that if you marry that person, you will not be able to go to school. And so, mom and that need to understand that it is not my age to get married."

The intent of raising children who can say no even in the simple things in school, such as expressing what they like and don't like, to translated into negotiation skills. They expressed though that they are aware that even if they express their opinion, they can also receive a no back.

### 7.2.2 Freedom of Choice

In the interviews one of the main themes that came up is the interpretation of the right to participate as the freedom to choose. More precisely, this is being interpreted as "freedom of choice is represented, like promoted yes, but as an educator, I do believe that the fact that our children are coming to school uhm is the first thing we try, I think unconsciously, to work on is to have them freely coming to school". With that, with children consciously choosing to come to school every day they are exposed to a way in which their rights are being realized: "Educators with their lesson plan ready to teach something that is relevant. Every time this is happening, uh, like the right education, the right to gender equality, the right to a fair development the fair, the right to a future is being promoted." Children are furthermore encouraged to choose, when appropriate to engage in activities that they feel is most relevant to them. An example of this, children are given the opportunity to join after school co-curriculum activities. These usually consist in sports, art or acting activities. When the children were asked about defining the

right to be heard and participation, a vast majority mentioned art, drama, and sports class. This is not limited to the fact that they are offered after school, but it was explained that it is the nature of activities done in the classes that create this feeling in the students.

### 7.2.3 Freedom of Expression

As reported by the teachers "we do not go the old fashion where where where we accuse their child rather, we give them the opportunity to air out to explain the situation". Children are seen as the number one priority of the school and of the adult's attention to the extent to which "even if I am in the office and it is busy and a student stops me, I must stop what I am doing". The extent to which children are being listened to has been contagious in the sense that it has empowered the children to apply this beyond the school environment: "a few parents mention that the kids are even questioning things that the parents are asking them to do at home. Meaning that there is an impact here in questioning practices at home". The children when they were initially told that they had the rights to express their opinions they were completely shocked, now they are starting to apply and adjust to different environments while also teaching the adults around them how to adjust themselves.

## 7.3 Student-Led school

The adult community in the schools believes in emphasizing the 'gifts' of a child, as they respect and envision that each child is unique and not a photocopy of another. The educators apply an inquiry-based learning to their teaching methods. In this "children are not learning information but are learning how to ask the right questions". This has created a highly democratic space in which by being taught how to ask questions children are to interact with adults in a manner that is relevant to them and their development. As reported by the management team the fact that in the school they can interact with teachers, with the principle increases their feelings of value and self-worth.

In the pursuit of democracy, children have been given the power to elect their leaders:

"I will go with students being heard. In reference to the home rooms, the captains meet with the teachers and the management and present the grievances of their home rooms and they also take the feedback back to the home room. In this they are impacted in being strong leaders. The classroom set up is benefitted by this approach because when they see that they can solve these problems by themselves without taking to the teacher."

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Homerooms have been established as a space to which children 'land' every morning before starting their learning for the day. It is a space in which they are encouraged to take ownership.

### 7.3.1 Peer-to-peer exchanges

When given the space to participate, majority of the children expressed that they are being heard by the teachers, at least for the most part. Complications have been perceived in the day-to-day interactions between peers. When being a leader the students have found that "being a captain is not easy … you are fed up with everything … Someone is telling you this point but … before I used to laugh laugh and now not anymore". The sense of respect seems to be lost in a way in which "I am the captain of the homeroom but when I am trying to be good to them, they complain and when I am bad, they complain also, and I feel disrespected". On the receiving end, the student feels that "sometimes the captains do not hear you, for example when you are late, they don't want to hear you".

When asked to define participation, the children put it in terms of their peers, as presuming it has been the easiest way for them to conceptualize it: "in my understanding I understand that like to participate for example like we are having a match as a group and I take all of them apart from one and exclude that one person, I am not listening to that person right to participation". Particularly in terms of understanding and setting boundaries "maybe the student wants to take something, and I tell them that I don't feel comfortable with them taking that they will not listen and respect me".

### 7.3.2 Adults not as Referral Pathways

The way in which the school is envisioning the role of the adults is that it "doesn't really infringe on the direction on how things go, but we allow them to be, to give us the relevant information and we make sure that this information arrives to the different people". It is believed that it is a right in itself to ask questions and to be inquisitive driven when handling the world around you. In these terms the independence that is being built in the school is being done with the intent of "we want them to ask the politician, why don't we live in a slum, where there's no sewage line. Why do we live in poverty? Why in the same city you can find Mathare and Westland's?" They envision children as being agents of change as "possibly by asking this question, by processes that started from low from from the ground, trying to create social change and generate social justice". This is to and will extend to the outside world starting from the

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community, building up to the society. This is because of "children know why things are happening" and can choose to participate in their own, relevant, form of expression.

# 8   KEY FINDINGS: CAN WE TRULY EXPECT THIS?

> *"Too often adults lack the skills to listen effectively or are afraid to listen for fear of ceding control or hearing something they don't want to hear. Listening to children's voices is a skill we need to practice and one that should become a basic feature of all our systems of governance, from family on up".* [241]

Participation is challenging, and specifically to the case of children, it presents with a series of multi-layered complications in its practice. In principle, the scope of the right, both from a social and a legal perspective, should affirm that children are full-fledged persons. With the recognition of this status the child should only be dependent on adults for the provision of the social spaces to realise participation. Rather the involvement of adults has for the most part limited the freedom of expression of their views. Where they able to make choices, children should, not only allow for children to express their opinions, but most importantly adults must increase their ability to listen to children. By bringing a 'real-life' example, this complicated nature of participation is explored. The example of Still I Rise proposes a model in which children, and the adults who are guiding them, are attempting to envision a world (the school) that places the child at the centre. Driven by children's rights and their principles, the school has challenged the system putting in effective practice a version of what the right of the child to participation could look like.

## 8.1   The Role of Schools

Schools are in fact essential to provide children with the necessary information for the realisation of their participation in society. First and foremost, the duty and responsibility of the school is to educate the child on what children's rights are and the entitlements, duties and responsibilities that come with them. The mainstreaming of right-oriented thoughts and language in the mind of the child are fundamental towards its development as an empowered being. These should of course be explained in a child-friendly manner, that does not diminish the value and power of rights, but that is conceivable to the child, in accordance with its age and maturity. Providing information enables children to not only gain the skills necessary, but also the

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[241] Barbara Bennett Woodhouse. "The Ecology of Childhood."

maturity, confidence, and self-awareness to gain ownership of their right and influence their surroundings.

This includes learning how to ask for what they need and the means that they have available to interact with the adults in their environment. For this to happen it is important that schools undertake the role as mediators in the process of creating a mutual understanding between children and adults. The formulation of this common language spoken by both the child and the adult, comes from also educating on children's rights, the parents, teachers, government, and institutional entities that interact with the child. In this it is the school that then teaches to the child about the notion of the space for negotiation. Participation cannot be genuine if children don't have the opportunity to understand the impact, weight, and possible reactions that their surroundings can have to their opinions. It is again the duty of the school to prepare the child for the possible outcomes, when claiming their rights. Due to the vulnerable position in which children are placed in society, and the contradictory opinion that surrounds the ability to express opinions, children must be able to defend and protect themselves. They should receive the knowledge on what is a 'fair' no to receive and when a 'no' is worth challenging.

### 8.1.1 Schools, Teachers of a Universal Language

Worldwide the notion of participation has been interpreted differently. Often the question of universality of children's rights is discussed in terms of how it represents all the realities of children. It is therefore not a guarantee that CRC is exhaustive in the explanation of what child participation entails. In this the regional and national instruments have failed to encompass its entirety. Yet, the language of human rights is the most universal language that we can propose to date. To be able to make the best use of it we need relevant interpreters in each context. In their proposed role as mediators and facilitators to the participation children, it is through school that one can explain, in a relevant and localised manner the meaning of children's rights and therefore the right of the child to participation.

Schools is where the notions of democracy are created. It is therefore where the notion of the child as a citizen is to be developed. This encompasses citizenship as a right, a responsivity, a way of identifying and ultimately as a form of participation. A system perspective on participation implies an instrumental approach of participatory initiatives. Participation becomes instrumental to dealing with the sense unpredictability and insecurity. These tendencies towards more autonomy and regulation do not necessarily have to rule each other out rather

they can compensate each other by creating a reality in which children can receive the protection need and space for self-development of agents of change themselves.

## 8.2   The role of the children

Children have the role to question the world around them, it is at the basis of any educational theoretical framework. Without the ability of exploring boundaries, understanding limits, and ultimately discovering themselves children become incomplete adults. Children themselves have the hardest role in achieving child participation. Participation is a very revolutionary statement that can place a child in a potential situation of risk. One topic that came up in discussions with Still I Rise was how to monitor and measure the risk at which these children were being exposed to. It was mentioned in the interviews that children had already started questioning parents on matter regarding their day-to-day life. To what extent could this lead to further violence against the child? It is in this space for discussion that many of the argumentations relating how participation might affect parent-child relationships become relevant. The role of the child is to remain a child. Having the space to participate does not remove from children having to think about children-related activities. In the contrary, it is to be understood as a space to improve these activities and relations that are present in their environment by providing feedback.

In this it is essential that children, as a minority group, create a sense of solidarity that unifies the in this communal struggle. The risk of placing children at the centre of attention, is that they tend to emphasise the natural individualistic nature of rights. Therefore, it may be harder to identify in their fight for their rights the similarities of the other children's situations. In the simulation of democracy in the home rooms, the students at Still I Rise, struggled to recognise the space that they were being given for participation and how to build it, emphasise it, and contribute to it, together. On one side the peer-to-peer feedback about each other's leadership skills provided a first-hand experience of the hardships of truly listening to each other. On the other hand, the sense of competition and injustice that it created towards each other risks making it a fight for scarce resources rather than unifying forces to achieve the space needed. It is for this reason that also children have the responsibility of being the first ones of supporting each other and listening to each other.

## 8.3 The Role of the Family

Children are expected to honour their parents by listening, unconditionally, and executing, undoubtably, what is being told to them. The power dynamics and the consequent expectations that come along are deeply rooted paradigm that greatly limits the ability of children to collaborate, participate and interact with society. It starts by challenging and questioning these practices. As one of the main learnings that the children in Still I Rise picked up on was that they were allowed to say no to the parents. For the sake of protection related arguments, it was agreed with the children that they are allowed to contradict parents, but that one also needs to be aware that there is a possibility of receiving a no back. If we take one of the cases that was presented by the child: a mother asks the child to wash the kitchen utensils and the child says no because he has the right to go play. This is one of the complicated intersections with defining the space of participation. It finds it difficult to draw healthy boundary between what is being authoritative, what is being strict, what is being unfair, what is being educational or what is being a no just because the parent is stressed and in a bad mood. The parents have the role and responsibility of not taking advantage of this, but to rather learn and apply welcoming practices in the household as well. For negotiation to be healthy it is also for the receiving end to be willing to listen. In the case of child participation listening is put in terms of human rights. Parents have the duty to understand these to be able to decipher what the child is to expect from society and guide them through this process.

## 8.4 The Role of the Society

It is undeniable that a well-functioning society is a pre-requisite for child participation. Vice-versa from a system perspective, participation, should be interpreted as a requirement for the well-functioning of a society. The law framework, at both a national and international level, is inconsistent in the image that it provides of the child. It has left a large margin of the right to participation that can be interpreted, putting children at risk rather than protecting them. In this it is the job of local government, such is the case of the children's act to provide relevant and culturally sensitive understanding and interpretation of the human rights instruments. This then extends to societies and communities to make raising a child, a citizen and an agent of change, a more conceivable communal duty. Increasing participation is to be thought of as a convenience, as it ensures the upbringing of adults that can critically contribute to society. For this to happen it is the government in the first place that needs to implement mechanisms of inclusive

democratic communication that challenges this structural inequality that sees the child at the bottom of the social pyramid.

## 8.5 Ways Forward

Children, depending on their age and maturity, are not fully developed individuals, and they are therefore dependent on both the State, their parents and other care takers like the school. This claim has been often used to diminish the power of the child in society. As a result, adults have often diminished the understanding of rights, and in this case of the extent to which a child can express its opinions. Rather the paper would like to propose that children are given more ownership of their rights. This means that when getting a full understanding of what these over-arching guidelines entail, that they will be able to better formulate and express their needs.

Schools are argued as being the conducive environment for the social change needed to implement the right of the child to be heard. As an institution and under the parameters stated it could be effective at initiating and guiding the process of change towards a world that is more inclusive of children. Education, knowledge, and information are empowering tools rather than curative. School should be a place where children remain children. By children we intend the 'being' whose capabilities are recognized, nurtured, and valued and fundamental to their development and the development of society.

There is a clear need for further guidance and clarification on how to ensure that children are included in processes relevant to their well-being. It must be recognised that change is complicated and therefore it is not to be expected that 'clarifications' of legal or social nature are to come from governments, nor from society itself. As a way forward to this research, some more in-depth consideration should be made on the notions of age and maturity and how these can be mitigated. These were not explored as the scope of the paper did not allow. Furthermore, it would require a more deeper understanding of the correlation on the systemic limitations of participation: what is not working within participatory processes and why?

# 9   CONCLUSION: BREAKING THE SILENCE

For the principles of child participation to be put in practice, a nurturing social space for its realization must be created. The use of the word 'created' in intended as a critique to the spaces that have been provided so far as not representative of the principles of the right to participation. As analysed in the contrast between the subjectivity and objectivity of children's rights the notion of child participation seems to be abstract and often left up for interpretation. This has been mitigated to an extent by policy makers and the framework created around the notion of participation. The way in which change is therefore envisioned is to open existing institutions to 'the voices of children'. To ensure that the right to participation of the child is realised, a bottom-up approach to change must occur. This paper therefore answers to the research question posed that a human rights approach to education is essential to the realisation of the right to participation. For this to occur child-rights based approaches are to be extended beyond the schools and mainstreamed across all ecological systems. Children, by the recognition of their capabilities can regain their status as 'beings' and engage in active participation as agents of change. Through the school system they can learn fundamental knowledge and skills that enables them to negotiate for their rights. are envisioned as active participants of their ecology and implement systems. Through the right to participation children become empowered to co-decide on matters that regard them.

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# 11 Annex 1: Focus Group Schedule

| Focus Group | Participants | Mode and Date of Interview | Length of Interview |
|---|---|---|---|
| *Teachers* | - Teacher E<br>- Teacher H<br>- Teacher A<br>- Teacher S<br>- Teacher P | In Person<br>11th April 2022 | 36:49 Minutes |
| *Students Group 1* | - Student A<br>- Student R<br>- Student D<br>- Student L<br>- Student K<br>- Student C<br>- Student M | In Person<br>11th April 2022 | 29.31 Minutes |
| *Student Group 2* | - Student B<br>- Student N<br>- Student J<br>- Student K<br>- Student E<br>- Student P<br>- Student M<br>- Student U<br>- Student F | In Person<br>11th April 2022 | 31.22 Minutes |
| *Student Group 3* | - Student N<br>- Student T<br>- Student E<br>- Student A<br>- Student G<br>- Student S<br>- Student D<br>- Student P<br>- Student R<br>- Student H<br>- Student B | In Person<br>11th April 2022 | 35.44 Minutes |
| *Management* | - Management R<br>- Management S<br>- Management M<br>- Management T<br>- Management F<br>- Management O | In Person<br>14th April 2022 | 37:43 Minutes |

# 12 Annex 2: Interview Guides

<u>For the Child:</u>

- In your own words, what does Still I Rise do?
- Do you know what rights are? If so can you explain it to me?
- Where did you learn about them?
- Can you explain to me what is your understanding of the "right to be heard"?
    - Where did you gain this understanding?
- Do you feel like you are heard? If so, how?
- Do you feel like your views and opinions are asked often? If so for what are they asked for/in which context?
- What do you understand from the word participation?
- How are you able to participate at school every day?
- In your everyday life how do you wish you could be heard more?

<u>For Teachers:</u>

- If you could please briefly summarize what is the organizations' mandate.
- From your understanding how do children's rights inform the organizations mandate?
- What is your understanding of the right to be heard? and within the sphere of the right of education?
- According to Article 12 of the Convention of the Rights of the Child, girls and boys of concern to UNHCR have the right to be heard on matters and decisions that affect them and to have these views taken into consideration according to their age, maturity and evolving capacities. In your everyday involvement with the organization how much of this do you think is relevant and how?
- How do you as a teacher ensure on a daily basis the safe and meaningful participation of children?
- Do you think that the children are aware that they have the right to be heard and the right to participation?
- How often do you feel that they evoke this right?
- In which areas do you believe that the participation of the child is required and in which ones' do you think it is not required?

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- Regarding all the critical questions that I have asked you regarding the field of human rights, where did you gain this information?


For Management:

- If you could please briefly summarize what is the organizations' mandate.
- From your understanding how do children's rights inform the organizations mandate?
- What is your understanding of the right to be heard? and within the sphere of the right of education?
- According to Article 12 of the Convention of the Rights of the Child, girls and boys of concern have the right to be heard on matters and decisions that affect them, directly or indirectly, and to have these views taken into consideration according to their age, maturity and evolving capacities. How is this being applied to the project?
- How and in what ways are they given the opportunity to give an opinion or to have their voices heard?
- To what extent would you say that the children are involved in any decision making processes?
- Regarding all the critical questions that I have asked you regarding the field of human rights, where did you gain this information?
- What is the relationship between the space provided for children to express their opinions and the effect that it has on decision making from a management perspective?
- In which areas do you believe that the participation of the child is required and in which ones' do you think it is not required?
- Have the children been made aware of their rights? Specifically which one? And regarding the right to be heard and their extent to participate, how have they been made aware of this?

# 13  Annex 3: School Mandate

As this has not been made public, it has been included as part of the annex. It includes both the school mandate and the project outline.



...

*We raise passionate, caring and brave leaders*
*to shape a peaceful tomorrow*
*through the best quality education.*

*At Still I Rise International School Nairobi*
*we change the world*
*one child at a time.*

... Still I Rise International School Nairobi, Mission Statement

The Still I Rise International School of Nairobi has been established by Still I Rise, an international independent organization that provides high quality education for refugee and underprivileged children.

Still I Rise opted to work with refugee children because of its own origin. In fact, the organization was founded to address the urgent and unheard need for education of thousands of refugee children living in the Samos - Greece hotspot in 2018.

Still I Rise operates in Greece, DRC and Syria through the "education in emergencies" model, providing non-formal education and psychosocial support to refugees and IDPs children predominantly living in informal settlements and refugee camps.

Still I Rise operates in Turkey and Kenya through the "education for reconstruction" model, establishing international schools for underprivileged, out of school, orphan and refugee children coming from stable urban communities.

Still I Rise headquarters are in Rome, Italy.

The school in Nairobi was opened in December 2020 in the surroundings of Mathare, one of the biggest slums in Nairobi, Kenya.

Still I Rise ran a feasibility study in order to find out the most appropriate geographical context to start the International School Program. The study advised for Nairobi - Kenya because:

- Nairobi, as an economically flourishing metropolis is a destination city for refugees fleeing Kenya's surrounding countries.
- The refugee population in the city is stable. Several well established communities exist so migrants find opportunities in the area to resettle with long term plans.
- Even if Nairobi is a growing economy, social injustice and rights are still strongly present in the city.

In this specific context Still I Rise is offering 7 years of international education for free to students that reside in the area or in other neighborhoods of Nairobi (Kawangware, Kayole, Eastleigh).

Students are selected through a rigorous selection process, based on personality traits, curiosity for learning and the commitment of the family or guardians to support the child's education.

The school is hosted in a safe and clean compound, on the outskirts of Mathare slum. Accessibility is guaranteed by school transport for children living far away and by paved roads for the ones living in the surroundings.

The school, through a team of 23 highly motivated professionals, is currently offering:

1.  the Preparatory Year (PY) curriculum. The PY is designed by Still I Rise in order to bridge the educational gap of our students by developing their literacy and numeracy skills.

2.      the IB-MYP (International Baccalaureate Middle Years Program) Year 1 as an IB Candidate School. We'll be offering 4 years of IB-MYP, enrolling the students into the 2 years of the IB-DP after the completion of the MYP.

Still I Rise prioritize in its educational method a student-centered approach.

The school, through the professional support of its educational team, always puts the greatest effort in mapping, listening and answering the needs of the children enrolled.

That means providing food, water, clothing, education, learning experiences but also need-based training and support.

We have a full time Child Protection Officer, implementing the international Child Protection and Safeguarding Policy of the organization within the school community.

It is of the utmost importance to promote each of the students' mental well-being, making sure children always feel heard, protected and welcomed.

We strive to do so by creating a safe, child friendly environment, where space for sharing ideas and concerns is made available in different ways (1:1 sessions and meetings, class meetings, students' representatives elections, anonymous box for reporting).

Protecting, safeguarding and educating each one of our students it's for us the only way to make sure we're working together, every day, to accomplish our own mission statement:

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"We raise passionate, caring and brave leaders to shape a peaceful tomorrow through the best quality education. At Still I Rise International School Nairobi we change the world one child at a time."

The Mission Statement of the School is future oriented. The School is educating and growing individuals that can tomorrow access world class universities and become leaders in their own communities, both of origin or destination.
The academic achievements based on the IB Framework (Unit grades, year grades, final exam grades, University access, etc.) will be the indicators to understand and measure the success of the program.

# STUDENTS' POPULATION PROFILE

The Still I Rise International School of Nairobi is located in Mathare North, an area within the Mathare slum in Nairobi, the capital city of Kenya.
We welcome students aged between 9 to 11 years old offering them outstanding international education on a program that is 100% sponsored.

We currently host 134 students.

For each one of our students we provide free daily breakfasts and lunches, clean water, uniforms and tracksuit, school stationery and backpacks, psychosocial support and 30 hours a week of formal international education.

We welcome students both from the surrounding areas and from other Nairobi's neighborhoods (Kawangware, Kayole, Eastleigh). We have 50% of our students coming to school independently while 50% reach our school with our transportation system, which is part of the 100% sponsorship program.

Eight different nationalities are represented in our school: 51% of our students are refugees from Democratic Republic of Congo, Ethiopia, Somalia, Uganda, Rwanda, Burundi and South Sudan, 49% are Kenyan, representing all the major ethnic groups residing in the area.

We promote equality: half of our students' population are male, half are female.

All of our students live in low-income informal settlements (Mathare, Kabiria, Kibera, Korogocho slums). We prioritize enrolling children with high levels of vulnerability, such as orphans, street children, and children with single parents.
The majority of our students have experienced trauma, neglect and abuse. The informal settlements they come from are dangerous setups, where children shouldn't live their childhood. Food, water, safety and insecurity, post-election violence, sexual exploitments and abuse, exposure to smuggling, theft, drugs and alchool addictions are common experiences throughout our students' population.

Through our educational program we constantly listen and support not just the needs and the voices of our students but also the needs of the families: we facilitate access to support and protection in cases of family abuse, we support finding safe houses and accommodations, we provide parents' training and sensitization sessions on positive parenting and child abuse.

As an organization implementing the IB framework the School strives to promote and involve its Community (students, parents, stakeholders, partners, local leaders, etc.) as much as it is possible.
According to the level of commitment with the school, each member of the community is involved in the running of the educational program through workshops, seminars, meetings.
Within the community democratic processes for representation are implemented and utilized (students' captains, parents' representatives).
Still I Rise also opted to hire a team of educators, teachers, managers and auxiliary staff 100% local (Kenyan nationals).