

# Protection through participation

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

Cumberland Lodge

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# Protection and Participation are mutually reinforcing.

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

# Understanding protection

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

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



# In addition..

CRC recognises the right to protection from:

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



# Understanding participation

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

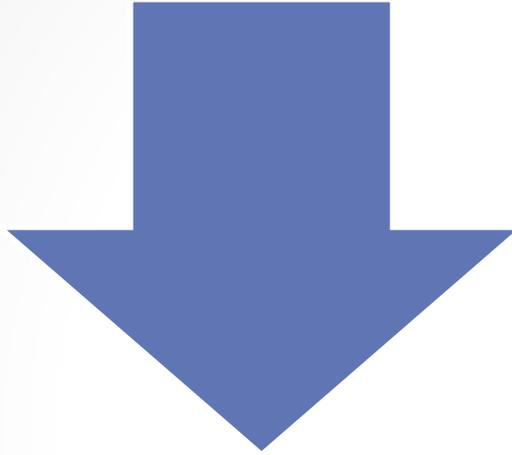
- Article 12 - both a substantive right and a general principle to inform the realisation of all other rights - a means and an end
- Right to be heard and taken seriously - a fundamental value of the CRC
- An entitlement - not a privilege
- Concept of participation embodied in a cluster of articles recognising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

# Participation means what?

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



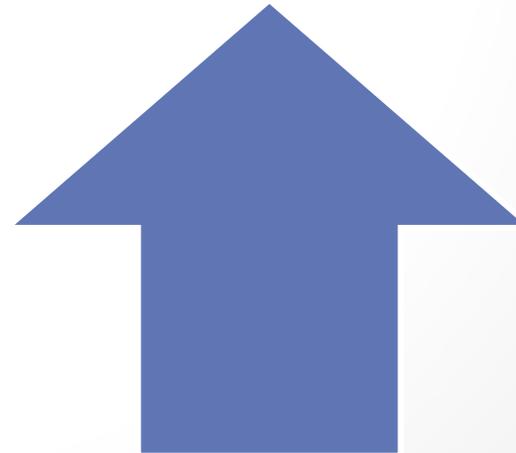
# Balance within the CRC



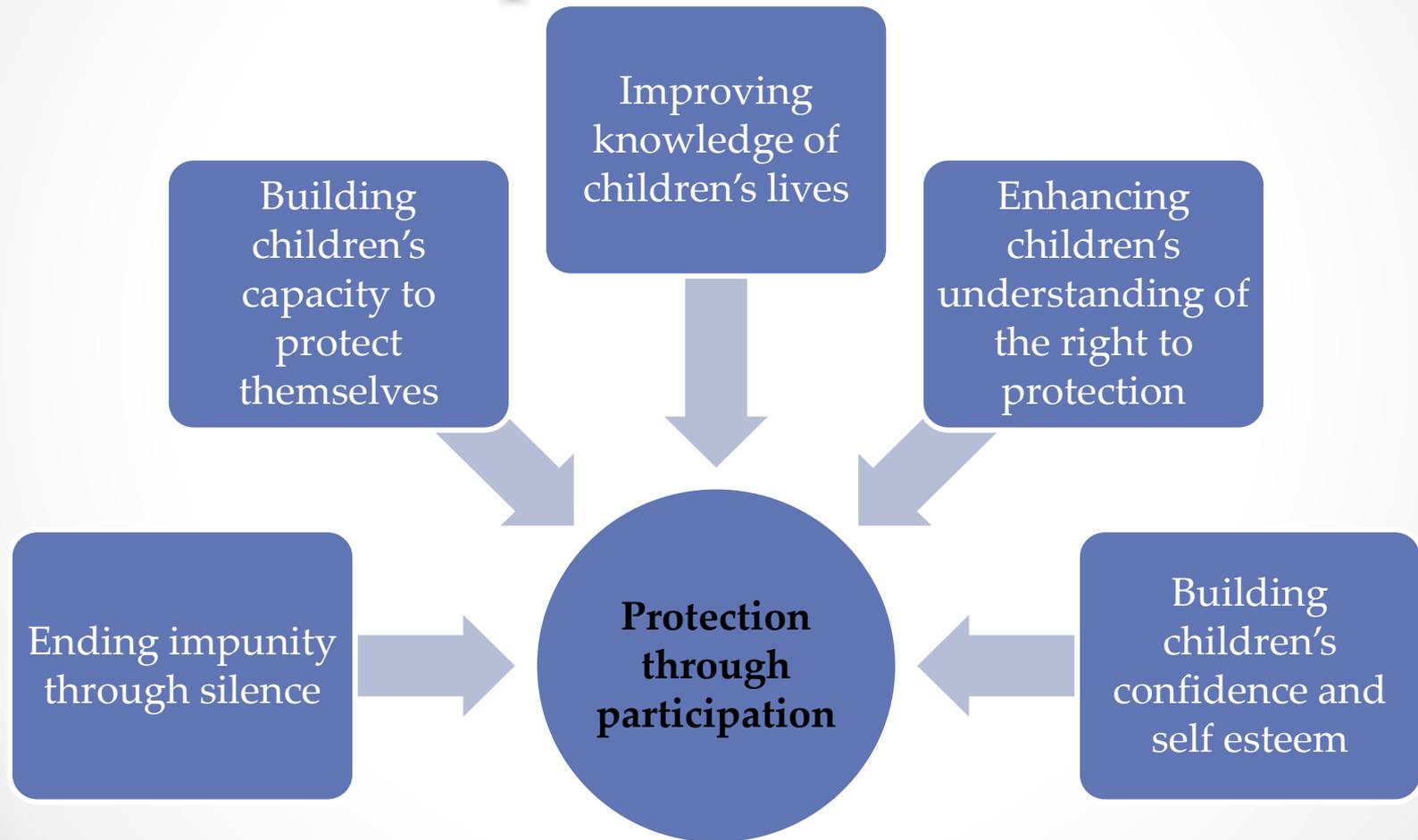
**Participation:** Right to be heard on all matters of concern; access to information; recognition of evolving capacities; freedom of expression, religion; privacy and confidentiality; involvement in design of services.



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



# Relevance of participation to protection



# Involving children in protection

## Consultative participation

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

## Collaborative participation

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

## Child led participation

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

# Ensuring ethical and quality participation

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

## Children's experience

Respectful

Relevant

Voluntary

Transparent and  
informative

## Adult commitments

Supported by  
training

Accountable

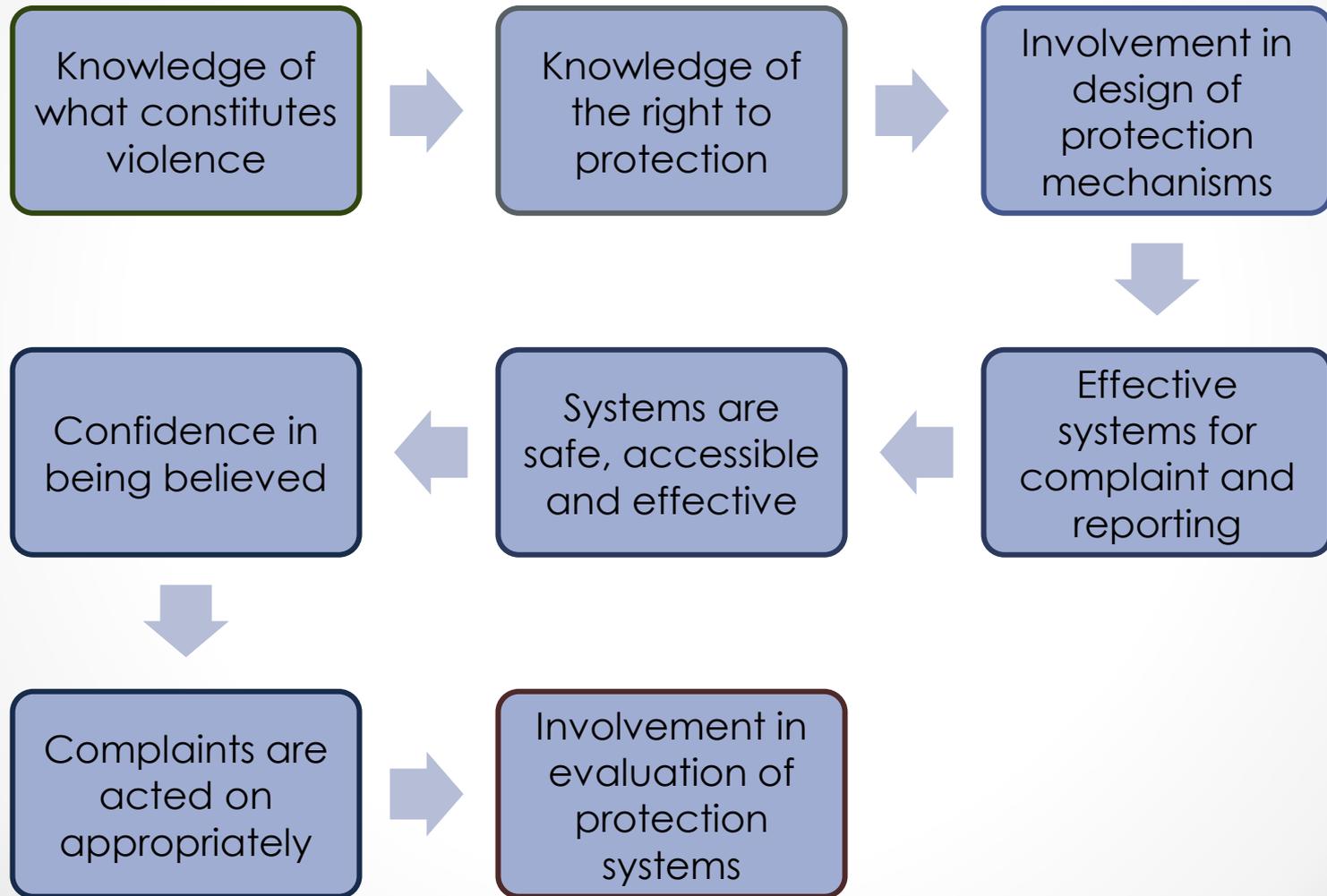
## Nature of environment

Inclusive

Child-friendly

Safe and  
sensitive to risk

# Prerequisites of participation as a means of protection



# Achieving protection through participation

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

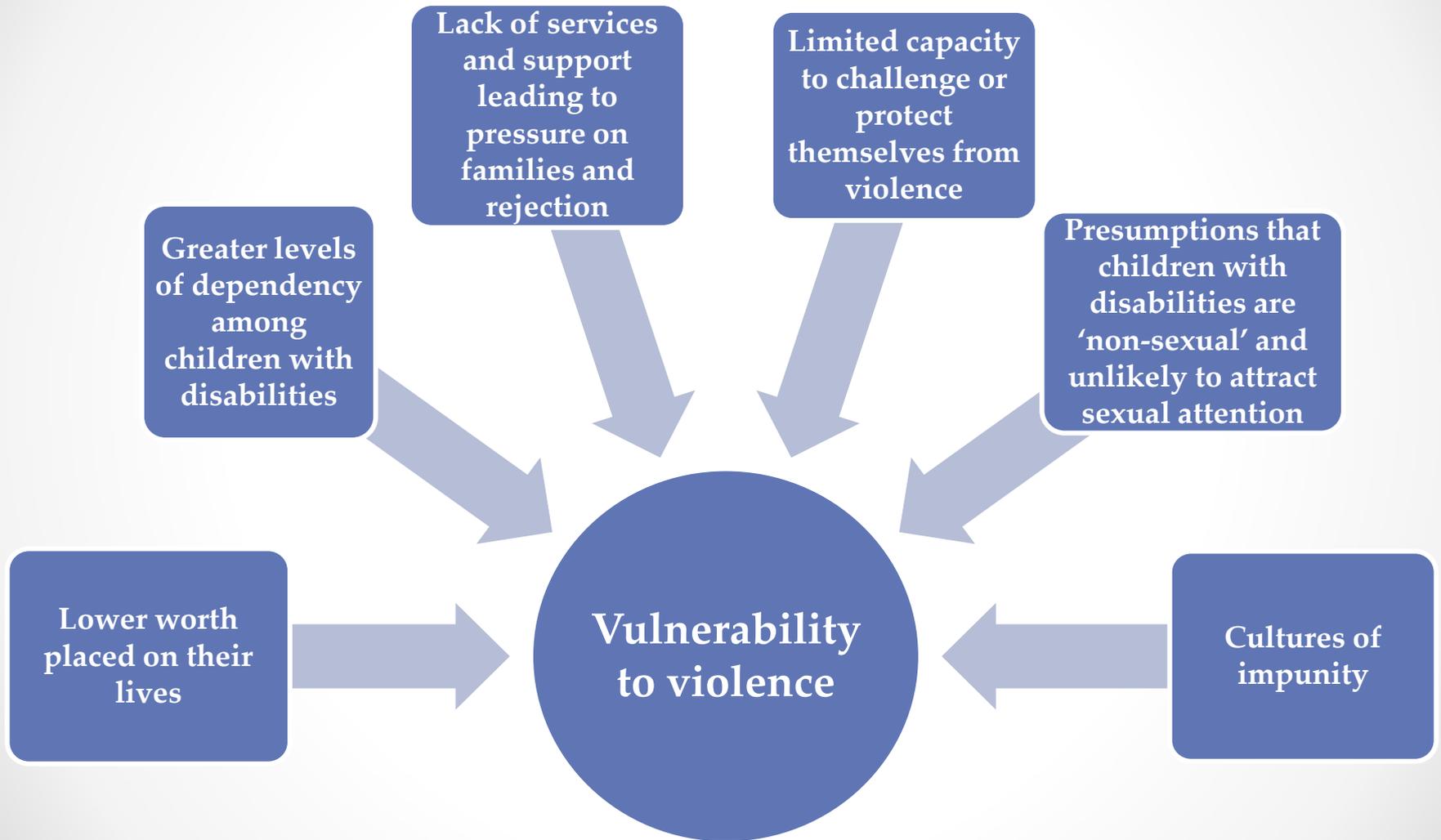
# Overall barriers to participation

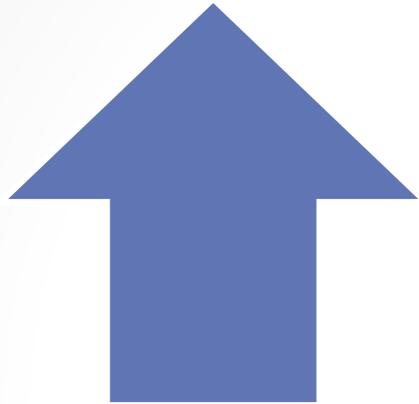
- Fears that participation may undermine protection
- Prevailing attitudes about the capacities of children or relevance of their perspectives
- Anxieties about creating space for children's feelings
- Lack of training for professionals in child participation - lack of knowledge or confidence in how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

# Children with disabilities: an illustrative example

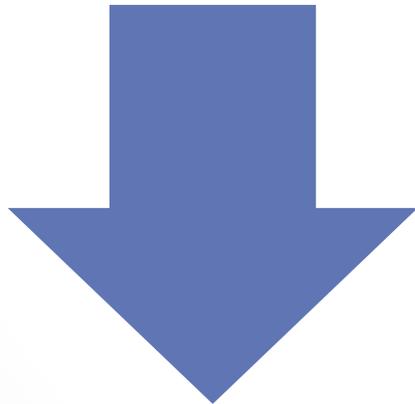
- **Global**
  - children with disabilities more likely to experience severe corporal punishment in half countries reviewed
- **US:**
  - 50,000 children – children with disabilities 3x more likely to be abused
  - 770 deaf adults – 45% experience some form of abuse as children
- **Romania (and other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

# Contributory factors



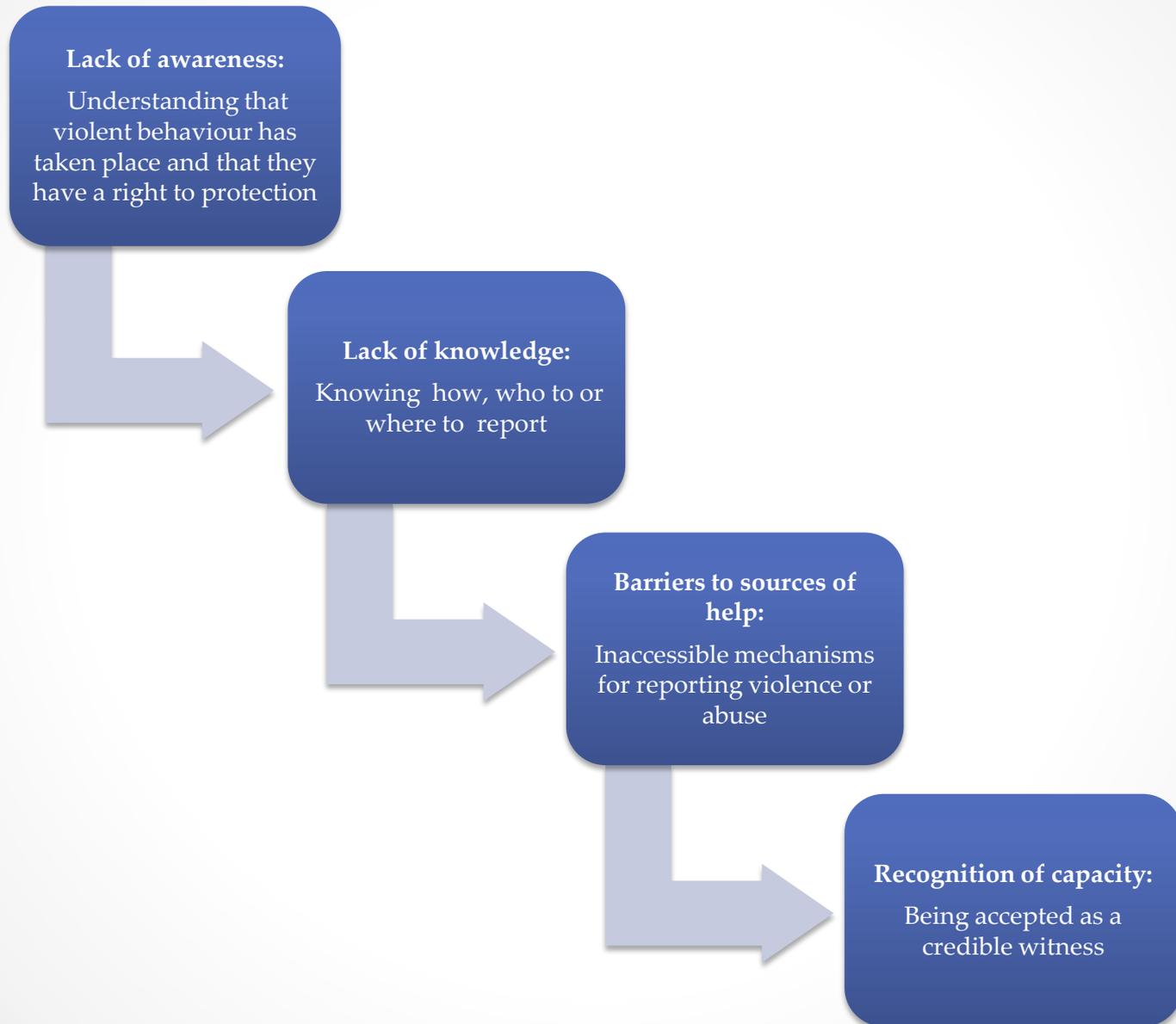


Denial of  
participation  
rights



Exacerbates  
vulnerability  
to violence

# Impact of lack of participation rights



# Building sustainable change for all children

Recognise children as partners in promoting protection

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

Improve knowledge

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

Build participatory frameworks and systems

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

# Summary

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

