BRIDGING THE GAP BETWEEN THEORY AND PRACTICE IMPLEMENTATION OF THE CONVENTION ON THE RIHGTS OF THE CHILD IN INTERNATIONAL PERSPECTIVE

Bodil Rasmusson

School of Social Work, Lund University, Sweden
bodil.rasmusson@soch.lu.se

Abstract

The UN Convention on the Rights of the Child (CRC), which was ratified by the UN General Assembly in 1989, was widely recognized and quickly adopted by many countries. It has been ratified by every nation in the world except USA. The purpose of this paper is to exemplify and discuss implementation of the CRC from different perspectives – global, national and local. The questions are: Has the CRC contributed to changes and if so, in what respects? Could the CRC be used as a tool for change? Empirical material for the paper is obtained from experiences from change work on children's rights in Zambia and South Africa within the context of an international training programme, *Child Rights, Classroom and School Management* (2003-2016), run by Lund University, Sweden and financed by Sida (Swedish International Development Cooperation Agency). The CRC has significant impact globally on e.g. legislation, policies and curricula. Children's rights has become a significant field of study within research. Knowledge about children's rights and children's living conditions has increased considerably during the last centuries. Experiences from change work within education show that it is possible to achieve sustainable changes to the benefit of children. People trained to be change agents play an important role in challenging existing norms that obstruct implementation of children's rights. Experiences show how obstructions and challenges as well as interpretation and practice of the CRC varies in different contexts. Progress is taking place, but there is still a long way to go to make children's rights real in all aspects.

Key words: convention on the Rights of the child, international perspective, progress and challenges, change agent

INTRODUCTION

The UN Convention on the Rights of the Child (CRC), which was ratified by the UN General Assembly in 1989, was widely recognized and quickly adopted by many countries. It has been ratified by every nation in the world except USA. The CRC provides an universal definition of the rights that should be valid for children all over the world, independent of culture, religion or other distinctive features. Governments of individual countries are responsible for ensuring that the rights are respected. The CRC is a legally binding international treaty and at the same time a political, visionary depiction of what a society, that is good for children, is like. It provides a common language for observing and discussing children's living conditions and influence the view of children in the entire world. A lot of initiatives have been taken by many different actors, nationally and internationally, to implement children's rights on various areas of importance for children. The purpose of this paper is to exemplify and discuss implementation of the CRC from different perspectives – global, national and local. The questions to be answered are: Has the CRC contributed to changes and if so in what respects? Could the CRC be used as a tool for change?

Historical background

The idea of children's rights was first formulated by the founder of Save the Children in England, Eglantyne Webb, after World War I, during the 1920s. She talked about children as right holders unlike objects of charity. The unique needs of children were first affirmed in the Geneva Declaration of

the Rights of the Child, adopted in 1924, by the League of Nations, the forerunner to today's United Nations. In 1959 the UN Assembly adopted an expanded Declaration on the Rights of the Child consisting of 10 principles. An important difference compared with the CRC is that it was not legally binding. The initiative to a *Convention* was first taken 1978 in Poland, followed by the establishment of a committee on behalf of the United Nations Commission on Human Rights. The committee, made up of representatives of the nations of the world, worked for 10 years between 1979 and 1989 (Verhellen 2002). The work was not considered complete until consensus was reached on every letter of the 54 articles.This means that the final formulations are the result of a great number of compromises.

Monitoring and guidance for implementation

Implementation of the CRC is monitored by the UN Committee on the Rights of the Child in Geneva, a body with independent experts from different countries in the world. State parties are obliged to submit reports to the UN Committee every fifth year. This committee is also the foremost interpreter of the CRC's content and message. Practical tools for implementation based on comments and recommendations from the Committee are found in the comprehensive *Implementation Handbook for the Convention on the Rights of the Child* (Hodgin & Newell 2007) published by UNICEF, an organisation that do a lot of research, investigations and monitoring on implementation of the CRC. Statistics on children's wellbeing and living conditions is one of its important contributions to the knowledge about children globally.

According to UNICEF (2015) the quantity and quality of data on children have increased tremendously. Before the mid-1990s, critical gaps in data hindered accurate and effective analysis of the situation of children. In 1995, UNICEF initiated the Multiple Indicator Cluster Surveys (MICS) to facilitate monitoring of the *1990 World Summit for Children Goals* and to support

countries in their efforts to fill important data gaps. These surveys have had great impact on countries' ability to document and understand the situation of children on a range of indicators in the areas of health, education, nutrition, water supply and sanitation, child protection etc.

Other important global initiatives with impact on children's rights to education are: UNESCO: *Education for all*, agreed upon at the World Education Forum at Dakar (2000); The *UN Millenium Development Goals* (2000); The *UN Sustainable Development Goals* (2015). Goal 4 of the SDGs will continue to build on its current achievements: "Ensure inclusive and equitable quality education and promote life-long learning opportunities for all."

According to UNESCO (2016) 123 million children were out of school in 2013. It is estimated that 24 million children will never enter a classroom. Half of all out-of-school children in sub-Saharan Africa will never enroll. Girls are the most disadvantaged, particularly in South and West Asia, where 80% of out-of-school girls are unlikely to start school, compared to just 16% for boys.

The global development of implementation of children's rights is also followed and supported continously through other comprehensive programmes. *Global initiative to end all corporal punishment of children* (Global Initiative 2016) and *Child Friendly Cities* (UNICEF 2016) are two initiatives with great impact on legislation and policy formulation globally.

The number of countries with prohibition of corporal punishment is increasing continously but there is still a lot to do. There are still 150 states where children can be lawfully hit in the family home, and in 70 states, corporal punishment has not yet been fully prohibited in schools (Global Initiative 2016).

Indonesia is one of the countries where implementation of Child Friendly Cities has strong support. It is used as the operational strategy on how the government of Indonesia ensure the realization of the CRC.

As guidance for nations in reporting on their efforts to the UN Committee, the message of the CRC is formulated as four fundamental principles: **1**. Each child has the right to be protected against all forms of discrimination. (article 2). **2**. The best interests of the child shall be a primary consideration in all actions that concern the child (article 3). **3**. Every child not only has the inherent right to life, but their survival and development shall also be ensured to the maximum extent possible (article 6). **4**. Children are allowed to express their opinions and be treated with respect (article 12). The four principles relate to one another and together characterize the CRC's view of the child (Hodgin & Newell 2007). All the other articles can be read and understood in relation to these fundamental principles.

The three Ps, Provision –Protection– Participation, provide another approach to gaining an overview and understanding of the content (Verhellen 2000). The CRC also contains articles that come under the concepts of Prevention and Promotion, which could be added as two additional Ps (to be the five Ps). Most of the articles in the Convention can be sorted under these concepts. Still, it should be pointed out that there is no absolute division between them. All of the articles are vital and it is thus important to read and understand the CRC in its entirety – the principles and concepts described here are meant to facilitate.

Research on childhood and children's rights

Children's rights and childhood have become significant fields of study among researchers from different disciplines during the last centuries (Reynaert et al. 2009). Researchers in childhood studies contribute with theoretical perspectives useful for interpretation of the CRC and analysis of childhood in different contexts. Interpretation of the first article in the CRC is an example. Article 1 defines a child as anyone under the age of eighteen, which is also consistent with much national and international legislation. It is however an abstract definition, not saying anything about the characteristics of the child like gender or developmental stages in different ages. The CRC definition was motivated by the awareness of the fact that communities view durations of childhood differently. The answer on the question "who is the child?" has therefore to be sought in relation to conditions in the economic, social and cultural contexts in which the child is living (Lansdown 2005)). There are considerable variations between cultures regarding the view of the child and there is no universal definition of childhood. There seem, on the other hand, to be processes going on towards equalization of this kind of differences. The implementation of the CRC worldwide has played an important role in this development (e.g. Rajabi-Ardeshiri 2009). Concepts of childhood are influenced by global processes, which in turn are expected to have an influence in local practices. Researchers talk about a paradigm shift, a move from looking upon children as objects to seeing and relating to them as subjects (Kirby & Woodhead 2003). Verhellen (2007, p. 22) writes about children as "meaningmakers" and as "essential actors and not just reactors". Children are first and foremost human beings; therefore our relationships with them have to be based on respect for them as such. New research questions, methodology and theories are, as a consequence of this view, formulated and practiced e.g. on child development, children's participation in society and childhood conditions from a child perspective. It is nowadays widely accepted to involve children as independent informants in research, something that was very rare before introduction of the CRC

The CRC emphasizes each child's individual rights, but this approach appears to be unfamiliar in many countries. In a number of cultures in Africa and Asia, the family as a collective unit is more important than the individual, and the individual's rights are thus subordinated to the needs of family. Hierarchies related to gender and age has considerable significance. Children's obedience is regarded very important and disrespecting the elders is seen very negative upon (Cheney 2007). African childhood is in

certain respects reflected in the *African Charter on the Rights and Welfare of the Child* of 1990, which was drawn up by a regional forum of African governments – the Organization of African Unity (Mzikenge Chirwa 2002).

The content of the Charter is very much in accordance with the CRC but one of the significant disparities is stated in article 31, which reflects a view that family members are considered to be mutually dependent on one another – both children and adults have rights and responsibilities. The child should be responsible not only for his family and society but also "to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society" (article 31). This way of talking about responsibility of the child differs from the CRC, where the word 'responsibility' is totally absent.

Rajabi Ardeshiri (2009, p. 249) describes a similar feature in the Islamic approach to children's rights: "Within the Islamic literature, children's responsibilities are as important as their rights and consequently Muslim children are required to respect their parents and obey them, respect their parents' privacy and take care of their parents when they are in need" (the Quran, 24: 58-9).

Child Rights, Classroom and School Management

Rich experiences from implementation of the CRC in education have been gained through an international training programme (ITP) *Child Rights, Classroom and School Management*, financed and initiated 2002 by Sida (Swedish International Development Agency) and run by Lund University, Sweden 2003-2016. About 630 participants from 28 countries, over 21 batches, have participated in the programme. Each of the participating countries has a country mentor with the assignment to support change work. I myself am the country mentor for Indonesia, Zambia and South Africa. The overall, long-term objective of the programme is: "to improve participating countries' capacity to offer and

ensure everyone's right to relevant and quality education, an education that is safe and secure, inclusive, student-centred, democratic and problem-solving and that creates opportunities for all, regardless of background, to participate in community life as active citizens." The progamme is also expected to initiate change processes that will "contribute to the realisation of the Convention on the Rights of the Child (CRC) in policy as well as in practice". The participants are expected to act as change agents in their domestic contexts. Change agents are defined as people who first transmit new norms, or change old norms, in this case, in the field of education (Leo et al. 2014). It should also be mentioned that the projects should be conducted within existing resources without extra money from Sida.

The ITP has recently been evaluated by an external evaluation team. Analyses of the results were made at various levels: individual-, micro- and meso level and network results. Different methods e.g. interviews, document studies and observations, were used to evaluate the results from 2009 to 2015 *(The scope of the evaluation was limited to these years).* Indonesia and Zambia were selected for field visits during one week in each country. The evaluation is in general very positive to the programme and the results achieved. Positive results at all different levels have been found in many of the countries involved. The evaluation team is optimistic on sustainability concerning capacities developed among the participants and the networks of change agents that are strong in most countries (Ljungman et al. 2016).

RESEARCH METHOD

Empirical material for this paper emanate from country reports from change projects and mentor's reports from repeated field visits (5-10 days each) in Zambia and South Africa. I have been 12 times during a ten-year period in each county. The visits have included observations in schools and talking with change agents, different stakeholders, teachers, parents and learners. Some of the results from the change work are presented

here in connection with some contextual factors of importance for implementation of the CRC.

I have, in my role as country mentor, paid many visits to Indonesia (Central Java) as well and gained a lot of valuable and positive experiences from a context much different from the African. Indonesia is nevertheless excluded in this paper. One reason is the limited space. The other and main reason is that the ICCE conference mainly focus on Indonesian experiences. The content of this paper could hopefully serve as a kind of mirror for reflection on implementation of the CRC in Indonesia.

It is well known that change work in general is faced with a lot of challenges. The following presentation concentrate, however, on learning practices that could be characterized as success stories. The intention is first and foremost to illustrate potentials in using the CRC as a tool for change. The presentation is also limited to results at local level although there are other results at meso and macro level as well.

RESULT AND DISCUSSION

South Africa and Zambia are geographically bordering each other in southern Africa. They have much in common but also many disparities according to e.g. their historical and political background. Christianity is the dominating religion in the two countries. Good policies, legislation and acknowledgement of the CRC at national level are other similar features. Both countries have reached the second millennium development goal with almost full access to education for all children in primary school. Zambia has the status of middle income country and South Africa as upper middle income country. There are, however, still big differences between the living conditions for poor and rich families as well as between rural and urban areas. Lack of knowledge of the real meaning of the CRC as well as of existing policies, hinders through poverty, traditions and views upon children are some of the common challenges. Besides the public institutions a lot of NGO:s work on implementation of children's

rights. As both countries could be characterized as young democracies, great efforts are made in fostering children to be good democratic citizens for the future development of the countries.

Zambia

Zambia has about 16 million inhabitants. The population is young with almost 50 % between 0 and 14 years. The country became independent in 1963 after about 60 years of colonisation by the British, a factor that had significant influence on structures of the public institutions not least in the school system. Despite a lot of measures taken to guarantee education for all and quality education the number of drop outs from schools is high. There are a lot of reasons for children not coming to school e.g. teenage pregnancies, sexual abuse, early marriages, insufficient school places, overcrowding in schools, insufficient supply of trained teachers and inadequate supply of teaching/learning materials. It is further reported that HIV incidence (new infections) remains high throughout Zambia, and it is alarmingly on the rise among young people (UNICEF 2010)

Corporal punishment is prohibited in public and private schools in the Education Act 2011, but is still lawful in homes.

Zambia has 40 change agents trained in the ITP, mainly from the capital city Lusaka and Copperbelt Province – two of the ten provinces with the biggest population. Work for change has primarily focused on establishment of school councils and development of democracy in schools through children's participation in decision making. It is supported by the Zambian Education Act (2011) that states that all schools must have democratically elected student councils. Work for change has been conducted step by step with continuous commitment from the change agents and many others called "locally trained change agents" (e.g. Yumba et al. 2013; Matongo et al. 2016).

The change work started in secondary schools where the conditions were bad in many respects. Riots were common among

the students. The atmosphere was unruly with poor marks and filthy premises, graffiti, vandalism and aggressive behavior that led to regular police visits. Corporal punishment was commonly used. Relationships between students and teachers were bad without mutual trust. The students had no say in issues concerning their own school environment.

Besides some initial resistance among teachers the change work was welcomed in the project schools. Improvements in the school environment and atmosphere were soon experienced. In 2016 all secondary schools and some primary schools in the Copperbelt Province (as well as in some of the other provinces) have democratically elected school councils. They get continuous support from link teachers and head teachers and their activities have contributed to totally changed atmosphere in the schools. They have achieved a more conducive learning environment with better relations between students and the administration; and students and teachers. Attendance and school results have also improved, partly as an effect of the improved school environment, but also because the student councils in all schools have addressed a serious problem affecting many African schools – the punctuality and presence of teachers. Many schools have reported that corporal punishment is no longer practiced to discipline the children.

In October 2016 I visited one of the schools, where one of the first change projects started, together with the evaluator. The following was reported: "A particularly good example is Luanshya Boys Secondary School. It was one of the first schools to be supported by a participant change project to introduce a student council and has come comparatively far. In less than six years this school has become a harmonious and clean school with the highest marks of any day school in the country. The student council has allowed the students to exercise their voice, identify ways to improve their school and work with the administration to enhance the learning environment. As one student put it: '*We used to have no say. The only thing we could do to express ourselves was to write*

on the bathroom walls. And this was pointless because the teachers did not use the bathrooms anyway'.

Since the change projects were initiated, the student councils have worked with the school administrations to improve and maintain the cleanliness and physical environment (including e.g. planting vegetables and trees, in-stalling rubbish bins, painting walls); upgrade the school infrastructure (more classroom blocks, new laboratories, new desks, water boreholes, better sanitation facilities, food kiosk - "tuck shop") and enhance the students' wellbeing (one school introduced a sick bay and started an anti-bullying club; some schools offer counseling services; and, one school has set up counseling support ranging from hygiene and sexual and reproductive health, to career guidance and examination techniques). Indeed, at two schools, students have institutionalized specific forms to record teacher presence. In many of the schools the student council members seem to play an active role on a daily basis. They frequently confer with the principal, work to resolve conflicts between students, advocate for fair treatment of students and disseminate information about child rights. In some of the schools, students are represented on committees such as disciplinary committees, the school board meetings and/or the parents-teacher association (PTA). As one primary school child told the team: '*Children should be allowed to speak on matters that affect them. They should not be looked at as empty tins that do not think'*. (Primary school student)" (Ljungman et al. 2016, p. 33-34).

The change agents have worked a lot on information and clarifications about the CRC, not least the relationship between rights and responsibilities. The introduction of school councils created misunderstandings and conflicts between the prefects and school council members. Having prefects emanate from the British school system as an old tradition, but there is no written policy or support in the law. Prefects acted in many cases as a kind of police and misused their power. Change agents brought the two bodies together and clarified their roles and

responsibilities with a view that all of them should work in accordance with the best interest of the child. Conflicts were solved and the students found out how to work together in harmony (Changwe et al. 2015).

Zambian change agents have also been succesful in networking. The *National Conference* is an initiative that was created by change agents as a platform to share and learn of others' experiences. This meeting is also an opportunity for change agents to update each other on the activities of the CRC as well as to plan future undertakings. All change agents in the country are invited to attend the conference. It is during such fora that project schools and others attend to share their good practices along with the headteachers and other key stakeholders.

South Africa

The population in South Africa is about 53 million, of which 18.6 million are children under 18 years. South Africa is a young democracy after three centuries of colonial occupation and domination, as well as four decades of systematic and officially sanctioned discrimination of black and coloured, the majority population, under Apartheid. After the end of Apartheid in 1994 a new Constitution was formulated. It is said to be one of the most progressive in the world containing a section of its own on children's rights.

Many children don't live together with their biological parents for different reasons. In 2013 18% of children had lost a mother, father or both parents; 22% of children did not live with either of their biological parents; and 0.5% of children lived in child-only households. Just over two million children lived in backyard dwellings and shacks in informal settlements, and one in five children (19%) lived in overcrowded households (De Lannoy et al. 2015).

Corporal punishment is prohibited in schools in the South African Schools Act 1996 but is still lawful in homes.

All together 30 change agents have been trained in the ITP. A majority of them come from Free State, one of nine provinces in South Africa. The change work has taken place in schools situated in poor areas with heavy social problems. Many children and parents targeted in the projects live in shacks in areas with high unemployment rate, drug abuse and crime.

Focus of the projects are varying but all of them have ingredients of all the three P:s – Provision, Protection and Participation.

Some projects (Leakota et al. 2016; Senoe et al. 2014) focusing on provision have been successful in mobilization of different actors to get resources for buying e.g. school uniforms and food for the weekends to poor children. Banks, companies, NGO:s and churches have supported as sponsors. Parents are involved in creation and maintenance of vegetable gardens cultivating vegetables to sell, to use in school meals and for poor children.

Focusing on protection has resulted in increased awareness of negative consequences of corporal punishment. It is common in South African schools even though it is prohibited by law. Many children and teachers have testified that corporal punishment is no longer used for disciplining the children (e.g. batch 11). Children, who are now well aware of their rights, have started to report corporal punishment themselves.

Sexual abuse was well known among children and adults but it was taboo to talk about it. One of the projects opened up for seeing the problem, encouraged children and parents to report and mobilized stakeholders, like the police service, to be active. It resulted in increased awareness and active participation from all different parties concerned. Clergymen brought it up in sermons, something that had never happened before. The number of reported rape and sexual abuse decreased significantly (Phokontsi et al. 2013).

One project in a remote area close to Lesotho (from where a lot of drugs were sold) has been successful in working with drug abuse. The team has reported change in the behavior and attitude of learners towards learning; reduction in the level of drug abuse, improvement of results and good support from other departments (Mofokeng et al. 2013).

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Participation has been the main focus for batch 19. It has resulted in support for already existing organizations for learners as for example Representative Council for Learners (RCL), changes in classroom settings (creation of child-friendly classrooms) and changed relationships between students and teachers. Teachers have changed their views on learning as well as teaching methods. It has further resulted in increased attention to children with special needs (Fhatuwani et al. 2015).

Some batches (especially 18) have been successful with parental involvement.

There was, when the project started, a big gap between principal/teachers and parents. The relationship was characterized by mutual negative expectations. New ways of communicating with parents e.g. via cell phones were practiced. Parents, who usually very seldom came to school, have been supported in how to help their children with homework and how to handle problems. Parents participate in school activities as reported from one school: '

"Currently 20 parents are employed at Matla Primary school. They assist the school in cleaning the learners' classrooms and the grounds. These parents are paid by other working parents and this keeps the school premises attractive" (Dithebe et. al. 2015).

Children have benefitted directly and concrete through the different activities. Many project schools have reported about improved learner performance as a consequence of the projects. Serious problems have been encountered and visible in new ways. Information and dialogue on children's rights have contributed to better understanding and use of the CRC as a tool for change. Misconceptions have been resolved. It is a common misconception that children's rights mean that children are free to do what they want. Taboos have been broken and creative ways of involving children and parents have worked as eye-openers. Children have been seen and heard in totally new ways Cooperation with stakeholders in health care and social services has been very important for better use of resources and for sharing of responsibility for vulnerable children. Principals have participated as change agents in all projects and their schools have been used as project sites. Their role in combination with strong commitment and leadership have been important success factors. Change agents are now working on strategies for dissemination of the good experiences in broader scale.

CONCLUSION AND SUGGESTION

The CRC is taken seriously by many important actors and a lot of initiatives have been taken, globally, nationally and locally, to strengthen and make reality of children's rights.

The examples from Zambia and South Africa show that changes could take place despite a lot of challenges in children's close environment. It is possible to mobilize teachers, principals, parents and children to participate as change agents in schools. It is possible to reach a common understanding about the value of children's rights. Norms and behaviour could be changed e.g. on corporal punishment and views upon children. Interface between top down and bottom up approaches can contribute to bridge the gaps between ideals and reality in practice. We realize that without action the best aspirations codified in the CRC remain only words on paper.

A report published by UNICEF (2014) in connection with the 25 year anniversary of the CRC gives many examples of impressive gains. At the same time millions of children in the world are deprived their rights. Anthony Lake, executive Director at UNICEF writes in the foreword:

"We cannot claim that children's rights are being upheld when 17,000 children under the age of 5 die every day."

He refers to wars going on in different parts of the world, where children endure years of violence, deprivation and displacement:

"These children are the future leaders of their societies, the future doctors and innovators, dreamers and doers. How will they view the world? If their own rights are violated, how will they learn respect for

others, which is the foundation of civil duty and citizenship?"

There are reasons for being both optimistic and pessimistic for the future. A conclusion is, anyhow, that the work must continue at all levels with contributions from all people involved with children or issues concerning children's welfare and rights in many years to come.

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