



Child participation: an advocacy tool for the rights of children from de facto states

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Abstract: Child participation is an effective tool to advocate for the rights of children residing in unrecognised or *de facto* states. In acknowledging the importance of meaningful child participation, it is worth calling for further endeavour for research on the rights of children in *de facto* states.

The Universal Declaration of Human Rights ([UDHR](#)) proclaims it '[..] as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind' (Preamble). However, there are people living in *de facto* states which enjoy partial or limited recognition on the international stage, particularly by the United Nations (UN). The promotion, fulfilment, and protection of the rights of people residing in these territories are often left under the sole responsibilities of local authorities belonging or adhering to [patron states](#) or [aggressor states](#). The world is increasingly interconnected through processes such as globalisation and European integration with various economic and educational initiatives expanding opportunities of growth and development. However, people living in unrecognised states are left significantly behind in this progression. Quite often the protection of adults' rights and children's rights varies. While political intentions and influences may be involved in the former, children's rights are primarily under the responsibility of larger societal entities beyond local

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authorities. The challenge lies in ensuring the universal application of children's rights in *de facto* states, raising questions about who and how can safeguard their rights. As de Waal mentions, 'although less sophisticated than the neighbouring recognized states, each [statelet delivers](#) public services and has won a certain domestic legitimacy'. However, it does not guarantee the enjoyment of many rights or the improvement of the human rights situation within *de facto* states. At the UN level, the monitoring and consultative mechanisms that exist within the UN Charter-based human rights bodies provided to UN member states, are absent in relation to *de facto* states. Children living in *de facto* states do risk to lack proper protection under these mechanisms as the related human rights situations are officially monitored only in relation to recognised state authorities (and not to *de facto* governmental authorities). Moreover, except for Palestine, it is assumed that a *de facto* state cannot be a party to any international treaties, such as the United Nations Convention on the Rights of the Child ([UNCRC](#)). This means, for instance, that *de facto* governments have no formal obligations under the UNCRC to protect the rights of children living in their territories, and that there is no official monitoring of the *de facto* governments' conduct in relation to the children's rights situation by the CRC-Committee. Therefore, when children find that their rights are being violated by their *de facto* government or with the permission of their *de facto* government, there are no international or regional mechanisms, measures or systems to address the need for changes in relation to the *de facto* authorities concerned. Similarly, when a third state actor invades a *de facto* state, children do not enjoy the same protection of, for example, the right to nationality and identity as in the case of children living in recognised states. In such situations the means for the advocacy and promotion of children's rights are scarce and limited. Among the few available possibilities, meaningful child participation can be seen as a 'surveillance' mechanism, an advocacy tool and an influential method for children living in *de facto* states to advocate for their own rights. While in discussions of children's rights it is common practice to contrast the rhetoric of duty-bearers (states' commitments) with the reality on the ground for rights-holders (in light of children's experience), there continues to be a [lack of research investigating](#) the scope and effectiveness to which the [UNCRC](#) principles are being implemented in practice.

Reflecting on the realisation of children's development rights in *de facto* states

For a better understanding of the promotion, protection and fulfilment of the children's rights in *de facto* states, by applying Laura Lundy's [four principles](#) (space, voice, audience, influence) of child participation, the [Children's Rights Research](#) project in collaboration with the [Maastricht Centre for Human Rights](#) organised a child-led conference on the rights of children in *de facto* states. Precisely, the [international conference](#) on 'Realizing Children's Development Rights in De Facto States' was held in two stages: an online event (in October 2023) and an in-person conference (in January 2024) in Famagusta, Northern Cyprus.

The online event was fully child-led and provided grounds for discussion for the in-person event led by academics, humanitarians, and activists, based on the input provided by children during the online event. Notably, the child-led

conference used an adapted version of the Child Participation Model developed by the [Children's Rights Department](#) of the Global Campus of Human Rights and already used during the Global Campus international online conference on [Mental Health Nepal](#) in 2022. The recent conference was designed to encourage the effective and meaningful participation of children in conversations about ways to better realise the development of the rights of children living in *de facto* states. In particular, children representing 5 unrecognised or *de-facto* states (including Palestine, Nagorno Karabakh, Sahrawi Arab Democratic Republic, Somaliland, and the Turkish Republic of Northern Cyprus) shared experiences, stories, testimonies on the issues children face in their respective territories. Therein children had internal group discussions with their peers and selected child representatives to talk on behalf of all children at the conference. 'We believe that there will be no progress unless we advocate for our rights ourselves', mentioned Lusine, a child participant in her opening speech. The in-person conference of January 2024 built academic evidence, arguments, and empirical suggestions on the recommendations articulated by child-delegates. It once again reiterated the need of a child-rights based approach through the principle of meaningful participation of children, rapprochement of academia and children not only within the matters of research ethics, research for children, but also research with children through their own considerations, peer-to-peer consultations, and projecting the realities in children's rights by their own stories, experiences, and feelings. The conference was another relevant call and a challenge for adults, academics, decision makers and decision influencers to make the children's voices heard and actions applied for a better protection of children's rights universally, with no consideration of geographical and political borders.