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**Children,
Social Subjects in Time of Emergency:
a Compelling Desire for Change**

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ABSTRACT

Article 12 of the Convention on the Rights of the Child challenges the perception of children as mere beneficiaries of adult intervention. Instead it embodies the concept of children as social actors who should be carefully listened to and seriously taken into consideration. Article 12 gives children the right to participate in all decision-making processes that affect them and their lives.

But what about children living in extreme conditions, in lands surrounded by war and violence? Can war-affected children be considered and addressed as social subjects in time of emergency? What are the benefits – for the children themselves and for their communities – of implementing the children's right to participate under the fire of war and in the uncertainty of post-war situations?

Answers to these questions will be given throughout the thesis work.

The aim is twofold. I will investigate the benefits (and challenges) that could be brought to war-affected children and to their communities by (1) the implementation of the children's right to participate in humanitarian action during time of war and (2) the implementation of the children's right to participate in peace-building operations, during the time dedicated to the reconstruction of war-affected communities and society.

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LIST OF ACRONYMS and ABBREVIATIONS

ALNAP	Active Learning Network for Accountability and Performance (in Humanitarian Assistance)
CMCs	Children's Municipal Councils
CRC	Convention on the Rights of the Child
IASC	Inter-Agency Standing Committee
IGOs	Inter-Governmental Organization
INGOs	International Non-Governmental Organization
INEE	Inter-Agency Network for Education in Emergencies
INTRAC	International NGO Training and Research Centre
NGOs	Non-Governmental Organization
OPT	Occupied Palestinian Territories
PLO	Palestinian Liberation Organization
PNA	Palestinian National Authority
PYALARA	Palestinian Youth Association for Leadership and Rights Activation
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees
WHO	World Health Organization

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CHAPTER 1

INTRODUCTION

1.1: SCOPE AND STRUCTURE OF THE THESIS

So many times I found myself surprised by the personal capacity of children to overcome difficulties in a constructive and ingenious way. As a result of my own direct experience and through several readings, the idea of children as full and competent social subjects with feelings, insights and individual perspectives, conquered my mind and my heart.

So many times I found myself questioning the common assumptions about children's lack of ability to undertake action to improve their own situation and that of their peers, family and community where they are born, live and grow up.

Article 12 of the Convention on the Rights of the Child challenges such a perception of children as mere beneficiaries of adult intervention, just in need of special protection. Instead, article 12 embodies the concept of children as social actors who should be carefully listened to and seriously taken into consideration. Article 12 gives children the right to participate in all decision-making processes that affect them and their lives.

But what about children living in extreme conditions, in lands surrounded by war and violence? What about children living in situations of uncertainty and political instability?

In the last decade alone, over 2 million children have been killed in conflict situations; over 6 million have been seriously injured or permanently disabled.¹ Since 2003, over 11.5 million children were displaced within their own countries, and 2.4 million children have been forced to flee conflict and take refuge outside their own countries.²

What about them? Should they be given opportunities to exercise their right to participate?

Can war-affected children be considered and addressed as social subjects in time of emergency? What are the benefits – for the children themselves and for

¹ Graça Machel, *The Impact of War on Children. A review of progress since the 1996 Report on the Impact of Armed Conflict on Children*, London, Hurst & Company, 2001, p. 1.

² Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, 'Era of Application'. *Statement before the Security Council*, Wednesday, 23 February 2005, p. 2.

their communities – of implementing the children's right to participate under the fire of war and in the uncertainty of post-war situations?

The aim of this thesis is twofold. Throughout the pages of my dissertation, I will investigate the benefits (and challenges) that could be brought to war-affected children and to their communities by (1) the implementation of the children's right to participate in humanitarian action during time of war and (2) the implementation of the children's right to participate in peace-building operations, during the time dedicated to the reconstruction of war-affected communities and society.

The aim is legitimate because both humanitarian programme activities and peace-building operations are processes that greatly impact children's lives.

The questions in particular are the following: (1) is children's participation in humanitarian action during time of war a crucial mean to enhance the protection of other children's rights, thus contributing to the fulfilment of a rights-based agenda even in the dire conditions of conflict (Benefit of Protection)? (2) Is children's participation in the reconstruction process of war-affected communities an effective way to strengthen the efforts towards the creation of a more just, peaceful and solid society (Benefit of Peace-Building)?

To offer a comprehensive answer I thought to divide the thesis in four parts. The *Introduction* presents the aim of the all research, the methodology used and the limitations encountered. The second part, *Children: Social Subjects in Time of Emergency*, starts by offering an insight into the impact of war on children and an insight into children's own capacity of resilience. This is to understand whether the child-rights approach that views children as bearers of rights and competent social actors with opinions and feelings on their own, is the best approach to address war-affected children. Article 12, which embodies such an approach, is then discussed together with the benefits that it brings to children themselves and to their communities. The last part of the chapter moves article 12 to situations of emergency and shed light on the benefits of children's participation in programme activities during conflict and post-conflict settings.

In the third part, *Implementing the Children's Right to Participate in the Occupied Palestinian Territories*, three participatory projects are analysed. The Occupied Palestinian Territories represent quite a challenging political, social and cultural context where one investigates, in practical terms, the benefits of children's

participation in emergency time. The first section of the chapter is dedicated to an assessment of the impact of the Israeli-Palestinian conflict on children's rights and well-being. The second section presents and discusses the projects. Two of them concern children's participation in humanitarian action and are analysed to evaluate the participation benefit of protection. The third and last one concerns children's participation in processes aimed at building a stable, rights-based Palestinian society, and it is analysed to evaluate the participation benefit of peace-building.

Finally, the fourth part presents some *Concluding Remarks*.

A last note is due before moving to the methodology and limitations.

Throughout the pages of my thesis, the term "children" correspond to the definition established by the Convention on the Rights of the Child. Its article 1 states that a "child" is "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

The Convention on the Rights of the Child is the main instrument on which the all analysis of my thesis is based on.

1.2: METHODOLOGY AND LIMITATIONS

Since the aim of my thesis was to investigate the benefits of children's participation in humanitarian action and in peace-building operations during time of emergency, different approaches were used.

The review of the relevant literature was based on several sources: official documents of UN bodies, IGOs', INGOs' and NGOs' reports, background papers of international conferences and workshops, academic essays, journals and magazines. Internet was also a quite useful tool in the research phase of the work.

As it was not possible to conduct a field trip in the Occupied Palestinian Territories, a relevant help in assessing the participatory projects and in evaluating their benefits, came from several contacts established with UNICEF professionals, International Non-Governmental Organizations workers on the field (e.g. Save the Children, Search for Common Ground, MedChild) and with scholars experts in the topic of children's participation during emergency time. In particular, the UNICEF Innocenti Research Centre – where I spent several days to talk to an

expert and to collect materials – and academics from the Oxford University Refugee Studies Centre were quite supportive.³

As this work is based on children's right to participate, I would say that its main limitation is the lack of children's participation. It was not possible to directly listen to war-affected children and include their own views, perspectives and experiences into my research. However, even in the case a field trip to the Occupied Palestinian Territories had been possible, meetings and interviews with children would have probably required more specialised competencies than my own sensitiveness.

Another limitation encountered was the almost absence of proper evaluations of "peace-building" participatory projects. The benefits of children's participation in peace-building programme activities, in fact, is not very easy to measure, as it requires investigation after the elapse of a considerable period of time. Therefore, for this part, I had to mainly rely on information and e-mail-exchange with humanitarian workers in the fields.

We enter now the real core of the thesis and we are going to see whether children can be considered social subjects in time of emergency.

³ From the UNICEF Research Centre, I am particularly grateful to Ms. Saudamini Siegrist. From the Oxford University Refugee Studies Centre, I would like to sincerely thank Mr. Jason Hart and Ms. Jo Boyden.

CHAPTER 2



CHILDREN: SOCIAL SUBJECTS IN TIME OF EMERGENCY

*War is here, but we await peace. We are in a corner of the world
Where nobody seems to hear us. But we are not afraid, and
we will not give up.
Our fathers earn little, just barely enough to buy five kilos of
flour a month. And we have no water, no electricity, no heat.
We bear it all, but we cannot bear the hate and the evil.
Our teacher has told us about Anne Frank, and we have read
her diary. After fifty years, history is repeating itself right here
with this war, with the hate and the killing, and with having to hide
to save your life.
We are only twelve years old. We can't influence politics and
the war, but we want to live! And we want to stop this madness.
Like Anne Frank fifty years ago, we wait for peace.
She didn't live to see it.
Will we?*

Boys and Girls from a fifth-grade class in the Former Yugoslavia⁴

2.1. WAR ON CHILDREN

The machinery of war traps every aspect of children's development – physical, emotional, intellectual, social and spiritual. It deprives children of their basic material and emotional needs. It makes their homes, schools, religious institutions, health systems, falling into pieces. It impacts on every single right that has been granted to them: the right to life, the right to be with family and community, the right to development of the personality, the right to be protected, the right to health, nutritious food and clean drinking-water, the right to education.⁵

Children are among those that suffer the most during armed conflict and situations of political violence. They fall victim to malnutrition, disease, sexual violence and the depredation of forced fight. They lose close family members, they witness murders and they see the horrific strength of violence splintering

⁴ UNICEF, *I Dream of Peace. Images of War by Children of Former Yugoslavia*, Harper Collins Publishers, 1994, p. 64.

⁵ Graça Machel, *Impact of Armed Conflict on Children*, Report of the Expert to the Secretary-General, Ms. Graça Machel, United Nations, 1996, pp. 10-11, www.unicef.org/graca.

their communities, destroying the entire structures of their social and cultural life and breaking down trust among people.⁶

Humanitarian agencies and all those concerned with the situation of children during conflicts have, historically, focused on children's physical vulnerability.⁷ Food, water, protection and medical assistance have been given priority in order to assure children's survival. However, food, water, protection and medical assistance, while fundamental necessities, do not heal the mental sufferings children are subjected to in time of war and crisis. Yet the loss, grief and fear children experience "can destroy their world and leave emotional scars that last a lifetime."⁸ I think very significant to this regard, are the words of a war-affected girl aged fourteen-year-old, that here I would like to quote:

"But now the things I've seen, the blood those people have shed, is too much. I feel like I've entered another world...I've seen people get their hands cut off, a ten-year-old girl raped and then die, and so many men and women burned alive in rice husks...So many times I just cried inside my heart because I didn't dare cry out loud."⁹

The key framing study carried out by Graça Machel on the *Impact of Armed Conflict on Children*, adopted in 1996 by the UN General Assembly, brought into light the necessity to address children's mental struggle and the psychosocial concerns that are so intrinsic to child growth and development.¹⁰ This reflects the provision enshrined in article 39 of the Convention on the Rights of the Child¹¹ (CRC), which guarantees children psychosocial care and rehabilitation requiring States Parties to take all the appropriate measures to promote physical and psychological recovery and social reintegration of any child

⁶ *ibidem*, p. 39.

⁷ *ibidem*, p. 39.

⁸ Graça Machel, *The Impact of War on Children. A review of progress since the 1996 Report on the Impact of Armed Conflict on Children*, London, Hurst & Company, 2001, p. 80.

⁹ Women's Commission for refugee women and children, *Untapped Potential: Adolescents affected by armed conflict. A review of programs and policies*, New York, 2000, p. 34.

¹⁰ The Machel study (pp. 80-81) explains: "The term psychosocial underlines the dynamic relationship between psychological and social effects, each of which continually influences the other. Psychological effects are those that affect emotion, behaviour, thoughts, memory, learning ability, perceptions and understanding. Social effects refer to relationships altered by death, separation, estrangement and other losses; family and community breakdown; damage to social values and customary practices; and the destruction of social facilities and services. They also extend to the economic dimension, for war leaves many individuals and families destitute, destroying their capacity to support themselves and maintain their standing in society."

¹¹ *Convention on the Rights of the Child*, 20 November, 1989, U.N. Doc. A/RES/44/25

victim of neglect, exploitation, or abuse...or armed conflicts.¹² The need to introduce psychological and social support into humanitarian relief is also asserted in the UNHCR's *Refugee Children Guidelines on Protection and Care* which dedicates its entire chapter 4 to "Psychosocial Well-being."¹³

Organizations such UNHCR, UNICEF and the International Save the Children Alliance have devoted significant energy and effort to learn about the psychosocial impacts war and violence have on children and the consequent children's needs.

The following sections present the results of some authoritative studies and researches that focused on the psychosocial effects of war on children. This is to get an insight of children's sufferings during war and crisis¹⁴ and, at the same time, an awareness of their ability to cope with adverse circumstances. Such ability, as we will see, challenges the traditional view of children as passive victims of conflict and supports the perspective of children as social subjects with valid insights of their own. Knowledge of that is necessary to allow a better and deeper understanding of the approaches that drive programmes and responses for war-affected children. I will argue that a child right approach is the one that most enshrines the new challenging view of children as competent social subjects also in time of emergency.

2.1.1. Psychosocial Effects of War on Children

A group of UNICEF consultants in war affected areas underlined that a measureless mental impact, probably the worst one, comes from the "strong feeling among children of wars of being let down and betrayed by the entire, adult world."¹⁵ According to them, adult society derails and thus collapses under the fire of war, leading children's former assumptive world blowing to pieces and making them struggle to restore their earlier trust, to understand and to regain

¹² CRC, art. 39: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."

¹³ UNHCR, *Refugee Children: Guidelines on Protection and Care*, UNHCR, Geneva, 1994.

¹⁴ Only an insight is possible for who has not directly experienced war, as this war-affected girl, quoted from the Machel study, well explains: "I tell you, you cannot feel the pain of this suffering if you don't see it physically. If you only glance at it, a sword of sorrow will pierce your heart..."

¹⁵ Magne Raundalen and Atle Dyregrov, *HOW WAR AFFECTS CHILDREN. A brief summary of 12 years experience as UNICEF consultants with focus on the contribution from child psychology*, Center for Crisis Psychology Bergen, Norway, 1996, p. 2.

hope for the future of their families and themselves. The study shows that this is even truer when children experience the disruption of the role of their parents, not able any more to fulfil their "parental duties" – feeding the child, protecting him/her from danger and planning for his/her future.¹⁶

A second area of tremendous emotional impact on children in times of war stems from the loss of lives.¹⁷ Unfortunately, given the patterns and characteristics of contemporary armed conflicts that affect more and more civilians, the loss of close family members has strongly increased.¹⁸ The loss of the child's close emotional relationships and the events surrounding that loss are likely to cause long-term effects on the lives of children.¹⁹

In particular, dominant researches and studies have increasingly centred the attention on the psychiatric category of Post-Traumatic Stress Disorder (PTSD).²⁰ It has been claimed that this is the condition that most commonly follows major traumatic events. Its symptoms vary. "Some children may withdraw from contact, stop playing and laughing, or become obsessed with stereotyped war games, while others will dwell on feelings of guilt, or fantasies of revenge and continual preoccupation with their role in past events. In a few cases, depression sets in and may even lead to suicide. Other reactions include aggressiveness, changes in temperament, nightmares, eating disturbances, learning problems, repeated fainting, vague aches and pains, loss of speech and of bladder and bowel control, and clinging to (or withdrawal from) adults."²¹

This scene just drawn, however, could lead to the wrong perception that children exposed to conflict and political violence are inevitably overcome by the environmental adversities of war and crisis, that they are helpless and traumatized. This is not the case. While war, the most destructive and horrific force that mankind could produce, causes heavy and bad sufferings to children and no child should undergo such a violence, while it is clear that sexual violence, forced

¹⁶ The most dramatic display of these phenomena takes place in refugee camps, where sometimes young children have to pretend to be without family to be taken care of.

¹⁷ *Supra* note 15, p. 6.

¹⁸ The UNICEF consultants assert that in the case of Rwanda, the amount of loss reached levels never seen before. They let us know that the children they have talked to were able to name more than 20 persons close to them confirmed dead.

¹⁹ International Save the Children Alliance, *Promoting Psychosocial well being Among Children Affected by Armed Conflict and Displacement: Principles and Approaches*, 1996, p. 3.

²⁰ PTSD was first distinguished as a syndrome in American veterans of the Vietnam War and has subsequently been identified by the World Health Organization as the most severe psychiatric disorder and primary stress resulting from a catastrophe.

²¹ *Supra* note 19, pp. 2-3.

recruitment and combat as child soldiers, economic exploitation and other events common to the experience of war-affected children are among the factors that impact their psychological and social well-being, a number of studies reveals that many children display remarkable resilience in the face of adversity.²²

2.1.2. Remarkable Resilience

Resilience is considered by the Machel study to be the capacity to overcome and deal with adversity.²³ The study points out that it is a fluid notion, dependent on individual characteristics and environmental factors.²⁴

Palestinian children, for example, born and grown up under a conflict that has been going on, with different moments of intensity, for almost six decades, show – as we will see in the second part of this thesis work – a strong capacity of resilience. A research conducted on the topic tries to explain this phenomenon as due, in part, to the fact that those children are able to make some sense of the violence that surrounds their people and lands.²⁵

Other several studies and a number of evidences collected in different countries affected by war or political violence show that children have considerable inner resources for coping with difficulties.²⁶

Such findings challenge the assumption that children are helpless and incompetent in front of crises and, consequently, challenge the validity and effectiveness of emergency interventions that treat children generically as a mass of passive victims of conflict and violence. They show that children often try to face and overcome their problems in constructive and ingenious ways and therefore suggest that children may be better served by assuming an active and constructive role in their own protection and at least some degree of responsibility

²² *Supra* note 8, p. 82.

²³ *Supra* note 8, p. 82.

²⁴ These includes: age, stage of development, sex, personality, cultural background and cultural belief, experience, the availability of social support and the nature and frequency of violent events in the child's life. For example, the author Jo Boyden (2003) argues that the active engagement with their own environment and communities, and the ability to think critically, are two elements which enhances children's capacity of coping. The author tells us that even in situation of severe adversity that are potentially detrimental to children's development and well-being, there are some evidence that those children who try actively to overcome adversity, by attempting to resolve the problems they face, regulate their emotions, protect their self-esteem and manage their social interactions, are likely to be more resilient than children who accept their fate passively, especially in the long run.

²⁵ See International Save the Children Alliance (1996), p. 3.

²⁶ See e.g. Jo Boyden, *Children Under Fire: Challenging Assumptions about Children's Resilience*, in "Children, Youth and Environments", vol. 13, n. 1, Spring 2003.

for their own safety.²⁷ It is important to underline, at this point, that this new vision of childhood in emergency does not mean children should be expected to tolerate adversity, or does not deny that there may always be a percentage of psychologically wounded children who do not respond to opportunities to recreate a role for themselves and they may need special attention. Instead, it questions the validity and effectiveness of approaches that see children just as mere recipients of adult protection and it stresses the necessity to consider them as “social subjects with valid insights and perspectives of their own.”²⁸ In fact, the perception of children as vulnerable victims can have negative effects on children themselves as it renders them “helpless and incompetent in the face of adult decisions and actions – which may even not be in children’s best interest”,²⁹ while taking their views into considerations and treating them as a source of learning can help children to overcome stressful events. Children should be always encouraged to express their views, feelings and experiences so that it becomes possible to build on their personal resources and strengths and to support their self-esteem and self-efficacy in adverse circumstances.

It follows that psychosocial assessments of children and psychosocial programmes in times of conflict and post-conflict should rely not only on adults’ views and ideas but also on children’s own perspectives.³⁰ This concept is well expressed by a phrase in the book *Growing the Sheltering Tree*, where it is stated that an important element of the humanitarian action is “working with children rather than just for children.”³¹

The approach that best questions the perception of a child as a mere vulnerable victim and best enshrines the new challenging view of children as social competent subjects is the child rights approach.

The child rights approach is based, above all, on the Convention on the Rights of the Child. In particular, its article 12 embodies the concept of children as social actors that should be carefully listened to and seriously taken into consideration.

²⁷ Jo Boyden and Deborah Levison, *Children as Economic and Social Actors in the Development Process*, Working Paper, Expert Group on Development Issues, Ministry for Foreign Affairs, Stockholm, Sweden, 2000, p. 40.

²⁸ *Supra* note 26.

²⁹ *Supra* note 26.

³⁰ *Supra* note 26.

³¹ Inter-Agency Standing Committee (IASC), *Growing the Sheltering Tree. Protecting Rights Through Humanitarian Action*, IASC, 2002, p. 161.

The following subchapter presents article 12 and the innovative breakthrough such an article brings in all spheres and fields that concern children. Situations of conflict and post-conflict fall very much within those spheres and fields.

2.2. CHILDREN'S RIGHT TO PARTICIPATE

"If you think children can't make a difference, you are very wrong. Who else can describe all the world's harm if not children? Children should be heard, and their ideas and opinions should be listened to. Maybe then the leaders of the world would think about all the harm that they are doing to the world and maybe just try to help all the children in the world."

16-year-old Ursa Korosec, Slovenia³²

Traditionally children have been regarded as property of their parents or guardians. As such, for long time, they have been invisible for both law and society: the capacity for rights was not accorded to them as they were thought to be not mature, independent and in need to be educated into reason.³³

This view has been conceptualised by thinkers and philosophers, such as John Locke and Immanuel Kant, which considered the right-bearing subject as a rational autonomous individual. According to the writing of Kant in *Perpetual Peace and Other Essays on Politics, History and Morals*, the prerequisite of holding rights was having the capacity to exercise such rights, "*sui iuris*."³⁴ Therefore children could gain rights only once they grew up. In fact, according to this traditional liberal conception of rights, even if rights were granted to children, they were not able to exercise them.

Such relative invisibility of the category of "children" entered the twentieth century. Contemporary theorists, however, started soon to move away from that perception of children and argued that – in the words of the early 20th century pedagogue Janus Korczak, – "children are not made human beings, they

³² UNICEF, *The State of the World's Children 2003*, New York, UNICEF Publications, 2003.

³³ See Vanessa Pupavac, *Children's Rights and the Infantilisation of Citizenship*, School of Politics, University of Nottingham, 2000.

This author explains that this understanding of rights can be seen in how the extension of civil rights to working class males, women and blacks came about following political struggle in the labour, suffragette and black civil rights movement, which demonstrated their capacity to govern their lives.

³⁴ Immanuel Kant, *Perpetual Peace and Other Essays on Politics, History and Morals*, translated by T. Humphrey, Indianapolis, Hackett Publishing Company, 1983, p. 76.

are born human beings.”³⁵ Furthermore, the idea that children could be as capable as adults of determining their lives, if they were allowed the freedom to do so, was strongly maintained and spread out by the advocates of child liberation during the 1970s.³⁶

Significant is the following statement: “But any society wishing to deny children, or any other group, rights which are the common property of other groups, should be able to offer clear and sustainable reasons for doing so. The burden of proof always rests with those who wish to exclude others from participation; children should not be obliged to argue their case for possessing the same rights as everyone else.”³⁷

The first declarations of children’s rights reflected the perception of children as individuals unable to determine their lives and thus unable to exercise rights themselves. Children were regarded as mere recipients of adult’s protection.

It was the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, which made a complete break with the traditional perception of children and with the earlier codifications of children’s rights.³⁸

In the Convention, children move from being passive recipients of services and protection to citizens bearers of rights and social actors with opinions and feelings about their lives, their community and the environment at large. “They become people.”³⁹

The radical break is embodied particularly by article 12, which promotes the child’s right to participation. According to the author Marta Santos Pais, “this article sets one of the fundamental values of the Convention and probably also one of its basic challenges.”⁴⁰ The article affirms that the child is a fully-fledged

³⁵ Manfred Nowak, *Introduction to the International Human Rights Regime*, Leiden, Koninklijke Brill NV, 2003, p. 91.

³⁶ See e.g. Richard Farson, *Birthrights*, London, Collier Macmillan, 1974; and John Holt, *Escape from Childhood: The Needs and Rights of Children*, Harmondsworth, Penguin, 1975.

³⁷ Bob Franklin, *The Handbook of Children’s Rights. Comparative Policy and Practice*, London, Routledge, 1995, p. 10.

³⁸ The Convention on the Rights of the Child has been defined a “Magna Carta for Children” by James Grant, one time Director General of UNICEF.

³⁹ Carolyne Willow, *Hear Hear: Promoting Children and Young People’s Democratic Participation in Local Government*, London, Local Government Information Unit, 1997, p. 9.

⁴⁰ Marta Santos Pais, *The Convention on the Rights of the Child*, in *Manual on Human Rights Reporting under six major international human rights instruments*, Office of the High Commissioner for Human Rights, Geneva, 1997.

person having the right to express views in all matters affecting him or her, and having those views heard and given due weight.⁴¹

The important innovation brought along by the CRC and its article 12 is well expressed by the words of, again, the commentator Marta Santos Pais that here I would like to report. "The CRC provides a new vision of children. It brings together the familiar view of the child as vulnerable human being that requires protection and assistance from the family, the society and the State with the perception that she or he is a subject of rights who is able to form and express opinions, to participate in decision-making processes and influence solutions, to intervene as a partner in the process of social change and in the building of democracy."⁴²

Such a new vision of childhood, however, is contentious as much as it is innovative. States parties, in fact, do not seem always to have fully accepted the concept of the child as an active subject of rights and competent social actor. This is easily revealed by the declarations and reservations that have been made to article 12 at the moment of ratifying the Convention⁴³. Even where declarations and reservations were not made, the "fear raised by this article"⁴⁴ have often led and still leads States Parties to not take all the necessary steps to ensure the active participation of children and their involvement in all decisions affecting them. The Committee on the Rights of the Child has tried to face this lack of commitment of countries frequently expressing its concerns and recommending further actions and efforts towards the full implementation and realization of article 12.⁴⁵

It is important to question the attitudes and approaches of countries towards the right that children have to participate, as such a right is central to the

⁴¹ UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*, prepared for UNICEF by Rachel Hodgkin and Peter Newell, 1998, p. 147.

See subchapter: 2.2.1. *Article 12: What Does It Actually Say?*

⁴² Marta Santos Pais, *Child Participation and the Convention on the Rights of the Child*, in Ranjani, R. (ed.), *The Political Participation of Children*, Harvard, Center for Population and Development Studies, p. 4.

⁴³ The State of Poland, for example, in ratifying the Convention, made the following declaration: "The Republic of Poland considers that a child's rights as defined by the Convention, in particular the rights defined in articles 12 to 16, shall be exercised with respect for parental authority, in accordance with Polish customs and traditions regarding the place of the child within and outside the family."

⁴⁴ France's Initial Report, discussing article 12 (UNICEF Implementation Handbook).

⁴⁵ *Supra* note 45, p. 148.

effective implementation of the whole Convention. At this purpose, I would like to stop for a paragraph and make a reflection.

The most common oppositions to the implementation of article 12 concern cultural reasons and economic conditions. In regard to the latest, it is often said by developing states that the welfare aspect is much more important than participation and personal autonomy.⁴⁶ Therefore, economic and social rights (such as the right to food, the right to survival...) have to be accorded priority.

There are, however, several theories that go against such an argument. First of all, the Vienna World Conference on Human Rights 1993 stated that "all human rights are universal, indivisible and interdependent and interrelated."⁴⁷ This statement does not have only a political value, it has also practical reasons. Amartya Sen, in his book "Development as Freedom"⁴⁸, demonstrates that civil and political rights promote social welfare. According to Sen, "there has never been, during all human history, a single state with a working democracy being oppressed by famines."⁴⁹ One of the reasons is that civil and political rights, such as the right of participation and the right of freedom of expression, which are rights closely linked to the system of democracy, make governments to be sensible to the needs of the population in order to stay in power. These needs include, among all, economic and social necessities.

Also, hearing the voices of the people, public discussion and exchange of opinions are essential prerequisites for assessing the real needs of the population itself.

These arguments are easily applicable to children. Children are usually the members of society that are most affected by famine, hunger and malnutrition. They are also those who see their participation rights to be often denied. If governments and the whole society were obliged to hear children's voices and take them into serious consideration, children's fundamental economic and social needs would also be met more effectively.⁵⁰

⁴⁶ Amartya Sen, Italian Version: *Lo Sviluppo è Libertà*, Milano, Arnoldo Mondadori Editore, 2000, pp. 181-191.

⁴⁷ *Vienna Declaration and Programme of Action*, United Nations World Conference on Human Rights, UN GAOR, 47th Session, UN Doc. A/CONF.157/23, 1993.

⁴⁸ *Supra* note 46, pp. 181-191.

⁴⁹ *Supra* note 46, p. 182.

⁵⁰ Sen makes an important argument also against the cultural justification for not applying civil and political rights. He basically says that many of the traditional values typical of a certain culture, are not necessarily shared by the population itself, but sometimes they are just upheld by political leaders with the aim to stay in power. He questions the so called "Asian" or "African" values by showing that, in the course of history, there have been Asian and African rulers sharing

At this point, some questions come natural. What does exactly article 12 say that provokes such a fear and opposition from state parties? What are the critical issues the implementation of article 12 gives raise? The following subchapters try to provide accurate answers to these doubts.

I think it is important to have a deep insight into the children's right to participate as it allows a better understanding of the concept of children's rights and of the real value this right acquires in time of emergency, value that will be properly investigated in the third section of this chapter and that represents the nucleus of my thesis work.

2.2.1. Article 12: What Does It Actually Say?

The Committee on the Rights of the Child, in its General Comment No. 5⁵¹ and in its General Guidelines for Initial and Periodic Reports⁵², identified article 12 as a general principle of fundamental importance for effectively implementing the whole Convention on the Rights of the Child and for the interpretation of all the other articles.

In particular, the Committee asserted that the right of participation "should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children even more sensitive to the implementation of children's rights."⁵³ This conception of article 12 requires participation to be mainstreamed such that the involvement of children becomes a matter of course and a regular feature of the functioning of institutions and decision-making processes. Such a necessity had also been previously underlined during the 10th Anniversary (of the adoption of the CRC) Commemorative Meeting, in which Mr. Hammarberg (founding member of the Committee) stressed the importance to "encourage child participation not only through one-off events or symbolic gesture, but also at the local level, for every

and promoting the values of tolerance and liberalism, also pointing out that Buddhism relies on personal freedom.

⁵¹ Committee on the Rights of the Child, *General Comment N.5, General measures of implementation of the Convention on the Rights of the Child (Art.4, 42 and 44, para.6)*, 34th sess., 19 September-3 October 2003, pp. 3-4.

⁵² Committee on the Rights of the Child, *General Guidelines Regarding the Form and Contents of Initial Reports to be submitted by States Parties Under Article 44, Paragraph 1(a), of the Convention on the Rights of the Child*, CRC/C/5, 15 October 1991.

Committee on the Rights of the Child, *General Guidelines Regarding the Form and Contents of Periodic Reports to be submitted by States Parties Under Article 44, Paragraph 1(b), of the Convention on the Rights of the Child*, CRC/C/58, 20 November 1996.

⁵³ *Supra* note 51, p. 4.

decision and on an everyday basis.”⁵⁴ This means that participation efforts need to concentrate on the places in and on the people with whom children spend much of their time, such as in the home, community, school or workplace, and with family members, peers, teachers and employers.

Article 12 promotes a different way of seeing children and of acting in the world.

Article 12 (1) states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Basically, this provision requires that children should be assured not only the right to express their views freely, but also the right to be heard and their views given due weight.

All children are capable of forming their own views from a very early age. It might be that small children and some children with disabilities experience difficulties in articulating their views through speech, but they can be encouraged to do so through other means that are most comfortable to them such as drawing, art⁵⁵, poetry, play, writing or singing.⁵⁶ The author Roger Hart is very clear on this point: “Even five-year-old children can provide accurate information when it is recalled spontaneously and is of relevance to them. Children do not have the same competence in communicating as adults but this does not mean that information from children is invalid.”⁵⁷

The views of the child must be a relevant factor in all decisions affecting him or her. The reference to “all matters” indicates that, according to the *Implementation Handbook*, the participatory right is not limited to questions specifically dealt with under the Convention, but it should apply to all matters that have a particular interest for the child or may affect his or her life, even whether

⁵⁴ Committee on the Rights of the Child, *10th Anniversary Commemorative Meeting*, CRC/C/87, Annex IV, 22nd Session, 30 September – 1 October 1999, p. 9.

⁵⁵ Art therapy, in particular, has been important in helping children who are unable to verbalise traumatic events they have witnessed to express themselves (Mitchell Woolf, 2000).

⁵⁶ See Gerison Lansdown, *Promoting Children's Participation in Democratic Decision-Making*, in “Innocenti Insight”, Florence, UNICEF-IRC, February 2001, p. 2 and see UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*, prepared for UNICEF by Rachel Hodgkin and Peter Newell, 1998, p. 149.

⁵⁷ Roger Hart, *Children's Participation: From Tokenism to Citizenship*, Florence, UNICEF-IRC, 1992, p. 17.

these matters are not specifically covered by the Convention itself. We could also ask whether the wording "all matters" should be interpreted to include issues that affect the child indirectly. For example, a child may be an active participant in campaigning against child labour although that kind of problem may not exist in his or her community.⁵⁸ This would be in accordance with article 14 (1) that respects "the right of the child to freedom of thought, conscience and religion."⁵⁹

The weight that must be given to children's views needs to reflect their level of understanding of the issues involved. To assess that, the two criteria established by article 12 are age and maturity. It is important to stress that age is not the only criterion: "the Convention on the Rights of the Child rejects specific age barriers to the significant participation of children in decision-making."⁶⁰ Such a concept is in accordance with the "evolving capacities of the child", introduced in article 5.⁶¹ Article 5, in fact, does not mention age in determining levels of capacity, thereby recognizing that competencies and maturity do not develop uniformly according to rigid and static developmental stages, as the conventional child development theories maintained to be.⁶² Competences and maturity are reached through life experience, culture, level of parental support and expectation, not, I stressed it again, endowed at a certain age.

The ever-returning fundamental argument for denying children their right to participate is assuming that lack of physical independence is lack of capacity for taking autonomous decisions. This is very erroneous. As the author Eugene Verhellen points out, the recognition of the competence of children is very visible in daily matters. Children, in every day life, testify to much more resistance, strength and willpower than theoretically considered as possible.⁶³

⁵⁸ See Gerison Lansdown (2001), p. 2. See also Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child*, Dordrecht, Martinus Nijhoff Publishers, 1999, pp. 221-222.

⁵⁹ CRC, art. 14 (1): "States Parties shall respect the right of the child to freedom of thought, conscience and religion."

⁶⁰ *Supra* note 41, p. 150.

⁶¹ CRC, art. 5: "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention."

⁶² Psychologists inspired by Jean Piaget, for example, suggested universal stages of development through which all children pass at more or less the same age.

⁶³ See Eugene Verhellen, *Children and Participation Rights*, in *Politics of Childhood and Children at Risk: Provision, Protection, Participation: International Expert Meeting*, Kellokoski, Finland, 22-24 August 1992, p. 60.

"But even if it was conceded that children are not competent decision-makers, it could still be argued that they lack these competencies to not greater degree than adults. Since adults are not excluded from participation in decision-making on this ground, the exclusion of children represents a case of double standards. History offers convincing illustrations of the inadequacy of adult decision-making; it is little more than a catalogue of blunders. War, inequality, famine, racism and injustice are some of the fruits of adult deliberation and choice. It is hard to imagine a worse track record. To deny children the right to make mistakes would deprive them of a right which adults have exercised extensively. It would be hypocritical."⁶⁴

To summarize, it is possible to say that the exercise of the right to participate requires capacity, specific interest of the child and opportunity. "Capacity", as we just saw, depends more on individual experience than age; it is one of the criteria to decide the weight that must be given to children's views. "Special interest" means that children must be willing or interested in taking decisions, and in no way they have to be forced. "Opportunity" is an essential element: adults in their capacity as parents, teachers, professionals and politicians have to allow, encourage and ensure that children are enabled to provide their views and feelings on all matters that affect their lives and that those views are given due weight.⁶⁵

However, the risk that adults can consider children to be not mature enough to take a decisive part in decision-making processes as they do not understand the children's particular ways of expressing their views or simply because they do not agree, is quite present. An answer to such a concern could be provided by the principle of the "best interests of the child" (art. 3).⁶⁶ In all cases, inquiring whether children's wishes reflect their best interests, even if an adult would take a different position, could be a way to implement article 12. It is ultimately in the best interests of all children to have a voice.

This assumes even more value when we consider a fact that has been pointed out in several and most diverse contexts: children's concerns and anxieties are often very different from those of adults and adults are often ignorant

⁶⁴ *Supra* note 37, p. 11.

⁶⁵ *Supra* note 56, p. 2.

⁶⁶ CRC, art. 3 (1): "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

of what really troubles children. The best way to understand children's problems and needs, and thus getting able to meet their best interests, is asking directly children to explain those problems and needs. This would mean moving away from an adult-centred approach towards a child-centred approach.

To conclude this subchapter, I would write a final consideration on the children's right to participate and on the particular importance this provision acquires when considered under the light of the whole Convention.

Article 12 is central to the balance enshrined in the CRC between recognising children as competent social actors, entitled to be listened to and granted increasing consideration and responsibility in the exercise of their own rights, while also being entitled to protection in accordance with their particular condition of physical and mental vulnerability. Article 12 provides the basis for respecting children's capacity to participate in their own life history without exposing them to inappropriate levels of responsibility which are normally associated with adulthood.

This particular role article 12 plays in contexts of "normality" assumes, as we will see, even greater importance in settings of conflict and post-conflict.

2.2.2. Promoting Genuine Children's Participation: Critical Issues

Governments are ultimately responsible for assuring the implementation and monitoring international law, and therefore complying with the CRC and its article 12. However, all organisations which provide services directly to children or whose services impact on the lives of children, and all those who live and work with young people, have special responsibility to make their activities consistent with the Convention and with article 12.⁶⁷ So far, NGOs throughout the world have been experimenting and providing most of the creative examples for effective children's participation.⁶⁸ However, article 12 has attracted the attention not only of NGOs, but also of numerous academics, child rights advocates and other professionals. Their works, that range from child psychology to physiology, from anthropology to sociology, from law to childhood development, contribute

⁶⁷ In particular, the Committee on the Rights of the Child gives States parties the obligation to take the necessary measures "to raise the awareness of families and the public in general of the need to encourage children to exercise their right to express their views freely; to train professionals working with children to encourage them to do so; and to train such professionals to give due weight to children's views." (*A Commentary on the United Nations Convention on the Rights of the Child*, 1999).

⁶⁸ See Roger Hart (1992), p. 44, and Roger Hart (1997).

to create a more and more deep understanding of the issue of child's participation. Many questions have been raised, many challenges, risks, values and benefits have been underlined, many ways and means to implement children's participation in practice have been analysed.⁶⁹

In this subchapter, the main critical questions relevant to the achievement of effective and genuine forms of participation, are briefly discussed.

The Ladder of Children's Participation diagram designed by Roger Hart provides a useful typology for thinking about different levels of participation (and manipulation) in projects.⁷⁰ Starting from this tool, several issues can be pointed out.

Hart's conception of children's participation has been defined "relational" rather than "individualistic", in that it emphasizes the quality and terms of the relationship between children and adults rather than merely separate autonomous action by children.⁷¹ This leads us to the first critical challenge of children's participation: the relationship between children and adults.

Using a metaphor, it is possible to say that participation is equivalent to a coin with two faces. The child's evolving capacity to participate effectively constitutes one face, while the other is represented by adult's evolving capacity and willingness to listen to, understand and weigh the views of the children. In fact, when adults have already made up their mind and feel they have nothing to learn from children, it is quite difficult to reach genuine participation.

Simply put, adults need to be open to things not going their way.

From what just said, it follows that meaningful participation takes place when forms of collaboration, dialogue and exchange between adults and children are created. Children's participation challenges the status quo, but it does not negate the role of supportive adults. The importance of this statement is upheld by evidence from participatory projects⁷². Participatory projects show the relevance of adult involvement for mainly two reasons. First of all, adults can play a positive

⁶⁹ The Research Symposium on *Children's Participation* held at the University of Oslo on 26-28 June 2000, organised by Childwatch International and the MOST Programme of UNESCO, have been quite detailed in raising important critical questions on children's participation. The overview of the Symposium is available on the web at: www.unesco.org/most/guic/guicsymmmain.htm

⁷⁰ See Roger Hart (1992).

For more on the Ladder of Children's Participation, please, refer to the section "Annexes" at the end of this thesis.

⁷¹ UNICEF, *The Participation Rights of Adolescents: A Strategic Approach*, New York, UNICEF, August 2001, p. 17.

⁷² See Roger Hart (1992) and UNICEF (2001).

and vital role in guiding and leading children to assume increasing responsibilities and to become “active, tolerant and democratic”.⁷³ Second, considering the often adults’ unawareness of children’s abilities, their involvement could also be important for the lessons that adults themselves need to learn.

However, the relationship between children and adults has to be considered not only in general terms, but also in each specific and particular location where the participatory project takes place. In some settings characterized by conflicts or high level of political violence, for example, adults may need to play, in certain instances, a more directive role to ensure children’s safety and well-being. Similarly, the values, beliefs and behaviour of the community in which the participatory project is set, concerning the way in which adults and children interact have to be taken into account. This issue will be dealt more in depth when presenting the two case studies in the second part of the thesis.

Finding the appropriate approach to the management of children-adults relations is, therefore, a quite complex challenge that the search for an effective and genuine form of participation requires.

A second serious challenge to a genuine form of participation concerns the question of equity and representation in participatory projects, that is who participates, who decides and by which process which children can/shall represent whom. The values at stake here are the principle of non-discrimination and democracy, two of the main tenets of the human rights concept.

Equity, in particular, requires direct efforts to remove the barriers that limit any child’s participation and to take active steps in order to involve children from groups that have tended to be underrepresented.⁷⁴

Democracy requires children to have institutions and mechanisms to elect those who will represent them and speak on their behalf, to provide representatives with their mandate and to hold them accountable for their actions.⁷⁵

⁷³ Marta Santos Pais, *Children’s Participation and the Convention on the Rights of the Child*, Seminar on The Political Participation of Children, Harvard University, Cambridge, May 25, 1999, pp. 4-5.

Furthermore, adults can represent positive models for children.

⁷⁴ The most common bases for disparities include: age, race, sex, class, size, looks, disability, level of education and location (e.g. refugee or war areas).

⁷⁵ See in the section “Annexes” at the end of this thesis: Save the Children, *Practice Standards in Child Participation*, e-mail attachment from Carlotta Sami, Save the Children Italia, 30 May 2005.

The reality seems to show that these values are quite difficult to be respected. According to a UNICEF's Working Paper, "in many contexts the capability, opportunity and support provided for participation to different groups or individuals is extremely uneven."⁷⁶ Such disparities are reinforced by the fact that those who select the children for participation are often adults, and adults have proved to have the tendency to choose as children representatives those who are the most "resourceful" ones.⁷⁷

Therefore, more work is needed to assure the implementation of the principle of equity and democracy in participation.⁷⁸

In particular, more work and attention is called by children in situations of conflict and post-conflict as they are among those that have very few opportunities to make their voices and feelings listened to and given due weight.

Many other critical questions and challenges concerning the children's right to participate could be pointed out and discussed. However, there is one more issue that is particularly crucial to a genuine form of children's involvement. I would like to write few lines on it before concluding the chapter.

Some particular forms of participation, as, for example, child assemblies and child councils, have induced some authors and professionals to think that article 12 might go against the right that children have to play and, more in general, to enjoy the very essence of their childhood.⁷⁹ This is thought to be the case as children would be burdened with inappropriate levels of responsibility. Such a concern could surely be proven true in situations where children are manipulated or forced against their will to take decisions they do not understand, feel competent or willing to take.

However, article 12 does not impose any obligation on children to participate, it provides a right for them to do so, otherwise it would represent a violation of basic human freedoms. The word "freely" in the text of the article implies that participation must be voluntary, and not occurring with coercion or any constraint.⁸⁰

⁷⁶ *Supra* note 71, p. 3.

⁷⁷ *Supra* note 71, p. 3.

⁷⁸ *Supra* note 71, p. 3.

⁷⁹ E-mail from Marco Grazia of MedChild, 30 May 2005.

⁸⁰ *Supra* note 41, pp. 149-150.

Reality shows, as revealed by the UNICEF Innocenti Insight 2005⁸¹, that many children in different contexts, environments and situations do want to exercise greater participation and autonomy in their day-to-day lives. The challenge is how adults set the terms of the opportunities for children's involvement.

In particular, essential to meaningful participation are the two following elements that adults should assure in every participation programme.

The issues, concerns and decisions at stake have to be relevant to children so that they feel motivated and thus, they can fully demonstrate the competence they possess⁸²; children have to be informed about the possible existing options and the consequences arising therefrom⁸³ so that they are allowed to express reasoned views and make reasoned decisions. The right to information (which is enshrined in article 13 of the CRC) implies also that adults should be very clear with children in explaining the goals of their participation, especially whether their decisions will be followed through and will lead to some changes. Otherwise, the risk of children believing that their opinions carry more weight than they actually do, is quite severe: they could be so disappointed to either give up trying or even become rebellious.⁸⁴

If these elements are met, programmes will maximize the opportunity for any child to choose to participate at the highest level of their ability and children's decisions will be free.⁸⁵

2.2.3. The Benefits of Genuine Children's Participation

Programmes designed to implement effective and genuine forms of children's involvement, show that participation has important and evident values.

Roger Hart identifies a "two-fold benefit": the first one concerns the child, in particular his or her self-realization, while the second benefit regards the society, in particular, its democratization.⁸⁶ Additionally, a further benefit could

⁸¹ *Supra* note 56, p. 4.

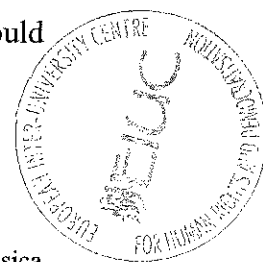
⁸² *Supra* note 57, p. 5.

⁸³ See UNICEF, (1998), p. 151.

⁸⁴ See Malfrid Grude Flekky, *Participation Rights. A Psychological Perspective*, London, Jessica Kingsley, 1992, p. 170.

⁸⁵ Save the Children developed seven "minimum quality standards" in relation to participation: See Annex 2: Save the Children, *Practice Standards in Child Participation*, e-mail attachment from Carlotta Sami, Save the Children Italia, 30 May 2005.

⁸⁶ *Supra* note 57, p. 43.



be indicated in relation to projects that involve children as participants. The case has been made that such projects are more effective and efficient.⁸⁷

This subchapter will be centred on the first two values of participation as their potential impact is quite innovative and transformative. The discussion will be led in general terms, while the more specific and particular analysis of the benefits that children's participation brings along in time of emergency is left for the next part of this thesis work.

2.2.3.1. The Benefits of Participation on Children Themselves

The probably most evident and strong argument for involving children in all situations and decision-making processes affecting them and their lives, is the following: children are the best people to tell adults what life is like for them. Their views and their feelings, thus, are very important in deciding what is in their best interests. As previously noted, children's perspective is often different from the one that adults have. Therefore, if adults are not in touch with the real needs of children, they could end to take decisions based on their own reminiscences of childhood, or made on their personal preferences rather than on what would be in the best interests of the children themselves.

This is even truer in situations that are far away from "normality", such as situations of conflict and instability. In these settings, in fact, as we will see, it is often more difficult to really understand and assess the needs and concerns every child may experience. Therefore, listening to what children have to say and given due weight to their voices, can prove to strengthen the protection accorded to them and meet their well-being. As the author Gerison Lansdown stresses: "where children are encouraged to articulate their concerns and given opportunities to express their views, they will be far better protected."⁸⁸

Another commonly cited impact of programmes that genuinely implement into practice the children's right to participate, and consequence of what has just been discussed above, is increased self-confidence and self-esteem. Evaluations from diverse participatory projects reveal that participatory activities make children feel they can "improve things", feel "proud of their achievements" and

⁸⁷ See Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny, *Children Changing Their World. Understanding and Evaluating Children's Participation in Development*, Plan International, June 2004, p. 9.

⁸⁸ *Supra* note 56, p. 7.

fell “more independent, trusted and responsible.”⁸⁹ This is important because several investigators have identified the child’s “sense of self” as a key determinant for successful outcomes, in developing as well as in industrialized communities.⁹⁰

It is crucial, however, to go more in depth into the concepts of “self-confidence” and “self-esteem” and ask what actually are the practical implications that they have on children’s daily lives, what actually is that children have become more confident in doing. The answers found can be summarized as follows: children result to be better equipped to seek advice, deal with abusive or unfair situations, cope creatively with difficulties.⁹¹

In this sense, the right to participate assumes a crucial value for the protection of other rights that children have. As we will see, such a benefit seems to be especially relevant in situations of conflict and instability.

Another positive impact that participation has on children is the development of useful knowledge, the acquisition of life skills and the building of competencies and personal aspirations that are likely to prove relevant for children beyond the participatory activities themselves. These, depending on the particular programme, can include areas such as leadership, group facilitation, public speaking, skills related to health and environmental care, awareness on specific problems and difficulties that children in a given situation have to face.

According to the above arguments, it follows that the more a child exercises his or her right to participate meaningfully and be involved in activities, the more experienced, competent and confident he or she can become, which in turn puts the child into a position to participate more effectively. This has been defined as “the virtuous cycle of participation.”⁹² In the analysis of the Russian psychologist Vygotsky, one of the most influential thinkers in the field of child development, the conception of development itself is considered to be a process arising out of children’s participation in the social and intellectual life surrounding them. “Children build confidence through direct experience: participation leads to greater levels of competence, which in turn enhances the quality of participation.

⁸⁹ *Supra* note 87, p. 19.

⁹⁰ *Supra* note 84, p. 165.

⁹¹ See Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny, (2004), pp. 19-20.

One significant example is reported by these authors. In Kenya, girls in a rural village indicated that their increased self-confidence and greater awareness of health issues meant “they were able to voice their concerns regarding female genital mutilation to their parents and other elders.”

⁹² *Supra* note 71, p. 2.

It is the involvement in shared activities with both adults and peers where there is a presumption of ability to complete a task successfully that encourages children's development.⁹³

The following scheme well illustrates the concept of the virtuous sequence of participation and development.⁹⁴

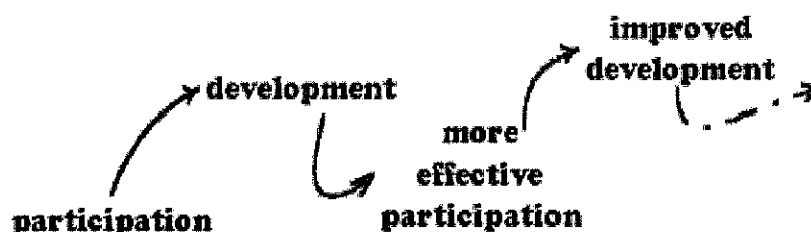


Figure 1: The virtuous sequence of participation and development

By contributing significantly to children's personal development, participation positively influence children's psychological well-being as well: by giving children a sense of understanding and control over their lives, it strengthens the basic feelings of optimism, security and stability that children usually try to have about life itself.⁹⁵

In addition to the intrinsic value that knowledge and awareness have on their own, the information children acquire through participation may also lead to raising their status within their peer groups, families⁹⁶ and even within the wider community.⁹⁷

2.2.3.2. The Benefits of Participation on Communities and Society

As anticipated at the beginning of the chapter, children's right to participate, when implemented in programme activities through an effective and

⁹³ Gerison Lansdown, *The Evolving Capacities of the Child*, in "Innocenti Insight", Florence, UNICEF-IRC, 2005, p. 17.

⁹⁴ The scheme is taken from UNICEF, *The Participation Rights of Adolescents: A Strategic Approach*, New York, UNICEF, August 2001, p. 9.

⁹⁵ See UNICEF, (2001), p. 9 and Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny, (2004), p. 22.

⁹⁶ Improvement in family relations as a consequence of children's participation is often cited by the literature. In particular, children's involvement in participatory programmes is noted to be instrumental in raising parents' awareness of children's rights, thus leading to increased parental support and reduced domestic abuse. However, things are not so linear. Depending on the culture and the status of the family, it can result difficult for parents to respect children's right to participate. As this is quite a complex issue, we will come back on it in the analysis of the two concrete case-studies.

⁹⁷ See Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny, (2004), p. 20.

genuine form, has a positive impact on children's communities and on the wider society as well.

First, children learn more not only about themselves but also about the others. Roger Hart explains how it is through having and exercising rights that children learn to respect other people's rights.⁹⁸ In fact, it is through learning what their rights are, how their freedom is limited by the rights and freedoms of others, how their actions can affect the rights of others that children begin to understand the process and value of democracy. It is through working as a group for the achievement of common goals that children develop attitudes of cooperation and tolerance and develop a sense of social responsibility, qualities those that are so important for a peaceful and well-functioning community and society. In particular, participation that involves a diversity of children can be successful in building a sense of solidarity and sensitivity towards people who are different and who might be in need. There seems to be an increasing awareness of the importance of these learning experiences that children can only have in peer-group.⁹⁹

Such experiences and attitudes take on even greater significance in countries facing internal conflicts and political instability that threatens democracy, its principles and values. Recognition of this is only a recent achievement.

It is not only through the strengthening of the value of democracy and sense of social responsibility among all their members that communities and society benefit from children's participation. But it is also through using, in a more direct way, the energy, enthusiasm and motivation of children for developmental purposes. According to the literature, the talent and the ideas that children are able to provide – ideas that adults may not have even considered themselves – can make a valuable contribution to communities and society.¹⁰⁰ This, in turn, will lead communities and the whole society to become more informed about, aware of and involved in challenges concerning their children.

⁹⁸ *Supra* note 57.

⁹⁹ See Malfrid Grude Flekky, (1992), p. 167.

¹⁰⁰ See Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny (2004).

To use the word of a writer: "Communities are dependent upon the minds, hearts and hands of their young people and children are dependent upon the viability, vitality, protection and attention of their community."¹⁰¹

Participation activities as a channel for children's energy and creativity have, of course, positive impacts on children themselves. In some settings, participatory programmes could represent the only opportunity for children to use their energy and creativity. It seems especially crucial to provide such opportunities in situations of conflict, instability and violence, where "the energy of young people and their desire for change might otherwise find expression in some military-type activity."¹⁰²

To conclude the subchapter, few reflections are added.

A note of caution is appropriate at this point. As I tried to underline throughout all this thesis section, voluntary participation is crucial both for children and for communities and society as a whole; however, participation is not a panacea, it can not resolve everything. Children can contribute to find solutions to serious problems that affect their lives, thus contributing also to the development of their communities, but the burden to solve and eliminate such grave problems that are much present in the world, can not be relied on them. This would cause much harm and could also expose them to serious risks and threats, especially in violent settings, such as conflict and post-conflict situations.

The big merit of the children's right to participate is that it makes children matter not just because one day they will be adults with a full range of capacities, but because what they are and have to offer today: children count as children. This leads, using the meaningful words of the author Eugene Verhellen, to "the development of superior knowledge. When children's participation is implemented, then the objects of protection would no longer be the children themselves as individuals or a social category, but rather the fundamental human rights of children. In other words, protection would be stripped of its paternalistic character."¹⁰³

¹⁰¹ Michele Cahill, *Youth Development and Community Development: Promises and Challenges of Convergence*, Community & Youth Development Series, Paper n. 2, Youth Development Institute, New York, 1997, p.5.

¹⁰² *Supra* note 87, p. 23.

¹⁰³ Eugene Verhellen, *Children and Participation Rights*, in *Politics of Childhood and Children at Risk: Provision, Protection, Participation: International Expert Meeting*, Kellokoski, Finland, 22-24 August 1992, p. 64.

The benefits, analysed in this subchapter, which children's participation has on children themselves and on their communities, take place both in time of "normality" and in time of emergency. Researches and evidence from participatory programme activities reveal that in conflict and post-conflict situations such benefits assume particular and specific values. Furthermore, the challenges and the risks associated with the implementation of the children's right to participate in such contexts have some peculiar characteristics.

We will discuss the implementation into practice of the children's right to participate, its benefits, challenges and risks during emergency times, through the analysis of a case-study in the next chapter of my thesis work. Before that, we move to the next and last subchapter of this section that presents and reviews what has been said by the international community, organizations, authors, thinkers and observers, in relation to the value of children's participation in humanitarian actions and in peace-building settings during time of war and post-war.

2.3. CHILDREN'S PARTICIPATION IN PROGRAMME ACTIVITIES DURING CONFLICT AND POST-CONFLICT SITUATIONS

*If I were President,
the tanks would be playhouses for the kids.
Boxes of candy would fall from the sky.
The mortars would fire balloons.
And the guns would blossom with flowers.*

*All the world's children
would sleep in a peace unbroken
by alerts or by shooting.*

*The refugees would return to their villages.
And we would start anew.*

Roberto, 10 year-old¹⁰⁴

On the 5th October 1992, during its Day of General Discussion devoted to the topic of "Children in armed conflict", the Committee on the Rights of the Child recalled and stressed the importance to ensure that the overall framework of the rights of the child set forth by the Convention, is realized also in time of emergencies.¹⁰⁵ As article 12 on the children's right to participate has been

¹⁰⁴ *Supra* note 4, p. 72.

¹⁰⁵ Committee on the Rights of the Child, *Children in Armed Conflict*, Day of General Discussion, CRC/C/10, 2nd Session, 5 October 1992, p.3.

identified, by the Committee itself, to be a general principle of fundamental importance for the implementation of the Convention as a whole and for the interpretation of all the other articles¹⁰⁶, it follows that Governments, IGOs, INGOs, humanitarian agencies, human rights groups, local NGOs, professionals and all those working and living with children, should give due attention to the application of such an article also under fire, violence and instability.¹⁰⁷

Traditionally, however, children's participation has not occupied a relevant place in situations of emergency. It has been viewed as a "luxury" right and a task best left to the development community. It was considered to be, in fact, neither indispensable to children's survival nor required for subsistence.¹⁰⁸

It is true that, at the first look, other life-threatening needs such as food, water, shelter and health care, could be seem much more pressing and urgent. It is true that the idea that children in conflict and post-conflict settings should be able to exercise their right to participate might sound somewhat absurd, considering that in such situations the mere guarantee of survival is barely within reach. However, the literature and the humanitarian thinking present now several arguments that have been raised against such an opposition towards the right that children have to make their voices listened to and given due weight even in times of war and instability.

As already anticipated in the first subchapter of this thesis section, when considering the context of psychosocial needs of children, their capacity to overcome and deal with adversity, and their best interests, the idea of their participation in humanitarian actions and post-conflict reconstruction acquires more practical values. In the present section, we are going to analyse in deep these practical values and how they have been supported and spread out within the

¹⁰⁶ See the discussion already faced in paragraph 2.2.1. *Article 12: What Does It Actually Say?*

¹⁰⁷ I would like to make clear one more time that, under International Law, States are those ultimately responsible for assuring the implementation and monitoring the provisions and legal standards enshrined in international treaties (three-fold obligation to respect, protect, fulfil). However, in different occasions, the Committee on the Rights of the Child asserted that all organisations which provide services directly to children or whose services impact on the lives of children, and all those who live and work with young people, have special responsibility to make their activities consistent with the Convention on the Rights of the Child and, thus, with article 12. See the already made discussion in paragraph 2.2.2. *Promoting Genuine Children's Participation: Critical Issues*. The role of "non-state" actors in promoting the realization of children's rights assumes particular relevance in the context of the Occupied Palestinian Territories, where the occupying state, Israeli, does not seem to accept its responsibility to implement the CRC with regard to Palestinian children. (See discussion on p.70).

¹⁰⁸ *Supra* note 5, p. 39.

international human rights and humanitarian community by official documentations, INGOs' reports, scholars' and other professionals' works.

Before moving into the analysis, a further note has to be added. Children are not a homogeneous group. The CRC's definition of a "child" is that of "every human being below the age of eighteen years."¹⁰⁹ Such a definition, however, is very broad in the sense that it includes persons of very different ages. It is clear to all that the needs, feelings and hopes of a three-year-old child are very different of those of a six-year-old child and the needs, feelings and hopes of both the former and the latter are quite diverse from those of a seventeen-year-old person. This assumption does not change under the fire of war and the instability of post-conflict settings.

However, the case has been made that emergency interventions have traditionally been "standards", thus, not really considering the different necessities of different children with different ages.¹¹⁰ The prevailing opinion within the humanitarian organizations has been, and to certain extent, still is that young children – especially under five years of age – are the most vulnerable social category in war. Therefore, they have always been the first priority for intervention and relief in conflict and post-conflict situations. Attention to older children, particularly those in their second decade of life, the so-defined "adolescents", have been ad hoc at best, and, in most cases, "they have been neglected as a specific social group, and subsumed within the broader category of children."¹¹¹ Despite these prevailing perceptions, adolescents often are worse off than younger children for several reasons.¹¹² While it is true that young children suffer death and disease at a higher degree, adolescents are at a critical stage in their physical, social and emotional development that leave them more susceptible to a wide range of immediate and long term severe threats to their personal safety.¹¹³ In particular, war affects the psychological and social well-being of

¹⁰⁹ CRC, art. 1: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

¹¹⁰ *Supra* note 9, p. 1.

¹¹¹ Jesse Newman, *Protection through Participation*, background paper to the conference "Voices Out of Conflict: Young People Affected by Forced Migration and Political Crisis", Cumberland Lodge, 26-28 March 2004, p. 6.

¹¹² See Jesse Newman (2004) and Women's Commission for refugee women and children (2000).

¹¹³ See Women's Commission for refugee women and children (2000). In particular, adolescents are more likely to be recruited into military services and engaged in armed combat, they are particularly vulnerable to economic exploitation and are less likely to receive education and health

adolescents at a time of life when they are trying to establishing their identity. This, together with the lost of their role models and other sources of positive guidance, could lead adolescents to difficultly image a future that has a meaningful place for them.¹¹⁴

All this is to say that there is the real need to distinguish adolescent from their younger counterparts and to design and implement more programs to meet their specific necessities. While projects centred primarily on children's physical vulnerability may work for younger children, they may not meet the particular psychosocial concerns of older children.

Humanitarian agencies have already started to move towards this direction.

In particular, humanitarian agencies, IGOs, INGOs, professionals and scholars have raised the point that programmes promoting psychosocial recovery should be participatory, meaning that they should be run together with the interested children for the reasons that now we are going to discuss.¹¹⁵

2.3.1. Why Participation under the Fire of War and in the Uncertainty of Post-War Situations?

As already mentioned above, war-affected children have been traditionally considered as traumatized victims who are rendered helpless and vulnerable by a series of traumatic episodes, which are outside the realm of "normal experience."¹¹⁶

Doubts about this perception have been expressed, as early as 1994, by the UNHCR which stated in its *Guidelines on Refugee Children*: "...Although vulnerable, children are also a resource with much to offer. The potential contributions of children must not be overlooked. They are people in their own right, with suggestions, opinions and abilities to participate in decisions and activities that affect their lives. Efforts on behalf of refugee children fall short if

care during emergencies than younger children. Adolescents girls are specifically targeted for sexual abuse, violence and exploitation.

¹¹⁴ *Supra* note 8, p. 83.

¹¹⁵ This discussion was not meant to say that psychosocial concerns regard only older children and participatory projects should be implemented just for them. Listening the voices of younger children and giving them due weight is important, anyway, to meet their best interests. What was meant to stress is that activities that implement the right to participate could be particular relevant for adolescents, due to their own critical stage of development and to the specific challenges to their personal safety in time of war and instability.

¹¹⁶ *Supra* note 111, p. 9.

they are perceived only as individuals to be fed, immunized or sheltered, rather than treated as participating members of their community.”¹¹⁷

It was, however, the Machel Report¹¹⁸ that really put into question the humanitarian conception of war-affected children as mere passive recipients of adults’ protection. This study is considered to be the first comprehensive human rights assessment of children in situations of conflict and post-conflict. It uses the Convention on the Rights of the Child as a guiding framework of analysis.¹¹⁹ The result is a pervasive human rights-based approach that subtends the lines of the whole report. A right-based approach does not address the right-holders as passive beneficiaries, but rather it considers them as active participants in the protection of their own rights.¹²⁰ A right-based approach means listening to children and allowing them to participate, according to age and maturity, into humanitarian programmes and peace building activities, as such programmes and activities directly affect their lives.¹²¹ The Machel Study and its 2001 Review of progress, in fact, make strong and crucial the point that agency interventions should build upon children’s experiences, knowledge and skills. The benefit in doing that is, according to the report and the review, two-fold: in time of war, it improves the quality of children protection and in post-conflict settings, it strengthens the efforts for community reconstruction by involving children as resources, as key contributors in planning and implementing long-term solutions and community-based relief.¹²²

But what does actually mean “improving the quality of children’s protection” in time of war? and what does actually mean “strengthening the efforts for community reconstruction” in situations of post-conflict?

¹¹⁷ *Supra* note 13, p. 171.

¹¹⁸ *Supra* note 5, pp. 10-11.

¹¹⁹ Rachel Harvey, *Children and Armed Conflict. A Guide to International Humanitarian and Human Rights Law*, International Bureau for Children’s Rights, The Children and Armed Conflict Unit, 2001, pp. 13-14.

¹²⁰ See Washington Network on Children and Armed Conflict, *Rights-Based Approaches to Programming*, Meeting Notes, March 31st, 2005.

¹²¹ See Kathy Vandergrift, *From Outrage to Action*, Presentation in the Conference “Up in Arms”, Children and Armed Conflict Working Group, Canadian Peacebuilding Coordinating Committee, Vancouver, November 22, 2003, p. 4.

See also UNICEF, *Adolescent Programming in Conflict and Post-Conflict Situations*, New York, UNICEF Publications, August 2004, p. 4. In particular, it is stated that the human rights-based approach is the preferred approach for addressing the unmet needs of children as, instead of addressing specific problems within a limited context, it seeks to realize children’s rights “within the broader cultural, economic and political context, and to support young people’s engagement in home, schools and community life, including during emergencies.”

¹²² See Graça Machel, (1996), p. 42; .See Graça Machel, (2001), pp. 81-82-83 and pp. 177-178.

Let's start to answer the first question.

2.3.1.1. The Benefit of Protection

It is argued that children usually display remarkable resilience in the face of adversity.¹²³ Children, in fact, in time of emergency soon experience that they can not always rely on the care and support of adults, therefore they learn their own coping strategies for overcoming feelings of helplessness, fear, grief and loss.¹²⁴ Young Kosovar girls, for example, developed protective strategies in order to defend themselves from sexual assaults by Serbian soldiers both in the flight from home and within displacement camps. They regularly covered themselves with old women's clothing, dirtied their faces and assumed the slow walk of elderly ladies so as not to be identified as adolescent girls and raped.¹²⁵

The author Jo Boyden even makes the case that, in practice, children have more survival strategies available to them than adults.¹²⁶

The evidence that children have personal capacity to overcome difficulties and that they use it in constructive and ingenious ways, suggests that they are not passive victims of adversity, but rather social subjects with feelings, insights and perspectives of their own. Furthermore, children's own personal identities are often constructed upon a perception of themselves as competent social actors with insights into their own problems and ideas about how to solve them.

Since children are already working to overcome hardship in their lives, they may be better served by programmes that recognise their ability and, building on this innate capacity, foster their participation in the protection of their own rights. Only in this way, in fact, children's resilience can get reinforced and their self-esteem, self-efficacy and positive sense of identity are not threatened.¹²⁷ By supporting children in developing life skills that help them to communicate better, interact socially, make informed decisions, they would be helped in better negotiating and overcoming difficult situations.

¹²³ See the discussion made in the paragraph 2.1.2. *Remarkable Resilience*.

¹²⁴ *Supra* note 8, p. 81.

¹²⁵ *Supra* note 111, p. 23.

¹²⁶ See Jo Boyden, (2003).

According to the writer, "societies tend to be less prescriptive about children's tasks and roles. Adults generally pay little attention to children." Therefore, children might be able to undertake tasks such as, for example, foraging and scavenging in areas controlled by security forces, which would not be possible for adults.

¹²⁷ See Graça Machel, (2001), p. 82; See Jo Boyden, (2003).

Strengthening children's own resilience means, therefore, maximising their opportunities for survival and development.

Some professionals have clearly reported the detrimental effects that the kind of humanitarian interventions which consider adolescents as dependent children have, especially in settings where children are expected to actively contribute to the survival efforts of the family and of the community as a whole. In such cases, conflicting roles and expectations from those of their communities are imposed upon children by such interventions. Children, in fact, are demanded to be vulnerable in order to qualify for aid, but at the same time they are required to assume a contributing role by families and communities. Young people end to inhabit this precarious middle ground between societal expectations, their own perception of themselves and their dependence upon foreign aid for survival.¹²⁸

The 2005 UNICEF Innocenti Insight makes two further points. First, approaches that do not recognize the contribution that children themselves are capable of making might have the undesired result to increase children's vulnerability by failing to equip them with the information and experience they need in time of emergency to make informed choices. Second, over-protective approaches lead the children to depend on adult support and become passive receivers, leaving them without resources when those adult protections are withdrawn.¹²⁹ In brief, over-protection that perceives children as mere recipients of adult support can be as dangerous and harmful to children as it is under-protection.

The importance of involving adolescents as active participants in the design, implementation and evaluation of interventions on their behalf has been also firmly supported by several INGOs in their publications and practical works.

The Women's Commission for Refugee Women and Children is one of these organizations that make a strong case for promoting the participation of young people in decision-making during time of emergency as an essential means of ensuring children's own protection. Stressing the same argument presented by the Machel Report and here just discussed, such an organisation promotes the concept that building upon children's own strengths and resilience by implementing their right to participate into programme activities during time of war and instability, helps children "to overcome feelings of social dislocation and

¹²⁸ *Supra* note 111, pp. 11-12. See, for example, the case of Ethiopia.

¹²⁹ See Gerison Lansdown, (2005), pp. 39-40.

build self-esteem, self-resilience and a new sense of identity that allows them to heal and even thrive.”¹³⁰ On this same point, Save the Children found, through its projects in different countries, that involving adolescents in constructive programmes has the potential to help their psychosocial adjustment from the trauma of war.¹³¹ The UNHCR as well speaks about a “link between the right to participate and the psychosocial well-being of children.”¹³²

In addition and complementary to this argument is the issue of the “best interest” of the child. The Women’s Commission strongly points out – and its work is very much centred on this important element – that children do not always experience adversity in the way that adults do. This fact often lead to misperceptions about the reality of children’s lives, their development, vulnerabilities, protection needs, capabilities for survival and to ill-informed ideas about the problems that children have to face and, in turn, about the appropriate solutions. A clear example of this comes from Kosovo. There, “parents of adolescent girls often resorted to early marriage in order to protect their daughters from rape, suffering and dishonour. As yet, Kosovar girls themselves rarely regarded this as an effective protection strategy, as many were betrothed at very young ages to significantly older men, and suffered from early consummation of marriage and dangerous pregnancy.”¹³³

For adults, to better understand children’s real concerns and necessities, they need children themselves to provide insights into their feelings and experiences. Therefore, if children’s views are not actively sought and seriously taken into account, their best interests will not be met and, worse, protective actions could result to be not only inappropriate but also harmful. A significant example of protective actions that resulted to be harmful to children as their views were not taken into account, is the following. “In Rwanda in late 1994, an NGO assisting national family reunification efforts, made a decision affecting a group of children at a care centre in a town far from the capital, Kigali. Without prior consultation with these children, the NGO moved them to the capital so as to ‘speed the process of reunification’. But the vast majorities were not orphans; in fact they

¹³⁰ See Women’s Commission for Refugee Women and Children, *Youth Speak out: New Voices on the Protection and Participation of Young People Affected by Armed Conflict*, New York, Women’s Commission for Refugee Women and Children, January 2005, p. 3.

See Women’s Commission for refugee women and children, (2000).

¹³¹ See International Save the Children Alliance, (1996), pp. 3-4.

¹³² See UNHCR, (1994).

¹³³ See Jesse Newman, (2004), p. 20.

knew the whereabouts of their parents and relatives. Most had been left at the centre by parents attempting to secure better material advantages for their children than existed in their communities. It was the aid organization moving them to the capital that caused them to become unaccompanied.”¹³⁴

Treating children's views as a source of strength, means doing researches with young people that involve them as participants in the analysis of their own situations, needs and capacities; it means consulting and collaborating with children to encourage and support them in explaining their worlds and provide insights into their own childhood; it means challenging adults to establish opportunities for participatory activities in order to get aware of concerns and solutions that children may have and adults themselves may ignore.

To follow this path, the Women's Commission undertook a series of field-based and action-oriented studies designed and led by adolescent research teams in three different countries: Kosovo, Northern Uganda and Sierra Leone. Young people interviewed their peers to provide answers to central questions relevant to the research. “What are the main problems of adolescents in your society?” “What are some solutions to these problems?” are only two of these important questions that have been asked by children to other children. The results of such researches are presented in the Women's Commission's publication *Youth Speak Out*. I think this report is very interesting as it offers a comprehensive overview of the real concerns, problems and challenges that adolescents face during war and after war and it also presents the solutions that adolescents themselves have found to these concerns, problems and challenges. Two points are worthy to be noted. First of all, the Women's Commission reveals that in all three locations children expressed the concern that adults did not take their opinions into serious consideration in the decision-making processes, or provide them with an active role in programme activities. They felt this as a fact that would leave them with limited opportunities to develop their skills and improve their lives.¹³⁵

Second, the study is a further proof that adults frequently misinterpret children's lives. In fact, the research works have produced unexpected revelations regarding children's sources of fear and distress. It is a frequent opinion within the humanitarian thinking that the most dangerous threats to children in war and post-

¹³⁴ See Women's Commission for refugee women and children, (2000).

See also International Save the Children Alliance, (1996), p. 7.

¹³⁵ See Women's Commission for Refugee Women and Children, (2005), p. 2.

war situations come from exposure to violence. However, the Women's Commission studies and evidence from other children-driven researches, show that young people are often far more concerned with issues such as physical insecurity, difficulty in accessing health care and education, few opportunities to develop life skills and participate in decisions that affect them and their lives than with (past) experiences of death and destruction.¹³⁶ It is the struggle to restore "normality" and to eliminate the injustices and inequalities which for children may be accentuated in post-conflict situations, that is found to be one of the main children's concerns.¹³⁷

Furthermore, it is also argued that what constitutes danger and protection differs according to cultural and historical context. Therefore, understanding the reality of children's lives through their own perspectives and feelings, is an essential element for humanitarian interventions to meet children's real concerns and needs, and, in turn, to provide them with a stronger protection.¹³⁸

Implementing the right to participate under the fire of war has the benefit of capitalizing on and reinforcing children's own capacity to resilience, and thus, in turn, encourages the development of abilities, skills and competencies that lead to a better self-protection. It has the benefit to provide real insights into children's lives and experiences, thus allowing to better meet their best interests. But it is not only this. The protection benefit of participation has a further aspect that assumes a particular value in situations of emergencies. Effective genuine participatory activities can provide children with meaningful opportunities that offer channels to their energy and commitment to contribute to social change. In situations of conflict and post-conflict, the political awareness of adolescents is usually very high. Therefore, if they see completely neglected their desires to exprime in some ways their participation towards the national struggles for recognition or independence, they might become "frustrated and more easily provoked to act in rash ways or incited to join armed groups"¹³⁹ or other fighting-type activities. The

¹³⁶ See Women's Commission for Refugee Women and Children, (2005), p. 3.

See Jesse Newman, *Protection through Participation*, background paper to the conference "Voices Out of Conflict: Young People Affected by Forced Migration and Political Crisis", Cumberland Lodge, 26-28 March 2004, p. 26.

¹³⁷ See Jesse Newman, (2004), p. 30.

Refer also to the previous discussion at p. 3, in the subchapter: 2.1.1. *Psychosocial Effects of War on Children*.

¹³⁸ *Supra* note 111, pp. 9-10.

¹³⁹ See UNICEF, (2004), p. 5.

See Jason Hart, Jesse Newman, Lisanne Ackermann and Thomas Feeny, (2004), p. 23.

importance of participatory projects can be well understood if we think that in emergencies settings, such programmes may represent the only rare opportunity for children to express their compelling desire for change.¹⁴⁰ This can be essential when finding a reason to continue the struggle to live in a conflict-affected society. "If young people face injustice without the possibility to envision a better future, their optimism may be frustrated. Addressing the children's right to participate even and especially in war time is an urgent priority."¹⁴¹

Failure to focus on young people means that their strengths and potential as active contributors to their own lives and to their societies "go largely unrecognized and unsupported by the international community, while those who seek to do harm, such as by recruiting them into military service or involving them in criminal activities, recognize and utilize their capabilities very well."¹⁴²

Instead, children's usual energy, passion, enthusiasm, resilience and desire for justice and peace is believed to be, and should be used as such, a catalyst for peace-building in their families, their communities and in the society as a whole.¹⁴³

This last sentence leads us to move from the protection benefit of participation in conflict situations to the benefit that children's involvement has in situations of post-conflict. It was mentioned at the beginning of the paragraph and left there as a question. It was asked what actually is the value to involve children as key contributors in the efforts for community reconstruction.

Now it is time to offer an answer.

2.3.1.2. The Benefit of Peace-Building

"If we are to plant the seed of peace on this earth, then surely it should be done through young people. Young people are very fast, are able to adjust easily, and meet the challenges...Peace is the weapon we young people are to use for our leadership."¹⁴⁴

I think the paragraph could start and end with this very significant phrase by Grivin Kili, a young person from Malawi. It is simple but it contains the main

See Women's Commission for refugee women and children, (2000), p. 1.

¹⁴⁰ *Supra* note 87, p. 23.

¹⁴¹ Interview with Saudamini Siegrist, 9 May 2005.

¹⁴² *Supra* note 9, p. 1.

¹⁴³ See Graça Machel, (2001), p. 177.

See UNICEF, (2004), p. 7.

¹⁴⁴ Juan Salgado, Itziar Aparicio San-José, Anna Hemmingson, *African Peace-Building Toolkit*, African Network of Young Peace-builders, United Nations of Youth Foundation, www.unoy.org

arguments that has been developed in official documentations, IGOs', INGOs' and NGO's reports throughout the world as well as in scholars' papers, to support children's involvement in peace-building activities. Anyway, we go further to give a more "official" strength to such reasons.

Historically, the stages of rebuilding a society after conflicts, have neglected the specific needs of children and their participation in those processes.¹⁴⁵ Once again, it was the Machel Report that started to draw international attention to such an issue. The study and its review clearly state that children should not be ignored or marginalized in the processes that characterize post-conflict times. On the contrary, children should be put "at the centre of reconstruction."¹⁴⁶ This is not only to ensure that children's needs and rights are properly met (the benefit of protection that we just saw in the previous subchapter), but also to involve them as resources and effective agents of change able to significantly contribute to building peace.¹⁴⁷ It is argued, in fact, that children's energy and resilience can be well-directed to become a source of strength for their own communities.¹⁴⁸ This is even truer in settings, such as those Palestine, where young people constitute a big proportion of the all population. In Gaza and the West Bank, over 50 percent of the population is under 15.¹⁴⁹ In such lands, the rights and role of the majority would be undermined if children are not involved in planning and actions.

Even though children's effectiveness in peace building programme activities is not so easy to measure as it requires investigation after the elapse of a considerable period of time, IGO's and INGO's reports show that a broad social impact due to children's participation in programmes during post-conflict times, can be noted by the fact that young people apply in new ways the skills and experiences they gain in such activities, they form organizations that take

¹⁴⁵ Rachel Harvey, *Children and Armed Conflict. A Guide to International Humanitarian and Human Rights Law*, International Bureau for Children's Rights, The Children and Armed Conflict Unit, 2001, p. 65.

¹⁴⁶ *Supra* note 8, p. 177.

See also Graça Machel, (1996), p. 42.

¹⁴⁷ *Supra* note 8, p. 177.

See also Kathy Vandergrift, *From Outrage to Action*, Presentation in the Conference "Up in Arms", Children and Armed Conflict Working Group, Canadian Peacebuilding Coordinating Committee, Vancouver, November 22, 2003, p. 4.

¹⁴⁸ See UNICEF, (2004), p. 3.

¹⁴⁹ Siobhan McEvoy-Levy, *Youth as Social and Political Agents: Issues in Post-Settlement Peace Building*, Kroc Institute's Research Initiative on the Resolution of Ethnic Conflict (RIREC), December 2001, p. 7.

important steps toward creating peaceful, healthy environments and they often try to improve the lives of their peers.¹⁵⁰ Evidence from participatory projects, in fact, reveals that children are often “the most effective members of their communities in reaching out and assisting their peers”.¹⁵¹ We will see this in the next section of the thesis that analyses the concrete case-study of a peer-to-peer counselling programme in the Occupied Palestinian Territories.

Furthermore, meaningful adolescent participation, as already discussed when we faced article 12 and the value of participation in general, is proved to promote tolerance, democratic principles and even conflict resolution.¹⁵² The sense of self-esteem, social responsibility and teamwork that can be developed through participatory activities are believed to be crucial elements in promoting peace.¹⁵³ It is self-evident that this fact assumes even greater importance within the context of instability typical of post-conflict situations, where democratic principles are often under threat.

Lastly, as already above-mentioned, participation can provide positive alternatives to the instability and uncertainty of post-conflict times. Such opportunities are essential to help children in keeping alive their hope for a better present and future. This is relevant not only for reinforcing children’s own resilience, but also it acquires importance for the society as a whole. In fact, researches show that the sense of frustration that will pervade children in case they would be deprived of such positive alternatives, could make them more likely to perpetuate the cycle of violence.¹⁵⁴ Evidence from different countries in post-conflict period reveals that young people are often the primary producers of violence in settings where they perceive a peace as unjust and they feel to be excluded in numerous ways.¹⁵⁵

From all what have been said, it can be stated that genuine children’s participation in activities aimed at community development and peace-building, is “an effective way to build the foundation for a more just and peaceful society.”¹⁵⁶

¹⁵⁰ See Women’s Commission for Refugee Women and Children, (2005), p. 3.

¹⁵¹ *Ibidem*, p. 3.

¹⁵² See UNICEF, (2004), p. 9.

¹⁵³ Stephanie Schell-Faucon, *Conflict Transformation Through Educational and Youth Programmes*, in *Berghof Handbook for Conflict Transformation*, Berghof Research Center for Constructive Conflict Management, April 2001, p.6.

¹⁵⁴ See UNICEF, (2004), p. 3.

¹⁵⁵ See Siobhan McEvoy-Levy, (2001), p. 11. In particular, the cases of Northern Ireland and South Africa are presented.

¹⁵⁶ UNICEF, (2004), p. 3.

Building “a more just and peaceful society” is a process that requires wider attention to the root causes of the conflict such as inequity, poverty, ethnic tensions, racism, impunity. This, in turn, needs the involvement of as many actors in civil society as possible. Children usually constitute a consistent part of civil society, both numerically and as resourceful strength.

They are a present key resource, but also they represent the future generation of leaders. So, their involvement in the society peace reconstruction process and the shaping of their political attitudes and skills will have important long-term implications.¹⁵⁷

The importance of involving children in the peace-building process has been officially recognised in a number of international developments.

In recent years, the Security Council has acknowledged that children have the right, and this right should be seriously implemented, to be part, and not just beneficiaries, of the peace-building process that takes place after conflicts. Since 1999, the Security Council adopted significant resolutions on the topic of children affected by armed conflict. Such documents not only emphasize the need for the rights and the welfare of children to be integrated into peace negotiations and throughout the process of reconstruction and consolidation of peace¹⁵⁸, but also underline the necessity to include children and consider their views in these processes.¹⁵⁹ I just would like to report here the very clear words of a resolution’s paragraph: “The Security Council...calls on Member States, relevant parts of the United Nation system, and civil society to encourage the involvement of young persons in programmes for peace consolidation and peace-building.”¹⁶⁰

In the 2003 resolution, the Security Council supported the Secretary-General in his call for “an era of application” of international norms and legal standards in place to protect children in situations of emergency.¹⁶¹ The call, therefore, is also for a greater implementation in post-conflict situations of the children’s right to participate.

¹⁵⁷ *Supra* note 149, p. 5.

¹⁵⁸ United Nations, *Security Council Resolution*, S/RES/1261, 1999: para 7; United Nations, *Security Council Resolution*, S/RES/1460, 2003: para 12.

¹⁵⁹ United Nations, *Security Council Resolution*, S/RES/1314, 2000: paras 11 and 19; United Nations, *Security Council Resolution*, S/RES/1379, 2001: para 13 (a).

¹⁶⁰ S/RES/1314 (2000): para 19.

¹⁶¹ S/RES/1460 (2003): para 1.

These Security Council's resolutions, however, are not legally binding on States.¹⁶² Anyway, they do provide an authoritative framework of standards for the protection of children in armed conflict.

The view that the recovery of a post-conflict society will depend largely on ensuring a role for children in the rebuilding process and on restoring a new sense of hope for them, has been fully adopted by Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict.¹⁶³ In his annual reports that have to be submitted to the General Assembly and to the Commission on Human Rights, the issue of children's right to participate in building peace is always present. In particular, the 2003 Report makes a strong recommendation to invest in children and youth as "the best way to ensure long-term peace and deterrence of radical indoctrination that often leads to participation in conflict."¹⁶⁴

Mr. Olara Otunnu has further encouraged the empowerment and participation of young people at several levels.¹⁶⁵

The better and deeper understanding of the benefits of children's participation under the fire of war and in the uncertainty of post-war situations, that has occurred following the international developments above-discussed, is leading towards a change in the approach to the role of children in conflict and post-conflict societies.

This could have been clearly perceived and seen within the international community, during a particular event that took place in September 2000: the International Conference on War-Affected Children in Winnipeg. Such a conference was the first one related to children and armed conflict that went much beyond listening to the participant children's opinions. It actually opened the door

¹⁶² I would like to specify that binding on all members of the UN are Security Council Resolutions made under Chapter VII of the Charter of the UN, in response to specific acts of aggression or threats to international peace and security by State or States.

¹⁶³ Mr. Olara Otunnu was appointed Special Representative of the Secretary-General for Children and Armed Conflict by the United Nations General Assembly with its Resolution 51/77 adopted by the General Assembly on 12 December 1996, A/RES/51/77.

¹⁶⁴ United Nations General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, A/58/328, 2003, p. 15.

¹⁶⁵ This includes: The Youth Programme, a Youth-to-Youth Network, the "Voice of Children" radio initiative. See: United Nations Commission on Human Rights, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, E/CN.4/2003/77, 2003, p. 3; See: Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *UN Special Envoy for Children and Armed Conflict Launches Voice of Children Project*, OSRSG/PR03/0926, 3 February, 2003, www.un.org/special-rep/children-armed-conflict/PressReleases

for young people to work together with adults. War-affected children played an active role during all the Conference and in all its crucial aspects: they participated at the discussions in the expert meetings with academic and NGO professionals, they engaged with world leaders at the ministerial meeting.¹⁶⁶ They also produced a youth statement at the close of the Conference that set forth their priorities.¹⁶⁷ Among these priorities, children's participation into humanitarian actions during conflict situations and children's participation in peace-building processes during post-conflict situations occupy a relevant place.

"As over half of the population of our countries, we are an important part of our communities, and want to play a role in making decisions and taking actions. We ask government officials, friends, parents, teachers, and other sympathetic adults to help us to learn about and become involved in all political processes – from our neighbourhoods to the United Nations."¹⁶⁸

The topic of children's participation was a recurring issue in several workshops that took place during the days of the Conference and is also very much present in diverse key documents that came out from that event.¹⁶⁹

Many others conferences and symposium have been organised on children's participation during time of emergencies.¹⁷⁰ The aim is always to investigate the benefits that the implementation of the children's right to participate in settings so far away from "normality" brings along. This is meant to deepen the knowledge of such a controversial topic and spread out the relevance it has for the children themselves, their communities and the society as a whole.

¹⁶⁶ UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, New York, UNICEF Publications, May 2002, pp. 101-102.

¹⁶⁷ The International Conference on War-Affected Children, *From Words to Action. Final Conference Report*, Winnipeg, Canada, September 10 to 17, 2000, www.waraaffectedchildren.gc.ca

¹⁶⁸ *Ibidem*.

¹⁶⁹ *Ibidem*.

¹⁷⁰ Among all, see: UNICEF, *Children and Armed Conflict: A Symposium on implementing UN Security Council Resolution 1379*, New York, November 8, 2002;

Human Security Network, *Bridging the Gap – Support Strategy for Children Affected by Armed Conflict*, 5th Ministerial Meeting of the Human Security Network, Graz, 8-10 May, 2003, <http://action.web.ca/home/cpcc/attach/BridgingtheGap.htm> ;

Save the Children, *Symposium on War-Affected Children*, Oslo, 8 December, 2001;

GTZ, UNICEF, German Foundation for World Population, *International Youth Conference IYC2001*, Nairobi, Kenya, 14-19 May 2001.

Worthy to be noted is also the on-going Workshop (20-24 June 2005) on *Participation of Children in Crisis*, organized in the Netherlands by Context, International Cooperation.

2.4. CONCLUDING REMARKS

The implementation of article 12, the children's right to participate, under the fire of war and in the uncertainty of post-war situations can lead children – and evidence from the field shows that it has already led them – to make significant constructive differences in their own protection and well-being and in that of their community and society as a whole. These participation values have been identified in this chapter as the “participation benefit of protection” during time of war and the “participation benefit of peace-building” during time of post-conflict. It has to be noted, however, that such division is not rigid: the benefit of protection is also present in post-war situations and the benefit of peace-building – understood as the benefit of children's participation in the reconstruction process of war-affected communities – can be present in settings that, to a certain extent, are still under the pressure of conflict. We will see this in the analysis of the participatory projects taking place in the Occupied Palestinian Territories.

Few concluding remarks are here added.

The positive impact that participatory projects have on children and on their lives have important repercussions at the community level as well, and vice-versa. To some degree they are mutually reinforcing, but it has been suggested that the changes in children at the personal level are the real bases for changes within the community and the society as whole.¹⁷¹

This could be one additional reason for starting participatory programme activities already within the context of war: children's resources and strength, in fact, could be more incisive in the efforts of post-conflict societies to reconstruct communities and rebuild stable peace. That is exactly what happened during the Kosovo crisis in 1999. Young Kosovars in Albanian refugee camps have been supported to take positive action and forming youth councils. They were able in this way to contribute significantly to improving the life inside the camps. The success of that venture, then, has led the majority of these young Kosovars to be involved and assume an active role in several participatory projects and organizations aimed at community reconstruction and development, once they returned back to their lands and communities in Kosovo.¹⁷²

¹⁷¹ See Hart Jason, Newman Jesse, Ackermann Lisanne and Feeny Thomas, (2004), p. 17.

¹⁷² Interview with Saudamini Siegrist, 9 May 2005.

Furthermore, children's participation in analysis and decision-making in the early phases of reconstruction, has been underlined to be, potentially, particularly important. The breakdown of traditional authority and management structures may lead to the opening of spaces for children's involvement that could then close over time as those structures solidify.¹⁷³

In a sentence, "children's participation must be a front-line intervention both in situations of war and in situations of post-war."¹⁷⁴

However, it has to be said that children's participation in time of emergency is not exempt from risks. In some social and political context, encouraging children to speak out may put them at increased risk of harm.¹⁷⁵ Participation and Protection could be at odds.¹⁷⁶

We will face this problem more specifically when analysing the concrete participatory projects.

In such political and social contexts, while it is true that protection and the best interests of the children have always to be the priority in all projects concerning them, it is also true that children might have crucial things to say and important issues to rise. The critical question is, once more, how adults provide them with the opportunities, support and protection necessary for a genuine and safe participation.

Children's participation in humanitarian action and in peace-building process can take many forms. The UNHCR's *Guidelines on Refugee Children* suggest several different participatory activities that are appropriate according to approximate age groups. These range from dance, music, drawing to discussions, councils, and community projects.¹⁷⁷

According to the Machel Report, one effective way for participatory programmes to succeed in giving children a sense of meaning and purpose and in strengthening the protection of their rights is through peer-to-peer programmes.¹⁷⁸

¹⁷³ Vachel W. Miller, Friedrich W. Affolter, *Helping Children Outgrow War*, Technical Paper n. 116, Human Resources and Democracy Division, Office of Sustainable Development, Bureau for Africa, U.S. Agency for International Development, June 2002, p. 59.

¹⁷⁴ *Supra* note 8, p. 90.

¹⁷⁵ See UNICEF, *The State of the World's Children 2003*, New York, UNICEF Publications, 2003, p.56.

¹⁷⁶ The probably best-known example of how participation and protection could be at odds is offered by the Columbia Children's Peace Movement. Some of these children that became leaders in that movement, were subjects to threats from rebel and paramilitary groups and had to leave the country. (Interview with Saudamini Siegrist, 9 May 2005).

¹⁷⁷ See UNHCR, (1994).

¹⁷⁸ *Supra* note 5, p. 42.

In particular, involving adolescents in developing and implementing programmes for younger children has been found to be beneficial to both the adolescents and the younger children involved.¹⁷⁹

Several researches, in fact, have shown that support from peers is crucial to children's resilience in situations of war and instability. "Indeed, friends and peer networks have been found to have highly developed collective survival strategies which may be more vital to young people's well-being during emergencies than parents and kin."¹⁸⁰

The first participatory project we are going to analyse now concerns exactly a peer-to-peer psychosocial programme in the Occupied Palestinian Territories.

We are ready to move to the second section of this thesis work in order to see how in practice children's participation can contribute to the fulfilment of a rights-based agenda and can support young people's efforts to create better and more peaceful communities in situation of emergency and instability.

¹⁷⁹ *Supra* note 5, p. 42.

¹⁸⁰ See Jesse Newman, (2004), p. 21.

CHAPTER 3

IMPLEMENTING THE CHILDREN'S RIGHT TO PARTICIPATE IN THE OCCUPIED PALESTINIAN TERRITORIES

STRIKE DAYS

*Strike! Strike!
In Gaza and the West Bank
Strike! Strike!
Today, and tomorrow strike
We have legitimate demands
We want a homeland and freedom
Freedom through revolution
The revolution needs burning coals of fire...*

*The rain is coming, coming
It carries a tale and a narrative
It tells of children
Who ignite the revolution with stones.*

*Stones here and stones there
The night goes and the day comes
The children are fearless in the face of the Israelis.
We children do not fear
The tents of the desert
Nor the shooting of live ammunition
Nor the breaking of bones
Nor the demolition of homes
The United Command adopted a resolution
To eliminate the collaborators, the traitors and all evil men.¹⁸¹*

The Israeli-Palestinian conflict is one of the most serious situations that occupy a place on the agenda of the Security Council.¹⁸² Such a long-lasting armed struggle has had, and still has every single day, a deep impact on the lives of children of both sides. Recently, this severe fact has been underlined by the words of the Secretary-General in his report on children and armed conflict, submitted pursuant to Security Council resolution 1539 (2004). The document

¹⁸¹ Nafez and Laila Nazzal, *The Politicization of Palestinian Children: an Analysis of Nursery Rhymes*, in "Palestine-Israel Journal of Politics, Economics and Culture", vol. III, n. 1, Winter 1996, p. 30.

¹⁸² The UN Security Council has adopted several resolutions on the conflict in the Middle East. The content of these resolutions vary. The focus has been on the safety of civilians and respect for international humanitarian law; resolutions have expressed sorrow for attacks against civilians and condemned terrorism; they have expressed concern for the terrible humanitarian situations of Palestinian civilians and have envisaged the possibility of a region where two States, Israel and Palestine, live side by side within secure and recognized border. However, none of these resolutions refer to the special protection needed for children.

expresses the profound concern for the high levels of violence, including killing, maiming and injury to which children in those lands have been exposed to.¹⁸³

In the Occupied Palestinian Territories (OPT), the humanitarian action run in response to the conflict's negative impacts on children, represents a quite proper and interesting example of the development, discussed in the previous chapter, taking place within the humanitarian thinking and the international community as regards children. Humanitarian agencies in the OPT, in fact, have always been focusing on the provision of basic services for the particular benefit of children in their first decade of life: primary health services such as vaccinations, early childhood care, and primary level education have been among the priorities. However, in more recent years, the focus has moved to also include in the emergency interventions children's mental struggle and psychosocial concerns: psychosocial programming targeting children of all ages have, therefore, been introduced. Yet, the majority of these activities regards projects that provide assistance to children as passive victims of the violence and the conflict that surround them and surround their lands. The majority of these activities regard projects that consider and threaten children as mere recipients of adult protection. Only the very last few years have witnessed a slow but quite firm shift in the humanitarian action approach: some of the international organizations, in particular UNICEF and Save the Children, are encouraging local partners to work directly with young people, building on young people's personal resources and strengths and providing them with opportunities for participation.¹⁸⁴ This important change has also been noticed by the very recent regional report on Middle East and North Africa Region, prepared as part of the UN study on violence against children. Such a report states: "in Palestine there is recent increased NGO and PNA awareness regarding the importance of involving children in the planning and monitoring of programs which concern them."¹⁸⁵

¹⁸³ United Nations General Assembly, *Report of the Secretary-General on Children and Armed Conflict*, A/59/695, 9 February, 2005, p. 8.

¹⁸⁴ Jason Hart, *Participation of Conflict-Affected Children in Humanitarian Action: learning from the Occupied Palestinian Territories*, Draft Document for the Canadian International Development Agency (CIDA), September 2002, p. 19.

¹⁸⁵ MENA Regional Consultation on Violence Against Children, *UN Study on Violence against Children. Regional Report Middle East and North Africa Region*, Draft, June 2005, p. 34.

A humanitarian worker of Save the Children –UK Palestine section, has commented the current situation saying that “the participatory approach is not a deep-established practice yet, but it is more frequently used nowadays.”¹⁸⁶

This is not to say that participatory programmes have been taking the place of relief efforts. Relief efforts have indeed increased following the start of the second Intifada in September 2000. Closures and curfew in the West Bank and Gaza Strip, have, in fact, raised the need of emergency rations, medicine and housing.¹⁸⁷ However, a response to the dire circumstance and the violence seriously escalated with the second Palestinian uprising, has also been the inclusion of psychosocial programming aimed at listening to the real concerns, problems and difficulties faced by children and taking these views into serious consideration.

Several researches and studies conducted in the lands of Palestine, in fact, have suggested that giving children a voice and a role may be an effective answer to the feelings of frustration, hopelessness, marginalisation, disenfranchising and cheating that Palestinian young people have been experiencing following the failure of the peace process, process that was not able, as it was instead wished, to bring any positive changes and to lead the occupation and its effects to an end.¹⁸⁸

The inclusion of participatory programme activities within the humanitarian action in the OPT is taking place under the light of the current discussion and awareness of the international human rights and humanitarian communities, as already analysed in the previous chapter, on the topic of children’s participation in emergency times. Furthermore, the human rights framework that is generally becoming more influential throughout the aid world¹⁸⁹, urges towards the adoption of a child rights-based approach that addresses children not as passive beneficiaries, but rather as right-holders and active participants in the protection of their own rights, as set forth by article 12 of the CRC.¹⁹⁰

¹⁸⁶ E-mail from Rose of Save the Children–Uk Palestine Section, 23 June 2005.

¹⁸⁷ *Supra* note 184, p. 7.

¹⁸⁸ See Jason Hart, (2002), p. 8.

See Bertrand Bainvel, *The Thin Red Line. Youth Participation in the Times of Human-made Crises*, Draft discussion paper, attached to his e-mail on the 20 May 2005.

See UNICEF and Birzeit University, *Risk Factors & Priorities: Perspective of Palestinian Young People*, Bisan Centre for Research and Development, 1999, p. 25.

¹⁸⁹ Jason Hart, (2002), p. 8.

¹⁹⁰ See the all discussion presented in the previous chapter *Children: Social Subjects in Time of Emergency*.

A last element has to be considered when trying to understand the reasons of the growing concern of IGOs, INGOs and local NGOs to implement children's participatory programme activities in the OPT: the demographic data. According to the Palestinian Central Bureau of Statistics, more than 53% of Palestinians are under the age of 18.¹⁹¹ As a scholar stressed: "this fact alone should encourage humanitarian agencies and donors to focus their efforts on ensuring the involvement of the young in decision-making processes."¹⁹²

To investigate whether the implementation of the children's right to participate in programme activities within the political, social, cultural context of Palestine is an effective way to equip and facilitate children to face and reduce the risks and stress of the conflict and to contribute to the building of a more just and peaceful society, we have first to assess how actually the conflict and the political instability affect children's lives and well-being.

Therefore, before moving to the analysis of the concrete case-study projects, we are going to see which are the children's real concerns and which are the children's rights that are seriously threatened. The next subchapter undertakes a journey in the Palestinian Occupied Territories to look at these real concerns and serious threats to children's rights. It does on the basis of several participatory research studies conducted together with Palestinian children. Children, in fact, are the best experts of their own problems, concerns and needs, as it has already been stated many times in the pages of this thesis work.

The decision to focus only on Palestinian children, is not meant to ignore the plight and sufferings of Israeli children. It is exclusively due to practical reasons: an easier access of information and a more abundance of research materials. I am aware of the negative impacts that the conflict has also on Israeli children and I am very much interested in their situation too.

¹⁹¹ Palestinian Central Bureau of Statistics, www.pcbs.org

¹⁹² *Supra* note 184, p. 23.

3.1. GROWING UP UNDER CONFLICT: THE IMPACT ON PALESTINIAN CHILDREN

Even though this has been defined “a time of hope for both Israel and Palestine”¹⁹³, main violations of human rights and humanitarian law still occur in the Occupied Palestinian Territories.¹⁹⁴ The ceasefire that followed the Sharm el-Sheikh agreement on the 8 February 2005, seems to have already resulted, using the words of the Special Rapporteur Mr. John Dugard, “in important improvements in the human rights situation in the Palestinian Territory.”¹⁹⁵ However, children are still suffering disproportionately: the principal institutions and instruments that violate their rights, such as the Wall, checkpoints and roadblocks, have not been addressed by the agreement between Palestinian Authority leader Abbas and Prime Minister of Israel Ariel Sharon, and, therefore, they are still very present and fully operating.¹⁹⁶

Many risk factors affect Palestinian children. Several participatory studies recently conducted in the OPT, have tried to point out the main concerns, needs and rights that young people of different age and gender perceive as being violated or at serious risk.¹⁹⁷

In line with children’s own perceptions, the following discussion has been divided in subchapters, each of them dedicated to children’s specific concerns and specific threats to rights.¹⁹⁸

3.1.1. *Children’s Right to Life, Security and Protection from Violence*

The children’s right to life is enunciated in article 6 of the CRC. Article 6, like article 12, has been designated by the Committee on the Rights of the Child

¹⁹³ United Nations Commission on Human Rights, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, John Dugard, *Question of the Violation of Human Rights in the Occupied Arab Territories, Including Palestine*, E/CN.4/2005/29/Add.1, 3 March 2005, p. 11.

¹⁹⁴ *Ibidem*, p. 2.

¹⁹⁵ *Ibidem*, p. 6.

¹⁹⁶ *Ibidem*, p. 6.

¹⁹⁷ See UNICEF and Birzeit University, (1999).

See Save the Children Sweden and Save the Children UK, *Growing Up Under Curfew. Safeguarding the basic rights of Palestinian children*, March 2003.

See Save the Children UK and Save the Children Sweden, *Education Under Occupation. Palestinian children talk about life and school*, March 2002.

¹⁹⁸ The division is, of course, “artificial” as “all human rights are universal, indivisible and interdependent and interrelated” (Vienna Declaration and Programme of Action, 1993). Therefore, threats to a particular right lead to threats to many other rights.

as a general principle, crucial to the implementation of the whole Convention.¹⁹⁹ In its second paragraph, this article “goes beyond the fundamental right to life to promote survival and development ‘to the maximum extent possible’.”²⁰⁰ The concept of “development”, according to Committee’s General Comment N.5, has to be interpreted in its broadest sense as a holistic concept, “embracing the child’s physical, mental, spiritual, moral, psychological and social development.”²⁰¹ This means that such a concept is not just related to the preparation of the child for adulthood, but it is about the provision of optimal conditions for childhood, for a child’s life full of dignity now.²⁰²

However, to this regard, it is worthy to remember that the right to life is defined as “the supreme right from which no derogation is permitted even in times of emergency.”²⁰³

The obligation set forth by article 6, therefore, is expanded upon in article 38, which provides for the protection of children affected by armed conflict. Such a protection has to be ensured “in the overall framework of the realization of all the rights of the child, inherent to his or her dignity and essential to the full and harmonious development of his or her personality.”²⁰⁴

Protection from violence and exploitation (in particular articles 19 and 32-39) is also vital to the maximum survival and development. Specifically, article 19 provides children with the protection from “all forms of physical or mental violence”. Thus, according to the *Implementation Handbook*, it goes much beyond children’s right to protection from what different societies arbitrarily define as “abuse”, it actually asserts the “children’s equal human right to respect for their dignity and physical and personal integrity.”²⁰⁵

“Mental violence” includes, among all, humiliation, harassment, verbal abuse, the effect of isolation and other practices that cause or may result in psychological

¹⁹⁹ *Supra* note 51, pp. 3-4; *Supra* note 52.

²⁰⁰ *Supra* note 41, p. 103.

²⁰¹ *Supra* note 51, p. 4.

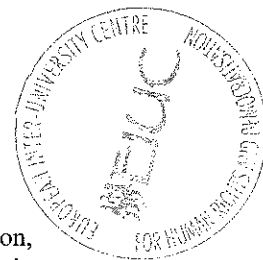
²⁰² *Supra* note 41, p. 103.

²⁰³ Human Rights Committee, General Comment 6, *The right to life (article 6)*, sixteenth session, 1982. The International Covenant on Civil and Political Rights (ICCPR) upholds the right to life in its article 6.

The ICCPR does not deal specifically with the category of “children”; however, children - as individuals - benefit from all the rights enunciated in Human Rights Treaties.

²⁰⁴ Committee on the Rights of the Child, *Children in Armed Conflict*, Day of General Discussion, CRC/C/10, 2nd Session, 5 October 1992, pp. 20-21.

²⁰⁵ *Supra* note 41, p. 257.



harm.²⁰⁶ In addition, evidence is provided that effects on children's mental health can derive not only from direct violence but also from witnessing forms of violence in the family, school, community and in armed conflict.²⁰⁷

Between the start of the second Intifada and April 2004, over 520 children under the age of 18 have died as a result of Israeli action.²⁰⁸ The total number of injured children in the same period reached 3018.²⁰⁹ The vast majority of these Palestinian young persons have been killed while engaged in everyday activities: sleeping, playing around the house, going to school or carrying out chores. Indeed, one third of the documented deaths (65 cases) in 2002 took place in or around the home.²¹⁰ According to children themselves, this symbolizes the fact that there is no place where they can feel safe and secure from danger and violence.²¹¹

"I am living in a state of maximum fear. I ask the girls and boys of the world: are you living in a fear like this? Of course not... what a bad situation it is. Death is better." (Palestinian girl)²¹²

Deaths and injuries also occur as a result of the use of excessive force by the Israeli security forces against demonstrators.²¹³ The last case reported concerns the killing of two cousins, school children aged 14 and 15 years old, that were shot dead by Israeli soldiers on the 4th of May 2005 during an anti-Wall protest in the village of Beit Liqya.²¹⁴

Not only Palestinian children have been killed and injured, they also feel they are exposed to violence on an almost daily basis. This, in turn, as we will soon discuss, has a deep impact on their psychosocial well-being and on the way

²⁰⁶ *Supra* note 41, p. 260.

²⁰⁷ *Supra* note 41, p. 260.

²⁰⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004, Chapter on the Occupied Palestinian Territories, www.child-soldiers.org/resources/global-reports

²⁰⁹ *Supra* note 185, p. 23.

²¹⁰ Catherine Hunter, Annelien Groten and Ayed Abu-Qtaish, *Children of the Second Intifada. An Analysis of Human Rights Violations Against Palestinian Children*, Defence for Children International – Palestine Section, June 2003, p. 19.

²¹¹ *Ibidem*, p. 25.

²¹² Save the Children Sweden and Save the Children UK, (2003), p. 9.

²¹³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002, p. 54, www.child-soldiers.org ; Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004, Chapter on Israel and on the Occupied Palestinian Territories, www.child-soldiers.org/resources/global-reports

²¹⁴ Right to Education Bulletin, 24 May 2005, <http://right2edu.birzeit.edu/news/article288>

they view their own life and future.²¹⁵ Forms of violence result from the so-called “collective punishments” which run from closure and movement restrictions (internal, external and 24-hour curfew) to the destruction of property and house demolition.²¹⁶ Checkpoints and roadblocks also cause “humiliation, frustration and agony to ordinary Palestinians – men, women, elderly persons and children – in their daily lives.”²¹⁷

“I envy the children who live away from our suffering. Since the beginning of the Intifada I have not been to other places or parks. We are isolated from the world.” (Girl in Nablus).²¹⁸

In addition to the violence they experience because they live under occupation, Palestinian children have raised the concern that they experience also several forms of violence coming from within the Palestinian society, a society

²¹⁵ Save the Children Sweden and Save the Children UK, (2003), p. 9.

²¹⁶ See Catherine Hunter, Annelien Groten and Ayed Abu-Qtaish, (2003), p. 24.

Accurate statistics on the issue of house demolition can be found in the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, Mr. John Dugard, of 27 February 2004, p. 7, paragraph n.6; and on the NGO Comments on the Initial Israeli State Report on Implementing the UN Convention on the Rights of the Child, prepared by Defence for Children International – Israel Section, April 2002, pp. 177-180.

We should go, however, beyond data and statistics and really try to understand that for a child, only parents are more important than home as a foundation for security and identity. To destroy a child's house is to attack something fundamental to the child's being.

²¹⁷ *Supra* note 193, p. 9.

All these forms of violence led the UN Special Envoy Catherine Bertini to state that: “there is a serious humanitarian crisis in the West Bank and Gaza. The crisis is not a ‘traditional’ humanitarian crisis, such as those caused by famines or droughts, but is inextricably linked to the ongoing conflict and particularly to the measures imposed by Israel.” (Ms Catherine Bertini, Personal Humanitarian Envoy of the Secretary-General, *Mission Report 11-19 August 2002*, 19 August 2002).

Other forms of violence that Palestinian children may experience and that seriously undermine their healthy development are constituted by the cruel, inhuman and degrading treatment during arrest, interrogation and incarceration process in Israel juvenile criminal prisons. For the purpose of the thesis, we will not discuss this issue. You can refer to: Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002, p. 54,

www.child-soldiers.org ; Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004, Chapter on Israel and on the Occupied Palestinian Territories, www.child-soldiers.org/resources/global-reports

Approximately 2800 children were arrested by the Israeli authorities between September 2000 and July 2004. At various moments, Palestinian children constituted 10% of all Palestinian detainees. (Crin Children and Armed Conflict, Issue 87, 28 June 2005, www.crin.org).

Torture and other forms of coercion are used, as well, to oblige young people to become “collaborator”, that is informants which have to cooperate with Israeli security forces in the OPT or Israel. The problem of “children collaborators” is a very delicate one. It is very difficult for Palestinian children to denounce attempts to make them collaborate since they are expected to report to their Israeli “superiors” or otherwise face serious consequences. On the other hand, Palestinian society has little mercy with collaborators.

For a comprehensive analysis of the issue, please, refer to: Defence for Children International – Palestine Section, *Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child*, Workshop organised in collaboration with Coalition to Stop the Use of Child Soldiers, Ramallah, the West Bank, 20 April 2005.

²¹⁸ *Supra* note 197, Save the Children Sweden and Save the Children UK, (2003), p. 10.

governed by traditional and authoritative hierarchies based upon age and gender.²¹⁹

These two forms of violence, to some extent, may be connected. The MENA regional report to the UN study on violence against children points out how "the structural violence exercised by the occupation authorities (the closures, the impoverishment, the humiliation, the displacement, the detentions etc.) can influence and lead to an escalation of violence within Palestinian society resulting in even more poverty and frustration and a 'need' to ventilate that frustration against whoever is available among the family members. Accordingly women²²⁰ and children become the immediate target."²²¹

This is not said to "blame" the Israelis for making circumstances in Palestinian families more violent. It is just meant to point out the link that could be present in some cases and that has been reported by some studies between the two forms of violence.²²²

In speaking about their parents, a group of Palestinian children involved in a participatory research study, stated:

"We wish parents would hear us, understand us and give us more choice within the possible limits."²²³

Violence is also a concern that Palestinian children have to face within the context of schools. Such an issue will be briefly discussed in the paragraph dedicated to the right of education.

Through the analysis of the case study projects in the next paragraph, we will try to see whether the concerns and difficulties raised by Palestinian children can result to be properly addressed and the protection accorded to them by the above-mentioned and discussed articles can result to be reinforced by the implementation of the children's right to participate in humanitarian programme activities.

²¹⁹ *Supra* note 185, p. 22.

See also: UNICEF and Birzeit University, (1999), pp. 32-33.

²²⁰ The Committee on the Rights of the Child, in different occasions, has acknowledged that violence against women in the family by itself heavily affects children. (UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*, prepared for UNICEF by Rachel Hodgkin and Peter Newell, 1998, p. 260).

²²¹ *Supra* note 185, p. 22.

²²² See the MENA Regional Consultation on Violence Against Children (2005); See Save the Children UK and Save the Children Sweden, (2002); Save the Children Sweden and Save the Children UK, (2003).

²²³ UNICEF and Birzeit University, (1999), p. 32.

We move now deeper into the psychological and emotional well-being of Palestinian children as this issue has been identified by the children themselves as a serious concern.²²⁴

3.1.2: *Children's Right to Mental Health, Psychological and Emotional Well-being*

Children's right to mental health is an important part of the children's right to health, enshrined in article 24 of the CRC.²²⁴ The right to health is quite a broad topic. It would require to face several issues such as the Palestinian health care system, the attacks on ambulances, hospital and medical personnel, how curfews and closure impede and delay emergency treatment, nutrition and preventive health care, access to clean water. In this subchapter, we will focus, for the only purpose of the thesis and being aware of the connection and links of all such issues, on children's mental health, psychological and emotional well-being. These aspects, in fact, as we already discussed in the first part of the thesis and as we are going to see in the practice of the participatory projects in the next chapter, are strictly linked to participation in the sense that participation can positively affect and influence them.

Article 24 of the Convention on the Rights of the Child develops the right to life, survival and development to the maximum extent possible that is set out in article 6.²²⁵ According to the UNICEF, *Implementation Handbook*, the Convention's health provisions developed from, among all, the formulation of definitions and principles by international organizations, in particular the World Health Organization (WHO) and UNICEF.²²⁶ The definition of health adopted by the WHO in its Constitution is quite broad and includes physical as well as psychological aspects. The definition is the following: "a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity."²²⁷ "This emphasizes again the holistic nature of the Convention and links to the broad definition of child development the Convention promotes."²²⁸

²²⁴ See UNICEF, (1998), on Article 24, pp.344-368.

²²⁵ *Supra* note 41, p. 344.

²²⁶ The Convention's health provisions developed also from provisions in the Universal Declaration of Human Rights and the two International Covenants – on Civil and Political Rights and on Economic, Social and Cultural Rights.

²²⁷ *Supra* note 41, p. 344.

²²⁸ *Supra* note 41, p. 344.

The above-mentioned participatory studies reveal that children are affected by feelings of marginalization, fear and frustration. This has been underlined, by the child participants themselves, to be a result of the political and social context – social context based on traditional hierarchy values – in which they are born, grow up and live.²²⁹

To understand such feelings, it is necessary to consider the high level of political awareness that characterizes Palestinian children even in the late years of early childhood. “Such awareness is generally due to their politically-loaded environment and the political values that are passed from one generation to the other. Children are raised in the spirit of struggle for identity and independence and acquisition of political awareness is an important component of the child’s development.”²³⁰ Schools, including nursery schools, often serve as an institutional system that reinforces such politicization.²³¹ Result of all this process is that children often feel they have and they want a role to play “in the national cause.”²³² While these feelings do not always translate in the active participation of Palestinian children in the struggles for independence,²³³ anyway, as a humanitarian worker notes, “they are very present in every children’s mind, fuelled by the flagrant injustice they perceive. And the risk lies for thoughts to be turned into acts that can be harmful to children’s lives, health and psychological development.”²³⁴

²²⁹ See UNICEF and Birzeit University, (1999).

See See Save the Children UK and Save the Children Sweden, (2002); Save the Children Sweden and Save the Children UK, (2003).

²³⁰ Bainvel Bertrand, *The Thin Red Line. Youth Participation in the Times of Human-made Crises*, Draft discussion paper, attached to his e-mail on the 20 May 2005, p. 3.

²³¹ See Nafez and Laila Nazzal, *The Politicization of Palestinian Children: an Analysis of Nursery Rhymes*, in “Palestine-Israel Journal of Politics, Economics and Culture”, vol. III, n. 1, Winter 1996, p. 26. See Annex 3 for examples of “political” rhymes and poems taught in nursery schools.

²³² Bainvel Bertrand, (2005), p. 2.

²³³ Bainvel Bertrand, (2005), p. 3.

For a complete overview of the issue of child recruitment and participation in conflict, please, refer to: Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004, Chapter on the Occupied Palestinian Territories, www.child-soldiers.org/resources/global-reports.

In particular, it is worthy to note the following: “There was no evidence of systematic recruitment of children by Palestinian armed groups, which all publicly opposed the use of children in combat. However, children receive military training and are used as messengers and couriers, and in some cases as fighters and suicide bombers in attacks on Israeli soldiers and civilians. All the main political groups involve children in this way, including *Fatah*, *Hamas*, *Islamic Jihad* and the *Popular Front for the Liberation of Palestine*. At least nine children carried out suicide attacks in Israel and the Occupied Territories between October 2000 and March 2004. Palestinian non-governmental groups documented the deaths of 30 children actively involved in organized military action from September 2000 to March 2004. Most of the deaths occurred as a result of accidents with explosives or during armed clashes with Israeli troops.”

²³⁴ Bainvel Bertrand, (2005), p. 3.

However, the failure of the Oslo peace process, the fact that Palestinians are exhausted by the second Intifada – resulted, above all, in an escalation of violence and in great suffering²³⁵ – and the still on-going conflict symbolize for Palestinian children the difficulty of hoping for a better future.²³⁶ The absence of hope and opportunity which many Palestinian children experience, leaves them aimlessness and sad and with a profound sense of uncertainty.²³⁷ Death, violence, poverty, isolation, house demolition and resulting difficulties are seen as factors that children can not counter. Participants in the Save the Children 2002 research stated they feel their lives are shaped by a series of external events that dictate what they will be able to achieve in life.²³⁸

“We can’t think of the future because of the events that are dominating our minds. We wonder if we will finish our education, if poverty will dominate us, if we will become martyrs, or if the occupation will kill our fathers. Our situation might get worse, and the current situation might make us stop thinking straight, surrounding our futures with ambiguity.”²³⁹

It has to be added and stressed that children’s feelings of hopelessness, insecurity and fear are dangerously exploited within the Palestinian society by fanatic, ideologists and influential groups.

Even though children find it quite hard to see a future based on rights and they feel marginalised and frustrated, all the participatory studies here discussed pointed out that children still have dreams and confidence in their potential. Children feel they have the energy to work or study for a better future and for a more peaceful society, the problem they see is that the opportunities that would allow them to do that in a proper and effective way are lacking. They feel they have no one who encourages them and nowhere to go.²⁴⁰

²³⁵ *Supra* note 193, p. 11.

The impact of the second intifada has been huge. It has resulted in precipitous declines in national income, destruction of infrastructure and widespread disruption of the economy. In 18 months since October 2000, the Palestinian economy lost over 50% of its GDP, unemployment had increased threefold and more than two-thirds of households were living below the poverty line. (Save the Children Sweden and Save the Children UK, 2003, p. 7).

²³⁶ See Save the Children Sweden and Save the Children UK, (2003), p. 14.

It could be that the very recent Sharm el-Sheikh agreement will be able to bring new hopes, but it is too early to say. It has also to be added that the agreement does not lead the occupation to an end. The present focus of attention, according to the agreement itself, is security.

²³⁷ *Ibidem*, p. 13.

²³⁸ See Save the Children UK and Save the Children Sweden, (2002), p. 34.

²³⁹ *Ibidem*, p. 34.

²⁴⁰ See UNICEF and Birzeit University, (1999), pp. 26-27.

See Save the Children Sweden and Save the Children UK, (2003).

The communication with the persons that live more close to them, that is parents at home and teachers at school, is, using the words of Palestinian child participants in a research study, a "one-way channel that limits their creativity and ability to express themselves."²⁴¹ Such a restriction that prevents children from being heard leave their concerns, difficulties and problems neglected. The feelings of marginalization that derive to children from the authoritarianism of Palestinian society have, therefore, to be added to those feelings of marginalization, just above-discussed, resulting from the political reality. The sum gives the worrying result of young people feeling not to be in control of their own lives. They clearly stated they are not able to make the decisions affecting their lives, whether in terms of education, economics, politics, health or social matters, because of traditions and forced willingness to please authority figures.²⁴²

The violence and uncertainty of the situation, the political and social marginalization, affect individual Palestinian children to a greater or lesser extent.

While the Ministry of Health reported a significant increase in new cases at mental health clinics since October 2000²⁴³, several researches, NGOs' reports and humanitarian workers reveal that Palestinian children still have a variety of resilient mechanisms.²⁴⁴ From such research findings, it seems that the general absence of expected effects of trauma in numerous Palestinian children can be explained by such factors as children habituating to the conflict, the psychological meaning attached to the conflict and the social support from family and community.²⁴⁵

In a time in which increasing violence, isolation and poverty are the dominant factors, building on these resilience capacities seems quite an important response. Palestinian children need new spaces within their community and

See Save the Children UK and Save the Children Sweden, (2002), pp.33, 38-39. This study also notes that children's attendance at children and youth clubs has decreased since September 2000 as a result of restrictions on movement and worsening of family economic conditions (p. 26).

²⁴¹ UNICEF and Birzeit University, (1999), p. 40.

²⁴² *Ibidem*, p. 41.

One of the major concerns raised by girl participants was the issue of early marriage. They revealed feelings of frustration at the lack of control over one of the life's most important decisions, as they often end to be married off without their opinions and feelings being heard and taken into consideration.

²⁴³ See Save the Children Sweden and Save the Children UK, (2003), p. 20.

²⁴⁴ See Barber Brian K., *Palestinian Children and Adolescents during and after the Intifada*, in "Palestine-Israel Journal of Politics, Economics and Culture", vol. IV, n. 1, 1997, pp. 26-27.

See Dawn Chatty, *Disseminating findings from research with Palestinian children and adolescent*, in "Forced Migration Review", Refugee Studies Centre, Oxford, n. 15, 2002, pp. 40-43, www.fmreview.org (Research lesson learned available at: www.rsc.ox.ac.uk/lessonlearned.htm)

²⁴⁵ *Ibidem*.

society at large to overcome their feelings of political and social marginalization and their fear of an uncertain future.²⁴⁶ Using their own words, they need “new channels of communication, new opportunities for improvement and a chance for the future.”²⁴⁷

Recommendations from the participatory studies and researches considered in this chapter, therefore, suggest the urgent need to help young people to assume an active role and to voice their concerns in order to reinforce their capacity of resilience and their self-confidence.²⁴⁸

Several different actors should be here involved: the PNA, IGOs, INGOs, local NGOs, professionals and all those working and living with children.

The Convention on the Rights of the Child, in its article 39, establishes the obligation of State Parties to take all the appropriate measures to promote the physical and psychological recovery and social reintegration of a child that becomes victim of abusive treatment. Among these abusive treatments there are those that derive from armed conflict. Besides the obligation of States Parties²⁴⁹, however, the Committee emphasized, during its General Discussion on “Children in armed conflict”, the role of the United Nations bodies and non-governmental organizations in promoting physical and psychological recovery programs and social reintegration activities.²⁵⁰ As we will see in the case study projects, United

²⁴⁶ Randa Farah, *Children and Adolescents in Palestinian Households: Living with the Effects of Prolonged Conflict and Forced Migration*, Background Paper, The International Conference on War-Affected Children, Winnipeg, Canada, 10-17 September, 2000, p.7.

²⁴⁷ UNICEF and Birzeit University, (1999), p. 27.

²⁴⁸ *Ibidem*, pp. 47-50.

See also: Save the Children UK and Save the Children Sweden, (2002), pp.37-41.

See also: Dawn Chatty, (2002), p. 43.

See also: Watchlist children and armed conflict, *The Impact of Conflict on Children in Occupied Palestinian Territory and Israel*, September 13, 2002, p. 16, www.watchlist.org.

It has to be said that the analysis and discussion of this subchapter are conducted in general terms, following the main trends that have been pointed out by studies on Palestinian children, society, conflict's negative effects, and by participatory researches with children. Therefore, one has to keep in mind that, in the OPT, there are also psychologically wounded children who do not respond to opportunities to re-create a role for themselves but they would need special attention.

There are children who did not experience an escalation of violence within the family but, on the contrary, reported to spend much more good time with parents. And there are also children who have a positive view of their own future.

²⁴⁹ It has to be specified that the CRC is a set of obligations for states, not for non-sovereign authorities like the PNA. However, the PLO endorsed the CRC in 1995 and developed a National Plan of Action for Children in 1999.

The majority of international legal authorities, included the Committee on the Rights of the Child itself, believes that it is Israel the State Party responsible for applying all the protections of International Humanitarian Law and International Human Rights Law for Palestinian children. However, Israel refuses to accept is bound by both legal regimes in the Palestinian territories under its occupation.

²⁵⁰ *Supra* note 204, para. 74.

Nations bodies and NGOs can play a big role in helping children to assume an active role and to voice their concerns.

The last brief discussion before moving to the concrete projects is now on the right to education, as education is considered by the child participants in the all above-mentioned research studies, to have a very high importance in their own future.

3.1.3. Children's Right to Education

Children's right to education is established by article 28 of the CRC.

The importance of education in emergency is a quite young area: its status as a humanitarian concern, like the status of the children's right to participate, has gained legitimacy only in recent years.²⁵¹ It has been argued that the right to education implemented under the fire of war and in the uncertainty of post-war settings, has the potential to strengthen the protection accorded to children: "the sense of self-worth that comes from being identified as a student and a learner; the growth and development of social networks; the provision of adult supervision and access to a structured, ordered schedule can provide vital continuity and support for children living through crisis."²⁵² Other arguments have been made to support the implementation of such a right during emergency times. For example, it has been proved that education can benefit children under conflict by addressing some of the particular conditions that arise from the conflict itself. It can, therefore, equip children with life-saving information and basic skills crucial to child's survival. Education can, furthermore, positively impact on children's psychosocial health by offering a regular routine, a sense of normality, opportunities for self-expression and the possibility to engage with peers.²⁵³

²⁵¹ The 2004 SC resolution on children and armed conflict, in its paragraph 9, "calls upon States and the United Nations to recognize the important role of education in conflict areas." (United Nations, *Security Council Resolution*, S/RES/1539, 2004).

²⁵² Susan Nicolai and Carl Triplehorn, *The role of education in protecting children in conflict*, in "Humanitarian Practice Network", 42, March 2003, p. 9, www.odihpn.org

²⁵³ To know more about the right to education in emergency time, please, refer to: INEE, *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*, INEE, 2004, www.ineesite.org;

Susan Nicolai and Carl Triplehorn, *The role of education in protecting children in conflict*, in "Humanitarian Practice Network", 42, March 2003, www.odihpn.org;

Forced Migration Review, *Education in Emergencies: learning for a peaceful future*, Refugee Studies Centre, Oxford, n. 22, January 2005, www.fmreview.org;

Annette Isaac, *Education and Peacebuilding – A Preliminary Operational Framework*, Canadian International Development Agency (CIDA), 2000.

For all the above-mentioned reasons, Graça Machel, in her landmark report to the UN, recommended that education should “be established as a priority component of all humanitarian assistance.”²⁵⁴

The children’s right to education is seriously affected by the conflict. Movement restrictions, shelling, bombardment of education facilities, appropriation of school properties – that several times have been turned into interrogation and detention centres or into military bases – and a generally spread sense of insecurity, have severely limited children’s and teachers’ access to schools.²⁵⁵ The Save the Children report *Education under Occupation*, documents the negative impacts that preventing children from attending school has on children’s lives: anxiety, boredom and isolation are the most common effects.²⁵⁶

Besides falling attendance rates, poor concentration and poor results are reported by education professionals to be the real symptoms of the on-going conflict.²⁵⁷

In addition to the threats posed to the children’s education right, child participants in several research studies revealed other two main concerns: the teacher/student relationship and the quality of their education.²⁵⁸

Children reported to feel verbally and physically abused and humiliated by teachers.²⁵⁹

Article 28 (2) of the CRC clearly provides that the right to school discipline should be “consistent with the child’s human dignity and in the conformity with the present Convention.” The Committee has condemned in several occasions all forms of corporal punishments, whether excessive or not.²⁶⁰ In its first General Comment on the aims of education, the Committee stated that: “education must be provided in a way that respects the inherent dignity of the

²⁵⁴ *Supra* note 5.

²⁵⁵ For data and statistics on the topic of children’s education under conflict, please, refer to: Watchlist children and armed conflict, *The Impact of Conflict on Children in Occupied Palestinian Territory and Israel*, September 13, 2002, pp. 8-9, www.watchlist.org;

Refer also to: Catherine Hunter, Annelien Groten and Ayed Abu-Qtaish, (2003), pp. 43-50.

²⁵⁶ See Save the Children UK and Save the Children Sweden, (2002).

²⁵⁷ *Supra* note 210, p. 46.

²⁵⁸ See UNICEF and Birzeit University, (1999), pp. 31-32.

See Save the Children UK and Save the Children Sweden, (2002), pp.37-41.

Save the Children Sweden and Save the Children UK, (2003), pp.23-26.

See Dawn Chatty, (2002), p. 42.

²⁵⁹ UNICEF and Birzeit University, (1999), p. 31.

²⁶⁰ *Supra* note 41, p. 424.

According to the *Implementation Handbook*, the phrase in article 28 “in conformity with the present Convention” means that the obligation in article 19 to protect every child from “all forms of physical or mental violence, injury or abuse” applies to the school context as well.

child and enables the child to express his or her views freely in accordance with article 12(1) and to participate in school. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school.”²⁶¹ In fact, among the aims of education enshrined in article 29, are respect for others and education “in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples.” (art. 29 (1)(d)).

However, not only teachers show violent behaviours towards children, but also intra-child violence is present within classrooms of schools in the OPT.²⁶²

The quality of education is often undermined by schools overcrowded and dilapidated, and by the problem of short teaching days. Furthermore, teachers are using approaches that reinforce the authoritarian traditions in the Palestine society, rather than adopting the responsive and participatory approach to learning envisaged by the CRC.²⁶³

Several children in the participatory projects expressed the need to be heard by teachers and the desire to have a school able to help them to understand and interpret the political events and circumstances surrounding their lands and to develop their capacity to deal with the challenges of life under occupation. Therefore, they asked for less emphasis on the academic and for more extra-curricular activities that would make school curriculum more practical and relevant to everyday life rather than purely theoretical and based on memorization.²⁶⁴

As one of the case study projects that will be discussed in the next chapter involves the children’s right to education, we will go deeper into the topic when analysing the programme activities.

Many other threats to rights and concerns raised by Palestinian children would require to be presented and discussed here. The right to an adequate standard of living, as set forth by article 27 of the CRC, for example, fundamental for the child’s physical, mental, spiritual, moral and social development, is a right that has been seriously affected by the conflict. The economic collapse following

²⁶¹ Committee on the Rights of the Child, *General Comment 1, The Aims of Education. Article 29 (1)*, CRC/GC/2001/1, 17 April 2001, p.3, para. 8.

²⁶² Save the Children UK and Save the Children Sweden, (2002), p. 17.

²⁶³ *Ibidem*, p. 17.

²⁶⁴ *Ibidem*, pp.31-33.

See also UNICEF and Birzeit University, (1999), pp. 31-32.

the second Intifada, the escalation in the indicators of poverty and the subsequent service cuts, have long-term implications in children's lives and prospects. Poor health, malnutrition, limited education, child labour are just few of the negative consequences.²⁶⁵ Children coming from poor families have also been reported to be driven by feelings of desperation towards violent acts, thus contributing to a rise in the number of child arrests and detentions.²⁶⁶

The children's right to play and to engage in recreational activities (article 31 of the CRC) is another important article that is seriously violated in the atmosphere of a daily tension. Children's right to play is sometimes referred to as the "forgotten right" as the adult world seems to believe that such a right is not a necessity of life, but rather it is a luxury.²⁶⁷ This statement is even truer in situations of emergency and in periods of high violence. However, play constitutes a very important part of the child's development and "children who are unable to play, for whatever reason, may lack important social and personal skills."²⁶⁸

Palestinian child participants in the 2002 Save the Children research, expressed the desire to play and to have more activities such as summer camps, but, at the same time, they also said their concerns are increasingly restricted to the most important things in life and "fashion and childhood pursuits are secondary to the politics and violence that dominates their lives."²⁶⁹

Other children's rights would deserve attentions. As it was stated at the very beginning of this thesis work, the machinery of war negatively impacts every single right has been granted to children. Negative impacts on one right, furthermore, lead to negative impacts on other rights.

However, for the only purpose of this thesis and the analysis of the case-study projects, the discussion has been focused on the protection rights, the mental health right and children's psychosocial well-being, and the right to education. It is important, anyway, to be aware that "all human rights are universal, indivisible and interdependent and interrelated"²⁷⁰.

²⁶⁵ *Supra* note 210, pp. 63-70.

²⁶⁶ *Ibidem*, p. 66.

²⁶⁷ *Supra* note 41, p. 465.

²⁶⁸ *Ibidem*, p. 465.

²⁶⁹ Save the Children UK and Save the Children Sweden, (2002), p. 26.

²⁷⁰ *Supra* note 47.

It is also important to be aware, as already above specified, of the fact that State Parties are the ultimate responsible to implement the right obligations set forth by the CRC.²⁷¹ The Palestinian case, however, is quite critical. The PNA, even though the PLO endorsed the CRC in 1995 and developed a National Plan of Action for Children in 1999, is a non-sovereign authority. Israel is believed by the majority of international legal authorities – included the Committee on the Rights of the Child – to be the State Party responsible for applying all the protections of International Humanitarian Law and International Human Rights Law for Palestinian children. But it refuses to accept to be bound by such legal regimes in the Palestinian territories under its occupation. This, of course, has a devastating impact on the respect, protection and fulfilment of children's rights.

To a certain extent, a positive role can be played by IGOs, INGOs and local NGOs. It has already been said that the Committee emphasized, during its General Discussion on "Children in armed conflict", the role of the United Nations bodies and non-governmental organizations in promoting physical and psychological recovery programs and social reintegration activities for children victim of abusive treatment.²⁷¹ We will see in the case study projects the important role they play.

Aware of these elements just discussed, we can move forward now to the analysis of the concrete participatory projects.

3.2. THE BENEFITS OF CHILDREN'S PARTICIPATION IN THE OCCUPIED PALESTINIAN TERRITORIES

The challenging aim of this thesis work is twofold. Throughout the pages of my dissertation, we are trying to investigate the benefits and challenges that could be brought along to war-affected children and to their communities by (1) the implementation of the children's right to participate in humanitarian action during time of war and (2) the implementation of the children's right to participate in peace-building operations during the time dedicated to the reconstruction of war-affected communities and society.

We have first discussed, in general terms, article 12 and its potential innovative and transformative impacts on children and on their communities and society as a whole. We have then put such an article under the fire of war and in

²⁷¹ *Supra* note 204, para. 74.

the uncertainty of post-war situations and we have analysed – through official documentations, IGOs' and INGO's reports, experts' and scholars' papers – the benefits that participation, whether effectively and genuinely implemented, might have on war-affected children and on the communities and the society where these children live and grow up. The benefits that have been identified relate to two distinct, but interconnected, areas: Protection and Peace-building.

It has been argued, first, that implementing the children's right to participate in humanitarian action during time of war has the potentiality to strengthen the protection of other children's rights, thus contributing to the fulfilment of a rights-based agenda even in the dire conditions of conflict. It has been argued, secondly, that implementing the children's right to participate in operations of peace-building during time of post-war has the potentiality to strengthen the efforts for community reconstruction.

The following subchapters are meant to analysis in practice concrete projects that directly implement the children's right to participate in the political, social, cultural context of the Occupied Palestinian Territories.

The first subchapter will be focused on the participation benefit of protection, while the second one will be centred on the participation benefit of peace-building.

The Occupied Palestinian Territories represent a particular case as the conflict in those lands has had moments of different intensity. Therefore, while it is possible to speak about Palestine as a war-affected land, some cautions will have to be taken when analysing the second benefit of participation: it is not really possible to talk about "post-conflict peace-building" in the OPT yet, but it is very much true that Palestinian people are trying to build a Palestinian society where their rights are finally respected.

3.2.1. The Role of Participation in Protecting Children's Rights: The Benefit of Protection

Protection is a very broad area. As we saw when we assessed the negative impacts of the Palestinian-Israeli conflict on Palestinian children, protection includes both the material conditions that allow children to develop and live in full dignity (such as, for example, food, shelter, water, health and educational services), as well as their mental health and psychosocial and emotional well-being. These two components of protection are, of course, profoundly interrelated:

it is clear to all that the provision of, for example, food, health and education – besides meeting the children's needs and rights to food, health and education – ends to positively affect and improve the protection of children's mental health and psychosocial well-being.

Through participation, children may be allowed to play a vital role in strengthening the protection of their own rights concerning both material and psychosocial needs.

In order to investigate this in practice, the analysis of the concrete case study projects has been divided in the following sectors²⁷²:

- Personal empowerment
- Relationships (family and teachers, peers)
- Facing abuses
- Access to fundamental services
- Psychosocial well-being
- Play and Recreation

The two participatory projects that will be used in the discussion concern a peer-to-peer counselling programme supported by UNICEF together with a local NGO, PYALARA (Palestinian Youth Association for Leadership and Rights Activation); and a participatory project within several Palestinian schools implemented by Save the Children-UK, Palestine section.

The first project, called "We Care", offers to adolescents aged 17-20²⁷³ the possibility to provide psychosocial support, mentoring and recreational activities for younger children in schools and community centres.²⁷⁴ The designed targets of the programme are both the adolescents which are allowed to implement their right to participate in such a practical humanitarian action, as well as the younger children. Younger children are, in fact, the beneficiaries of the adolescents' action

²⁷² The division has been drawn from the Save the Children-UK "Education and Protection" Project Report (April 2005) that the professional Rose from Save the Children-UK Palestine section sent to me by e-mail on the 23rd of June 2005; and from the document prepared for the Canadian International Development Agency (CIDA) (February 2004) by Jason Hart.

²⁷³ The PYALARA organization does not consider the CRC age limit of 18 to be an absolute one. According to the organization policy, there is no sense in creating a different regime for persons few years older that are willing to participate in its programme.

²⁷⁴ The pilot project was implemented in 58 schools throughout OPT. Schools included those administered by the Palestinian Authority, schools in refugee camps run by UNRWA and private schools.

but, as we are going to see, they also have the possibility to exercise their right to participation in a particular phase of the project.²⁷⁵

The programme involves adolescents throughout all its phases. Adolescents and youth took part from the very beginning in the thinking, designing and planning stage. Under the guidance of UNICEF and PYALARA, they came up with ideas and, finally, developed a plan of action. Adolescents are also fully participating in the implementation part of the project and in the last phase, the evaluation.²⁷⁶ Before being involved in the implementation of the programme, adolescents are provided with specific training to develop the skills necessary to work closely with children in the most violence-stricken areas.²⁷⁷

After starting the pilot project, the involved youth volunteers soon realized that there was an urgent need to “talk” and the school sessions were not enough. This led them, in 2002, to establish a toll free “hotline”.²⁷⁸ More on this will come in the following discussion.

The second project we will use for the analysis, is the Save the Children-UK “Education and Protection” participatory project that involves children aged 6-12 year-olds. The programme is run in six schools in the OPT, four in the West Bank and two in Gaza. Its aim is to give children the opportunity to play an active role in making their school a safer place, thus allowing them to contribute to the enhancement of their own protection. The project consists in three stages.²⁷⁹

In the first stage, children in each school identify the main problems and needs they feel should be addressed. This is done providing children with spaces for expression through drama, theatre, illustration, creative writing, acting, group work, role playing, sketches on situations that take place in school, discussion and imagination. After this preliminary research part, a committee composed by 15 children (elected by all the other children in school), a counsellor, the school director and a parent, is established.²⁸⁰

In the second stage, the children of the committee, under the guidance of the other committee members, have the responsibility to identify three main

²⁷⁵ UNICEF, *Adolescent Programming in Conflict and Post-Conflict Situations*, New York, UNICEF Publications, August 2004, pp. 45-53.

²⁷⁶ There is a growing literature now on how to include children in the monitoring and evaluation phase of participatory projects. See e.g. Save the Children, *Children and Participation: Research, monitoring and evaluation with children and young people*, Save the Children, 2001.

²⁷⁷ *Supra* note 275, pp. 45-53.

²⁷⁸ *Supra* note 275, p. 48.

²⁷⁹ E-mail from Rose of Save the Children-Uk Palestine Section, 23 June 2005.

²⁸⁰ *Ibidem*.

problems among all those pointed out by the children in school during the first stage. The plenary committee, then, discusses the best way to face and resolve the selected three needs and comes out with three related projects. After that, the 15 children present the three discussed projects to all children in school and all the children have to vote for one of these programmes.²⁸¹

The third and last phase of the programme consists in the implementation of the project selected by the children in school and in the evaluation of the final result for advocacy reason.²⁸² The 15 children of the committee are involved in this stage as well: they monitor the implementation of the project and their view is heard and taken into serious consideration in the concluding evaluation.

It would be interesting at this point to relate the two just-discussed participatory projects to Hart's ladder of participation.

Both projects represent models of genuine participation.

The Save the Children "Education and Protection" project seems to lay on the sixth rung of the ladder, *Adult-Initiated, Shared Decisions with Children*. In fact, the project was initiated by adults (Save the Children staff and school directors) but the decision-making is shared with children throughout the all process: child participants are involved in every step of the programme and in the implementation phase, their views are seriously considered and are also taken into account in the concluding evaluation.

The PYALARA project, I would say, lays between the sixth rung – *Adult-Initiated, Shared Decisions with Children* – and the seventh – *Child-Initiated and Directed*. The initial idea of the programme has, in fact, been conceived by adult staff from UNICEF and PYALARA, even though adolescents were involved since the thinking and designing stage. However, in the following phases, adolescents not only are included in the decision-making process, they actually assume a more leading role: they decide how the project is to be carried out. Adults are involved, but only in a supportive role. To give an example: after starting the pilot project, the adolescent volunteers realized the urgent need to "talk" that the younger children seemed to have and decided to establish a toll free "hotline" as an emergency response. They decided how to organize the service and they published the hotline phone number in newspapers, on TV and over the radio with the aim to reach a wide audience. The hotline is active from early morning until

²⁸¹ *Ibidem.*

²⁸² *Ibidem.*

evening and at least two, and as many as four, adolescent volunteers are on line taking calls from children. Adult intervene only whether particular difficulties arise or whether adolescents themselves ask for support and help.

Is the protection of children's rights enhanced by such participatory programme activities? And how? The following discussion points will try to provide appropriate answers.

3.2.1.1. Personal Empowerment

Evaluation studies of the two participatory projects reveal that the first and perhaps most fundamental protection-related benefit of children's participation is the enhancement of individual children's sense of their own efficacy and the confidence to take action.²⁸³ As a result, this becomes particularly valuable in war-affected lands, such as those of the Occupied Palestinian Territories, where children experience political and social marginalization, feelings of fear and frustration.²⁸⁴

The process of building confidence through participation is clearly pointed out in the first qualitative evaluation of the "We Care" programme, conducted in June 2001. In this document, the involved adolescents and youth reported to have developed a high sense of self-esteem and self-efficacy due to the relevant role they played in helping their peers and due to the positive results achieved by their own actions.²⁸⁵ A quite significant example is also documented. It concerns the story of Hamdan, an 18 year-olds Palestinian boy who has been disabled since birth. The protection accorded to disabled children is negatively affected by war, even more than the protection accorded to non-disabled children: their particular necessities and difficulties are often a low priority during emergency times. However, this example seems to show how participation can counter the "double" marginalization of disabled children even in time of conflict and enhance their own protection. The involvement of Hamdan in the PYALARA project led him to meet and offer his support to other children with disabilities living in conditions as bad as or worse than those of his own childhood. He reported that this helped

²⁸³ *Supra* note 275, pp. 45-53.

See also Save the Children-UK, "Education and Protection" Project, Report, April 15, 2005.

See also Jason Hart, (2004).

²⁸⁴ See the all discussion in the above paragraph 3.1.2. *Children's Right to Mental Health, Psychological and Emotional Well-being.*

²⁸⁵ *Supra* note 275, pp. 45-53.

him to feel “a full and useful part of society” and gave him the ability to “bring to light cases of appalling neglect and raise public awareness about the needs of differently able children.”²⁸⁶ Hamdan, in fact, has taken a leading role in community initiatives to support disabled children and has spoken on television about his voluntary work.²⁸⁷

Another youth summed up the benefits of his participation in the peer-to-peer counselling project using the following words: “It has strengthened my personality. I can now lead groups. It has given me motivation to move ahead in life, to go on in spite of the frustrations and to make a difference to society...Young people are unable to express themselves and this leads to explosion. I want now to spread the word that youth can do something.”²⁸⁸

This statement seems to validate the reported benefit that participation of young people in meaningful social actions can enable them to transform their frustration and help them to come to terms with painful experience.²⁸⁹

Children participating in the Save the Children project have also been documented to be empowered by their active involvement in the project itself. By exploring issues related to their own protection and by taking action aimed at improving their environment and circumstances, they have learned their own potential to tackle negative situations affecting the safety of their school.²⁹⁰ In Nablus, for example, children chose to create a room for interactive and educational games. The purpose of this room is to improve the communication and relationship between children and teachers – communication and relationship that were perceived by children as dominated by incomprehension and violence. Children and teachers, in fact, can interact and have stress release in this “alternative environment”, away from the school pressure and the formal educational lessons.²⁹¹ Children in Jenin, instead, chose to establish a library in their school. The aim is twofold: improve the quality of the education system and carry out interactive activities that can lead to stress release and reduction of violence among peers and between authoritative teachers and students.²⁹²

²⁸⁶ See Jason Hart, (2004), pp. 18-19.

²⁸⁷ Jason Hart, (2002), p. 25.

²⁸⁸ *Ibidem*, p. 25.

²⁸⁹ *Ibidem*, p. 24.

²⁹⁰ *Supra* note 279.

²⁹¹ Save the Children-UK, “*Education and Protection*” Project, Report, April 15, 2005.

²⁹² *Ibidem*.

The project, furthermore, tries to build on children's capacity to deal with difficulties, in order to help them to develop a stronger ability to take control over their own situation. This has the potentiality to equip children and facilitate them to face and reduce the risks and stress of the conflict, also outside the environment of schools. Some children, in fact, reported they were able to better voice their concerns to their parents and elders at home.²⁹³

From what above-stated, the personal empowerment that children develop through their involvement as competent social actors in humanitarian programme activities, includes the ability to undertake action to improve their circumstances, the ability to establish relations with those that may be helpful and the ability to access services. These skills are all very important, if not essential, to the enhancement of children's protection in the face of conflict and political violence.

We move on now to discuss more in deep the relevance of such skills.

3.2.1.2. Relationships

a) Family and Teachers

Evidence from the Save the Children participatory project reveals that the involvement of children can be instrumental in raising the awareness of parents and teachers of children's rights. Children, in fact, reported that their new strengthened confidence, skills and knowledge, help them to better communicate with parents, teachers and care givers and explain them their concerns and needs more effectively.²⁹⁴

This is also the result of the direct involvement of teachers and parents in the participatory project. As already discussed in the previous chapter, the quality of the relationship between children and adults is a critical issue if genuine participation has to be reached. Adults can provide positive support and vital role in guiding and leading children; but also their involvement, given the often adults' unawareness of children's concerns, needs, rights and abilities can result important for the lessons that adult themselves have to learn about their own children and their children's own protection.

Furthermore, in contexts, such as those of war, in which adults themselves often do not have the possibilities to exercise their rights of participation and to raise

²⁹³ *Ibidem.*

²⁹⁴ *Ibidem.*

their concerns, children's participatory programmes involving care givers can offer a special opportunity to break the cycle of adult's alienation from their own communities. This is what has been reported to happen by a parent involved in one of the Save the Children project school committees.²⁹⁵

In the traditional and authoritative society of Palestine, not including parents and other care givers in children's participatory projects, can lead to problems and risks. This issue will be discussed at the end of the chapter.

These participatory programmes allow children to be catalyst for change not only for the benefit of themselves and their parents, but also for their peers.

b) Peers

The PYALARA project shows how participatory programmes can promote supportive relationships among peers. Agency staff reported the "strong bonds of trust, support and solidarity" that usually develop between the involved adolescents and youth volunteers and the younger children.²⁹⁶ Adolescents and youth in the pilot project reported that younger children were often phoning them to seek additional help and advice, besides the school sessions. The raised issues concerned not only problems and difficulties resulting from the occupation – as the initial objective of the school sessions was to provide psychosocial support to counter the negative impacts of the political conflict – but also they included other unmet needs of children: difficulties concerning family relationship, problems at school and with teachers, peer pressure, school exams.

This urgent need to "talk" was the reason that led the young volunteers to create a tool free "hotline" that still provides help and support, including health and life-saving responses.²⁹⁷

All cases beyond the young volunteers' capacity are referred to more specialized service organizations. Thus, in turn, can help younger children to be informed about the various services available to them (for example, national health services).

The main project benefit reported by the younger children is represented by the fact that they feel much more comfortable and they are much more willing to speak in open dialogue, about their problems and concerns, with the youth

²⁹⁵ *Ibidem.*

²⁹⁶ See Jason Hart, (2004), p. 20.

²⁹⁷ *Supra* note 275, p. 48.

volunteers – only a few years older – than with authority adult figures. This leads to validate the conclusion that support from peers may be crucial to children's resilience and protection in situations of conflict.²⁹⁸

3.2.1.3. Facing Abuses

When children have the possibility and the positive support to voice their feelings and concerns, and adults are prepared to listen carefully to them and to seriously take children's view into consideration, the protection steps and measures to meet children's best interests and rights, can be significantly reinforced.

This has already come out several times in the discussions of the above-issues. However, few lines on the topic are due as it is a quite relevant point for the protection of war-affected children.

The Save the Children participatory project report points out that the confidence, skills and knowledge developed by the children from their experience in the programme activities, allow them to better voice and communicate their concerns and feelings to parents, teachers and care givers. This seems to lead to a better understanding and to a greater dialogue around the challenges and stress faced by the children because of the conflict. Children themselves have reported that such an improved understanding and greater dialogue lead to a reduced level of abuses at home and schools and to a stronger protection and support from parents and teachers.²⁹⁹

The PYALARA project evaluation reveals that children's involvement in the programme can contribute, to a certain extent, to raising their status within families and communities. This can be seen in the following example.

In 2002, the PYALARA project introduced a second participatory module linking the psychosocial support and the hotline to community development activities. In groups of ten, accompanied by one of the youth leaders, children can select an issue to work on collectively. In Al-Ram, a village near Jerusalem, children chose to replace all the broken windows in their schools as the cold weather prevented them to carefully follow the lessons. They also felt the windows would make them safer from intimidations of Israeli soldiers. Children

²⁹⁸ *Supra* note 275, p. 48.

See also: Jason Hart, (2004), p. 20.

²⁹⁹ *Supra* note 291

implementing the project learned "how to prioritize, mobilize the community and address decision makers". This fulfilled their sense of pride and accomplishment and led them to be more valued by the local community, which recognised their skills and knowledge and applauded their achievement.³⁰⁰

Drawing adult attention to children's contribution through a particular child-led initiative, could be an important step against the social marginalization and neglect that Palestinian war-affected children daily experience, and an important step towards the recognition of children as competent social actors by the adult world.

3.2.1.4. Access to Fundamental Services

Both the participatory projects under discussion reveal that children can play a significant role in increasing the quality of otherwise inadequate services.

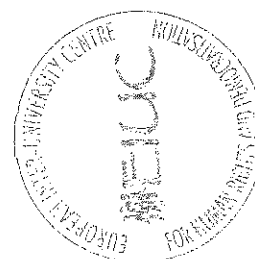
This, of course, is not to take away the obligation of the responsible authority to provide these services, thus meeting the children's needs and rights. However, as it was underlined when we analysed the negative impacts of the Israeli-Palestinian conflict, a relevant reduction of children's basic services has been registered under the occupation. Children can have a say and a role in countering such an adverse tendency.

Within the participatory project implemented by Save the Children in a school in Gaza, for example, children proposed and designed the creation of a small school health clinic. They believed the health service in their own community was not appropriate and they felt their needs and right to health were not met. Furthermore, they considered the routine of getting from home to school to be a journey of uncertainty, fear and physical challenge. With the health clinic at school, they said they would feel safer and more protected in case injuries happen. The project was approved and the health clinic was established.³⁰¹

In the above-mentioned school in Jenin, children decided they needed a library. One of the aims was to improve the quality of the educational service. Several children donated their books to the new-established library that soon

³⁰⁰ *Supra* note 275, p. 50.

³⁰¹ *Supra* note 291



became well-furnished. The evaluation report reveals that children now feel they have much more materials to support and strength their academic learning.³⁰²

3.2.1.5 Psychosocial Well-being

The personal empowerment, the ability to undertake action to improve one's circumstances, the ability to establish positive relations with those that can provide protection, care and support, and the ability to access services, all contribute to children's psychosocial and emotional well-being.

The PYALARA project seems to suggest other two points which would prove that children's participation can enhance the protection of children's mental health and well-being.

A research study on participatory projects in the OPT shows how children may derive significant benefit simply through peer interaction of the kind provided by the peer-to-peer counselling project here discussed. As children, like adults, are fundamentally social beings, for their mental and emotional health "it is vital to enjoy positive connections with others."³⁰³ A sense of consistency, continuity and reciprocity in relationships may be an essential element in war-affected lands, such as those of the OPT, where children experience the loss of loved persons, the destruction of their social networks, and the splintering of their communities.³⁰⁴

The experience of the OPT would seem to suggest that children's participatory programmes have the potential to strengthen the protection of children's psychosocial well-being also for a second reason. The opportunities provided by PYALARA and Save the Children to concretely implement the children's right to participate, are reported to offer a valid channel for the feelings of frustration, marginalization, disappointment and disenfranchised that are wrapping Palestinian children.³⁰⁵

As one humanitarian worker in the OPT stated: "In this suffocating context, adolescents need more than ever to have a cause. 'Give them a role, give

³⁰² *Ibidem.*

³⁰³ Jason Hart, (2004), p. 25.

³⁰⁴ *Ibidem.*

³⁰⁵ See the discussion in the paragraph 3.1.2. *Children's Right to Mental Health, Psychological and Emotional Well-being.*

them a voice' – this is what, put simply, could summarise the aims of programmes that must be implemented."³⁰⁶

Allowing children to participate in meaningful social action has the benefit to meet and protect children's desire for change, which could otherwise find expression in some violent-type activity. Using the words of a group of young people involved in the PYALARA project in Gaza: "By increasing our skills – through participation – we can become more capable of fighting the Occupation with our minds."³⁰⁷

3.2.1.6. Play and Recreation

Play and recreation are two other activities that have a very positive impact on children. As already underlined when we assessed the conflict negative effects, play and recreation constitute a very important part of the child's development through promoting self-confidence and the elaboration of relevant social and personal skills. Furthermore, in time of war they assume an added value: they are effective means through which the stress and fear of living under conflict may be released or mitigated. The children's right to play and to engage in recreational activities, as already said, is constantly threatened in the OPT.

Children's participatory programmes can have the potential to protect and enhance such a right.

This can be seen in two examples reported by the evaluation of the Save the Children project. In two schools, one in Qalqiliah and one in Gaza, children, overwhelmed by restrictions on movement and security concerns, decided they needed an outdoor space to play and relax. In both projects, they designed the open space equipped with a large shadowing umbrella in order to be protected, when they play, from rain and sun. The projects have been realised following the exact indications proposed by the children in the two schools.³⁰⁸

Considering all what has been said, it appears clear that the protection of the rights of the children involved in the two participatory projects has been strongly enhanced by children's own participation in such projects. Their right to participate, implemented in the humanitarian programme activities throughout the

³⁰⁶ Bainvel Bertrand, (2005), pp.5-6.

³⁰⁷ Jason Hart, (2002), p. 27.

³⁰⁸ *Supra* note 291

OPT during time of conflict and occupation, has resulted to be a vital means for the realization and protection of other essential children's rights.

3.2.2. The Role of Participation in Building Peace and Development: The Benefit of Peace-Building

The years of the 1990s that followed the Oslo peace-agreement, have been characterized by a strong enthusiasm for peace building activities throughout the OPT. Donors, agencies and NGOs focusing on children, have also devolved part of their funding and efforts for initiatives to include children in the processes of peace building. However, the political events that followed revealed the failure of the peace agreement, smoothed such enthusiasm and efforts and led agencies to mainly focus on protection measures for children which included emergency relief as well as programmes concerning children's psychosocial and emotional well-being.³⁰⁹

Yet, Palestinian people and Palestinian authorities are still trying to build a peaceful Palestinian society. Different studies on children in the OPT report that children are "more than eager to invest their time, energy and imagination in meaningful social action" aimed at contributing to such a building process.³¹⁰ "Give us a role to play; let us participate, because we have something to contribute!" stated the child participants in a research participatory study conducted in the OPT.³¹¹

There are indeed, throughout the OPT, participatory projects that involve children in the reconstruction and development of their own communities and in the building process of Palestinian society.³¹² However, the main tendency seems to be the lack of long-term vision and appreciation for the potential contribution of children and young people.³¹³

The potential benefits of involving children in peace-building process have been discussed in the previous chapter, under the paragraph 2.3.1.2. "The Benefit of Peace-Building." We are going to briefly talk now about the project "Children's Municipal Council" (CMCs), to investigate in practice to what extent such benefits are present in the context of the OPT.

³⁰⁹ Jason Hart, (2004), p. 17.

³¹⁰ See Jason Hart, (2002), p. 29.

³¹¹ UNICEF and Birzeit University, (1999), p. 3.

³¹² Jason Hart, (2004), p. 27.

³¹³ See Jason Hart, (2002), p. 26.

Unfortunately, it will not be possible to really assess in practical terms the value of children's participation in peace-building activities as very few evaluations of such programmes have been undertaken in the field so far.³¹⁴

CMCs, a project led by UNICEF, involve children as partners in making key decisions related to children's issues in their own communities. The elected children³¹⁵ participate in the assessment of children's needs in the local community, define and implement appropriate solutions and monitor and evaluate the results. Throughout all this process, children work in partnership with mayors, city officials, parents, teachers, school and local leaders, and neighbourhood committees. CMCs are now active in eight cities in the OPT.³¹⁶

The results achieved by children's action through the CMCs is documented to enhance the implementation of the CRC at the subnational level and to integrate children's perspectives in the building of Palestinian society.³¹⁷

This benefit can be seen in the following example.

In the Gaza CMC, children conducted a survey in 10 cities in order to assess the main needs felt and raised by the children living in those communities. Once the assessment had been concluded, children tried to prioritize the results ranging from recreational activities and the need to have a newsletter publishing children's stories and feelings, to the necessity to have clean street, better sanitation and a more child-friendly medical care. The advocacy activity for these priorities conducted by the CMC children among the municipality officials and community members, had the positive results to obtain the implementation of some of the children's main requests. Above all, the long-term achievement has been the trust of the municipality officials towards the children's CMC. Municipality officials, in fact, are reported to try now to regularly consult with the children of the CMC on issues related to children's lives.³¹⁸

This seems quite a valuable result in the building process of a strong society: productive collaboration between young and old should be the core of any society wishing to grow stronger in democracy and respect of human rights, and provide continuity between the values of the past, present and the future.

³¹⁴ E-mail from Jason Hart, 16 May 2005.

³¹⁵ Elections are run in community schools and child centres. So far, more than 100,000 Palestinian children have participated in CMC elections.

³¹⁶ UNICEF, *Children's Municipal Councils – An Opportunity for Participation*, document attached to the e-mail of Jumana Haj-Ahmad sent me on the 18 June, 2005.

³¹⁷ *Ibidem*.

³¹⁸ *Ibidem*.

Furthermore, a second big challenge in constructing a stable society after years of conflict is the creation of a future generation of leaders who have learned, through experience in their childhood, about the benefit from working in a co-operative, non-discriminatory and democratic manner. Programmes, such as the CMCs project, which provide genuine opportunities for participation, seem vital for the long-term process of building the Palestinian nation.³¹⁹ Moreover, avoiding the social and political exclusion of Palestinian children seems essential, not least because socially and politically excluded children as a rule become socially and politically excluded adults. When taking into account the demographic data, this statement assumes even more relevance.

Considering what have been said in this subchapter, it is possible to arrive at the conclusion that, allowing children to exercise their right to participate in the building process of Palestinian nation, helps strengthening the efforts towards the creation of a solid society where the value of human and children's rights find respect.

3.3 THE PARTICIPATION OF CHILDREN: THE RISKS

Implementing the children's right to participate in humanitarian action and in peace-building efforts during time of emergency can entail risk.³²⁰ In the discussed participatory projects implemented throughout the OPT, some difficulties have been pointed out. To conclude the chapter with a comprehensive picture of the children's right to participate in such a context so far away from "normality", we will briefly go through these risks.

One of the concerns underlined by agency staff and children participating in the PYALARA project and in the CMCs project is security. Staff and children reported they have to pass through several military checkpoints in order to meet together. Both programmes, in fact, involve adolescents and children from different towns and villages coming at a central location.³²¹ The right to

³¹⁹ See Jason Hart, (2002), p. 28.

³²⁰ "Children's participation is a very important means by which young people can enhance their own protection and that of their families and communities in situations of conflict. However, this is also a very difficult work to undertake in the context of conflict because raising children's profiles can also put them at some risk. This is all by way of saying that while I feel that participatory approaches are essential, they must be implemented with great caution and attention to the possible risks and obstacles." (e-mail from Jo Boyden, 26 May 2005).

³²¹ See Jason Hart, (2004), p. 30. This document also informs that some agencies in the OPT were nervous about simply providing a space for young people to meet in case some political element

participate in settings of conflict and insecurity, therefore, has always to "be balanced with the right to life."³²²

A second major documented challenge derives from the perception of participation as a threat to existing power relations between adults and children.³²³ While this is a concern present at all times, in situations characterized by violence and instability, such a factor could pose serious problems. This can be clearly seen in the Palestinian context.

Palestinian society is a society traditionally based on a strong age (and gender) hierarchy. "At the family level, decision-making is firmly in the hands of the father or, in his absence, the paternal uncle or eldest son. Within the community, authority is generally vested in older males who alone are considered to possess the necessary wisdom and experience."³²⁴ Children's participatory projects, therefore, can be perceived as a factor causing the loss of control over the young generation and can run the risk of upsetting a certain section of the society, thus, creating a negative backlash.³²⁵

Furthermore, it could result particularly difficult for parents to understand and respect children's rights to participate in a conflict-affected context where they themselves may feel to be not respected as subjects of rights.

In the PYALARA project, for example, several school administrators were reluctant to agree to peer-to-peer counselling sessions that did not include oversight by school supervisors.³²⁶

One way to cope with such a risk posed by children's participation is to involve the children's families in the process.³²⁷ This is what the Save the Children project provided to do: a representative of the school children's parents is given a place as a member in the local school committee together with the 15 elected children, the school director and a counsellor. As already reported, a

was introduced into activities, attracting a response from the Israeli military authorities and hostile media attention.

See also UNICEF, *Children's Municipal Councils* (2005).

³²² E-mail from Philip Veerman, 31 May 2005.

³²³ Jason Hart, (2004), p. 30.

³²⁴ Jason Hart, (2002), p. 15.

³²⁵ Jason Hart, (2004), p. 30.

³²⁶ *Supra* note 275, p. 48.

³²⁷ E-mail from Marco Grazia of MedChild, 30 May 2005.

In some cases, it might be advisable to integrate not only families, but also all the relevant actors in the community: e.g. religious figures, people of local or national importance,... For concrete examples, see: Salgado Juan, Aparicio San-José Itziar, Hemmingson Anna, *African Peace-Building Toolkit*, African Network of Young Peace-builders, United Nations of Youth Foundation, www.unoy.org.

school parent representative even said that the participatory project constitutes a way to break adult's alienation from the community.³²⁸

To conclude, it is possible to say that giving a voice and a role to children in particularly unstable situations, is quite challenging. Participation and protection can end to be at odds. As a UNICEF humanitarian worker stated: "Promoting children's participation puts our organizations on the thin red line winding between protection and participation."³²⁹

However, as this chapter tried to prove, implementing children's right to participate can bring specific benefits to children, their families and communities. It can actually enhance the protection of other children's rights and strengthen the efforts for community reconstruction. Thus, neglecting children's right to participate can represent a greater risk.

The real challenge is how adults provide children with the opportunities, support and protection necessary for a genuine and safe participation. Using the words of the humanitarian worker: "vision, courage, acute judgment and sensitivity" are among the requirements much needed to genuinely and safely implement the children's rights to participate in unstable contexts.³³⁰

³²⁸ *Supra* note 291

³²⁹ Bainvel Bertrand, (2005).

³³⁰ *Ibidem*.

CHAPTER 4

CONCLUDING OBSERVATIONS

Hear the children cryin'

Here the children cryin'
From Beslan to Bar-Lonyo to Gaza
And so we tell them:
No, children, no cry
Don't worry about a thing, oh no!
'Cause everything gonna be all right.

Hear the children cryin'
From Mazar-i-Sharif to Jumla to Darfur
Won't you help to sing
'Cause all they ever asked:
Redemption Songs. Redemption Songs.

Rising up this mornin',
I saw three little birds
Pitch by the doorstep of the Council
Singin' sweet songs
Of melodies pure and true,
Sayin', This is our message to you-ou-ou.

Hear the children cryin'
From Apartado, Malisevo and the Vanni
But I know they cry not in vain
Now the times are changin'
Love has come to bloom again.

Bob Marley³³¹

War and instability have an adverse impact on the participatory rights of the affected populations. Such a trend, however, is firmly contrasted by the international community's and international agencies' full recognition that the involvement, consultation and participation of the affected populations in humanitarian action and in peace-building operations during time of emergency, have potential benefits for the affected populations themselves and for their own communities.³³²

Acknowledgment of the same benefits as regard to the participation of the more specific vulnerable group of children is a much younger area. Participation

³³¹ Text of the song as reported in: Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, 'Era of Application'. *Statement before the Security Council*, Wednesday, 23 February 2005, p. 7.

³³² See INTRAC, *Research Priorities for ALNAP's Global Study on Consultation with and Participation by Beneficiary and Affected Populations in Planning, Managing, Monitoring and Evaluating Humanitarian Aid*, Oxford, INTRAC, 2001.

of children in humanitarian action and in peace-building process has gained legitimacy only in recent years.

Traditionally, emergency interventions have, in fact, generically treated children as a mass of passive victims of conflict and violence.

The findings of this thesis, however, show how it can lead to results quite detrimental to children's well-being disregarding their own insights, perspectives and contributions. The risk is, in fact, to undermine their resilience and the positive roles they can play in their own protection, in the family and in the community, and, thus, render them even more susceptible to dangers and violations of their rights.

The best interests of war-affected children, instead, require the perspective not just that children need special protection, but that they have valid insights into their well-being, valid solutions to their problems and a valid role in implementing those solutions. The best interests of the war-affected children require that children must be encouraged to provide such insights into their feelings and experiences. This is the only real way for adults, whose perspectives – especially in contexts so far away from “normality” – are often different from the ones that children have and whose unawareness of what really troubles young people has been pointed out in different emergency situations, to better understand children's concerns, problems and needs.

It is through a genuine child rights-based approach that children can finally move from being perceived and addressed as mere passive beneficiaries of adult protection to be considered right-holders, active and competent social subjects. It is the CRC and, in particular, its innovative article 12 that provide for such an approach and enshrine the new vision of children as social actors with valid insights, feelings, perspectives on their own that should be carefully listened to and seriously taken into consideration.

The researches of my thesis lead to the following twofold conclusion. First, in time of war, listening to what children have to say and given due weight to their voices, can strengthen the protection accorded to them and to their rights, thus contributing to the fulfilment of a rights-based agenda even in the dire conditions of conflict. Second, in time of reconstruction of war-affected communities and society, listening to what children have to say, given due weight to their voices and integrating their perspectives in the building process of peace

and in the building process of the communities, can enhance the efforts towards the creation of a more just, peaceful and democratic society, based on the value of human and children's rights.

Evidence of this has been discussed in my thesis within the political, social, cultural context of the Occupied Palestinian Territories. The analysed participatory projects try to reinforce children's competencies and strengths by providing them with opportunities to genuinely implement their right to participate in protection mechanisms of humanitarian action; and they try to use children's competencies and strengths for the benefit of the all community by providing children with opportunities to genuinely implement their right to participate in "society-reconstruction" operations.

Although the empirical evidence is derived from the experience of the OPT, many strong arguments have been assessed that seem to validate the hypothesis of the overall importance of children's participation during time of emergency in both the protection of their own rights and in the reconstruction of their own communities.³³³ Only in this way, in fact, it will be possible to foster the children's best interests.

These findings could be illustrated by the following table that summarizes some of the ways in which participation may enhance children's protection and

³³³ Examples from other war-affected lands are documented. In Kosovo, for instances, resources and strong youth-focused policy are very present. In the year following the end of the war, it was possible to track \$6 million in governmental, nongovernmental and intergovernmental support explicitly dedicated to adolescents and youth. Several participatory projects could be cited. The OSCE "Youth Assemblies", the UNDP "Kosovo Youth Network", the UNDP "Effective Youth Empowerment Strategy (EYES)", the UNDP "Volunteers for Peace 2003", The Save the Children "Children Councils"...

However, it has also to be said that in Kosovo, mainstream youth centres and youth advocacy programming did not sufficiently address the concerns of the most marginalized young people, including survivors of sexual violence, out-of-school girls, minority youth and the disabled. (Women's Commission for Refugee Women and Children, *Youth Speak out: New Voices on the Protection and Participation of Young People Affected by Armed Conflict*, New York, Women's Commission for Refugee Women and Children, January 2005, p. 26-29).

For children and youth participatory programs in Kosovo, please refer also to:

Women's Commission for Refugee Women and Children, *Making the Choice For A Better Life. Promoting the Protection and Capacity of Kosovo's Youth*, Report of the Women's Commission for Refugee Women and Children, Mission to Albania and Kosovo 1999-2000, January 2001.

UNICEF, *Youth in Kosovo. A Situation Analysis*, prepared for UNICEF by John Richardson (in cooperation with UNMIK Department of Youth), 2001.

See also the web pages: www.ks.undp.org; www.osce.org

For participatory projects in other war-affected countries and settings, please refer to: UNICEF, *Map of Programmes for Adolescent Participation During Conflict and Post-Conflict Situations*, UNICEF, September 2003.

may strengthen the efforts for the construction of a more just and peaceful society.³³⁴

Table 1: The potential protection benefit and the potential peace-building benefit of children's participation in emergencies

Reach out to all children, without discrimination	Article 2
Foster the children's best interests	Article 3
Support the full development of the child	Article 6
Support social networks and community interaction for children	Article 15
Lower the level of violence, abuses and neglect; Provide better care, support and protection by parents, teachers and other care givers	Article 18, 19, 20
Offer means to identify children with special needs, such as experience of trauma	Article 19, 2
Facilitate disabled children to active participate in the community; Can enhance the care and assistance needed by disabled children	Article 23
Can improve the access and the quality of health and educational services	Article 24, 28, 29
Contribute to furnish children with knowledge of human rights and skills of citizenship and for living in times of peace and freedom	Article 29, 42
Provide a venue for expression through play and cultural activities such as music, drama, and art	Article 13, 31
Encourage children to analyse information and express opinions	Article 13
Contribute to provide a safe, structured places for learn and play	Articles 28, 31
Offer children positive alternatives to the engagement in military-type activities	Article 38
Provides a sense of normality and a sense of the future beyond the immediacy of war and conflict	Article 38
Facilitate the promotion of physical and psychosocial recovery and social integration of war-affected children	Article 39

³³⁴ The table is drawn on the basis of the findings resulted from the analysis of the participatory projects in the OPT, conducted in the previous chapter. And it uses as a model the table "The potential protective elements of education in emergencies" reported in: Nicolai Susan and Triplehorn Carl, *The role of education in protecting children in conflict*, in "Humanitarian Practice Network", 42, March 2003, p. 10 www.odihpn.org.

Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict, stated that: "the most pressing challenge facing us collectively is how to translate the principles, standards and measures that have been put in place into facts on the ground, into a protective regime that can save the children in danger. For this, it is imperative to embark on an 'era of application'."³³⁵

The call for an "era of application" is also a call for a greater implementation in emergency times of the children's right to participate.

Documents, reports and papers have been written on the issue of children's participation in situations of war and post-war. Participatory programme activities are now in place in lands that are affected by conflict and in countries that are in the process of rebuilding their peace and reconstructing their society.³³⁶

However, the need remains to mainstream the principle and value of children's participation in contexts so adverse, unstable and far away from "normality", from rebuilding war-torn schools to the mandate of international peace operations

After all the studies and researches for this thesis, I can state that children's participation should become an integral part of the "protective regime" to which Mr. Otunnu referred with emphasis and hope in its statement.

All the actors that have, to some extent, the "power of application" in their hands (Member States, United Nations bodies, INGOs, NGOs, but also communities, families and all those who live and work with children) should open the way for children towards an effective and genuine implementation of their right to participate.

On the 23rd of February 2005, Mr. Olara Otunnu read before the Security Council the Bob Marley's song "Hear the Children cryin'." He stressed the verse:

"Hear the children cryin'

...

Won't you help to sing

'Cause all they ever asked:

Redemption Songs. Redemption Songs."

³³⁵ UN Security Council, *Open Debate on Children and Armed Conflict*, 14 January, 2003.

³³⁶ See e.g.: UNICEF, *Map of Programmes for Adolescent Participation During Conflict and Post-Conflict Situations*, UNICEF, September 2003.

and concluded his statement, by saying: "Mr. President, distinguished representatives, the children are awaiting – they are awaiting for the Redemption Songs."³³⁷

At the end of this thesis work, I can argue that children – with the right opportunities, support and acceptance – are ready, able and willing to write their own Redemption Song.

A Redemption Song that will have the title: "Children, Social Subjects in Time of Emergency: a Compelling Desire for Change."

³³⁷ Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, *'Era of Application'*. Statement before the Security Council, Wednesday, 23 February 2005, p. 7.

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ANNEXES

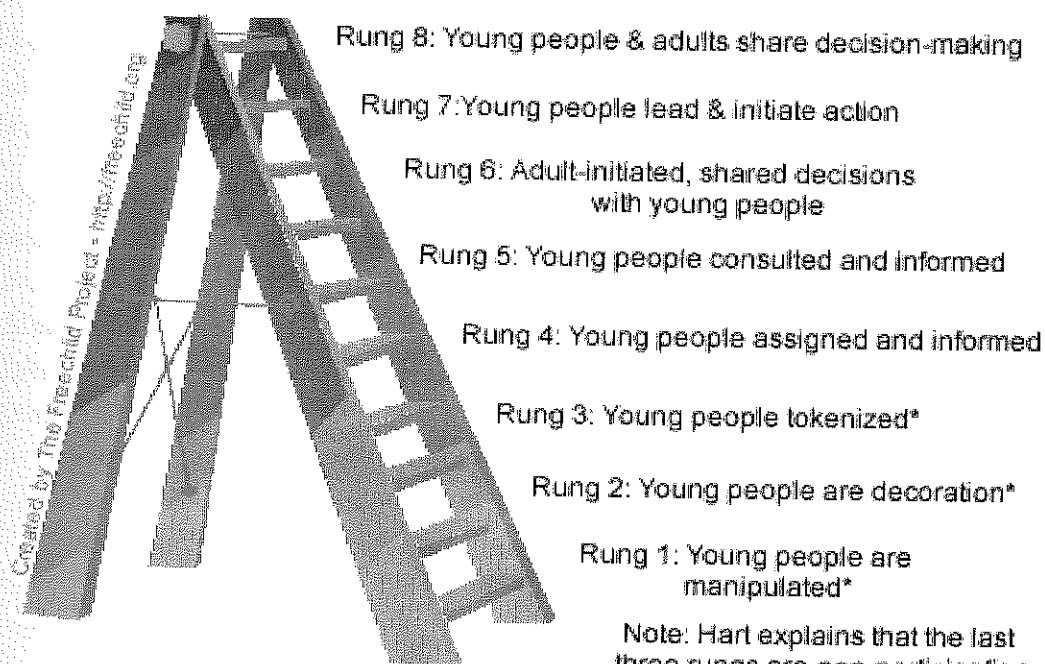
I: ROGER HART'S LADDER OF YOUNG PEOPLE'S PARTICIPATION³³⁸

INTRODUCTION:

Sociologist Roger Hart wrote a book called *Children's Participation: The Theory And Practice Of Involving Young Citizens In Community Development And Environmental Care* for UNICEF in 1997.

This groundbreaking work put the work of children and adult allies around the world in the context of a global movement for participation, offering needed guidance and criticism of many efforts. The "*Ladder of Children's Participation*," also called the "*Ladder of Youth Participation*," is one lasting tool from the book.

Roger Hart's Ladder of Young People's Participation



Adapted from Hart, R. (1992). *Children's Participation from Tokenism to Citizenship*. Florence: UNICEF Innocenti Research Centre.

DEGREES OF PARTICIPATION

8) Children-initiated, shared decisions with adults

This happens when projects or programs are initiated by children and decision-making is shared between children and adults. These projects empower children while at the same time enabling them to access and learn from the life experience and expertise of adults.

³³⁸ Source: www.freechild.org

7) Children -initiated and directed

This step is when children initiate and direct a project or program. Adults are involved only in a supportive role.

6) Adult-initiated, shared decisions with children

Occurs when projects or programs are initiated by adults but the decision-making is shared with the children.

5) Consulted and informed

Happens when children give advice on projects or programs designed and run by adults. The children are informed about how their input will be used and the outcomes of the decisions made by adults.

4) Assigned but informed

This is where children are assigned a specific role and informed about how and why they are being involved.

3) Tokenism

When children appear to be given a voice, but in fact have little or no choice about what they do or how they participate.

2) Decoration

Happens when children are used to help or "bolster" a cause in a relatively indirect way, although adults do not pretend that the cause is inspired by children

1) Manipulation

Happens where adults use children to support causes and pretend that the causes are inspired by children.

II: SAVE THE CHILDREN'S PRACTICE STANDARDS IN CHILD PARTICIPATION

STANDARD 1

AN ETHICAL APPROACH: TRANSPARENCY, HONESTY AND ACCOUNTABILITY

WHAT

Adult organisations and workers are committed to ethical participatory practice and to the primacy of children's best interests.

WHY

There are inevitable imbalances in power and status between adults and children. An ethical approach is needed in order for children's participation to be genuine and meaningful.

HOW TO MEET THIS STANDARD:

- Girls and boys are able to freely express their views and opinions and have them treated with respect.
- There is clarity of purpose about children's participation and honesty about its parameters. Children understand how much impact they can have on decision-making and who will make the final decision.
- The roles and responsibilities of all involved (children, adults and other stakeholders) are clearly outlined, understood and agreed upon.
- Clear goals and targets are agreed to with the children.
- Children are provided with and have access to relevant information regarding their involvement
- Children are involved from the earliest possible stage and are able to influence the design and content of participatory processes.
- Children have time to consider their involvement and processes are established to ensure that they are able to give their personal, informed consent to their participation.
- 'Outside' adults involved in any participatory processes are sensitised to working with children, clear about their role and willing to listen and learn.
- Organisations and workers are accountable to children for the commitments they make.
- Where the process of involvement requires representation from a wider group of children, the selection of representatives will be based on principles of democracy and non-discrimination
- The barriers and challenges that participating children may have faced in other spheres of their lives are considered and discussed with the children involved to reduce any potential negative impacts.

STANDARD 2

CHILDREN'S PARTICIPATION IS RELEVANT AND VOLUNTARY

WHAT

Children participate in processes and address issues that directly and indirectly affect them and have the choice as to whether to participate or not.

WHY

Children's participation should build on their personal knowledge – the information and insights that children have about their own lives, their communities and the issues that affect them. Recognising their other commitments, children participate on their own terms and for lengths of time chosen by them.

HOW TO MEET THIS STANDARD:

- The issues are of real relevance to the children being involved and draw upon their knowledge, skills and abilities.
- Children are involved in setting the criteria for selection and representation for participation.
- Children are given sufficient information and support to enable them to make an informed decision on their participation.
- Children's participation is voluntary and they can withdraw at any time they wish.
- Children are involved in ways, at levels and at a pace appropriate to their capacities and interests.
- Children's other time commitments are respected and accommodated (e.g. to home, work, school).
- Ways of working and methods of involvement incorporate and build on supportive local structures, knowledge and practice and take into consideration social, economic, cultural and traditional practices.
- Preparation with and support from key adults in children's lives (e.g. parents/guardians, teachers) is gained to ensure wider support for the participation of girls and boys.

STANDARD 3

A CHILD FRIENDLY, ENABLING ENVIRONMENT

WHAT

Children experience a safe, welcoming and encouraging environment for their participation.

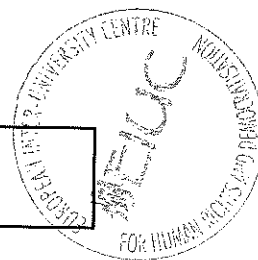
WHY

The quality of children's participation and their ability to benefit from it are strongly influenced by the efforts made to create a positive environment for their participation.

HOW TO IMPLEMENT THIS STANDARD:

- Ways of working build the self-esteem and self-confidence of boys and girls of different ages and abilities so that they feel they are able to contribute and that they have valid experience and views to contribute.
- Methods of involvement are developed in partnership with children so that they reflect their preferred mediums of expression.
- Sufficient time and resources are made available for quality participation and children are properly supported to prepare for their participation.
- Adults (including children's own parents/guardians) are sensitised to understand the value of children's participation and are enabled to play a positive role in supporting it (e.g. through awareness-raising, reflection and capacity-building)
- Child-friendly meeting places are used where girls and boys feel relaxed, comfortable and have access to the facilities they need. The meeting places must be accessible to children with disabilities.
- Organisational or official procedures are designed/modified to facilitate (rather than intimidate) children and welcome less experienced boys and girls.
- Support is provided where necessary to share information and/or build skills and capacity to enable children, individually and collectively, to participate effectively.
- Children are asked what information they need and accessible information is shared with children in good time, in child friendly formats and in languages that the children understand, including children with visual or hearing impairments.
- In situations where children meet with different native/first languages, access to written information and professional interpretation is provided that allows for children's full participation in discussions.
- Non-technical language is used in all discussions involving children and/or all jargon or technical terms are clearly explained.

STANDARD 4



EQUALITY OF OPPORTUNITY

WHAT

Child participation work challenges and does not reinforce existing patterns of discrimination and exclusion. It encourages those groups of children who typically suffer discrimination and who are often excluded from activities to be involved in participatory processes.

WHY

Children, like adults, are not a homogeneous group and participation provides for equality of opportunity for all, regardless of the child's or his or her parent's/guardian's age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

HOW TO IMPLEMENT THIS STANDARD:

- All children have an equal chance to participate and systems are developed to ensure that children are not discriminated against because of age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Children's involvement aims to include all rather than a few, this could mean reaching out to children in their local settings rather than inviting representatives to a central point.
- Participatory practice with children is flexible enough to respond to the needs, expectations and situation of different groups of children – and to regularly re-visit these concerns.
- The age range, gender and abilities of children are taken into account in the way participation is organised e.g. in the way information is presented.
- Those working with children are able to facilitate an environment that is non-discriminatory and inclusive.
- No assumptions are taken for granted about what different groups of children can and cannot do.
- Children are given an equal opportunity to voice their opinions and have their contributions reflected in any outcomes of a participatory process, including in processes that involve both children and adults.
- If there is a limit to how many children can participate, children themselves select from among their peers those who will represent them in participatory initiatives based on the principles of democracy and inclusion.
- Influential adults are engaged to gain family and community support for the participation of discriminated-against groups.

STANDARD 5

STAFF ARE EFFECTIVE AND CONFIDENT

WHAT

Adult staff and managers involved in supporting/facilitating children's participation are trained and supported to do their jobs to a high standard.

WHY

Adult workers can only encourage genuine children's participation effectively and confidently if they have the necessary understandings and skills.

HOW TO IMPLEMENT THIS STANDARD:

- All staff and managers are sensitised to children's participation and understand the commitment to children's participation.
- Staff are provided with appropriate training, tools and other development opportunities in participatory practice to enable them to work effectively and confidently with children of different ages and abilities.
- Staff are properly supported and supervised, and evaluate their participation practice.
- Specific technical skills or expertise (e.g. in communication, facilitation, conflict resolution or multi-cultural working) is built up through a combination of recruitment, selection, staff development and practice exchange.
- Relations between staff and between staff and management, model appropriate behaviour, treating each other with respect and honesty.
- Support is provided for managers and staff for whom children's participation represents a significant personal or cultural change, without this being regarded as a problem.
- Staff are able to express any views or anxieties about involving children in the expectation that these will be addressed in a constructive way.

STANDARD 6

PARTICIPATION PROMOTES THE SAFETY AND PROTECTION OF CHILDREN

WHAT

Child protection policies and procedures form an essential part of participatory work with children.

Please note: Save the Children staff should use these practice standards in conjunction with the organization's child protection policy.

WHY

Organisations have a duty of care to children with whom they work and everything must be done to minimise the risk to children of abuse and exploitation or other negative consequences of their participation.

HOW TO IMPLEMENT THIS STANDARD:

- The protection rights of children are paramount in the way children's participation is planned and organised.
- Children involved in participation work are aware of their right to be safe from abuse and know where to go for help if needed.
- Skilled, knowledgeable staff are delegated to address and coordinate child protection issues during participatory processes.
- Staff organizing a participatory process, have a child protection strategy that is specific to each process. The strategy must be well communicated and understood by all staff involved in the process.
- Safeguards are in place to minimise risks and prevent abuse (e.g. children are adequately supervised and protected at all times; risk assessments are in place for residential activities away from home; children are protected from abuse from other children).
- Staff recognise their legal and ethical obligations and responsibilities (e.g. in respect of their own behaviour or what to do if they are told about the inappropriate behaviour of others). A system for reporting critical incidents is in place and understood by all staff.
- Child protection procedures recognise the particular risks faced by some groups of children and the extra barriers they face to obtaining help.
- Careful assessment is made of the risks associated with children's participation in speaking out, campaigning or advocacy. Depending upon the risks identified, steps may be needed to protect children's identity or to provide follow-up measures to give protection (e.g. to ensure their safe reintegration into their communities).
- Consent is obtained for the use of all information provided by children and information identified as confidential needs to be safeguarded at all times.

- A formal complaints procedure is set up to allow children involved in participatory activities to make a complaint in confidence about any issue concerning their involvement. Information about the complaints procedure is accessible to children in relevant languages and formats.
- No photographs, videos or digital images of a child can be taken or published without that child's explicit consent for a specific use.
- Unless otherwise agreed, it must not be possible to trace information back to individual/groups of children.
- Responsibilities relating to liability, safety, travel and medical insurance are clearly delegated and effectively planned for.

STANDARD 7

ENSURING FOLLOW UP AND EVALUATION
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WHAT

Respect for children's involvement is indicated by a commitment to provide feedback and/or follow-up and to evaluate the quality and impact of children's participation.

WHY

It is important that children understand what has been the outcome from their participation and how their contribution has been used. It is also important that, where appropriate, they are given the opportunity to participate in follow-up processes or activities. As a key stakeholder, children are an integral part of monitoring and evaluation processes.

HOW TO IMPLEMENT THIS STANDARD:

- Children are supported to participate in follow up and evaluation processes.
- Follow up and evaluation is addressed during the planning stages, as an integral part of any participation initiative.
- Children are supported and encouraged to share their participatory experiences with; peer groups, local communities, organizations and with projects that they may be involved with.
- Children are given rapid and clear feedback on the impact of their involvement, the outcome of any decisions/next steps and the value of their involvement.
- Feedback reaches all children involved.
- Children are asked about their satisfaction with the participation process and for their views on ways in which it could be improved.
- The results of monitoring and evaluation are communicated back to the children involved in an accessible and child-friendly way, and their feedback is taken into account in future participation work.

- Mistakes identified through evaluation are acknowledged and commitments given about how lessons learned will be used to improve participatory processes in the future.
- Adults will evaluate how they have translated and implemented children's priorities and recommendations into their policies, strategies and programmes.
- Sustainability of support is discussed with children. Adults will provide clear feedback to children regarding the extent/limit of their commitment to support children's ongoing initiatives and organisations. If ongoing support is not possible, adults will provide children with resources and support to make contact with other agencies who can support them.

III: NURSERY RHYMES: POLITICIZATION OF PALESTINIAN CHILDREN IN THE WEST-BANK³³⁹

MY HOMELAND

*My country, my country
How pretty it is
My family and my home
Under its sky
My country, my country,
We are its protectors
The land of plenty,
We are its liberators.
The flowers of the valley,
Their fragrance disseminates throughout the land.*

MY NATION

*I sang my song
In my country, on my holiday,
I am but a child
But I have a mature mind...
With determination and precision,
I listed all the victories
I, in the love of my country
All my strength and struggle,
I see my country in my heart
A picture of greatness indeed.*

BE PREPARED

*Be prepared
And be lions
And die martyrs
For the sake of the nation
Palestine is my land
My soul, my obligations
I sacrifice my child
For the liberation of my nation
Be prepared, be prepared
My country, my country
I am sounding the trumpet of war
I am prepared.*

³³⁹ Nazzal Nafez and Laila, *The Politicization of Palestinian Children: an Analysis of Nursery Rhymes*, in "Palestine-Israel Journal of Politics, Economics and Culture", vol. III, n. 1, Winter 1996.