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Children's Impact on State Governance: Overarching Issues

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The popular understanding of the relationship between children and governments evokes the image of young passive recipients waiting to be protected and provided for by the state. Hence, the possibility of 'children impacting on state governance' is bound to raise eyebrows, to say the least. Even in the arena of social development, the perception of children as 'holders' of rights is a very recent phenomenon.

Internationally, the United Nations Convention on the Rights of the Child (UNCRC), 1989 is often referred to as the most 'complete' human rights treaty—in that it contains all the civil, political, economic, social and cultural human rights of children, and also covers some areas usually associated with international humanitarian law. The UNCRC reemphasises that children are holders of rights, and their rights cover all aspects of their lives. It applies to all human beings under the age of 18.

The UNCRC considers children as active subjects who have a right to be not only provided for and protected, but to be active participants in determining the nature and quality of the provisions and protection they are entitled to. Historically, adults and the state are perceived as providers and protectors of children hence the 'participation of children' is, for many adults, an un-chartered territory.

Unpacking 'Children's Participation'

The Oxford English Dictionary defines 'participation' as 'To take part or become involved in an activity, share in something', not attributing any value, either positive or negative, to the word. However, it is interesting to note that in the development parlance it invariably has a positive connotation. The fact that participation varies with its motive, context and perspective, and that the nature of participation comprises a wide variety of possibilities on a continuum ranging from detrimental to beneficial is often missed; the various realms of participation are also often telescoped into one general expression, concealing the true nature of the participation (Reddy 2009).

A child participant can be a protagonist, a representative, a resource provider, a recipient or even a commodity. Her/his degree of freedom in determining her/his 'participation' may vary. She or he may be well-informed, may have a free choice, may be held to liability, may be used, may be serviced, may be exploited or may even be oppressed as a participant. The mandate she/he holds may range from being a self-appointed advocate, to being hand-picked, to being chosen by a few, to being an elected representative. Similarly, there is a vast difference between cultural participation and political participation and the manner in which one participates—be it as a passive recipient or as one who plays an active role in decision-making (ibid.).

The understanding of participation and the way it is translated into action varies and seems to be defined by the sociocultural context of the child and the ideological frame surrounding this understanding. However, it is important to arrive at a culturally neutral definition of children's participation, where the principles are common, though the manifestations may vary according to the situation of children (ibid.).

When children's participation is seen within the frame of protagonism, where children advocate on their own behalf

in order to be a part of decision-making processes, it takes on another dimension. This form of participation, that is the participation of children and youth to determine their present and future, underpins the concept of rights. 'Rights' without the possibility of making choices, the ability to decide what one wants and how, defeats the very concept of rights and reduces it to mere provision. Protagonism or self-determination enhances the concept of civil society participation and strengthens democratic processes (ibid.). It becomes a running theme that weaves through every engagement with children, and for adults to understand and internalise it, it requires nothing short of a major paradigm shift.

For the children themselves, this form of participation is the opening up of a new and exciting experience. For the first time they see the world of adults, they begin to understand how this world works and what they need to do to intervene in it. This experience is often tinged with disappointment; at times they find that we, adults, haven't made such a good job of it, but there is also joy in the realisation that we do care and that we have learnt to respect them. What the children need from us is an honest, unbiased and in-depth presentation of the way things are and the tools and skills to enable them to build a better world (ibid.).

Hence, when the term 'children's participation' is used within the children's rights frame; it is critical to understand that what is being referred to, is the act/process by which 'children exercise their right to self-determination' in their own lives and in all matters that concern them.

Children's Participation as a Means to Self-Determination

The right to self-determination is the foundation of the rights discourse. Yet, it is the least recognised of children's rights—even the well-intentioned child rights activists are very often guilty of being ignorant of its full import. 'The

issue of self determination is at the heart of children's liberation. It is, in fact, the only issue, a definition of the entire concept' (Farson 1974). For adults, since it challenges the power equation between them and the children, it is perhaps the most difficult concept to internalise and practise. Yet, it is important to realise that for all those who are committed to children, respecting children's right to self-determination is not an option, but an obligation, failing which we stand guilty as violators of their rights.

There are numerous examples from around the world in which this right is given scant regard by the state and civil society, resulting in a large number of rights violations ranging from aggravated hardships for children to unfulfilled expectations and dejection. Within the Convention on the Rights of the Child (CRC), Article 12 clearly articulates the right of children to express their views in matters that concern them. However, this Article cannot be interpreted in isolation.

The CRC may be divided into three areas of focus. They are the three P's, namely the articles concerning the protection of children, those related to the provision of services to children and those concerning participation or the recognition of children as political beings with both civil and political rights. Most of us find it easy to translate the articles of the Convention related to protection and provision into programmes. When these are read separately they are easier to translate into action, as it is our (adults') perception of the nature and quality of these articles that we convert into interventions and not those of the children themselves (Reddy 2009).

Many of us seem to miss the vital link between provision and protection with the right to participation. When we read them together, this third element gives a whole new dimension to the first two; that children have a right to determine the nature and quality of all protection and provision that they have a right to. In fact this would make it mandatory that all interventions must be designed with

the active and informed participation of the children concerned and not by adults alone (ibid.). For instance, early this year, we learnt of a Sangkat, an urban local government unit in Cambodia, that is renowned because it has members from non-governmental organisations (NGOs) on its decision-making body. This unique positioning enables the NGOs to represent the concerns of women and children in the local government. They also provide financial assistance to the local government and this contribution is listed in the official budget line of the government and is reported on. The national and international agencies in Cambodia are appreciative of this model and are considering its replication. Examples such as these abound, showcased as 'good practices' and are often considered worthy of emulation in the children's rights arena.

Unfortunately, they are not recognised as illustrations of how adults repeatedly declare themselves as self-appointed advocates of children, position themselves as the 'spokespersons' of the young people they are engaged with and in essence, monopolise the spaces through which children should exercise their right to self-determination in order to improve the quality of their lives. For the right to self-determination to be exercised most effectively there is a need for protagonism that either leads to or is a result of 'empowerment' which ensures 'mutual' accountability between the rights holders and the duty bearers. Their participation should embody processes that empower them to negotiate with the duty bearers. This is true of any meaningful protagonism and applies to children as well. In this framework, the concept of 'children's impact on state governance' implies that children's right to self-determination applies to the decision-making processes of the state as the primary duty bearer, to ensure that their 'citizenship' is recognised.

At present children lack spaces through which they can voice their views and opinions without the fear of retaliation. At best, they end up being dependent on adult advocates,

such as parents or NGOs, to 'speak on their behalf'. As a result of this situation of dependency they are most often deprived of their right to hold their adult advocates accountable.

Another area for critical consideration is the fact that the perception of children's rights by adults and by children themselves is vastly different. It is important to distinguish between the positive benefits of children's protagonism on children, their families, communities and society. What children actually benefit from may be dramatically different from what adults feel children need. Hence it is useful to define and demonstrate 'benefits', the 'best interest of the child', in terms of the enhanced quality of children's lives, improved provision and protection for survival and development through participatory decision-making and the increased capacity and opportunities for children to actively negotiate their concerns. For instance, we have faced stiff opposition from teachers who feel that a few days set aside by children to take part in processes that aid their protagonism are a 'waste' of time as they do not 'see' the true 'benefits' that children gain from such empowering processes.

It is also possible that some of the issues children raise may be contrary to the interests of some/all adults in their communities. For instance, when children's issues have required specific budgetary allocations or when children have challenged practices such as unlicensed liquor shops and child marriage, in our programme areas they have faced stiff opposition and even animosity. The adults, who have been affected by such interventions, do not consider children's protagonism beneficial.

This variation in the conceptual understanding of children's rights is quite common and the only way to bring about the 'rights' focus is to invoke the principle of the 'best interests of the child'—a concept that should govern all policies and programmes that directly or indirectly concern

children. Though questions such as 'Who determines the best interest of children?' and 'What are the principles that govern such as an assessment?' are still being debated, it is apparent that when children participate in and influence decisions which affect their lives, the outcomes of such decisions are more likely to be in the best interest of the child (ibid.).

Often the advocates of children's protagonism emphasise its 'positive benefits' for society. But rights are not optional or based on the choices made by duty bearers to fulfil their obligations. Children have a 'right to self-determination' and this right is not conditional as to whether or not it benefits others in society. While experience indisputably demonstrates that children's participation is highly beneficial to the entire community, this should be seen as an added advantage and, not as the *raison d'être* of children's participation.

Examples from around the world confirm that the silence imposed on children, preventing them from voicing their concern has been detrimental to them. Most striking is the case of 'out of school' children covered by so-called 'protective' legislation relating to child labour and education who are 'rounded up' and remanded to state institutions violating several articles of the UNCRC and fundamental rights under the Indian Constitution. National laws and more specifically their corresponding Plans of Action have not been examined within a child rights framework. A case in point is the Indian National Policy on Child Labour. This state of affairs is further exacerbated by the absence of mechanisms for redressing grievances by children who are adversely affected by such laws.

Children's right to organise and participate in decisions that pertain to them does not mean that they have all the answers, nor does it mean that we, as adults, are absolved of our responsibilities towards them. Rather, it is to allow for opportunities for children to defend themselves and

shape their own futures, and to enjoy the right to intervene in their environment and change elements that do not uphold their rights. We must also be prepared to face the fact that children will say things we do not necessarily agree with. They will ask embarrassing questions for which we do not have ready answers. They will disagree on the stands they take based on the differing realities they face. But we must be willing to accept this. Only if we accept this challenge will we be any closer to finding solutions that work (Reddy 2000).

Children and Democracy

The state of democracy in most developing countries is highly precarious. These are times when political accountability is at an abysmal low, fundamentalism and parochialism are flourishing, civil society movements are largely fragmented and corporate governance and privatisation are gearing up to high-jack democracy to fulfil the personal aspirations of the elite. Those who are marginalised are further impoverished as the social security nets are full of gaping holes. Some communities are appallingly marginalised. Children from these communities are the most exploited and vulnerable. Within each oppressed group, women and even more so children, are politically marginalised even though they have the right to association and right to self-determination as stated in the Human Rights Conventions as well as the CRC.

The governments closest to children and the marginalised communities either do not exist (for example, the shining IT City Bengaluru did not have elections for its urban local government for over three years) or where they do, they are constantly under the pressure of the power centres located higher up that have a vested interest in rendering the local governments ineffectual.

In such a setting, when the notion of citizenship is questionable for adults, for children it is even more elusive.

They have very few, if any, 'real life' experiences of democracy either at home or in public spaces like work, school or state. As a signatory of the UNCRC, our state has a national obligation to ensure that all rights of our children are realised. In order to progressively attain that, it has to ensure that the principle of the best interest of the child and their right to self-determination—that is embodied in their right to self-expression, right to association and right to information—are upheld at all cost.

In most cultures, children and youth are kept away from 'politics' as it is considered 'bad' for them until they are 18 years old. At the dawn of this biological milestone, they are expected to attain sufficient civil and political maturity to participate directly in democracy as members of the Grama Sabha or indirectly as the electoral constituency. It is, therefore, no surprise that the young adults of India having had no prior practical experience of participatory democracy fall despairingly short of this expectation. Nurturing our young within a framework of constitutional obligations and a secular national identity is the most urgent need of our times.

Children's Right to be Heard by the State

When in reality social, political and economic structures are still very much hierarchical, children and youth are the most marginalised—even more so than women. Children lack mechanisms to hold various stakeholders accountable, including the state, the primary duty bearer.

The lack of formal platforms, structures, or spaces for children's voices and views to be heard by State Parties is the first major stumbling block for the realisation of Article 12 of the UNCRC. A notable exception is Mongolia, a relatively new democracy that in 2005 provided for groups of elected representatives of children to be linked to all levels of their government, right up to the Mongolian Parliament. It also set up an autonomous support structure with child

envoys, elected by children and linked to the National Children's Commission (a division of the National Human Rights Commission) (Dhruva 2005). It would be interesting to review how this structure is currently functioning.

Though progressive countries such as Norway have provided for young representatives in local councils, they are not elected by their peers nor are they true representatives of the constituency of young people they are supposed to represent. The absence of democratic norms to determine their representation on these platforms and the fact that they are not elected by their peers precludes them from being true representatives.

Children and adolescents are critical observers of their own conditions and should be participants in decisions concerning themselves and their lives. These young people need to participate in finding solutions to the problems they face. They need to relate to society in an organised way, yet feel the protection and security needed by children. They should be encouraged to reason independently and have the courage to dissent. A practical experience of participatory democracy (learning through doing) is essential for the moulding of the 'new citizen'.

Participation can build capacity for active citizenship, good governance and sustainable development of communities. When children, especially the most marginalised, have opportunities to express their views, access information, form associations, participate in decisions that affect them and take action to fulfil their rights, they are often able to protect themselves more, claim their rights and hold adults accountable (Reddy 2004).

However, children's participation should not be seen in isolation. It is related to participation as a human right for empowering and engaging children, families and communities. The mobilisation and participation of children and communities is important for claiming child rights and addressing social norms that perpetuate acceptance of

discrimination, violence, abuse, exploitation and the non-participation of children (Feinstein and O'Kane 2009).

The implementation of the CRC cannot be disconnected from the political climate available for adults to assert their rights, as the degree to which children are able to realise their rights is directly related to the degree to which their adults realise their rights. The realisation of Article 12 by children is impossible to achieve in countries where State Parties may have signed the CRC but have autocratic or authoritarian civil and political structures that do not recognise the role of civil society and even adult participation in state governance is non-existent.

Also, when the adults themselves lack spaces for their protagonism and have not experienced its strength, it is very difficult for them to comprehend the need for children's protagonism. In countries such as Cambodia where their recent political history is replete with the repression of civil society participation, or in the Democratic Republic of Congo where a war reigns, it is a challenge for the adults to visualise children's participation. However, it is our experience that even in such adverse conditions children have managed to generate spaces to articulate their views, and adults who lack such spaces for themselves are likely to invade and manipulate these spaces. We have also seen the converse, that is, adults being inspired by the initiative of children and spurned on to take charge of their own lives and begin to actively claim their rights. However, it is clear that the realisation of the CRC is closely linked to the existence of basic human and fundamental rights for adults.

Deeply rooted structures of inequality also need to be challenged at all levels for children's protagonism to become a reality in the family, community, society and the state. There is also a need to recognise and address conflicts of interest and inequalities within families where it is usually women and children who have less control over resources and decision-making, fewer choices, and greater exposure

to violence. It is these, not just attitudes that make participation erratic and unequal. Hence a deep understanding of the poverty that acts as a barrier for the realisation of human rights is crucial in order to develop strategies that are unique to each context to enable children as well as adults to increase their opportunities to be heard.

Adults involved in supporting or facilitating participation must also be aware that children have an innate sense of justice and have a strong tendency to strive for 'win-win' solutions. However, in order to actualise them, their capacities to manage information and relationships have to be enhanced in a systematic and sustained manner.

All State Parties that are signatories to the Convention on the Rights of the Child have to present their periodic reports to the Committee on the Rights of the Child. The Committee had observed that Periodic Country Reports presented before it indicated a very poor understanding and reporting of the right to participation among the governments from around the world. Hence it has come out with its General Comment on Article 12 in 2009 (CRC/C/GC/12, July 1, 2009). However, the reporting mechanisms of the CRC still do not stipulate parameters—such as number of consultations held by national, state and local governments with children, especially the marginalised children represented, or the number of concerns raised by children that have been addressed and the budget expended on these issues—that demonstrate the required 'political will' to make Article 12 a reality for children.

Assertion of Citizenship by Children

In democracies adults have several means to represent themselves such as adult franchise, direct participation in local government through platforms such as the councils (or the Grama Sabhas in some states in India), legal process, protests, petitions and other forms of political dissent as individuals or members of unions or movements.

Though children are citizens too, they are denied these avenues and lack formal spaces to represent themselves and their interests. They need to understand and prepare for governance and citizenship and, therefore, must be enabled to interact in a constructive, meaningful and sustainable way with the state and policy-making bodies. They need to be a part of the design, implementation and monitoring of policies and programmes intended for them.

Rakesh Rajani (2000), in his article 'Questioning How We Think about Children' writes,

> First, Policies and programs designed by adults for children often go wrong, however well-intentioned. They tend to miss out key information and fail to fathom the critical priorities, constraints, influences, pathways and connections in children's lives. By leaving children out, these policies also weaken the structure if their accountability and forgo the opportunity to contribute to children's sense of belonging and influencing the world.
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> Second, children are capable. They are increasingly competent in a wide set of issues, and can often share valuable information about their circumstances. Many children are able to reflect, analyze and weigh options and consequences. Many can organise; build powerful and thoughtful alliances with adults, and advocate for themselves.

However, for children's protagonism to be truly productive and not just tokenistic, the state must create structures such as forums and mechanisms (not child-led organisations) for children to, first of all, engage with their local governments that are closest and most accessible to them; organisations of children and youth should be enabled and given mandatory rights to participate in state governance; structures that enable this participation and link organisations of children and adolescents to local governments need to be created; these structures should have special provisions

that enable children from the most marginalised communities to exercise their right to self-determination. A good example of this concept in practice is currently functioning in the state of Karnataka, India since 1996 as the Makkala Panchayats or Children's Local Governments.

Structures for Children's Participation

While introduction of legislation and policies that place obligations on social actors to provide opportunities for children to participate may be of some use, it is most important that State Parties ensure that platforms and mechanisms are in place for children to express their views where it is made mandatory that these views are taken seriously.

Children's effective participation depends largely on platforms for their participation. While such platforms created by NGOs may temporarily mitigate the situation, it is mainstream decision-making structures that have to embody the platforms through which children can exercise their right to self-determination.

The creation of such mainstream structures should start from the bottom, and the local governments are the most appropriate point to start. On the one hand, they are the policy-making bodies that are most accessible to children on a regular basis. On the other hand, they, as elected representative bodies, have to be accountable to their constituencies, which most certainly include children. They also have the political and administrative jurisdiction that mandates them to develop plans, monitor them and to manage resources.

Hence, creating spaces where children can effortlessly and confidently represent themselves in decision-making processes, in a protective and nurturing environment, is one of the most important obligations we adults shoulder.

Child-led Organisations

Experience from around the world shows that when children and young people get organised, their capacities, strength and collective bargaining power increase exponentially. The more marginalised they are, the greater their need for autonomous child-governed organisations or associations. Such children's organisations have existed even without adult facilitation or support because getting organised—based on common issues of concern—is an intrinsic need for survival.

Hence, it is no surprise that the Working Children's Movements of the world laid the real foundation for children's participation as protagonists. History shows that the newspaper boys of New York, over 120 years ago, collectively raised their voice against the newspaper baron whose payment policy hit them hard where it hurt them most, on their stomachs. After a remarkable struggle that required tremendous persistence and strength, they were victorious.[1] In the more recent past, going back a little over four decades, the working children of Latin America, of Asia and of Africa were the very first children's organisations that demonstrated the capacity of children to advocate for their rights against great odds. Even in countries such as Canada and Germany, the very first children's organisations were of working children.

The organised protagonism of children and youth, especially the more disadvantaged children, gives children strength, access to more information, confidence, an identity and ownership. Individual children or youth representing such groups voice the views and aspirations of the collective.

Experience has shown that when children come together, and deliberate about what kind of structures they would like for their own organisation, there are very few reference points to begin with. All around them they see hierarchical structures (with very few rare exceptions) and hence they

need inputs regarding the different organisational structures they could consider, with discussions about the positives and negatives of each one of them. When children juxtapose what they believe in to their own organisational structure, they are able to find innovative and interesting structures, most often 'circular' with responsibilities shared on a rotational basis.

Their coming together also enables them to find collective ways to solve problems. It contributes to preserve and add a new vibrancy to a culture of egalitarianism, secularism and equity. While all these have a great value for all children, its significance is phenomenal for children who are the most marginalised. What needs to be ensured is that all children and youth have an equitable right to exercise their rights as protagonists in the development of this collective voice; if not, the hierarchies that exist in the adult world will find insidious ways to replicate themselves and to perpetuate among children as well.

Further, as most activist and developmental organisations are, by choice, engaged with the most marginalised groups of children, there are naturally more examples of children's participation emerging from these groups. Children in different parts of the world who have organised themselves unequivocally say that they have most often received immediate support from their peers and fellow members. They derive strength and moral courage from their organisations.

In the recent past, there have been suggestions related to the role of 'State Parties to consider the introduction of legislation or regulations which enable and support children to form their own associations'. It is important that while the state can create conditions favourable for children to get organised, if it begins to organise children themselves, there is a high tendency for it to control and also influence the agenda of these child-led organisations or associations. It is strongly recommended that the state should be

prohibited from playing a direct facilitative or regulative role in the formation and running of children's organisations or associations that may undermine their autonomy. Many countries have state-sponsored youth movements that are also controlled by them. The same could happen with children's associations. In India, for example, government orders have been issued to schools for the formation of 'children's clubs'. In the few schools where these have been formed, the clubs are under tight scrutiny by the school faculty. While non-controversial activities by children are allowed, there seems to be a tacit understanding about 'areas that are cordoned off' for children's engagement and trespassing into these areas has several direct and indirect repercussions on the children concerned. These state-set-up organisations invariably become 'state controlled' and 'co-opted', especially in settings that promote authoritarian governance, and hence defeat their very purpose.

The protagonism of democratically formed child and youth organisations will bring about a de facto accountability on the part of the administration and a transparency in their functioning. For children and their organisations to be able to participate effectively they need structures or platforms that encourage their constructive involvement and that take their inputs seriously to be acted upon. When children's participation in state governance is enabled, they are able to exercise their right to self-determination in order to express their views and needs, hold the state accountable to its commitments and learn about democracy through their own experience of it.

Processes that Empower Children

While discussing approaches to protagonism, a clear distinction has to be made between 'events and processes'. Unfortunately, the practice of children's 'participation' is predominantly seen in the form of organising 'events' in

which children take part, and not as processes that need sustained support and commitment.

There are many examples from around the world in which adults initiate programmes or projects with children that are time-bound or task-bound or both—without factoring in strategies to sustain the process. It is possible to design such programmes in a way that they may even empower young people—by enriching their attitudes and enhancing their knowledge and skills. Children do internalise learning from good processes, however brief, and can draw insights from them as and when they require.

However, to reach their full potential, they need such inputs in a timely and sustained manner. Working children in Ghana, for example, were able to carry out a highly nuanced research about children and transportation following a facilitative process by our organisation, but the adults based in the country, despite their attempts, did not have the means to take the group forward.[2]

It must also be noted that in 'child-led' processes, the adults may not always have a role. As child-led organisations become increasingly self-reliant, they are able to form 'partnerships' with adults, in which both children and adults jointly determine the nature, scope and the ground rules of that relationship. Child-led organisations that have attained a high degree of maturity and organisational development have an 'interdependent' relationship with their adult support organisations that are highly beneficial to both.[3]

Children's Impact on Policy

A few rarefied spaces that have emerged for 'children's participation' in policy matters in the last few decades have been mostly in the international arena—because children's rights have begun to gain currency, and rightly so, to a certain extent in international policy related consultations. One of the most famous examples of this has been the UN

General Assembly Special (UNGASS) of 2002. Here is the official view of the children's participation at the exalted UN level:

> The Special Session was a landmark, the first such Session devoted exclusively to children and the first to include them as official delegates. . . . For several reasons, the participation of children and adolescents at the Special Session represents a real breakthrough at the United Nations. . . . They presented their views in the statement 'A World Fit for Us', at the opening of the General Assembly debate, formally addressing the Assembly on behalf of children for the first time in the United Nations history. They participated in great numbers at the Special Session as delegates from either non-governmental organizations (NGOs) or governments. Finally, they were also actively involved in a number of official meetings and key supporting events. (United Nations General Assembly 2009)

Those of us who followed the process closely and also had a ring-side view did not experience it quite the same way. To begin with, children and young people had not been informed that by the time they had a chance to interact, in the 'unofficial' spaces with the governmental delegates, or 'view the official proceedings from the gallery', most of the important decisions related to 'A World Fit for Children' were not only taken, but also available in print.

It was a sorry sight to see children from around the world, some of whom had met their 'accompanying' adults for the first time at the airport prior to departure, carrying thick volumes of UN documentation, trying to make sense of the UN labyrinth. It was not clear through what processes many of the children who reached New York were selected and whose mandate they carried as representatives of the children of the world.

There, the only children who were able to negotiate some opportunities were the children who represented the

Working Children's Movements. They had a long history of being organised and fighting their way into the international child labour debates. So in partnership with their collaborating adults they had carried out extensive planning to organise parallel events during the UNGASS. Through these, some of their views were heard by a few policy makers, but they too were not timely enough to have a real impact on either the main document or the heated 'political' debates over semantics that were taking place in the inner chambers among diplomats.

For most children, such 'top heavy' consultative processes that have very little or no scope for real influence make a mockery of their right to self-determination. The building blocks of meaningful children's participation should be laid much lower down, closer to their own communities where they have sustained access to local level 'decision makers' and where they are recognised as 'individuals' and not just another representative sample. When their base is set firmly in the spaces closest to them, only then will children be able to engage with decision makers at higher levels from a position of strength because then they will have an unquestionable mandate, unified purpose and a high degree of accountability to the children they represent.

Children's Right to Information

Informed and organised participation is the key to effective protagonism of children, especially those who are most marginalised. Children need to have the collective strength as well as knowledge, skills and tools for accessing, analysing and using information to make logical and constructive interventions on their own behalf and also to advocate for effective solutions with policy makers.

Children's movements face great difficulties regarding access to local, national and international policy-making spaces. The members of the International Movement of Working Children have clearly expressed their views on

the matter in two of our films—*Time to Listen* (International Working Group on Child Labour 1997) and *Taking Destiny in Their Hands* (Concerned for Working Children [CWC] 2004).

Children's movements do not have information related to current policy discussions that have a direct bearing on their lives. Many of these policy discussions exclude children as they do most adults. Sometimes, as seen during the ILO consultations related to Article 182, in 1997, children are deliberately kept out of the discussions because they may express views that contradict the dominant adult thinking on the issues concerned.

In the few policy discussions that do include children, issues related to 'representation' are hardly given due importance. Some NGOs become self-appointed advocates of children and often 'choose' which children should participate. The participation of individual 'hand-picked' children or youth is loaded with discrimination and such 'representatives' represent no one but themselves. Such 'selection' processes exclude the less vocal and visible; and it gives more room for manipulation. While their individual views carry a certain weight, their views cannot be considered as the collective view of the constituency they belong to. In policy-related issues, it's the collective view that is of critical importance and most often the individual views are treated as that of the collective and that can be totally misleading. Hence, facilitating children to form their own organisations or representative groups has to figure high on our list. At times, even when such organisations exist, they are rarely provided the information, opportunities, facilities or time to carry out processes of criteria setting, of preparation for the discussion and of selection of representatives.

Children also lack access to documents related to the policy in question. The few documents they do have access to, are not child-friendly in language and presentation.

Despite all these odds, children have shown tremendous courage, drive and determination in the few policy-related discussions they have been involved in, such as the UN Global Study on Violence, where for the very first time an advisory group of under-18-year-olds provided their inputs.[4] The contributions of children, where they were provided enabling environments, to the debates have been highly valuable and insightful. State Parties should consciously plan for consultations with children and should debrief children on the outcome of such discussions—as only then will their participation be meaningful.

Children's right to information should not limit itself to children 'receiving' appropriate information, in forms that are most relevant to them. As citizens, they have a right to adequate coverage of their issues and most importantly, they have a right to produce and disseminate their own media products. The average mass media scenario in relation to children is that there is widespread violation of children's rights through insensitive reportage and misrepresentation and a blatant denial of space for their opinions on issues. Children have pointed out that their programmes are not a priority for the media; their voices and perspectives are rarely heard or respected; they are regularly stereotyped by the media; information relevant to them is very sparsely available and information relevant to them is not presented in ways that can be understood by children. Children's issues are not newsworthy unless they have scope for sensationalism. Their contexts are often negated and they are rarely portrayed as protagonists.

After an extensive review of existing media codes on children in 2005, we at Concerned for Working Children learnt that they focused only on children's right to privacy and confidentiality. Significantly, none of the charters or codes focused on the rights of children to be 'producers' of media in society. In the same year, through an extensive consultative process with children and media persons, CWC

developed the 'The Media Code to Realise Children's Rights'. This code is an effort to effect a paradigm shift in the media's approach to children—from that of being recipients of adult benevolence to being viewed as full partners in society. It has been developed to give children a say in defining the media, to outline children's rights-based standards so that children are creators of media, and to provide a tool for monitoring of children's rights violations by the media or by civil society groups.

Children Rejuvenate Local Governments: Three Examples from Karnataka, India

Despite recognising the right of children to participate in decision-making processes, it is often debated worldwide whether or not children have the potential to articulate their concerns and influence decision-making at the level of state governance.

Here are three examples from India, which have proved, for several years now, that children's participation in state governance is not only critical for children to realise their rights, but that it is also fundamental to protect, nurture and strengthen democracy. It must be noted that in general, the status of children's rights in Karnataka is not different from the rest of the country. However, in comparison with other states, the degree of political decentralisation is high in Karnataka, with only the state of Kerala scoring higher.

Concerend for Working Children has been an advocate for children's protagonism and their right to self-determination since the mid-1980s.[5] It facilitated the first ever working children's organisation in Asia, the Bhima Sangha. Bhima Sangha has a well-documented history of child protagonism that spans almost three decades. Its partnership with CWC has laid the foundation to our praxis of children's participation as protagonists. The examples described here, are results of a proactive partnership with

children that has often pushed CWC along a steep learning curve, liberally sprinkled with challenges at every turn.

Makkala Grama Sabha—Children's Grama Sabha

A Grama Sabha of a Village Panchayat is the only political space available for its citizens to directly participate in a democratic manner to plan and monitor the development of their village.[6] While such Sabhas (meetings) are prescribed for the adults of the village in our Decentralisation Act, they are not considered relevant to 'children' as the popular understanding is that children are 'citizens of tomorrow', not of today.

The CWC organised the first children's Grama Sabha in Keradi, a Panchayat in the Udupi District of Karnataka in the year 2002. 'Makkala Grama Sabhas' are especially meant for children and are modelled on the adult Gram Sabhas. They are essentially a meeting between the local government and all the young citizens who are its constituency. During this meeting, children interact directly with the local government. In addition to responding to children and reporting on actions taken, the local government also presents the status of children's rights in the village to the children and the entire community.

The audience at the first children's Grama Sabha included Vinay Kumar Sorake, the then member of the Indian National Parliament as well as several members of the three tiers of the local governments. Responding to the creative and powerful presentations made by children, Mr Sorake said,

> A formal interaction between children and their governments of this kind is exemplary. Children have pointed out very specific problems and have also suggested specific solutions. All their points have been backed with detailed statistics. Most often the adult Panchayats or the concerned departments do not have such in-depth information. I highly appreciate the fact

> that children first conducted surveys and held discussions among themselves before presenting the points here. This children's Grama Sabha, held in Keradi, one of the most remote Panchayats of Karnataka, should become a role model for all Panchayats.[7]

'It is now absolutely clear to me why children's participation is critical to strengthen local government,' said a Panchayat president, after the children's Grama Sabha. 'Children not only list their problems, they also describe the implications of the problems and the importance of addressing them. This has been extremely useful to us to develop our action plans.'[8]

When the Karnataka government, through its Rural Development and Panchayat Raj Department, issued a circular two years ago that made it mandatory for all the elected members of the 5,653 Gram Panchayats of Karnataka state to conduct children's Grama Sabhas to 'listen' to their young citizens once a year and be accountable to them, it was a celebration for those of us who have been advocating for children's right to be heard for decades. Until now, the Grama Sabhas, like most other public spaces, have been denied to children. Hence, this commendable decision by the government of Karnataka to categorically recognise the citizenship of children and to place children's rights at the centre of local governance is worthy of emulation worldwide.

Damodar Acharya, executive director, CWC explains,

> The children's Gram Sabha is an interface between children and the political system, perhaps the first of its kind. Unlike the many mock-parliament sessions which children participate in, what we have here is real and will surely lay the foundation for a very sound practice of children's participation. Processes such as these that start from the grassroots bring in long lasting transformations.[9]

One of the challenges the children's Grama Sabha is going to face is from adults who may try to usurp this space that has been exclusively provided for children to make policy and programme suggestions. This is even more likely to happen where adults are not making the best use of their Grama Sabhas to impact on local government. Both children and adults who facilitate them will have to guard against this kind of manipulation that will not only violate the true spirit of the children's Grama Sabhas but also put children under tremendous risk of negative repercussions.

So there is need for extensive capacity building of the local governments, children and all the stakeholders to ensure that this space provided for the participation of children in local governance is used optimally. Processes such as the children's Grama Sabhas that evoke the true sprit of Grama Swaraj (local self-governance) by creating a generation of empowered youngsters have a very important role to play to strengthen decentralised democracy.

Makkala Panchayats (Children's Councils) in Karnataka

Concerned for Working Children has been working in the rural areas of Karnataka through the Toofan Panchayats Programme, which is a comprehensive programme of community development aimed at creating an environment where children are not involved in any form of work that is detrimental to their development, and where all children's rights are recognised and realised. The programme works for the empowerment of all the actors in the community through partnership and participation.

In 1995 Bhima Sangha and the CWC in collaboration with the Ministry of Rural Development and Panchayat Raj (Decentralisation) initiated the formation of Makkala Panchayats (Children's Councils) in five village Panchayats in Karnataka.[10]

The Bhima Sangha had a long history of negotiating with representatives of governments in order to improve the

quality of their lives and to address the causes that compelled them to labour. The rationale that led to the establishment of the Makkala Panchayats was that despite repeated interaction with local administrative and government bodies, Bhima Sangha felt that sustained impact was lacking. They felt that a permanent structure that enabled close interaction between children and decision-making bodies was required in order to inform and influence local governments in a consistent manner. It could also ensure that children had opportunities to take part in decision-making processes within their Panchayats.

During the process of creating the Makkala Panchayats, the members of Bhima Sangha noted that it was required not only by the organised 'working children' such as themselves, but by all children in order to speak up about their needs. Hence the structure of the Makkala Panchayats was designed to include different base groups of children such as working children, children with special needs, children from migrant communities and school-going children.

A few years ago, the Karnataka State Education Department issued an order to all the schools to start 'child rights clubs', however, this remains only on paper. It must be noted in this context that locating child rights clubs within school parameters will have very limited impact because its functioning and scope to raise issues related to the school will invariably be controlled by the school management.

Hence the school children's organisations facilitated by Concerned for Working Children are located in the community and school-going children of a community are members of it. They are thus able to take up issues concerning different schools without being personally targeted—and they are also able to see themselves as the citizens of the entire community and not only as 'school-going children'. In this wider scope they relate to a large number of stakeholders, including their elected representatives on issues

that are relevant to the entire community. They are one of the four base groups of the Makkala Panchayats.

The Makkala Panchayats are elected bodies. The voters are the children resident in the Panchayat in the age group of 6 to 18 years. The children who can contest are in the age group of 12 to 16 years. The elections for this Panchayat are conducted by the Village Panchayat and the Taluk Administration through a secret ballot. Throughout the development of the Makkala Panchayats children put in great efforts for developing an appropriate protocol to define the mandate and structure of the Makkala Panchayats criteria for both the candidature and the electorate. The Makkala Panchayat election criteria are revisited each term to ensure that the socially, economically and politically most marginalised groups of children including working children, specially abled children, girls have maximum representation.

> 'Children are not only discussing and trying to solve their problems through the Makkala Panchayat, but they are also showing the adults how to run the government in harmony. This process is now underway in only 56 Panchayats; the government is trying to expand it to the rest of the state.'
>
> These are the words of C. M. Udasi, minister, Department of Rural Development and Panchayat Raj, Government of Karnataka while releasing the book *Makkala Panchayat Protocol* at a consultation entitled 'Mainstreaming Informed Participation of Children in Governance' organised by CWC.
>
> *(Press release, CWC, December 11, 2006)*

In order to link the Makkala Panchayats to the Village Panchayats, a tripartite Task Force has been set up. It consists of representatives of the Makkala Panchayats, elected members of the local government, government officials and community-based organisations. The Task Force also exists at sub-district, or Taluk level to ensure that issues raised in the Makkala Panchayats are presented at higher levels.[11] The regular involvement of high-profile

government officials increases the level of bureaucratic commitment. The close interaction between children and local government bodies creates a new form of political legitimacy for children on issues regarding their own welfare (Reddy 2004).

Each Makkala Panchayat selects a Makkala Mitra or Children's Friend, an adult whom they feel they can trust and whom they can depend on for support within the Task Force and in the community. The Makkala Mitra's role is to take immediate action in cases where children request help individually or collectively. Children have, with the help of the Makkala Mitra, been able to address and solve problems independently of the Task Force (ibid.).

The Makkala Panchayats in Karnataka have given the local governments a new lease of life with their active involvement in not only identifying the problems they face, but also proposing solutions. They have made detailed presentations regarding the issues and problems they identified related to education, basic facilities, personal problems, gender discrimination, disability and child labour.

The issues collected from each ward are compiled after detailed discussions. When they list their problems, children make it amply clear that they have explored the matter thoroughly. They are able to not just raise a problem but also propose solutions that are most appropriate to them. They have clearly demonstrated how they can use political space to negotiate with the local governments and influence decision-making processes. Experience has also shown that children always aim to use spaces constructively. They avoid confrontation and always seek win-win solutions. This is a value adult politics is urgently in need of.

When children begin to access political space, they are also vulnerable to threat and pressure. These may range from subtle hints going right up to physical violence. It is the responsibility of the state and the facilitating organisations to ensure that children are protected. This

understanding of vulnerability also provides an impetus for us to create and find ways and means by which children can access decision-making spaces without exposing themselves to threat. One such example is the 'Children's Post Box'.[12]

Fourteen-year-old Sukumar, vice president of the Keradi Children's Panchayat represents the feelings of the children when he says, 'Until now, hardly any one had bothered to ask us what we thought or felt. This is the first time we had such an opportunity. We can solve some of our problems. For the others, the adults will have to be responsible. We will make them responsible.'[13]

Over the years, the members of Makkala Panchayats and Bhima Sangha have conducted research studies, made interventions on the basis of the information they collected, lobbied with the officials at various levels for development in their communities, collectively fought for their rights as children. They have made themselves heard in the state, national and international policy discussions and have advocated for consulting children in matters that concern them.

Concerned for Working Children has played an instrumental role in capacity building for both adults and children. This has resulted in children involved with the Makkala Panchayats becoming increasingly equipped with the means to deal with local government structures. The Makkala Panchayats, the first of their kind in India, show the potential of children to articulate the problems in the village, substantiate their demands with data and to elicit responses that are rooted in a children's rights framework. Most importantly, they are a step towards recognising children's right to participate, voice concerns and ensure that the political decisions are made in partnership with them. They also demonstrate that children can think laterally and responsibly if efforts are directed towards recognising and building their capacities and giving them opportunities to participate in the decision-making process.

The Panchayat Level Five Year Planning Process—Children Lead the Way

The government of Karnataka, for several years has been trying to initiate a localised planning process in which each local government is expected to asses its own needs and develop its plans for the five years ahead with active involvement of their constituencies. These plans by the local governments are to be the building blocks for a state-level planning process. However, many local governments do not have access to the required information, skills and support to develop such plans. In 2004, the state made several attempts to build capacities of the local governments to embark on a decentralised planning process. In some geographical areas, the state government requested private developmental organisations in the region to provide assistance to the local governments.

In this context, CWC was requested by the chief executive officer (CEO) of Udupi District Panchayat in Karnataka, to support the 56 Village Panchayats to develop their own plans. We accepted the invitation, with one caveat—that was the demand for high level participation of children in the planning process. The Panchayats did not hesitate to admit that they lacked the expertise to involve children in such a process, but extended their total support to our proposal.

The output was remarkable. About 20,000 children were involved in the planning process. Their plans were comprehensive and substantiated with statistics and data. Groups and issues, such as the problems of the disabled, environmental concerns and issues related to mobility and transport, were covered for the first time in a five-year plan. They also recorded the history of the village, degradation of resources, made maps of their Panchayats that were accurate and informative and in many cases, proposed solutions as well. The adults, especially the members and staff of the Gram Panchayats were astounded and in many

cases shame-faced as the plans that the adults had drafted were very poor in comparison. As a result, by and large, the children's plans became the official plans of the Panchayats. But more than that, it has rejuvenated the Panchayats. The officials and elected representatives seem to be sensing a purpose and relevance to their work. They see their Panchayats in a new light and they have gained a deeper understanding of the Panchayat's needs and concerns. The gap between the local government and the people has diminished (Reddy and Acharya 2004).

An overview of the survey of 56 Panchayats shows that education and school-related issues recur in all the plans: compound walls, libraries, high school inaccessibility, school playground, drinking water, toilets, midday meals and teachers. A major difference made by school children in the planning process is that the plans used to be hijacked by powerful individuals to improve their own lives, people's participation being a mere catchphrase useful during elections. This time, women, children and entire Panchayats built up the children-led plan through regular ward meetings and data collection. For the first time, the Panchayat felt as if it owned the plan. To recall, local planning effort by gram Panchayats is mandated, since 1992, by Article 243G of the 73rd Amendment 'to prepare village area plan for economic development and social justice'.[14]

In retrospect, the involvement of children, their enthusiasm, their unerring sense of justice and their compassionate response to people's problems is what drew adults into this process. If children had not been the prime movers, adults would not have been involved in such large numbers and as in the past the task of drawing up the plans would have remained with the secretary of the Gram Panchayat with some inputs from some of the elected members. Adults are cynical and wary of any possible change because of their conditioning to the 'real world',

whereas children still have hope and the belief that they can change the world. When their efforts bear fruit, it also serves as a role model for grown ups, and adults once again begin to have hope. Children also grow up, and if they have a positive experience of participation in governance they carry that with them into adulthood. Good politics is essential for the progress of any country. Here children have been involved in defining 'good politics'. This is not only a role model for children but also for adults in the entire country. The Five Year Planning process in Udupi District is one such experience (ibid.).

The Impact

Through their engagements with the local governments, the most important impact on children has been the assertion of their citizenship and their right to question their governments, if need be. As a result, a de facto accountability on the part of the local administration and a transparency in their functioning has been created, that has not only benefited the children but the entire community.

The members of Makkala Panchayats have been resource persons in the State Capacity Building Programmes and have provided inputs on decentralised planning to over 82,000 elected adult Panchayat members. The entire Makkala Panchayat election process and governance that takes place outside the 'political party' framework has been an inspiration to many adults. All these have resulted in a paradigm shift in the way the Adult Panchayats view children. They acknowledge children's citizenship and have gained tremendous insights from the recommendations of children—which have resulted in child rights–friendly village plans.

As a result, the adult Grama Sabhas and Village Panchayats too have become revitalised. The adults in the community have recognised that due to children's participation, many of their long-standing issues have been addressed in

a democratic manner. They have been a motivation for the adults to exercise their citizenship with vigour and a renewed confidence in democracy. Children, through their example, have made it possible for women to access the political space from which many of them have been excluded. This is also true for members of the extremely marginalised communities from where initially children and now adults have begun to speak up.

As an organisation, CWC finds itself at a point in time when there is heightened awareness about children's rights as a concept—yet, there are too few examples in governance that embody the true spirit of children's participation and protagonism. Though a high degree of appreciation is expressed about Makkala Panchayats—from people, organisations and governments—when the issue of going to scale arises, the questions that are posed are 'How can the capacities of adults be built to facilitate such structures and processes?' 'How can it be ensured that the Makkala Panchayats do not become corrupt?' 'How can it be ascertained that adults do not manipulate children?' These are issues that can be effectively addressed with systematic strategising, planning, capacity building and monitoring.

As CWC sees it, the key concerns are not these. The most important challenge for structures such as Makkala Panchayats today is the present political environment that is opposed to democratic decentralisation in our country. There are extremely well-orchestrated and persistent moves from the powers that be to curtail the scope and strength of local governments. Instead of making attempts to build the capacities of the local governments that are closest to people—hence most accountable—often allegations are made about their inefficiency in order to justify the efforts to undermine the local governments.

As an organisation, CWC is coordinating a state-level campaign that is countering the latest and the most blatant move by the state-level elected representatives to take away

crucial powers of the local governments. As a part of its work and the campaign advocating for decentralisation, CWC is generating debates and discussions about the need for meaningful decentralised governance that activates civil society participation—not as extensions of the state but as a vibrant and alert group of people capable of countering injustice, challenging the status quo and defining development. The focus is on ensuring that the definition of 'civil society' includes children and all other groups that have been hitherto marginalised in social, economic and political spaces.

Citizenship of children and children's right to self-determination remain difficult concepts as children's political participation has not yet been recognised by a large number of adults worldwide. However, it is time that all agencies realise that children have a right to actively determine the course of their lives and not enabling them to do so, to the best of their potential, is a violation of their rights. Children who have been actively part of state governance have had an education in democracy and protagonism that no university can match. They have proved, time and again, that they are political beings, with a strong sense of justice, capable of making extremely astute observations and evolving creative solutions.

In them lies the hope for a 'real democracy'.

Notes

[1] This movement took place in 1889, in New York. The newspaper barons in question were William Randolph Hearst, who owned the *New York Journal*, and Joseph Pulitzer who owned the *New York World*.

[2] This study was facilitated by Dhruva, the Capacity Building and Consultancy Unit of CWC.

[3] Please refer to our publication, *A Journey in Children's Participation*, for an in-depth presentation related to various

forms of engagements between adults and children accessed on http://www.workingchild.org in August 2009.

[4] Ms Manjula and Ms Ayyamma, both representing Bhima Sangha, were members of this Advisory Group. Concerned for Working Children was the adult facilitating organisation.

[5] Concerned for Working Children is a secular and democratic development agency committed to the empowerment of children, especially working and other marginalised children and their communities through their participation in decision making and governance on all matters that concern them (www.workingchild.org).

[6] The Village Panchayat is the lowest level of administration in the system of local government. The term Panchayat refers to both the geographical and administrative units, as well as the elected body, which acts as the local council. A Panchayat is composed of a cluster of villages and several Panchayats constitute a Taluk.

[7] Mr Soraki's quote in a TV interview, during Children's Grama Sabha, Keradi Panchayat, Karnataka, January, 2002.

[8] Shankar Narayan Chatra, President of Hallihole Panchayat, Karnataka, 2003. An interview conducted by Concerned for Working Children, for a process document on Children's Grama Sabha, Keradi Panchayat, Karnataka, January 2002.

[9] An interview conducted by Concerned for Working Children, for a process document on Children's Grama Sabha, Keradi Panchayat, Karnataka, January 2001.

[10] A union of, by and for working children in Karnataka facilitated by Concerned for Working Children striving for the realisation of child rights.

[11] Sub-district level administrative body consisting of a cluster of Panchayats.

[12] Children's Post Box is a facility for children to write about problems they face, be it emotional, social or physical, which they cannot share with adults or with other children directly. Children can also share their personal views and experiences with other children through this post box. The children's council has placed such post boxes in each ward and its members review the contents of the post box and take appropriate action—seeking adult support when necessary.

[13] An interview conducted by Concerned for Working Children, for a process document on Children's Grama Sabha, Keradi Panchayat, Karnataka 2001.

[14] L. C. Jain, former member of Planning Commission, and former ambassador of India to South Africa.