

Advancing Children's Rights through Law and Policy: Experiences from Brazil, Scotland, and South Africa

Natasha Blanchet-Cohen

Professor, Applied Human Sciences, Concordia University, Canada ✉ 


Holly Doel-Mackaway

Senior Lecturer, Macquarie University Law School, Australia ✉ 

Amy Cooper

PhD Student, INDI Program, Concordia University, Canada ✉ 

Irene Rizzini

Professor, Pontifícia Universidade Católica do Rio de Janeiro (PUC-Rio), Centro Internacional de Estudos e Pesquisas sobre a Infância, Brasil ✉ 

Rona Blackwood

Children's Parliament Scotland ✉

Lucy Jamieson

Senior Lecturer, Children's Institute, University of Cape Town, South Africa ✉

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Abstract: This article presents experiences of advancing children's participation in law and policy in Brazil, Scotland and South Africa. It is based on a conversation that took place in a webinar hosted by the Policy Working Group of the International and Canadian Child Rights Partnership. Using duoethnography, we delve into three issues: (1) ways children participate in the development of child-related laws and policies; (2) the leverage points for navigating across well-entrenched power dynamics; and (3) reflections for progressing the children's rights project forward. The discussion indicates that structures and mechanisms, such as children's parliaments and youth councils, support children's participation in the development of law and policy. However, the lasting impact of children's participation is contingent on relational opportunities and the broader socio-political landscape. Part of undoing the legacy of children's exclusion from the political realms involves disrupting conventional notions of intergenerational spaces by creative opportunities for better listening between children and decision-makers. Transforming the culture and process of decision-making for child rights also entails strategic advocacy with families, communities, various interest groups and civil society.

Keywords: child rights; policy; law; participation; international; intergenerational relationships.

^{ES} Promoción de los derechos de los niños a través de leyes y políticas: experiencias de Brasil, Escocia y Sudáfrica

Resumen: Este artículo presenta experiencias de promoción de la participación de los niños en la legislación y las políticas en Brasil, Escocia y Sudáfrica. Se basa en una conversación que tuvo lugar en un seminario web organizado por el Grupo de Trabajo de Políticas de la Asociación Internacional y Canadiense por los Derechos del Niño. Utilizando la duoetnografía, profundizamos en tres cuestiones: (1) las formas en que los niños participan en el desarrollo de leyes y políticas relacionadas con la infancia; (2) los puntos de apoyo para navegar a través de dinámicas de poder bien arraigadas; y (3) reflexiones para avanzar en el proyecto de los derechos del niño. El debate indica que las estructuras y los mecanismos, como los parlamentos infantiles y los consejos juveniles, apoyan la participación de los niños en el desarrollo de leyes y políticas. Sin embargo, el impacto duradero de la participación de los niños depende de las oportunidades relacionales y del panorama sociopolítico más amplio. Parte de la reparación del legado de la exclusión de los niños de los ámbitos políticos implica alterar las nociones convencionales de espacios intergeneracionales, mediante oportunidades creativas para una mejor escucha entre los niños y los que toman las decisiones. La transformación de la cultura y el proceso de toma de decisiones en materia de derechos del niño también implican una defensa estratégica de los derechos del niño ante las familias, las comunidades, los diversos grupos de interés y la sociedad civil.

Palabras clave: derechos del niño; política; derecho; participación; relaciones internacionales e intergeneracionales.

PT Promover os direitos das crianças através de leis e políticas: experiências do Brasil, da Escócia e da África do Sul

Resumo: Este artigo apresenta experiências de promoção da participação das crianças na legislação e na política no Brasil, na Escócia e na África do Sul. Baseia-se numa conversa que teve lugar num webinar organizado pelo Grupo de Trabalho sobre Políticas da Parceria Internacional e Canadiana para os Direitos da Criança. Recorrendo à duoetnografia, investigámos três questões: (1) formas como as crianças participam no desenvolvimento de leis e políticas relacionadas com a criança; (2) os pontos de alavancagem para navegar através de dinâmicas de poder bem enraizadas; e (3) reflexões para fazer avançar o projecto dos direitos da criança. A discussão indica que as estruturas e os mecanismos, tais como os parlamentos das crianças e os conselhos de juventude, apoiam a participação das crianças no desenvolvimento de leis e políticas. No entanto, o impacto duradouro da participação das crianças depende das oportunidades relacionais e do panorama sociopolítico mais vasto. Parte do desfazer do legado da exclusão das crianças dos domínios políticos passa por romper as noções convencionais de espaços intergeracionais através de oportunidades criativas para uma melhor escuta entre as crianças e os decisores. A transformação da cultura e do processo de tomada de decisões sobre os direitos da criança implica também uma defesa estratégica junto das famílias, das comunidades, dos vários grupos de interesse e da sociedade civil.

Palavras-chave: direitos da criança; política; lei; participação; relações internacionais e intergeracionais.

Summary: 1. Introduction; 2. Our approach: duoethnography; 3. Ways children participate in the development of child-related laws and policies; 4. Leverage points for navigating across these power dynamics; 5. Reflections moving forward; 6. Concluding comments; 7. Bibliographical references

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1. Introduction

Implementing the UN Convention on the Rights of the Child (CRC) (1989) ultimately involves enshrining children's rights into laws and policies. This is necessary to hold duty-bearers accountable and to make child rights a reality, but this has been challenging (Gadda *et al.*, 2021). Article 12(1) of the CRC provides children with the right to "express [their] views freely in all matters affecting" them and compels states to consider these views, giving them "due weight" in decision-making processes. The United Nations Committee on the Rights of the Child describes children's participation as one of the four foundational principles of the CRC, alongside the right to life and development, the right to non-discrimination and the best interests of the child (General Comment No 12, UN Doc CRC/C/GC/12) (UN Committee on the Rights of the Child, 2009). Children's participation, as a substantive legal entitlement, includes the right to participate in the development of child-related law and policy (Byrne and Lundy, 2019; Doel-Mackaway, 2022).

What are the opportunities for children to shape these laws and policies? While children's participation in informing the structures that affect their lives is known to lead to better outcomes (Percy-Smith *et al.*, 2023; Sinclair, 2004), they are often prevented from doing so. Discrimination of all forms, including ageism, sexism and racism, along with inequality and paternalism, are among many of the reasons for this. Yet, in innovative ways across the globe, groups of children are engaging and informing how policies and laws can better reflect their realities and priorities. Here, we focus on the experiences of involving children in law and policy work in Brazil, Scotland and South Africa. The sharing across countries from the Global North and the Global South is part of broadening the boundaries of the participation field (Collins *et al.*, 2020; Jamieson *et al.*, 2022; McMellon and Tisdall, 2020). While distinct in size, socio-economic inequalities, cultural diversity, and histories, these countries commonly have structures and mechanisms for children's participation in law and policy. What can we learn from what is unfolding in these different geopolitical contexts?

The article involves a conversation between researchers and practitioners collaborating in a seven-year initiative called the International and Canadian Children's Rights Partnership (ICCRP) that explores intergenerational partnerships for research, policy and practice. Our conversation was instigated by a webinar

organized by the ICCRP Policy Working Group¹, given its aim to surface promising examples, opportunities and barriers, and recommendations regarding children's participation in law and policy.

2. Our approach: duoethnography

To collectively explore our common questions but from different locations, we use the method of duoethnography (Norris *et al.*, 2012). This research methodology has been described as a "collaborative research methodology in which two or more researchers of difference juxtapose their life stories to provide multiple understandings of the world" (p. 9). In embracing multiple perspectives, rather than legitimizing one authoritative voice, duoethnography espouses decolonizing methodologies increasingly recognized as necessary in the field of child rights, which has been constrained by a Eurocentric and universalistic discourse (Faulkner and Nyamutata, 2018; Rizzini *et al.*, 2023).

This approach also aligns with a relational view of knowledge and child rights (Horgan and Kennan, 2022; Kenneally, 2017). Our perspective is that "'rights' are always relational" (Duhn, 2024, p. 1), and we acknowledge "the need for educational, legal and policy frameworks that empower children as agents of change within their communities and advocates for the planet" (p. 10). Conceptualising "children's rights as relational rights places the child at the center of any legal [or policy] determination" (Zafran, 2010, p. 217). Thus, children's participation in law and policy development is "a transformative process that negotiates and changes the relationships between children and adults in their social, cultural, political and economic dimensions" (Theis, 2007, p. 9). Further, in recognition of the opportunities and capabilities for understanding children's participation in the law and policy realm, we draw on Lundy's (2007) model for children's participation and Cuevas-Parra's (2023) additional dimensions of 'intersecting identities' and 'enabling environments'.

Each of us is engaging in this conversation based on over three decades of work in the field of children's rights in our different geopolitical contexts. Rona Blackwood, a practitioner with the Children's Parliament in Scotland², Lucy Jamieson, a senior lecturer and advocacy coordinator at the Children's Institute³, University of Cape Town in South Africa and Irene Rizzini, a senior professor with Pontifical Catholic University of Rio de Janeiro and founder of the International Center for Research and Policy on Children⁴, Brazil. Curating and inserting some framing literature as discussants are the ICCRP Policy Working Group leads Natasha Blanchet-Cohen, a professor in Youth Work at Concordia University in Montreal, Canada, and Holly Doel-Mackaway, a senior lecturer at the Macquarie Law School in Australia, along with Amy Cooper, a PhD candidate at Concordia University. Our dialogue allows for key themes to emerge, shedding light on differences and insights for progressing children's participatory rights in law and policy.

3. Ways children participate in the development of child-related laws and policies

The first part of our conversation centres on how children are participating in laws and policies in Scotland, South Africa, and Brazil, given the positionality and experience of each contributor. Below, we learn about promising opportunities for children's participation in the policy arena and how this is shaped by each country's distinct socio-political landscapes.

Rona, Scotland

I draw on my experience supporting the Children's Parliament in Scotland, which has been working with children under the age of 14 since 1996. We focus on this age group, because so often younger children miss out on the opportunity to have a say and to participate in decision-making and local democracy.⁵

We engage with a wide range of children from different backgrounds. Sometimes we work with a whole class or school in a community chosen for a specific reason, for example, children from rural areas or low-income households and communities. They are chosen in consultation with their teachers, taking into account a number of considerations, including how much the children have enjoyed or engaged in workshops they have been a part of and how much they would likely benefit from the process. Children who become involved in projects run by the Children's Parliament are often the least likely to be chosen to represent their school or class, including children who have 'protected characteristics' and who may be struggling to engage in school.

Members of the Children's Parliament meet yearly with the Scottish Executive Team (comprised of the Permanent Secretary and Director Generals), the most senior civil servants in Scotland. Through desk research, surveys with children and peer research with other children in their schools and communities, children identify key issues and generate calls to action. They then present these issues to the Executive Team, the First Minister and the Cabinet. For example, in 2023-2024, children were calling for more relevant climate education, improvements in terms of mental health access and responses to bullying in school, as well as for vaping to be taken as seriously as smoking. When children attend Cabinet, they examine what progress has been made on their calls to action and propose where they want further developments and progress to be made. For transparency and accountability, an annual public report is produced detailing children's rights advancements and further calls for action (Children's Parliament of Scotland, 2024a). Importantly, the Children's

¹ See <https://www.torontomu.ca/international-canadian-child-rights-partnership/policyworkinggroup/>

² See <https://www.childrensparliament.org.uk/who-we-are/>

³ See <https://ci.uct.ac.za>

⁴ See <https://www.ciespi.org.br>

⁵ The Child Human Rights Defenders program, part of Scotland's Children's Parliament, works with children aged 8 to 14 years old. The Children's Parliament, as an organisation, however, works on children's rights from birth to 14 years old.

Parliament process is not a one-off but an annual, ongoing cycle of engagement with clear mechanisms of accountability between children, civil servants, and elected politicians.

Our experience over many decades is that there is little legislation and policy that does not impact children. It is important that we do not censor children's participation by focusing on what, when or where it is relevant to children to contribute. Our work is based on the participatory rights provided to children by the CRC, that children's voices are integral to democratic decision-making. For instance, recently, one of the main motorways in Scotland was being widened, and an extensive transport consultation on this process was carried out. Through this consultation, children played a significant part in the route this road took, exploring what was important in their community and why. Children expressed their view that if the road was built near their town and a roundabout was needed, the roundabout should be shaped like an egg to fit in with the landscape better, to not inhibit play space, to protect trees and be easier to navigate. They called it an 'eggabout' and suggested it have a guinea pig farm in the middle. The children reflected on their right to play and their right to a safe environment. The 'eggabout' was adopted in the transport plans, but sadly not the guinea pig farm. Sometimes, when we think about child-related policies, we narrowly think about *typical* matters such as children's education and access to health care, excluding key concerns such as transportation and housing as somehow not being as relevant to children, but they often and usually are.

At the Children's Parliament, we seek to create equal spaces between children and adults. For example, when working with the Scottish Government, children have taken over spaces in government buildings and made them child-friendly spaces. Adults are then invited into that space instead of inviting children into an adult space. Recently, during a consultation with children on local democracy and decision-making, children sat down with two of the policy officers leading a new legislative process about local governance. They participated in a three-day residential program with children and together built their own town with the support of a creative arts artist. They called the town 'Confidence Kingdom' (see Figure 1) and decided what was important for children to be happy, healthy, safe and engaged in local decision-making (Children's Parliament of Scotland, 2024b). This direct engagement between children and policy leads meant that they not only understood the children's calls to action better, but they also learnt from the approach and the importance of child rights practice. Through this play-based engagement with children, executive decision-makers could see what that looks like to a child. The fact that we were able to do that through the physicality of a beautiful town meant that the public servants were connected to the policy issues that were being explored. As public servants and duty bearers, they had a strong sense of what a children's rights-based approach is and what good participation looks like.

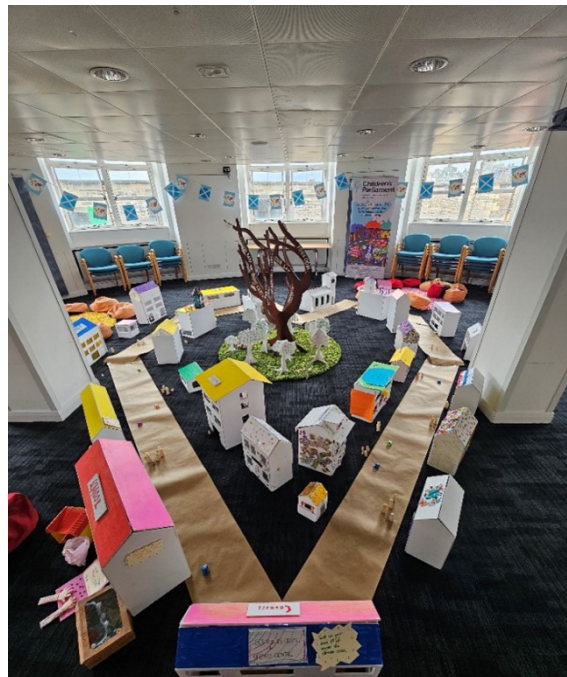


Figure 1. Confidence Kingdom (Children's Parliament of Scotland, 2024b)

Discussant

The Scottish government's commitment to upholding its duty to fulfil children's rights and develop robust, durable childhood policies is notable. Tisdall (2019) describes the Scottish Parliament as having a long history of legislating in areas that affect children, a commitment to social justice, and improved interagency coordination.

The case of Scotland's Children's Parliament also points to the type of processes that can facilitate children's participation in policy. For policy-makers to experience the process of children's involvement being valuable, "face to face participation" (p. 17), as Marshall *et al.* (2015) point out, allows for dialogue between child right-holders and adult duty-bearers. This has an impact, although in ways that are intangible.

What are the opportunities for countries such as South Africa and Brazil, which are bigger and operate under distinct socio-political landscapes?

Lucy, South Africa

South Africa has 21 million children, two thirds (69.9%) of whom live in poverty (Hall, 2024), so coming to Cape Town, the legislative capital, is prohibitively expensive for most individuals. Therefore, South Africa's Children's Parliament works differently from the one in Scotland. It rotates between South Africa's provinces annually, and the children involved serve a one- or two-year term. Consequently, there has not been a buildup of institutional capacity, and it does not have a strong connection with the national legislature.

Sometimes, children's priorities coincide with what is happening in the mainstream political arena, which results in success. For example, one recommendation from the Children's Parliament was to reduce the waiting period before police accept notification of a missing person from 48 to 24 hours (Senne and Fayoyin, 2019; South African Youth Manifesto, 2019). But that is one example since 2011. Whilst the Children's Parliament is an important space for learning about democracy and for children and young people to articulate the challenges they face, it has not been impactful in enabling children to influence laws and policies (Fayoyin, 2016).

At the Children's Institute, our approach has been to engage children in mainstream public consultation processes on laws and policies. But to bring children into a public space, these need to be inclusive and welcoming. In an open public hearing, it is very difficult to protect children participating in the process. For example, when Parliament deliberated on the Child Justice Act (75 of 2008), the Child Justice Alliance, a civil society coalition, included children's voices in their submission and prepared young people for what to expect in Parliament. However, there was no preparation work with the Members of Parliament (MPs), what Lundy (2007) would call the audience. This oversight was a significant barrier to creating an enabling environment for children's meaningful participation. Even though young people, who had experience with the child justice system, had incredible stories to share and had engaged deeply with the legislation, they were treated like 'delinquents' by the parliamentarians, who engaged with the young people in a sceptical and harsh manner (Ehlers and Frank, 2016).

After that experience, we were more reluctant to bring children to Parliament, especially when it came to sensitive subject matters. In 2007, the civil society coalition Shukumisa consulted with children but did not support direct engagement in the Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007). The law changed the definitions of sexual offences, where a sexual violation included kissing someone without their consent. Because children below the age of 16 do not have the legal capacity to consent to any sexual activity, the changes criminalized kissing between teenagers. Children and young people had not been invited to participate in the public hearings, but the moment the legislation was enforced, children and young people began to protest. They organized kiss-a-thons in shopping centres and malls up and down the country. This is a lovely example of what can go wrong when one does not engage with children throughout the entire process of developing law and policy.

When the Children's Act came back for amendment in 2020, the Children's Institute and civil society partners wanted to maximize input from children. This time the parliamentary staff, MPs and the children co-created ground rules so that they both got what they needed out of the session. They agreed on a dedicated hearing for children that would be recorded but not published in Hansard. Children wanted to present in groups, so they were allocated longer time slots. They were also allowed to present in any format as long as they concluded with concrete recommendations for the MPs. For example, children and young people wanted to make transitional support out of alternative care for young people mandatory. They presented using a variety of formats from poems, rap, and photo voice, and each group ended up with a slide that spelled out the specific legislative changes that they required (e.g. amend section 182 of the Children's Act to read 'must' not 'may') and repeated a common slogan #MustNotMay.

By coming together and working with the staff, MPs and children, the rules for the session were written in a way that everybody was able to truly engage and understand each other in a safe space, and the draft law was amended in accordance with the children's recommendations (Jamieson and Mangang, 2024).

Irene, Brazil

To begin with, I want to remind ourselves that our three contexts and historical trajectories are different, but they also share several commonalities. Brazil is a large country with 215 million inhabitants and a large population of young people. According to the last census (Brasil, 2022), there were 70 million young people under the age of 24, which represented 27% of the total population. This is important when we think about working with and for young people.

In terms of children's participation, it took decades in Brazil to accept the framework of children's rights, which emerged finally after 20 years of dictatorship (from 1964 to 1984). Only later in the 1980s, after the slow process of re-democratization of the country, were children acknowledged to be entitled to rights. We have had a legacy of 100 years based on this notion of children as delinquent – a danger to themselves or society – and thus often institutionalized or criminalized (Rizzini, 2002). After the ratification of the CRC (1989), the Brazilian Child and Adolescent Statute was passed in July 1990. In 1992, Children's Rights Councils (municipal, state and national levels) were officially instituted as deliberative bodies for elaborating and monitoring policies for children and youth.

At the International Center for Research and Policy on Children (CIESPI/PUC-Rio), we have been researching the potential for young people's active participation. There are over 5000 children's rights councils (one in each municipality) mandated to formulate public policies and deliberate on issues that concern the lives of children. They are institutional public spaces where young people participate as

citizens and act in defence of children's rights alongside adults. The children's rights councils illustrate an opportunity for young people to truly be involved in the process of participating and deliberating policies (Almeida *et al.*, 2023; Collins *et al.*, 2021; Jamieson *et al.*, 2022). However, there are institutional and legal challenges regarding the functioning of these councils, such as the need for authorization from responsible adults to participate. There are also relational issues as adults resist taking children's participation and protagonism seriously.

Another example of children's participation in policy are the National Child Rights Council conferences which take place every three years. These conferences are large public gatherings open to adult and young advocates on behalf of children's rights throughout the country. For instance, in April 2024, in our capital Brasilia, the conference brought together close to 2000 people to discuss recommendations previously identified in local conferences in each city and Brazilian state. Some of these local gatherings, called "free conferences", are led by young people. During this process, elected delegates (young people and adults) brought recommendations they voted for locally to the national level. We had 400 adults and 300 young delegates between 12- and 18-years old debating issues and voting for the recommendations to be adopted nationally. This is an example of something that empowers young people, allows for intergenerational action and learning and brings hope for the future.

We, however, need to recognize how fragile the political context is and how this can determine the possibilities for children's participation. More democratic governments tend to be more supportive. In a repressive authoritarian government, it is not of political interest to have young people educated and able to advocate for their rights. But currently, the political arena is receptive to children's voices under the administration of President Luiz Inácio Lula da Silva. This is not a minor thing.

4. Leverage points for navigating across these power dynamics

The second part of our conversation centres around the leverage points for navigating across the power dynamics at play for children. We know that the uptake of children's rights is connected to the broader socio-political context of human rights, and that children often exist in contexts where their voice is contested; they confront ageism and are often considered powerless. Given the importance of power in advancing children's rights, what have been some of the learnings in South Africa, Brazil and Scotland? When considering intergenerational partnerships, how and in what conditions can these enhance children's participation?

Lucy, South Africa

At the Children's Institute, we chose to bring children into mainstream political processes because South Africa does not have the dedicated structures that allow children to have a meaningful impact on laws and policies at a national, provincial or local level. One of the important policy frameworks in South Africa is the National Strategic Plan on Gender-Based Violence and Femicide. In 2018, there were public demonstrations and marches (e.g. #TotalShutdown movement⁶ calling for the government to take immediate and drastic measures to reduce the high levels of violence in South Africa). Children were part of those marches and demonstrations. In November of that year, the President called a summit inviting major stakeholders to discuss and develop a national strategy (The Presidency, 2022). At that event, there were no children and only two organisations from the children's sector. Children's issues were discussed; however, they were not a major focus of the result (Centre for Child Law, 2022).

Five years later, the President called for a second summit to review progress. Children clearly wanted to be part of this conversation. Civil society representatives, including Children's Institute staff, negotiated for a pre-summit at which children were educated about the policy and a smaller delegation prepared to represent the positions adopted by the larger group. Out of a total delegation of 2000, 80 to 100 people were children or children's sector representatives.

Getting back to the question about the unequal power play: when in mainstream political processes and lawmaking, it is not just about making sure that government officials and MPs are receptive. There also needs to be consideration of opposition from other interest groups. The children had not been prepared for that. As experienced campaigners, they are used to resistance from adults, but they did not have experience in being tactical and strategic given that their voice was one of many. For example, the women's sector wanted the Gender Council to review the resolutions. At that point, children were outnumbered and with highly skilled, trained and experienced advocates from the women's sector. Children were not invited into the space. All the work the young people had done was effectively ignored because of opposition from another body. Organisations in the women's sector and the children's sector are competing for resources. The women's sector said that including children in the national strategic plan 'infantilizes women' and 'dilutes women's issues' (Jamieson and Manjang, 2024).

Those attitudes that Irene talked about are important. Although there are people in civil society and in government who are progressive and supportive of child participation, we live in a very socially conservative society that traditionally was a gerontocracy. Age is valued in African societies. That status makes a difference in whose voices are heard and how much weight their opinions are given. We can build progressive structures, we can empower children, and we can even get these decision-makers on board. But sometimes

⁶ #Totalshutdown is a movement of South African women, cisgender, transgender, and gender non-conforming individuals who on 1 August 2018 collectively marched against gender-based violence (Zinzombe, 2024).

we are up against the rest of civil society yet to be educated, enlightened, or made aware of the value of children's participation.

Discussant

This example speaks to the challenge of intersectionality (see Konstantoni and Emejulu, 2017; Kustatscher et al., 2018) and how children's rights exist in relation to other human rights and the need to consider how these rights align. Indeed, children's participation discourse often neglects the importance of understanding "children's intersecting identities, inequalities and opportunities to engage in social life" (Cuevas-Parra, 2023, p. 366). Our conversation highlights that learnings from child rights practice on the ground show children's complex and varied life experiences, including the many interconnecting barriers children face to fulfil their right to participate.

Intersectionality highlights how power is much more complicated than considering adults versus children; these are not uniform categories. The focus on intergenerational partnership may be helpful. In Brazil and Scotland, how does this power dynamic play out?

Irene, Brazil

I agree with Lucy. Politics should not be an arena for only adults, but it is often a space rife with generational imbalance that sometimes feels like adults and young people represent different interests. Children and young people, even older youth, are not viewed as belonging to the political sphere; they are seen as not having lived enough and not having enough experience to express their points of view.

However, in many of our countries, it is young people who are the main victims of rights violations, along with their mothers. Young people, especially girls, are the victims of violence in the family, community and society in general, and this violence is a form of oppression and silencing that maintains their status as a less 'valued' group. So, young people have a lot to say about their lived experiences, especially their abuse experiences. But Brazilian society, as I believe it is true in most countries, has a long way to go in terms of seeing young people as legitimate figures and active citizens in politics.

A paradigm shift is needed to fully realize that children and young people have a contribution to give to society. In the absence of such shifts, children and young people continue to be seen as minors - as unimportant and not meaningful actors in decision-making. This is true even if they are allowed to be present in the political sphere. I am not talking only about being active in political parties but also referring to political spheres in the sense of lobbying for public policies that can promote safe spaces for young people as legitimate political actors (Koerich, 2016).

When we talk about intergenerational relationships, we have to go deeper in understanding the power imbalances that occur when children lobby or defend their rights. This includes deconstructing the false idea that young people have nothing to contribute because they have no experience and exploring the significance of intergenerational relationships. This is where decolonial perspectives in relation to children's rights can be interesting (Rizzini et al., 2023). We are far from accepting or acknowledging young people's participation as truly meaningful.

I would like to provoke Rona in this sense to think about how much Scotland has advanced with the Children's Parliament initiative. I was lucky to participate in one of the meetings at the Parliament with the children and to hear from many children and adults. But at the end of the day, the recommendations given by children were not taken seriously. The adults and politicians continued to be a powerful force in deciding what is in and what is out.

Two points I would emphasize, one of which was mentioned by Lucy. The first one is the time necessary for change and to build relations of trust between people from multiple generations. Time helps people slowly consider different values, respect differences, and respect the various forms of expression that young or older people might have. This relates not just to chronological age, but also to the moment in one's life cycle. What can be expected, and how careful do we have to be when we are talking about participation and the promotion of safe and engaging spaces in relation to the early years of life, school-aged children, or later in adolescence? For example, we have been developing participatory methodologies suitable for listening and dialoguing with young children 3 to 6 years old and learning a lot about how they express themselves and the ideas they have.

The second point refers to engagement in spaces and processes of participation on behalf of children's rights. What allows for engagement? Since we are talking about intergenerational relationships, I am thinking about the engagement of both adults and young people and how young people of different ages interact among themselves. What motivates different people of different generations is not the same, as Lucy brought up when she spoke about how young people reacted when authorities tried to criminalize teen kissing in public in South Africa.

We still have a lot to understand about what is required for such processes to take place in spaces where people from different generations can act together in a more horizontal way. We also need to delve into other theoretical and methodological approaches to help us understand how to be able to participate collectively. I believe that, despite all the focus on adult-centrism highlighted in Latin American research, the protagonistic role of young activists has the potential to destabilize unequal intergenerational power relations in public decision-making arenas and reshape these relations in more equal terms. Figure 2, for example, was a poster developed by an intergenerational team to illustrate young people's diverse ways of participating in decision making.



Figure 2. Young people's participation and protagonism in Brazil (Intergenerational CIESPI-ICCRP team, 2023)

Rona, Scotland

While I come from a practice perspective, not an academic one, I relate to what Lucy and Irene identify. In Scotland, we have quite a positive environment for policy and legislative commitment to children's rights. For example, in December 2023, Scotland passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, incorporating the CRC into Scots law. However, there is an implementation gap in mainstreaming children's participation across the country. Civil society, as duty bearers, may be moving towards listening to and hearing from children, but we still have a long way to go in taking them seriously, acting upon children's recommendations and being accountable toward them.

One way forward is to create a more equal power dynamic in the spaces in which we work by situating children's participation within a child rights framework. That is, participation cannot be seen in isolation. A child rights-based approach builds the capacity of children as rights-holders to claim their rights, supports children in defending their rights and the rights of others, and builds the capacity of duty-bearers to fulfil their obligations. We recognize that relationships are key to a children's rights-based approach. To realize children's rights, we should, therefore, be talking about dignity, trust, empathy, and kindness. What we do and how we do it is incredibly important.

Addressing power dynamics also means being able to engage children and influence policy legislation in a way that is well-resourced. We have to commit to approaches and mechanisms that are given time and resources and that are embedded within programs instead of being a quick fix. You cannot just throw a bit of money for a consultation with children in a few afternoons and hope to change things. It is a long-term process. Children need time to understand the issues they are working on and time to discuss and engage with them in a way that relates to their lived experiences.

It is also important that the methodologies that we use are creative. When we talk about creative approaches for children's participation and engagement in policy development, it is not only because it is fun; it also means that children can control what they make and see. They are taking part in a process where they are creating key messages, such as by drawing a beautiful mural that tells the story of the change that they want to see. When they invite adults into their space, they do it on their terms, through what they have made and their own words. In such spaces, children are hosting the adults, which makes adults often uncomfortable. Coming into children's spaces means adults often must lose control of being the teacher or the decision-maker.

But Irene, you are right. What happens next, once you have listened to the children? We need a children's rights-based approach to ensure that civil society has frameworks and mechanisms to mainstream children's participation, value them, and take them seriously.

Really important is realizing that it is adults who need to change. We often think and invest in the engagement of children. But we need to put equal effort into the adults we are working with and set clear expectations for how they should respond and engage with children in the space. Much of the work needs to be done to remove the fear from adults so that they acknowledge their responsibility to act upon children's ideas. This is not necessarily about doing exactly what children tell them to do but hearing what they have to say and taking their opinions seriously.

In terms of intergenerational relationships, not every engagement we have with, within, and between children and adults is intergenerational. Intergenerational programs involve bringing adults and children together to listen to each other's lived experiences. The aim may be to produce a policy or resources together, but children are bringing their lived experiences to adults. Likewise, adults are bringing theirs into those spaces as duty-bearers. So, what is considered intergenerational depends on the context.

5. Reflections moving forward

Lastly, given that we are marking the 35th anniversary of the CRC, what are the opportunities to realize children's rights? Progress on children's right to participation in policy has fallen short of ensuring the dignity of all children, but there are also some positive prospects, particularly informed by a widening of child rights fields across the globe (McMellon and Tisdall, 2020). What should we be focusing on to strengthen children's participation in law and policy?

Irene, Brazil

I have been working with young people in Brazil since the 1980s. So much has changed! It has been almost four decades since the ratification of the CRC. What are the learnings and the reflections that we have accumulated over the years in Brazil and around the world? I believe that it is important for us to look at these issues and be critical too, because we tend to repeat the same mistakes.

We have accumulated experience in practice and theoretical frameworks supporting children's rights. But we need to better integrate practice and theory, including all the methodologies we have been using in our different contexts, to acquire a comprehensive understanding and more effectively influence public policies.

Related to Rona's remarks highlighting the need to reverse roles, we need to have more young people taking the lead, inviting adults into their spaces and claiming/sharing more of these spaces that were only designed for adults. We would like to see young people being part of these decision processes; we want them to have more autonomy to decide when and what they want from adults invited into their space. One thing we learned from our experiences in Brazil, including within the ICCRP, is that adults have an important role in supporting young people. It is not about giving young people a voice, for they have voices, but supporting them in their ideas and initiatives (Torres *et al.*, 2013). We need to be careful with these verbs that talk about power, such as 'giving' or 'allowing' power, in an adult-centric attitude (Gallego Henao and Gutiérrez Suárez, 2015). Instead, we must work to create and stimulate more democratic open spaces where young people can come and feel included as decision-makers – so adults do not take over, do not take their voices, and do not speak for young people (Couto *et al.*, 2022).

Also, a consideration is that adults are important in children's lives, such as parents, family members, and teachers. Children and young people depend on them, especially when they are younger, to even be allowed to participate. These adults have a key role as gatekeepers. If parents do not believe that their children should participate, it is not going to work. Children of low-income families often tell us that their parents think they should be studying or working instead of wasting time getting involved in political or social movements.

To conclude, I would like to emphasize one point Lucy brought up: we need to understand that kids will engage when the issues matter to them. The example she gave about criminalizing kissing for young people! That matters to them, and they feel they must do something. This is also true when it comes to young people leading advocacy about environmental justice and climate change. They understand that there is no planet B, as they keep showing us in the demonstrations they participate in, and that we must do something about this. We are not respecting their time, their interests or the issues that truly motivate them when we want young people to do something that matters to us but not necessarily to them.

Lucy, South Africa

To pick up on what Irene was saying, we have had almost 35 years of the CRC. In South Africa, as in many other countries, we have taken legislative measures to domesticate children's right to participate, and as a result, we have a comprehensive legal framework (Jamieson and Manjang, 2024). Now, we need to implement that framework. Moving forward involves investing in processes that can make a difference. Particularly to involve children's groups who have not previously been participating. For example, in South Africa, young children and pre-teens are absent from many of our processes. But a lot of work has been done to make sure that children with disabilities are visible and part of these processes (Jamieson and Proudlock, 2009).

There are simple, inexpensive things that governments can invest in that enable children and their caregivers to contribute more widely to policy. A promising example is that at the start of COVID-19, one of the 29 commissioners on South Africa's National Planning Commission noticed that children's voices were completely absent from the emergency planning meetings. Nobody even asked them about the closure of schools. She used WhatsApp to conduct conversations with children and parents of young children to ask simple and standardized questions, and the parent or caregiver would have the conversation with the child (Jamieson and Manjang, 2024).

This process had multiple effects. It showed the parents that their children had the capacity and knowledge to make sense of what was happening and that they had something valuable to contribute. With this information, the Commissioner could feed children's views into policy and planning. Indeed, one of the pieces that is critical in moving forward is the support of the parents. They need to be persuaded that children's participation matters and be equipped to support children's participation both inside the family and in public spaces (Fokala, 2021). The knock-on effects of that simple process were huge in terms of improving the

dialogue and communication between those children, engaging and improving the policy, and also in embedding notions of children's rights. And children are aware that advocacy involves targeting multiple groups (see Figure 3).



Figure 3. Persona dolls representing groups South African children target for advocacy (Photo by Leanne Jansen Thomas, 2024)

Rona, Scotland

Yes, I am very much on the same page as Irene and Lucy. I feel that we need a legislative framework for children's rights and participation. But we also need culture change and the engagement of civil society, and we need those two things side by side.

In Scotland, the incorporation of the CRC into Scots law will come to fruition this July 2024. That is a strong and positive step from the government. It will drive greater knowledge and understanding of children's rights across the country. It will improve the skills and knowledge of duty-bearers. It will mean clear mechanisms for participation and guidance on children's participation. We will see better and greater use of children's rights impact assessments, children's rights budgeting, access to justice, children's rights complaints mechanisms, and legal redress. That is, hopefully, what the incorporation of CRC into Scots law will drive.

But, for the law to work, we absolutely need a culture change in our society. We need to demonstrate what children's rights and children's participation look like and feel like in practice, supporting children to influence the policy and practices we have been discussing. We need to be working with children who are furthest from realizing their rights. Not the head of school council children, but the children who are hidden and often have no voice at all. We need to be building the confidence and capacity of duty-bearers to deliver on children's rights.

And I think we need to tell the story of the impact of children's rights and children's participation in an everyday way that engages parents, bus drivers, sweetie shop workers, as well as teachers and social workers. Children's participation is not something to fear; it is something to embrace. It is something that is going to make the world for both adults and children better.

I feel the way forward is absolutely the legal policy framework for children's rights and participation, alongside a multifaceted drive to change our culture in terms of how we value children.

6. Concluding comments

Throughout this dialogue, we have established that since the ratification of the CRC in Brazil, Scotland, and South Africa, there have been significant experiences of children informing policy. More precisely, these indicate that structures and mechanisms for supporting children's participation in the development of law and policy are important, but their impact is contingent on the socio-political and relational landscape. How these factors interact with one another at a given point in time, and the policy issues at stake determine the role and influence of children's parliament in Scotland and South Africa or that of youth councils across Brazil. Duoethnography provided a dynamic, collaborative research methodology inviting critical reflection while juxtaposing our experiences.

Advancing children's involvement in law and policy is complex and multi-dimensional. Consideration of voice, space, audience and influence (Lundy's model of participation, 2007), as well as enabling environments and intersecting identities (Cuevas-Parra, 2023), are necessary, but how this plays out depends also on children being appropriately positioned and able to undo the long legacy of children's exclusion from the political realm. As Taft (2019) contends in her analysis of the children's rights movement in Peru, children's effectiveness in being critical political actors depends on being "given the right opportunities and supports" (p. 7) in ways that provide for "horizontal intergenerational relationship" (p. 8) allowing for collaborative relationships that recognize children's power, and to recognize that all laws and policies are ultimately directly or indirectly relevant to children. Having 5000 child rights councils operating sounds impressive, but as pointed out by Lundy (2007), children's participation encompasses more than children having 'a voice'. Meaningful participation involves children having the appropriate space to express their views to a fitting audience and that such views will be taken into consideration and influence the decisions made.

The experiences shared across Brazil, Scotland and South Africa point to the significance of advocacy and strategic work at the broader level, including with families, communities, different interest groups and civil society. As shown in the example from South Africa, the advocacy space is crowded; that is, women's issues and children's issues may be competing for resources, and children's groups need to be politically savvy to navigate a political realm that is historically not child-friendly. This includes identifying possibilities for allyship with other sectors in ways that may not be obvious.

Moreover, there is a relational component to be fostered and nurtured to support children to be recognized as capable political actors with full citizenship rights. Transforming the culture and process of decision-making requires the provision of appropriate spaces for children to meaningfully participate (Byrne and Lundy, 2009). This involves duty-bearers investing time and engaging in deep listening with children (Maggi et al., 2024). We were struck by the experiences from Scotland and South Africa and how simple changes can make tremendous shifts in our cultures of decision-making. For instance, when adults, especially decision-makers, choose to share their spaces with young people, and when children and youth invite adults into their spaces versus being invited into adult spaces, these are important factors that positively impact the level of participation children are able to engage in.

In fostering intergenerational relationships, these environments need to provide for sharing space in ways that recognize children's full and equal citizenship. Participation is relational, contextual and ongoing – it is embedded and realized through a rights-based approach – considering that one has to rewrite the rules each time; it takes time and considerations of engagement, but there are fairly simple solutions that can be leveraged with adequate support. We also need to remain attuned to the specific historical and socio-political context of a given country: what works in one country may not work in another.

In sum, we hope this article contributes to Ceatha et al.'s (2022) call to strengthen “the influence of self-heard youth on policy-making” (p. 71). Indeed, children's participation in policy and law takes a significant investment of resources. But transpiring in the sharing is hope, with children at the forefront of reminding us of that as they imagine a better world. This is exactly what happened in 2019 in Australia when a group of Indigenous children and young people produced and presented ‘The Imagination Declaration’ to the Prime Minister and Education Minister. The Declaration (Youth Forum, 2019) begins with:

In 1967, we asked to be counted. In 2017, we asked for a voice and treaty. Today, we ask you to imagine what's possible. The future of this country lies in all of our hands. ...We can design the solutions that lift islands up in the face of rising seas, we can work on creative agricultural solutions that are in sync with our natural habitat, we can re-engineer schooling, we can invent new jobs and technologies, and we can unite around kindness...We are not the problem, we are the solution.

As transpired in the tangible, concrete and inspiring experiences shared, young people are calling upon governments to work with them to ‘write a new story,’ ‘think differently,’ and to design solutions together, including in the law and policy that will impact them.

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