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Intergenerational support for children's protagonism: methodological moves towards critical children rights research framed from below

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Abstract

With notable exceptions, there is a lack of critique in existing approaches to children's rights based research. Where children's rights research is also co-research with children, a critical approach requires that children are enabled to challenge assumptions about, and definitions of, rights, as well as to lead the process and to try to bring about change. This paper argues that creative methods and structured intergenerational dialogue can support critical children rights research 'from below'. We illustrate this approach using research by disabled children and young people, who reflected on their own experiences and the provisions of three international Conventions (UNCRC, UNCRPD and ICESCR). Effectively engaging with existing international Conventions meant matching children's claims to rights in their everyday contexts with existing rights provisions. This framework was then used to analyse qualitative research with other disabled children and their families. The young co-researchers are now using the findings in their protagonism for social change.

Keywords

Critical children's rights, co-research, protagonism, participation

Introduction

Whilst the volume of academic literature on children's rights has grown steadily over the past 25 years, the majority of this work focuses on standard setting and monitoring of implementation (Quennerstedt 2013; Reynaert et al 2012). The lack of critique in academic debate on children's rights (Alanen 2011) appears to arise from under-theorisation, a political desire for consensus, and failure to contextualise (Quennerstedt 2013). Reynaert et al. (2012: 166) suggest that existing literature focuses on 'how to implement' children's rights, rather than questioning essentialist understandings of <u>what are</u> children's rights. This lack of critique is perhaps unsurprising; anyone who broadly supports the principles of the United Nations Convention on the Rights of the Child (CRC) may be inclined to avoid critique, when there is already sufficient disregard, even contempt, for children's rights from those who view children as property or subjects, and not as rights-holding social actors. Rights were not problematized when the CRC was developed, and children did not participate in their definition (Cordero Arce 2012, Freeman 1998). The plethora of handbooks on how to do children's rights based approaches (CRBA) lack critique (Tobin, 2011), as does much children's rights framed research.

Far from undermining children's rights activism, constructive critique of children's rights may open up wider avenues through which children can pursue social justice. To achieve this goal, there is a pressing need for children's rights research that robustly engages with children's lifeworlds and concerns and that connects these to relevant human rights and opportunities for activism. This paper outlines an approach to critical children's rights research framed 'from below'[1], which draws on our learning in a project co-led by 11 disabled children and young people in Northern England that explored the impact of poverty on the rights of disabled children. The first section explains the context and the need for a critical approach to children's rights based research that starts from

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[1] We use the term 'from below' to indicate the social position occupied by children (and particularly those who are disabled or poor), which is one of relative disadvantage in defining rights when compared to the position of UN Committees and adult advisors and academics. Supporting protagonism from this subaltern position is a means of challenging this structural hierarchy.

children's perspectives. Section two describes the methodology, participants and process of dialogue employed in the project. Section three explores how connections were made between children's perspectives and human rights, tracking the influence of young co-researchers and adult advisors through the inter- and intra-generational dialogue. Section four discusses the extent to which the approach achieved critical engagement with children's rights, developed child-led and informed views of children's experiences and aspirations, and enabled children's protagonism. The paper concludes with recommendations for future critical children's rights framed research to support children's protagonism.

1. Context

Tobin (2011) defines children's rights based approaches (CRBA) as designing, developing or assessing policy and practice in children's lives using a framework of international, national, or local political or moral rights and the expressed and implied principles that are relevant to the implementation of all rights. Children's rights research, in turn, has been characterised in a number of ways. Reynaert et al (2009) suggest there are three strands: research combining children's rights with perspectives from sociology of childhood in which children are seen as competent and having a right to participate; research which considers children's rights as opposed to parents' rights; and international consensus building around standard setting, implementation and monitoring. Lundy and McEvoy (2012) describe children's rights based research as combining the following elements:

> *'the research aims should be informed by the CRC standards, the research process should comply with the CRC standards; and the research outcomes should build the capacity of children, as rights-holders, to claim their rights and build the capacity of duty-bearers to fulfil their obligations. Cutting across all of this is a requirement to ensure that the process furthers the realization of children's rights.' (Lundy and McEvoy 2012: 78)*

Reynaert et al (2012) also point to an emerging strand of research which supports the principles of the UNCRC but reflects critically upon it. Reflecting critically involves recognising the historic political process of writing the CRC as giving rise to a limited set of rights that are not set in stone, and enabling exploration of the norms and logics of the CRC with reference to political and philosophical theory, rather than relying on frameworks like the 'Three Ps' (Protection, Provision and Participation) which have little theoretical basis (Quennerstedt, 2013). Not engaging in such critique within research would be in tension with some 'new' sociology of childhood approaches which question the conceptions of childhood within the CRC (Alanen 2011). Some existing critique from within recent sociology of childhood and children's rights studies highlights the way that the CRC: imposes a uniform standard that is insensitive to cultural difference (Twum-Danso Imoh 2012); promotes a view of children's social position which perpetuates adult and parental authority (Archard 2004); provides a weak framework for children's citizenship (Milne 2008); positions children as outsiders to any decision-making processes and as recipients, rather than claimants, of social interventions (Cordero Arce 2012); fails to recognise children's protagonism (Nuggehalli 2014; and portrays ideals of autonomy and dependence that are essentialist, abstract, individualistic and decontextualized (Reynaert et al 2012). There is little research framed by a critical approach to children's rights (Cordero Arce 2012), because earlier research, including the lead author's own (Crowley, Aspinwall and Larkins, 2003), has tended to accept the CRC framework as a given.

A first element of critical children's rights framed research is thus to draw on existing critiques of the CRC; but a second element requires a shift in perspective, as Quennerstedt reminds us:

> *Instead of prioritising the universal and a top-down approach in research, where the urgent research questions spring from universal claims, the opposite position is taken. Priority is given to context, particularity and a bottom-up approach … (Quennerstedt 2013: 244)*

This shift in perspective can respond to the need to contextualise and enable rights to be applicable to children's lived experiences or localities (Liebel 2012), to particular policy and institutional

environments (Veerman and Levine 2000), to individuals (James and James 2004) and to socio-political conditions in which implementation is sought (Tobin 2011). These '*mestiza*' conceptions of children's rights accept plurality and link with children's daily experience in their lifeworlds (Reynaert et al 2010, drawing on Mouffe 2005). This is a child-led process of contextualising rights to individuals and circumstances, which is different from 'the use and potential abuse of the cultural relativism argument by State elites' (Harris-Short 2003: 130). Shifting perspective in this way may also enable rights to become more meaningful for people in oppressed social positions, such as working children (Liebel 2012, Cordero Arce 2011) or disabled people (Mladenov 2013).

Existing examples of this shift in perspective may be seen when rights are understood not through exposure to rights talk, but through struggles in everyday social practices where children try to achieve the rights they think they should have (Hanson and Nieuwenhuys 2013; Hanson and Poretti 2010). It is also evident in 'rights from below' approaches (Liebel 2012), where children assert what their rights should be, are active in creating the conditions in which their rights are realised and identify the factors that constrain the promotion, protection and fulfilment of children's rights. Such approaches consider children as *protagonists*, recognising their sovereignty, creativity and capabilities and their demands for an 'independent and influential role in society' (Liebel 2007: 62). Protagonism moves forward from UNCRC Article 12 to argue that children should not just have a voice in decisions, but also have a role and capacity for changing society according to their own ideas and perspectives (Nuggehalli 2014). It links with a view of children's agency in citizenship which involves not just influencing the decisions of others, or the rules of social organisation, but also contributing actively to the realisation of one's own rights and the rights of others, and challenging existing social settlements of what appropriate rights or statuses should be (Larkins, 2014). A third element of critical children's rights research framed from below might, then, go beyond the goal of enabling children to define their rights, to also support their protagonism.

Although linking to a universal level is secondary (Quennerstedt 2013), combining contextualised rights with universal human rights principles remains a necessary challenge if a rights-based

approach is to be used as a robust advocacy tool (Tobin 2011). Recognising universal rights conveys respect and creates conditions which foster rights holders' agency and provide a resource for building reasoned arguments (Freeman 2011). Rights may be useful when exploring particular issues, like child poverty, as they call for a focus on children's individual distributional justice claims and recall the obligations placed on governments to contribute social services for children (Gordon 2008). They can shift the focus of discourse beyond individual responsibility, to identify structural inequalities (Pemberton et al., 2007). Theis (2004) argues that CRBAs provide the means of identifying root causes of infringements of children's rights from children's perspectives, and of supporting children and young people as active agents in trying to give effect to their legal and moral entitlements. Unlike the social movements of marginalised adults, some of which challenge universalised rights-based notions of citizenship, children and young people may particularly benefit from appealing to broad principles like equality and universality, since they lack access to other resources which might otherwise enable them to mobilise power (Cockburn 2005).

Tension exists between 'from below' approaches (where rights are defined by children themselves) and the advocacy goal (using universal rights as a tool for social change); and there is not universal agreement about the principles that should inform a CRBA. Rights may be universal, national or local legal entitlements, or justifiable claims related to moral arguments (James and James 2008) or to local rules and norms (Morrow and Pells 2012). Lang et al (2011: 208) suggest six standard principles in all human rights based approaches: 'universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability and the rule of law'. Within the CRC, however, Tobin (2011) notes the implicit principles of due deference and respect of parental responsibility in the care of children.

As the CRC has at times been described as containing welfarist language, and also the notion of disabled children being a burden on their families (Byrne 2012), the CRC alone may not be a sufficient framework for critical children's rights research. Critique of the underlying assumptions of the CRC, combined with engagement with other human rights standards, may be productive (Tobin

2011). The Convention on the Rights of Person with Disabilities (CRPD), for example, includes principles of: respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; non-discrimination; full and effective participation and inclusion in society; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity and accessibility. A fourth element of critical children's rights research framed from below would therefore engage critically with general principles and norms and the detail of rights provisions to identify those that match the rights claims that children define. This involves translating the terminology of international Conventions or national legislation into a language that children can understand (see Larkins 2011a) and may be integrated into collaborative research (Thomas 2012). Finally, if the goal is supporting children's protagonism, once children have defined their rights it is also necessary to critically engage in giving effect to these rights. It has been argued that working children in majority world countries are in some respects in a stronger position to define and advocate their own rights than are the perhaps more privileged and protected children in more affluent countries (Cordero Arce 2012, Nuggehalli 2014, Percy-Smith and Thomas 2010); this article shows how critical children's rights research can also support such protagonism by the latter.

2. Methodology

In this paper we engage with the fine detail of how children can, through research, co-lead a process of thinking in complex ways about their rights in their lived realities and then use this information to take action. Rather than being constrained by the CRC, in the project described here we sought to provide ways in which children could engage broadly with current internationally recognised rights and press for new and contextualised interpretations of these.

Our starting point is that an emancipatory discourse of children's rights is achieved through intra- and inter-generational collaboration that '*includes* excluded childhoods, amplifying the oppressed voices of the children of those childhoods' (Cordero Arce 2012: 395). This research was accordingly conceived as a process of dialogue in which young people's opportunities to make key decisions were maximised (Franks 2011) within the limits set by the requirements of the research funder (the Office of the Children's Commissioner for England). These were: a specific focus on disabled children's experiences of economic, social and later cultural rights; and a specific target group, namely disabled children and parents experiencing poverty in three areas across England. Within these constraints, the disabled young co-researchers made key decisions in every other part of the process. Inspired by Freire (1973), our approach to dialogue involved reflecting on emerging understandings, exchanging ideas with others and taking action to further understanding and achieve social change.

Our model for thinking about rights was developed from Children's Rights Programming (Save the Children, 2007) and sought to enable children to define rights concerns and potential violations and to use these knowledge resources in their protagonism (see Figure 1). This progressed through a series of five questions in which different groups of participants were lead informants (as shown in brackets).

Figure 1
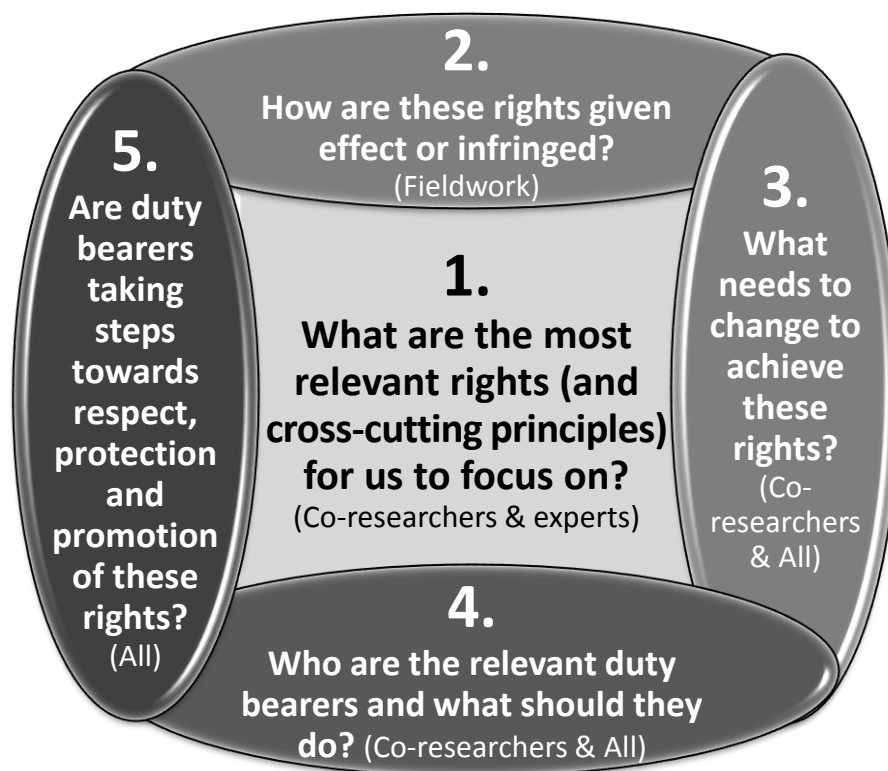
Each of these five questions was broken down into subsidiary questions by the adult and young co-researchers. This enabled us to respond to Cantwell's concern that 'it is vital that reference to " 'rights" never be confused with unilateral interpretations, claims (however valid they might be), or means or objectives' (2011: 54). Below we list the subsidiary questions developed in Stage 1, together with brief explanations of some of the terms used in the paper and how these have evolved from children's perspectives.[2]

Stage 1:   What rights and principles are the most important regarding disabled children and poverty?

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[2] We detail Stage 1 as it is the element considered in this paper. Details of other stages can be found in Larkins et al. (2013)

a. *What areas of life are important for us to focus on from your perspective?*

b. *What areas of life are important for other disabled children experiencing poverty?*

c. *What rights are needed to address difficulties and concerns in these areas?*

   We use the term **'rights claims'** for these requests for rights or entitlements articulated by disabled young people.

d. *How can we group these important areas of focus and rights claims together as themes of everyday life?*

   We use the term **'rights themes'** for these areas of focus.

e. *What are the concerns and human rights principles behind how rights should be met?*

   We use the term **'cross-cutting principles'** for these intersections of children's concerns for process and international human rights principles.

f. *How do these claimed themes and principles fit with existing provisions?*

   We use the term **'rights provisions'** for the detailed statements of rights and interpretations given in the three international Conventions (the CRC, the CRPD and the International Convention on Economic, Social and Cultural Rights (ICESCR)) and associated General Comments studied. Where there is a clear overlap between children's rights claims and these rights provisions, we use the term **'claimed provisions'**.

There were four groups of participants involved in Stage 1 of the research: adult co-researchers; young co-researchers; young experts by experience; adult advisors (recruited and supported by the Office of the Children's Commissioner for England). One adult co-researcher (lead author of this paper) attended every session with all of these participants, facilitating the exchange of information. The young co-researchers and young experts by experience provided the answers to questions 1a-1c. Young and adult co-researchers and the advisors suggested answers to questions 1d-1e. The young co-researchers took final decisions about which claims and principles to include in their

framework. In the second stage of the research a further 17 parents and 40 children participated in interviews and consultation groups using research tools designed by the young co-researchers.

The research received ethical approval from the University's ethics committee. Signed informed consent to participate was obtained from all children and their parents/carers. Researchers ensured that children's consent was informed and dynamic through a fluid process of enabling children to experience and withdraw from research activities, paying particular attention to children's body language, emotions and movement. Children's freedom to opt out of the research at any moment was assured by making alternative non-research activities available at all times. Confidentiality was assured within the limits of local child protection thresholds.

2.1 Details of Participants in Stage 1

Disabled children and young people were invited to be co-researchers on the project. We distributed these invitations through statutory and voluntary sector youth participation projects across one local authority in the North of England. We limited the invitations to those already working in participatory ways to ensure that, within the very tight research timescale, young co-researchers would have group work skills and be more likely to feel confident in asserting their control over the research process. Also, we wanted the research to be embedded in rolling processes of participation (Sinclair 2004), so that child-led action using the learning and findings would continue to be supported after the research funding ended. To avoid the usual tendency to involve only older and less severely disabled children in steering research (Franklin and Sloper 2009) and to ensure that the young researchers were directly informed by the experiences of children with a wider range of impairments, further experts 'by experience' were sought. These experts were recruited through three specialist short break facilities which provide disabled children with access to new experiences away from their immediate families and which provide a break for carers. Invitations to participate

were distributed to young people and their parents via workers in these agencies. Demographic details of both groups of young participants, and of the adults involved in the project, are given in Table 1.

Table 1

Participants	Experience	Role in Stage 1	Gender	Age	Impairments
Adult Co-researchers *n.* 17	Adults (6 Academics and 11 Students) with knowledge of research and rights	Facilitation; Summarising and analysing data for review by young co-researchers and others	13 Female 4 Male	20-63 years	Not Known
Young Co-researchers *n.* 11	Disabled young People in local participation groups	Identifying Rights Themes and Principles; Articulating rights claims; Data analysis	4 Female 7 Male	12-18 years	visually impaired, Down's syndrome; autistic spectrum disorders
Young Experts *n.* 31	Disabled children and young people using short break services	Identifying priority issues and concerns	13 Female 18 Male	5-17 years	Severe learning difficulties/ communication impairments and significant health care needs
Adult Advisors *n.* 9	Adults from academia, the non-governmental sector and the funding organisations with specialist knowledge of disabled children, of poverty or of the rights Conventions included	Advising on the links between three UN conventions and the young co-researchers' discussion and analysis	5 Female 4 Male	Over 30 years	Only one known to be disabled

The *young co-researchers* attended over 30 research sessions; the first five were focused on stage 1 of the research. The group is now open to anyone, and the members continue to meet to seek social change for themselves and other disabled children, and to initiate and advise on other research projects. Each *young expert* attended one of three day-long research sessions in which they had opportunities to inform some of the adult co-researchers about their personal priorities. *Students*,

recruited through an open invitation to students on undergraduate courses including BA Community and Social Care, BA Children, Schools and Families and BA Social work. While all of the students were familiar with research methodology this was their first direct experience of 'doing research. They were trained in research and communication skills and provided additional support by working one-to-one with the experts by experience and their support workers, facilitating a wider range of communication styles. Students also provided personal assistance to some young co-researchers. *Adult advisors* met three times, including one meeting with the young co-researchers, and also commented on the progress of the project via email.

2.2 Intra- and Inter-generational dialogue

The process of including children's voices in research and these voices being heard through children's activism is a complex one. Elaborating the frame of Article 12, Lundy (2007) describes participation as involving space, voice, audience and influence, not just the isolated, individual 'voice of a child'. Komulainen (2007) describes the need to consider the ambiguities of how communication is created through social interaction, particularly when working with children in 'special needs' settings; this requires researchers to reflect on the dynamic between what they hear and what they expect to hear and, once again, to move away from individualised notions of 'voice'. Adult co-researchers observed verbal and body language and continuously reflected their understanding back to the children with whom they were working. As the young co-researchers became used to working together, at times they also adopted this communication technique.

To aid their reflection, dialogue and action, adult and young co-researchers and experts used creative activities (video, games, drama and draw-write). This involved a variety of communication tools (including prompt cards with the text of rights accompanied by photographs of familiar and unknown places, objects and activities) and used a range of creative, collaged, play (Carter and Ford 2012) and digital media based (Haw 2008) activities such as video tours and peer interviewing. These

activities are known to increase inclusion rates for participants with both verbal and non-verbal communication styles (Cambridge & Forrester-Jones, 2003).

The first session with experts established that direct discussion of rights was not understood by many children, so following Booth & Booth (1996) adult co-researchers worked with experts to develop trusting relationships and allowed children and young people to set the agenda for what they wanted to discuss, using simple prompts like 'what is important' and 'what do you like/not like' and where necessary seeking corroboration of their understanding from adults who knew the experts well. Experts communicated their responses through words, actions and emotions expressed through photographs, collages, voice recordings and video tours.

The adult co-researchers proposed a wider range of activities to the young co-researchers, and over time these young people took more of a lead, changing plans for research sessions and proposing activities for future sessions. The range of activities was limited, however, by the aims of the research. When information was shared between participants in different groups (experts to young co-researchers, or young co-researchers to advisors), we used data in story form (Labonté 2011), combining verbal, written and pictorial communication styles. Interviewer questions were removed and fragments of themes were re-ordered to make a coherent story, retaining as much original data as possible (Bunning and Steel, 2006). In the first two sessions, and to some extent throughout the research, young co-researchers discussed areas of their own lives, reflecting on what was important and the things they would like to change. At the end of the second session, the lead author provided 'child-friendly' summary versions of the three Conventions.

During Session 3, the young co-researchers reviewed photographic and summarised story versions of the data from the experts. The young co-researchers drew up a list of rights that were important for each expert they studied and then voted to decide a list of rights themes and principles to study. This draft framework with these illustrative claims was then shown to the advisors, together with summaries of the young co-researchers' discussions and other themes they touched on which might be considered principles.

The adult advisors reflected on the young co-researchers' priorities to identify relevant provisions and principles in the three Conventions, and some tensions between these Conventions. The young co-researchers either accepted or rejected the advisors' suggestions. Adult co-researchers used the emerging framework to code the experts' video data to develop further rights claims. These video data could not be shared with the young co-researchers owing to limitations of confidentiality: unlike the photographic and transcribed verbal data, the video data could not be anonymised and it emerged that some young co-researchers would know some of the young experts. When we collected the data we had not been aware of these connections, and had not informed the young experts of the possibility that they would know some of the young co-researchers. [3] The development and application of this framework of rights themes and principles is discussed in detail in the next section.

3. Overview of priority concerns, principles, claims and provisions.

Overall, the rights themes agreed by the young co-researchers were:

- Basic things you need for living

- Money, benefits and social support

- Family life and alternative care

- Play, association, sport, leisure and cultural activities

- Education

- Health

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[3] In later stages of the research, not detailed in this paper, the young co-researchers developed research tools for some of the adult co-researchers to use in fieldwork interviews and focus groups (sessions 4-5). The framework they had developed was used by both adult and young co-researchers to code and interpret the findings from the fieldwork (sessions 6-10). A few new rights claims also emerged from this process. Once analysis was complete, the young co-researchers finalised the content and wording of the rights framework.

- Work

They also agreed on nine cross cutting principles, as shown in Table 2.

Table 2

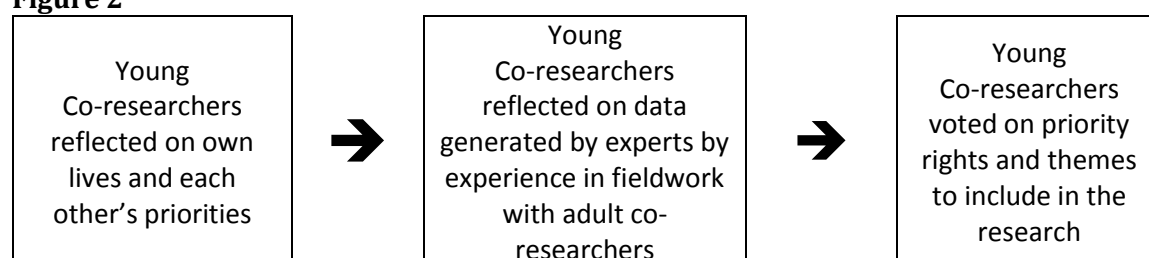| Cross Cutting Principles	UNCRC Articles	ICESCR Articles	UNCRPD Articles
Survival and Development	6, 23.1		3h, 10
Non Discrimination, Equality of Opportunity, Reasonable Adjustments	2	2.2	2, 5 3b, 3e, 3g,
Best Interests	3, 19, GC 12		7.2, 12, 16
Respect, Personhood, Evolving Capacity and Independence	1, 5, GC 12	Preamble	3a, 3d, 3h, 12
Participation, Information and Influence regarding Decision Making	12, 13, 14, 17 GC 12		3a, 4.3, 7.3, 21, 29, 33.3
Inclusion in Community and Society	GC 9		3c, 19, 26.1
Personal Assistance and Support	23.2 & GC 9		12.3, 26 (also 19, 20, 24)
Adequacy, Availability, Accessibility	23.3 & GC 9		3 f, 4, 9
Training	GC9		4(i), 28.2(c)

The language and definition of the themes and principles reveals the extent to which the 'from below' approach was diluted by trying to combine it with the provisions of international Conventions; for example, no-one under the age of 18 ever used the term 'evolving capacity' or 'adequacy'. However, the young co-researchers usually agreed to keep these official terms when they were suggested and explained, and were

more concerned with the wording of specific rights and provisions within the framework. Whilst the

dialogue that led to the development of themes was relatively straightforward, the principles emerged

more slowly. In the subsections below we therefore illustrate the concerns defined, how tensions between

principles were navigated and implied meanings made explicit. We then consider the impact of this

framework on the rights claims that were generated when the researchers used it as a tool for reviewing

video data.

Defining the broad range of rights

An initial broad range of rights was decided upon through a process of intragenerational dialogue

facilitated by adult co-researchers, whose role was to enable information exchange between the

young researchers (young people with participatory group experience) and experts by experience

(children who used short break facilities and had more severe impairments), as shown in Figure 2.

Figure 2

Young Co-researchers reflected on own lives and each other's priorities	→	Young Co-researchers reflected on data generated by experts by experience in fieldwork with adult co-researchers	→	Young Co-researchers voted on priority rights and themes to include in the research

The process of dialogue between young co-researchers, and their engagement with stories from the

experts, expanded their focus. For example, older young people informed younger members of the group

about the importance of rights to personal assistance associated with work, while those experiencing

discrimination in education contrasted their experiences with others who were included in mainstream and

special schools. They related these differences to teachers' attitudes, school resources and lack of

understanding of disabled children's needs. Those on particularly low incomes talked about feeling

disrespected in education and in wider community settings. The young co-researchers concluded by

identifying the importance of being respected and listened to. When looking at the experts' stories, they

moved on to discuss the importance of private space and privacy, particularly in short break provision, and the need to be safe. They also considered lack of access to leisure and education that resulted when schools could not provide sufficient health provision to meet specific care needs and parents did not have money. Drawing all their reflections together, they then voted to choose which rights the research should focus on, and discussed how these might be drawn together as themes and cross-cutting principles, as given in Table 3.

Table 3

Young Co-researchers' priority rights	Associated rights with fewer votes	No. of votes	Themes Principles
Right to have good education		**11**	Education
	Right to go to school to learn new things and do activities like cycling, rowing, cooking, football, fencing and singing	7	
	Right to teachers who are trained	9	
	Right to learn new things with support for any problems.	5	
Right to have fun		**10**	Play, association[4], sport, leisure and cultural activities
	Right to take part in music and writing songs	9	
	Right to do football, music, sing rock songs and do bowling	9	

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[4] The word 'association' was later added here, following a suggestion from an Advisor.

	Right to see friends	9	
	Right to choose activities	8	
	Right to do activities closer to home	8	
Right to stay healthy		**9**	Health
	Right to see a doctor when you are hurt	6	
	Right to not accept medical attention	6	
	Right to be free from harmful drugs from the drug trade	8	
Right to Eat		9	Basic things you need for living
	Right to choose food, as long as it doesn't cause you harm	5	
Right to work		9	Work
Parents right to have more money or a job if they can get one		9	Money and, benefits and social support[5]

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[5] The words 'social support' were later added, following a suggestion from an Advisor.

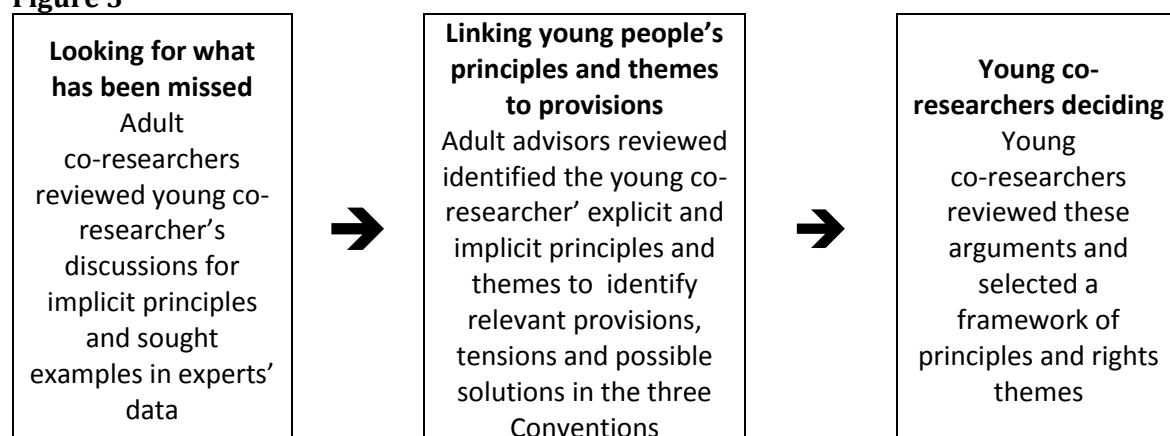|		
Right to live at home or in a safe place like foster care	9	Family life and alternative care[6]
Being respected	11	<u>Respect</u>
Being listened to	11	<u>Participation</u>
Doing things for yourself as much as possible	11	<u>Independence</u>
Being treated fairly	11	<u>Fairness</u>
Right to see people more	8	?
Right to live	7	<u>Survival</u>
Right to new experiences	4	?
Right to relax	4	?

These priorities challenged the lead author's assumptions. As her background was strongly rooted in a CRC tradition, she had assumed that principles such as Participation/Being listened to and Survival would arise, and indeed these were confirmed. However, the young co-researchers also identified three explicit principles that the adult co-researchers had not previously considered (respect, fairness and independence).

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[6] The word 'alternative' was added to make 'alternative care', following a suggestion from the lead author.

Advising on the tensions between principles

Reflecting on the young co-researchers' challenge about possible wider cross-cutting principles, the adult co-researchers became aware of the need to question their own assumptions about what constituted principles, how these may have influenced how they had interpreted data, and how time for the young co-researchers to articulate principles and review data had been too brief. The adult co-researchers therefore reviewed the young co-researchers' discussions to develop a list of implicit principles and themes, and returned to the experts' data to look for examples of these. These explicit and implicit principles and themes were presented to the adult advisors for their advice on whether they could be linked to provisions in the three Conventions. The young co-researchers then made decisions based on this advice. These three steps are illustrated in Figure 3 and discussed using examples in the paragraphs below.

Figure 3

| **Looking for what has been missed** Adult co-researchers reviewed young co-researcher's discussions for implicit principles and sought examples in experts' data | → | **Linking young people's principles and themes to provisions** Adult advisors reviewed identified the young co-researcher' explicit and implicit principles and themes to identify relevant provisions, tensions and possible solutions in the three Conventions | → | **Young co-researchers deciding** Young co-researchers reviewed these arguments and selected a framework of principles and rights themes |

In the first of the three steps illustrated in Figure 3, in the young researchers' discussions of sport, play, education and work, the adult co-researchers found recurrent mention of support to develop, considerations of status and needs, quality, accessibility and for wellbeing, particularly in school, to take precedence over other considerations. The adult co-researchers identified these as possible implicit principles related to evolving capacities, special care for disabled children, adequacy, accessibility and best interests. To double check the relevance of these, adult co-researchers then looked for instances of these implicit principles in the experts' data.

In the second step, the explicit and implicit principles and illustrative rights claims were presented to the adult advisors for their suggestions on relevant provisions and tensions. An example of tensions they observed within different Conventions related to 'evolving capacity' and independence. Some advisors felt that a principle of independence could be strengthened by reference to CRPD Article 3(a) which provides 'Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence' and CRPD Article 12 which establishes the right to recognition of legal capacity and assistance in the exercise of this capacity. This addressed some limitations of the CRC which have also been identified in academic debate (Cordero Arce 2012, Sabatello 2013). The CRC nowhere mentions children's independence or autonomy, but on the other hand does include 'due deference' to parental authority (Tobin 2011). The CRC's model of disability, together with the focus in Article 23[7] on needs rather than rights, implies the appropriateness of a needs-based approach and discounts disabled children from 'rights talk'. The CRPD, in contrast, 'takes a social, inter-relational approach to disability rather than focusing, as traditionally was the case, merely on the medical deficit one may have' (Sabatello 2013: 470). However, the concept of 'evolving capacity' in General Comment 12 (CRC/C/GC/12) can be seen to give a stronger understanding of *children's* capacity than the CRPD Article 3(h), which refers only to 'evolving capacities of children with disabilities', potentially undermining the presumption of children's capacity advocated by CRC General Comment 12. The advisors suggested that combining the two Conventions offered the potential to link the CRPD's presumption of legal capacity rather than medical disability, and the inherent respect for disabled people's independence and

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[7] For example (our emphasis in bold) Article 23(3) states 'Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

personhood in Article 3(a), with the CRC's presumption of 'evolving capacity', as opposed to mere chronological development.

Although the main focus in this second step was strengthening the young people's principles by grounding them firmly within Conventions, the definition of an implicit theme was also discussed. The adult co-researchers had presented the following *rights claims* from the experts to illustrate where an implicit rights theme, Article 23 special care, might be seen to intersect with the principle of evolving capacity:

- '*You have the right to the support that you need to develop*'

- *'This support should be from people that you know and can develop a relationship with'.*

In contrast to the CRC, the CRPD does not refer to special need or care, and in contrast calls for measures to ensure equality and mainstreamed rights rather than special provision. The CRPD has been seen to place a stronger obligation on States Parties to take all necessary measures to ensure disabled children's rights, rather than the CRC requirement to do this whenever possible (Byrne 2012). The CRC use of the word 'special' is not however reserved solely for disabled children; indeed, the Preamble states, following from the Universal Declaration of Human Rights and the 1959 Declaration of the Rights of the Child, that 'childhood is entitled to special care and assistance', that 'particular care' needs to be extended to the child, and that the child 'needs special safeguards and care' (Cantwell 2011: 47).

In the third step, we presented these arguments to the young co-researchers, explicitly working through each criticism and potential benefit of links between Conventions, principles and themes. For example, they unanimously agreed to keep CRC Article 23 as a theme within their framework, but they took up the advisory group's suggestion to use the term 'care and assistance' rather than 'special care'. However they placed an emphasis on support, as a crucial means of achieving rights in many situations. They created the principle of Personal Assistance and Support, which included the provisions for assistance in CRC Article 23(2) and personal assistance in General Comment 9 para 12,

together with habilitation and rehabilitation in CRPD Article 26. To reinforce the idea that the aim of assistance was to support capacity, this principle was also related to CRPD Article 12.3:

> *'States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.'*

This process of dialogue may be seen as a way in which, on different issues, the young co-researchers either embraced or rejected the political perspectives of the adult co-researchers and advisors. However, this shift in conceptualising the principles was a major breakthrough. Rather than the two illustrative rights claims above being seen as related to evolving capacity, they were moved to the intersection of the theme 'care and assistance' and the principle of Personal Support and Assistance. The intersection of the theme 'care and assistance' and the combined principle of Independence/evolving capacity/personhood/respect then became the rights provision:

> *-You have the right to be supported to achieve your full potential*

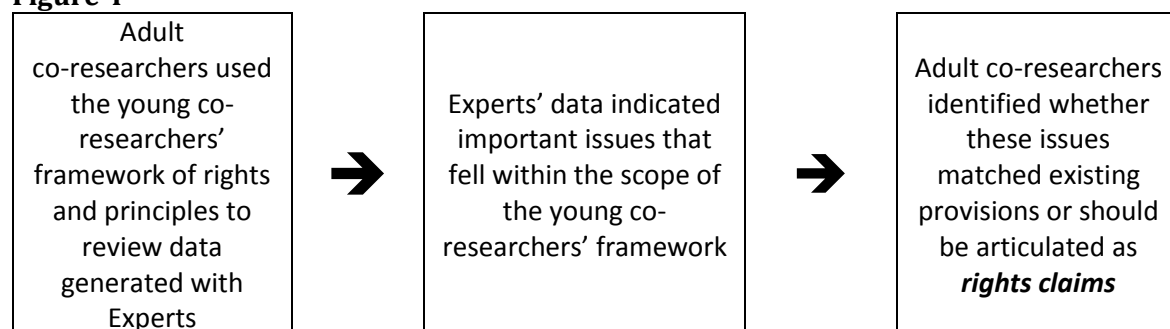Table 4 illustrates their final chosen principles in the rights theme 'Care and Assistance for Disabled Children'.

Table 4 –Rights Theme: Care and Assistance for Disabled Children

Cross Cutting Principles:	Survival and Development	Non-Discrimination Equality of Opportunity and Reasonable Accommodation	Best Interests	Respect, Personhood and Evolving Capacity, Independence	Participate, be informed and influence decision making	Inclusion in community and society	Personal Assistance and support	Adequacy, Availability Accessibility	Training
Rights Theme: **Care and Assistance for Disabled Children**	-You have the right to life *-You have the right to express your identity*	-You should not be treated unfairly because of your disability *-You have the right to reasonable changes, to make sure you can enjoy your rights*	**All services for disabled children should be in line with standards of safety and protection, and this should be put before all other considerations - including when deciding on budgets**	**-You have the right to be supported to achieve your full potential** *- Support to achieve you potential should be given whenever opportunities arise, rather than seeing potential as a distant future concept* *-To direct as much of life as possible, even if this is only at a very basic level*	*- You have a right to information, provided in ways and at a speed that you can understand* to help make decisions about things that affect you **- You have the right to support so that you can communicate what you want.**	*- You should be included in your community and wider society*	*-You have the right to the support that you need to develop* *-Support should be from people that you know and can develop a relationship with*	*-The care and assistance you need should be free, as far as possible* -You should be able to access services, like education and health **- You should be able to participate in activities alongside children who are not disabled** *-To have people supporting you who are able to communicate with you effectively.*	*- People should be trained to understand the rights and needs of disabled children* **- You have the right to information so that you can understand your disability**

Interrogating data to generate rights claims

The framework of nine principles and eight themes provided an excellent tool for reviewing the experts' data and trying to articulate their rights claims**, as shown in Figure 4.**

Figure 4

Adult co-researchers used the young co-researchers' framework of rights and principles to review data generated with Experts	➡	Experts' data indicated important issues that fell within the scope of the young co-researchers' framework	➡	Adult co-researchers identified whether these issues matched existing provisions or should be articulated as *rights claims*

We had found it impossible to get to the point of enabling the experts to explicitly claim rights, because we had such a limited time to work with them as well as the difficulties in communication. Rather, we gathered experts' indications of what were important to them or what they wanted to change, communicated in a variety of verbal, visual and kinetic styles.

For the adult co-researchers, interpreting the experts' non-verbal communications in rights discourse was a complicated and uncertain process, fraught with dilemmas. They tended to show us the things that were important to them, for example by pointing to photographs on the walls, showing us places in their buildings or by their emotional responses to particular prompts. In these exchanges, assembling sets of meaning from their communication was a continuous process in which researchers interpreted the experts' communications through inference and intuition (Grove et al 1999). When retrospectively reviewing and coding the video records, we questioned whether our presence in the settings had changed the things that the experts chose to identify as important, and also acknowledged that we would be projecting our own backgrounds and preoccupations onto the data (Sperber & Wilson 1986). When the experts' priorities were not clearly indicated, we had to make judgements about the behaviour, emotions and silences being expressed and to acknowledge that our interpretation of affect might be misguided (Green & Reid, 1996; Lewis 2010). Of course, all

of these dilemmas link to longstanding concerns about the need for reflexivity in all data interpretation (Bourdieu 1992), including interpretation of children's perspectives (Lewis 2010) and their experience of poverty (Roets et al 2013).

We therefore proceeded reflexively, using the rights framework as a lens for reviewing the data. Guided by Roets et al's (2013) approach, we sought to simultaneously review the dynamic context and content of 'voice' together with sensitizing concepts determined by the young researchers – their rights themes and cross-cutting principles. The framework compelled adult co-researchers to consider the experts' videoed moments of communication in relation to each theme and then to each principle within the theme. This enabled the process of assembling sets of meaning in the experts' data to be led by the young co-researchers' preoccupations as well as the adult researchers', even though we could not show the young co-researchers the actual video data.

An example of this approach is when reviewing a video made by a child where she showed a student researcher the important things in the short break facility. The child took the researcher to the wall showing pictures of trips to Blackpool. The trainee asked a series of closed questions. The child's responses suggest that she would like to go on more activities in the community, and she commented on the activities she liked and did not like, what she would choose to do and how she wanted to choose what to take part in. Reviewing this video using the framework, the lead author coded the conversation as an intersection of the rights theme 'Play, Association, Sport, Leisure and Cultural Activities' and the principles 'Respect, Personhood, Evolving Capacity and Independence' and 'Participate, be informed and influence decision making'. This produced the following *rights claims*:

> *The way you take part in activities in your community that you enjoy, should suit your abilities and interests*
>
> *You have the right to help make decisions about what activities you take part in.*

The framework consequently had an influence on the rights provisions that were identified. Whilst surveying the three Conventions and associated General Comments for provisions that would match the rights claims, the adult co-researchers and advisors also noted additional provisions that would fit within the frame of principles and themes, but which had not been expressly articulated. These are shown with some examples in relation to family and alternative care in Table 5[8].

Table 5 – Extract of Rights Theme Family and Alternative Care: Claims and Provisions

Principles	Provisions	Claimed provisions	Claims
Non-Discrimination Equality of Opportunity, Reasonable Accommodation		***You should not be made to live apart from your family because of your impairment.***	
Best Interests	**– If you are not safe at home, you have the right to live somewhere else where you can be properly looked after.** **– Where you live should be decided by thinking about what is best for you.**		
Respect, Personhood and Evolving Capacity, Independence			*– Staff who support you should respect who you are as an individual and encourage you to do things for yourself (your competence and independence).*
Participate, Be Informed and Influence Decision-Making	**– Parents and guardians should listen to your opinions and should encourage you to have your ideas taken seriously by everyone in society.**	***– If you live away from home, or spend time away from home, you should help decide about this.***	
Inclusion in Community and Society			*– For you and your family to be part of the community and not trapped at home by*

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[8] There are other principles, provisions and claims; the table is not complete. The content and wording was approved by the young co-researchers.

			difficulties or made to live apart in order to access support.
Personal Assistance and Support		*– You have the right to extra support – from people and services that you know and can get to know – so that you can live at home.*	*You and your parents should know how care will be provided for you as you grow older. (claim from fieldwork)*

The inclusion of **provisions** (not just *claimed provisions*) proved useful when we used the framework for later data analysis (see Figure 1, stages 2 and 3), as some of these provisions related to difficulties which other children and parents had identified in the fieldwork. The framework of principles and themes also enabled us to add further rights claims from the fieldwork, when these related to claims or potential rights violations identified in the fieldwork. These concerns arising from the fieldwork are shown as shaded squares in Table 8.

4. Towards a robust, rights (from below) based protagonism?

Reflecting on the process that we engaged in to conduct research framed by children's rights 'from below', it became evident that we had three overlapping goals drawn from different academic perspectives: to be rigorously engaged with rights principles and provisions (Tobin 2011); to enable children to develop informed views and express them freely (Lundy and McEvoy 2012 and 2011); and to support children's protagonism both in, and as an outcome of, the research process (Liebel 2011).

Robust engagement with principles and provisions

Looking first at principles and provisions, Cantwell (2011:48) has noted a 'lack of rigour' when using rights provisions as an advocacy tool for children. He gives the example of NGOs looking at rights associated with family and expressing these as 'the right to a family' rather than articulating the range of rights than can be associated with family life, including the right for families to receive

social support when needed in order for them to care for their families. Our approach of considering different dimensions of rights themes with reference to principles in three Conventions did enable us to take a less simplistic approach. Within the theme 'family and alternative care' (CRC Articles 9, 18, 20, ICESCR Art 10.1; CRPD Arts 18.2, 23), for example, we identified a range of rights provisions and claims (see Table 3). Making explicit the principles of 'Independence, evolving capacity, personhood and respect' gave a legal basis for some of the young co-researchers' most personal concerns, particularly regarding some individuals' treatment in schools.

Whilst engaging with the detailed explicit and implicit meanings of the Conventions was useful, it remained important to not get trapped in a focus on only the strongest provisions. Human rights provisions are indivisible and should be seen as complementary. In a context where rights for disabled children are not being fulfilled, it is useful to draw on specific obligations, even if the wording of these is contested, in order to reinforce obligations that should be 'mainstreamed' (Read *et al.* 2012). Some of the arguments for CRC Article 23 to be retained in the framework as an advocacy tool in a time of austerity, were that CRC GC 9 para 16 states that budgets should be set at levels that ensure inclusion and para 30 says that institutions and services should put standards of safety and protection before all other considerations, 'including when deciding on budgets'.

Child-led development of informed views

Our research ensured that children were able to express their views throughout the research (Lundy and McEvoy 2011, 2012) and children did direct elements of the research process (Franks 2011). Within the set focus for the research the young co-researchers led and decided the key research themes, principles and framework for analysis. This was supported by exchanges with the advisors, who undoubtedly influenced the definition of the principles within the framework; but crucially, within these stages the advisors were themselves influenced by the young co-researchers' areas of interest, and could not limit the frame any further or exclude any claims that children made as being

ineligible. Unmediated intra-generational dialogue rarely occurred between children within the confines of this research[9], as adult co-researchers were always present in the room. These adult co-researchers influenced Stage 1 of the research by reading things on behalf of young people who were visually impaired or whose autism meant they felt relatively uncomfortable speaking in a whole group setting, and by suggesting questions or topics of discussion when young co-researchers requested this support or were uncomfortable speaking to their peers in small groups. Similarly, with the experts, the themes focused on were influenced by the photographs provided for collage activities, the settings in which the meetings with the experts took place (short break facilities and play schemes) and the selection and summarising of experts' data that was presented to the young co-researchers. There was only one joint meeting between the advisors and the young co-researchers, so that adult co-researchers almost always mediated this conversation.

As shown in this paper, the young co-researchers did appear to achieve a mediated dialogue with the adults in which the children's focus and concerns led the search for relevant principles. We did not ask the advisors about the extent to which they felt that their own agendas drove the process. Methodologically, this was not research from the standpoint of children (Alanen 1994), rather a process which produced new knowledge through intergenerational dialogue in a communicative space (Wicks and Reason 2009) that was respectful and accommodating of difference and that sought to include accounts of priorities from the structurally oppressed. The process of developing informed views was multi-directional, between the adult and young co-researchers, the experts, the advisors and the Conventions.

Reflecting back on the framework that was developed, it appears that the experts by experience had the strongest influence on the ***rights claims***, which is appropriate as more worker time was spent supporting them to generate priorities than with any other group. However, it is also surprising as, unlike all the other people and artefacts mentioned, they were never personally present in the space

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[9] This is of course possible and has produced interesting results (eg Larkins 2011b).

of dialogue with the young co-researchers who made all the key decisions. We would therefore agree with Lundy and McEvoy (2011: 140) that a core group informed by the perspective of other children can ensure that the research is not 'led to a predetermined, arguably adult, conclusion'.

Supporting children's protagonism

The young co-researchers have acted as *protagonists*. In this research, as with earlier rights-based projects we have been involved in (Crowley, Aspinwall and Larkins, 2003) young co-researchers who did not feel respected at school immediately used the rights information we had provided in order to argue for fairer treatment in their educational settings. They have all reported acting within their network of interpersonal relationships with teachers, parents, peer and workers to bring about changes in how they feel about themselves, how they are treated by others and how some other people now view the capabilities of disabled children. The young co-researchers have been and continue to be engaged in a lobbying strategy with their findings – on national TV, with members of the UK Parliament and with local authority children's services managers in the north of England.

It is too early to judge the long-term impact of this lobbying; other young people have reported that achieving substantial change is a long process in any participatory activity (Larkins, Killi and Palsanen 2014). But the link between the young co-researchers' chosen themes and principles and the relevant international Conventions appears to have opened some doors for their lobbying opportunities. In part this may be due to the current socio-economic climate in which some practitioners, policy makers and politicians also see the benefits of a rights-based approach as a potential defence in the face of welfare service cuts. The expression of rights principles and provisions in areas that respond to everyday life and in readily comprehensible language also appears to have enabled policy makers and practitioners to clearly understand what the young co-researchers have been asking for. It appears to be easier for policy makers and practitioners to know what rights and principles mean when they are used by children and young people; although the

themes and principles may be confusing, in the rights **claims** and **provisions** here, complex law and practice has been translated into meaningful everyday contexts.

We adopted three international Conventions because funding for the research was contingent on using this frame, and because monitoring reports to each relevant UN Committee would offer opportunities for the research to engage with advocacy. Engaging with implicit principles and provisions within national and local policy and practice guidelines would also have been useful; this approach may provide a means of supporting the young co-researchers' protagonism as this continues at national and local levels. As Tobin (2011) anticipated, combining these two approaches (universal rights and local provision) may provide children and young people with the best resources for linking their rights claims to specific policy, political and economic contexts.

Conclusion

The results of these reflections on our research methodology point to some clear directions for children's rights research framed from below. We propose that such research should:

1) Start from children's priorities in their everyday lives.

2) Aim to promote children's influence over the maximum range of research processes within the limits of the resources that can be secured or created for the project.

3) Comply with ethical practice in participatory research.

4) Enable child protagonists to draw in and direct external resources such as other child or adult advisors and existing rights provisions, policy opportunities and guidance, within the limits of respecting the rights and dignity of others.

5) Establish links with critically appraised general principles and detailed specific rights provision, in order to seek political and social change to further the achievements of the rights claims prioritised by the children and young people involved.

6) Provide support over the long term, not as a stand-alone research or participation project, but embedded in children's everyday lives and activities.

7) Ensure access to resources that enable this kind of activism for more than a select few.

As with all advocates for children's rights, child protagonists' success in achieving influence through their actions relates to their social position, access to and direction of resources, as well as their own agency (Larkins, Kiili and Palsanen 2014), and is contingent upon prevailing socio-economic and cultural contexts. This does not mean that children's rights researchers must only or always be engaged in participatory action research. As participatory action research and children's protagonism are rarely conducted within a rights frame, as a children's rights research community we may have a strong contribution to make by starting from children's self-identified concerns and then identifying the relevant range of moral, legal, political or economic rights that may provide resources for their protagonism. Activism by children and their advocates seeking social change could also be supported by further critique of the limitations of the rights available and the ways in which decision makers permit children's rights claiming to have audience or achieve influence (Lundy 2007). Further research on the ways in which children use the process of claiming rights to enact and extend their social and lived citizenship may also help inform us of how and when rights are effective tools in children's protagonism.

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