

What Do We Gain & What Do We Lose By Using a Child's Rights Framework?

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INTRODUCTION

- Susan Shepler presents a broad overview of Sierra Leone and introduces the following topics: Amputees, child soldiers, diamonds. 1991 - 2002 war, corrupt one-party rule, diamonds economy of war, youth crisis, lack of education, little chance of prosperous future.
 - Fighting factions: Revolutionary United Front (rebels), sobels (soldier/rebels), civil defense that drew on secret society kamajohs.
 - Child soldiers: all factions recruited in different ways & performed different tasks: carried guns, commanders, porters, cooks, “wives.” All of them are included in the CS term.
 - Willingly and abducted. Group included girls and boys.
 - Over 5500 went thru formal re-integration, but don’t know how many really. Rough total 10,000

Susan Shepler:

- Shepler conducted her research during 1999 – 2000 before she was evacuated. She returned from 2000 - /2001.
- First phase: multi-sited in Interim Care Centers.
 - First point of entry. Quick medical, education, psychology, family tracing, immediate dealing with FCS.
 - Attended the center every day for 6 months & took part in what happened. She also travelled to other centers.
 - Shepler was very aware of ethics and rarely asked about what the child soldiers did, who they killed etc. She let them talk about what they wanted, interest to them.
 - Spent time in the center and walked throughout the community. Went to school with them, played with them.
 - School Elements:
 - Students learned about even numbers & how to tell time. They also learned social norms of a peaceful society.
 - Many were literally scarred: RUF carved on the child’s chest: rebels do so in order that the child would never leave them or everyone would know. Later scar removal programs took root. Gang tattoo removal in US similar to SL.
- After evacuation, she came back for 2nd phase: Began to know children and NGO in 1st phase and then selected locations to follow back children in communities. Selection based on gender, rural/local, length of CS or abducted.

- Observed reintegration into diversified communities. In photos displayed, former CS are those wearing school uniforms because an NGO supported reintegration by sewing school uniforms. But nobody else had uniforms so instead of fitting in, it helped them stand out.
- Communities were rebuilding at this time. Foday Sankoh's garage: shoot lorries, burn them down and loot. People in community had fled, living with memories of war in their own surrounding. Nice houses were destroyed; shacks that build when came back from displaced camp. In everyday live they are confronted with different levels of war.
- Result: standard narrative the Child Soldiers learned: "I was abducted, was not my wish, want to continue my education as taught to CS in ICCs. It was easily recognized and very useful with NGO or audience. Additional route narratives were more useful in community setting and ceremonial reintegration was also prevalent. (e.g. touch foot of elder chief). Ethnographic study showed what quantitative could not: strategic choice youth made of how to represent their narrative.
- RUF: much more able to access discursive resources. CDF boys (defended community) similar trauma, more difficult to access modern childhood narratives to access services
- What is gained and what is lost by deploying modern childhood and claiming child soldier identity? It has its own genealogy.
 - Rights regime, drawing from Foucault. Way to talk about: What is gained and lost? Depending on narrative
 - People are strategic users of discourses. What does choice mean to use rights? Ease of reintegration: „Not my fault, I was under 18.“ Loose political power.
 - Modern childhood discourse: says children are apolitical, they have no choice. Removes in SL in to extent that nation adopts new childhood model, youth rebellion was site for combating the wrongs of elders, but when young people have to use narrative that makes them apolitical lose this agency, while gaining services. History of young rising up against corrupt leaders, if apolitical you lose this force of young people. CS is political subject but child in western thought is not one. Young people gain ease of reintegration while losing some political agency

Nicole Behnam

- Nicole went to SL in 2003 to establish non formal program in South and Southeast. Where war started and ended. People were in refugee for a while.
- Non formal was complementary. In assessments asked adults and children and youth: What content do you want?

- Some kind of opportunity – education - livelihoods. A chance to achieve their potential.
- Parents were not against it, but they mostly wanted content to teach their children “obedience”.
 - Explicitly asked: Do not talk about child rights
 - This group had been exposed to child rights training in refuge and had a reaction.
 - This became topic for NB dissertation as a result of curiosity about why strong reaction.
- Primary concern in 2009 was HRE and methods needed to be primarily ethnographic
 - Requires time and emersion and allows in SL to go deeper and deeper and even beyond what you imagine. Especially participant observation.
 - Primary concern was human rights education and the implications of its emergence as a site for addressing and reducing conflict in war affected societies. Richness of ethnography and what kind of door opens up during time.
- HR had emerged among “international community” as hope for peace. Rights based programming in ascendancy. HRE and Translation was happening among teachers and in schools of education. Teachers proved useful but could not remain there because all people had become translators since Human rights were everywhere. Presentation: Conceptual Translation – key concepts:
 - How HR were disseminated in SL
 - What translation looked like in SL Misunderstanding and Misuse and moral panic
 - Intentional Engagement.
 - Resulting gains and losses
- First theoretical concept is idea of culture
 - In past, there was a school of thought that brining in HR is against culture
 - No culture is fixed - but fluid and more a verb than a noun
 - More about studying appropriation than imposition
 - We are not entering a vacuum: when we go in with our own norms and values, we own them and have them but we are entering a world that is not a tabula rasa has own norms and values.
 - Let’s look at conceptual translation: we are continually confronted with frustration with the inability to impose the new system in whole cloth rather than shreds.
- Idea of translator: who and how matters. Translate in local level to help address grievances. In SL, many different people were translators, not just activists. It matters who and how translates. Every single person had to been a translator. These are the conceptual ideas.
- Research was done in 2 places in Kenema and then in Freetown. 2 teacher training colleges. Islamic, Christian and Government 3 main primary schools in Freetown.

- Modes of inquiry: participant observation, training sessions with new curriculum from UNICEF, education about HR, behavior change called emerging issues, gathering in service teachers, key informant interviews, focus group discussions.
- Unique about SL: Particular historical moment, lots of media attention.
 - CRC: it was in 90s during a time when the world was attempting to figure itself out. People were disillusioned with development. Declaration of development as a right by UN. Human Security debates: Security not only for nations but also for individuals, very much framed in legal and rights language.
 - NGO: rights based programming all around 2000/01. New sector of child protection. SL was the guinea pig.
- What happened? HR came to people from all sides. Raising awareness of child rights, had to do a lot with CP. Workshops, awareness camp. Posters radio dramas, special court, doing community workshop on rule of law HR. TRC. All children have rights: was everywhere posters, billboards alongside road, radio dramas.
- HR Flying all around: Quotes from 2 teachers in K. Bringing in, released into ether, no guidance.
 - Was dropped on community, discussed in GVA not. Different of defining child, here only until 14.
- Includes rights but also includes responsibilities.
 - Insightful comment: What happened after war everybody wanted a project, will attract donors, when HR then you will find grant because it will attract the donors.
 - As a result of unguided process mostly teachers perceived: (mis)understanding of young people and young people were (mis) using HR to justify bad behavior. Must make more robust of right and wrong & bring back responsibility.
- Lots of misunderstanding. In 2009, evolution HR has a life (genealogy) of its own. Teachers say youth now feel free to do what they want because justify through HR. Teachers say, we have problems. In focus group they would echo what others said. As white they all thought she is HR activist and it took time to dig deeper but got to real thoughts and reactions after time and probing
- Youth perception: HR means freedom to them, what to say, what to do different from older people. Was not unmitigated, still feel the long arm of government or community. Less what adults were saying. Adults say this is misunderstanding and this Misunderstanding led to waywardness said the older ppl. Complain that HR was not clearly defined. “Nowadays children don’t want to listen to us and become wayward.” Also say “Young people are misusing and so all the moral degeneration issues are the result of HR.” It is a moral panic a lot of adults have taken on. “We have more pregnancy, they go to cinema instead to study, we have drug problems, violence, cults.” Merged under trope of HR, latch on to even though were talking about war, trauma and violence.

- Even say Suicide because of HR. participant observation showed this. Teacher telling story during training: parents told child he could not go to the video hall so he killed himself. Subsequent blame on HR
- Community effect: cannot take responsibility of child in their midst because cannot discipline child because of HR. Parents and teachers see themselves stuck with the concept. What can they do to make it work for them? Make a list of HR issues. More like a list of moral issues: no fear of god, drugs, idleness, misuse of power, pregnancy. It is like HR but more about moral.
- Attempt to make it a more robust Normative framework: then it must be about right and wrong. HR and responsibility always came up together.
- Results: what are gains and losses?
 - Gains: new language, laws enacted and translated to community
 - Losses: parents abdicate responsibility to children -- they feel threatened that children will not have personhood.
 - New language to address injustice. Quote senior lecture in FT: we didn't know that we can resist these things in community. Provided a new language for resistance. Marginalized have a new voice.
- Gain - Laws: Hardest to pass child rights act In community make own bi-law for child protection. Example of translation – how do we feel about it? “
 - We must all join hands to educate girls for worth prices as diamond polisher polish diamonds” How does this translation seem like shreds? Whole cloth? Still moving forward because girls getting educated?
- Gain: Children had agency to take parents to the police to report abuse. FGM secret society initiation and to discuss and address taboos and inequalities. But after the law, it was suddenly more discussed, space was created.
- Teachers also thought HR is good, creating protection and opportunity if not misunderstanding we could take it on But has led to problems because of way it was brought in and translated...
- Losses: parents abdicated responsibility for children. Little boy asked for lunch money, father said I don't have lunch money so the little boy wants to take him to the police. After that parents stop caring about him. Children violate their social role by taking parents to police, so parents think they do not have protect their children anymore. If detaining, then children must be given to government but there is no infrastructure so they end up on the street. Parental mentality: If we are equal, get your daily bread.
- They must be obedient, then they have to resist HR.
- Different notions of personhood. In HR framework you are born = you are a person. Different in views of West African philosophers. One *becomes* Moral person when trained by community in a specific sense, prescribed way of behavior. Violating this process with HR and children losing opportunity to achieve full personhood....

- What it means to be a person is different for parents and that is why they feel threatened by HR.
- HR has history and evolution in West, based on sets of values and norms that lie beneath the surface but affect tip of iceberg that is above surface - called HR. This was taken off and placed on top of a different set of norms and values. These norms under the surface also influence way HR are then translated How do these translations impact our work, actions, understanding of those with whom we work?

Q & A:

What do we gain and loose? What does this iceberg placing require from us as practitioners for HR or child rights protectors. Example: Working Interfaith action and global poverty. What was the role of faith leaders of contributing to gains or losses. Faith leaders with behavior change regarding literacy?

- Susan: Some faith leaders are very engaged, some are not.
- Nicole: Power within spirituality, Imam or Church, people listen to them. AOG meetings, women were talking about FGM and saying that it comes from hell, it is received better. Rights become right and wrong, conflation of language, translation. HR was brought in, it was translated wrong and people thought it was women's right.

Q: Difference within Child Soldier recruitment between RUF versus CDF.

- Susan: For CDF, recruitment from community, they were not perceived as needing reintegration because they were seen as community members. No treatment, already integrated. But they had PTSD symptoms nevertheless

Q: Is definition of personhood and child evolving?

- Nicole: It is also a question of youth and how is youth defined. Child is different from youth, but youth can be up to 40. Children were appropriating to access different services. Strategic purposes used different in different settings. Girls become an adult as soon as they have a first child. Straight 18 line is contested. It is not legally defined. Rule of law framework changes. Stop being a child when you start activities that are associated with adulthood.

Q: Misunderstanding and inequality in power structures. HR being misused but the power structures are very unequal. Can you unpack that more? Unpack structural inequity, inability of youth to access personhood because they did not have land. They are on the outside of society, they can only achieve it through becoming slaves and making money.

- Susan: That is key question: how do we address these questions within the HR framework? To address inequities in structure might not be the best way to do it through HR.
- Part of translation is to make HR a level of justice in their context. We have exchanged the means HR) and made it an end. End would be justice but always articulated in terms of HR. Is this limiting? Nicole spent time with street children and they said HR came from God to us, empowering us. People could grab onto and say wait a minute; however, it needs to be discussed in its ambiguity. Not just good or bad...
- Wonderful tool for most marginalized. There is the question of sustainability if it doesn't reach all levels of society. Elders could simply wait for donors to leave. Problem of losses: young people have lost their power. FGM good results for marginalized but loose power through secret societies.

Q: Restorative justice – tip of iceberg western orientation transplanted onto non-western. Restorative justice perspective is rooted in non-western practices of how do we address justice in armed communities? How can the rich traditions of SL and problem solving strategies that work in their cultural norm, can they still achieve the end of justice? Cultural structures, norms that could tie pieces together.

- Susan & Nicole: SL has a way to raise children. Most effective with starting their approach of notion what is good childhood. Build on what's already there. Most honestly examine the values that we hold and where do they come from. It is difficult to get HR practitioners to the why. It is necessary that you know your own assumptions and biases.

Q: We must be self-critical, recognize local agency and engage in dialogue. Learn what ways of living exist and are positive around and then facilitate these ways. The question is, would such an approach work in SL?

- Nicole: FGM was not talked about, however, they read about foot binding in China in the 19th century that was very useful. Facilitator addressed that these perceptions were seen about FGM in other parts of the world. This made a very dialogical way.

Q: Slow change is better and more sustainable but there is no way back, only forward. What is that in the context of SL? Are there NGOs that are grounded and look forward?

- Susan: One good example, they have a grassroots approach, engaging local structures and understanding local leadership. They Network Movement for Grassroots and Social Justice and Development.

- Examples: Microfinance in Bangladesh. Local microfinance tried to bring about HR but thru development. It depends on the introduction, not on the pace.
- Methodology: participatory approach for realizing the rights of children. Used in Rwanda. Not fully developed. Worth going back and looking at that. Basic approach by asking people what they need, what children need, what do you need to meet these needs? Deepest concerns are sometimes never expressed. Susan did work in Guinea where they were immediately fostered by local communities, child protection just happened organically. They did not know how to talk about HR because it was so obvious to them.
- Sandra (moderator): SFCG sits down with locals to detect their methods of CR – the organization does not bring in foreign concepts. SFCG tries to understand the traditional methods even if they might not be in use today.
- Overlap: Mike Wessels did some work around child protection systems involving many NGOs. Not look just at local government structures -- really need to understand what is going on at the community level. Begin discussion at what is happening and bring the values to the surface instead of just imposing our own values. Specific

Q: Children taking parents to police -- was that common phenomenon or apocryphal story that is told by parents rather than children?

- Nicole: I tried to get police reports but I got very few. I asked children and girls actually did say that they took their parents to FSU or HR organizations when forced to marry and parents let them stay in school. One child took his caregiver to police after not getting money, however, and now he does not get anything at all. Hard to say if it is rampant.
- Personal anecdote: A couple of 10 year old boys from Nicole's neighborhood throw a stone at mango and hit a DFID vehicle. Passengers took boys to FSU, who has reputation of being knowledgeable on HR. Boys were held there for 48 hrs. They were beaten, made to stand on their head, and forced to drink from toilet. Punishment imposed by Family Support Unit (FSU) part of police set up to for children and women and had been trained for 8 years. Severity potentially due to the fact that the crime was against white people.

Susan's Comment: The individual has rights but they have to have a relationship with state in order for the state to guarantee these rights. However, what do you do if there is no state?

Note: The push for child participation can be dangerous and can undermine child protection (e.g. Murder in DRC after children engaged in child parliament). These practices can create a rift between children and parents.

Information exchange:

- Next Mon/Tue: evidence summit by PL01995 on children outside of family care within US government.
- Please visit www.Childsoldierrelief.org and provide feedback for the newly designed website.
- Susan Shepler is teaching a course on Youth and Conflict next semester
- December 10th is Human Rights day.